

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

TORO CANYON PLAN

February 2002

I. PROJECT DESCRIPTION

The project consists of the adoption of the Toro Canyon Plan (Plan) through amendments to the Santa Barbara County Local Coastal Program, Comprehensive Plan, and the respective Zoning Ordinances (Articles II & III of Chapter 35 of the Santa Barbara County Code). The Plan is intended to provide for the orderly development of Toro Canyon and adjacent areas in the western Carpinteria Valley. The Plan includes text containing discussions of planning issues, Goals, Policies, Action Items and Development Standards, along with maps that depict items including the physical distribution of land uses and densities, all of which are designed to realize the overall goals and objectives of the local community in regard to future development and community character. The Plan is intended to direct and facilitate orderly development within areas that are appropriate for such development; and to prohibit, discourage or otherwise condition development within physically and/or environmentally constrained areas. Adoption of the Plan entails map and text changes to the Land Use Element and Coastal Land Use Plan, related map and text changes to the inland and coastal zoning ordinances, and amendments to the Circulation Element of the Comprehensive Plan.

II. PROCEDURAL HISTORY

The Board of Supervisors finds that the Toro Canyon Plan was prepared pursuant to the following process:

- A. Land use and development in the Plan area is regulated by the Santa Barbara County Comprehensive Plan's Land Use Element and Local Coastal Program (LCP), which were adopted respectively in 1980 & 1981 and have been amended periodically since then. California State Planning law requires that General Plans be kept "current" through periodic amendments; Santa Barbara County performs such updates in part through Community and Area Plans such as the Toro Canyon Plan.
- B. In the mid-1990s the Santa Barbara County Board of Supervisors recognized the need to amend and update the Comprehensive Plan and LCP as they relate to the Toro Canyon area. The Board first approved funding for County Planning and Development (P&D) to begin work on the Plan in fiscal year 1996-97.
- C. Early research on the Plan was conducted in parallel with the preparation of the environmental impact report for the proposed Toro Canyon School. Intensive work on Plan preparation began with a noticed public workshop in March 1998, followed by a survey that was mailed to all property owners in May-June 1998. A Preliminary Draft Plan subsequently was formulated and was published in early February 1999.
- D. The Preliminary Draft Plan was introduced and explained by staff at a noticed public workshop on February 18, 1999. On March 2, 1999, the Board of Supervisors held a noticed public hearing on the Preliminary Draft Plan and adopted Resolution 99-73 to

formally initiate its proposed Comprehensive Plan, LCP, and Zoning Ordinance Amendments as a specific “project” for environmental review.

- E. A Notice of Preparation of an Environmental Impact Report was issued on April 24, 1999 for a 30-day agency and public EIR scoping period. During this period, staff conducted a noticed public scoping meeting on May 3, 1999.
- F. A Draft Environmental Impact Report (2000-EIR-1, SCH 99051022) was released for public review on February 4, 2000. A noticed public hearing on the Draft EIR was held on March 9, 2000. The public review period for the Draft EIR closed on April 4, 2000.
- G. In response to public comments, revisions were made and a Proposed Final EIR was released in June 2000, including written responses to comments received on the draft document.
- H. In June 2000, P&D published a Revised Draft Plan that incorporated mitigation measures from the EIR as well as other proposed changes.
- I. The Santa Barbara County Planning Commission held its first noticed public hearing on the Revised Draft Plan on June 21, 2000. A day-long public site visit tour of the Plan area was made by the Planning Commission on July 6, 2000, followed by fourteen (14) subsequent public hearings between July 10, 2000 and February 21, 2001. The Planning Commission considered the Revised Draft Plan, the Proposed Final EIR, staff recommendations for revisions to the Plan, and extensive public testimony, and formulated a Planning Commission Revised Draft Toro Canyon Plan that was published in early February 2001. On February 21, 2001 the Commission recommended that the Board of Supervisors certify the Final EIR and adopt this revised Plan.
- J. A public workshop meeting on the Planning Commission Recommended Draft Toro Canyon Plan was held on April 25, 2001, prior to the commencement of adoption hearings by the Board of Supervisors. The Board of Supervisors considered the Planning Commission's recommendations and the Proposed Final EIR, and held eleven public hearings between June 5, 2001 and February 25, 2002. The Board made further modifications to the Plan. Another public workshop meeting on the Board's proposed Final Draft Toro Canyon Plan was held on the evening of December 18, 2001, prior to final Board directions and action on the Plan.
- K. On February 25, 2002 the Board of Supervisors adopted the final Toro Canyon Plan along with various related amendments to the Santa Barbara County Comprehensive Plan, LCP, and zoning ordinances, certified the Final EIR dated June 2000 with revisions dated February 14, 2002, approved a Mitigation Monitoring & Reporting Plan, and will forward the adopted Plan to the California Coastal Commission for its review and certification of the coastal portions of the Plan as amendments to the LCP.

III. PLANNING FINDINGS: GENERAL

The Board of Supervisors finds that:

- A. The Santa Barbara County Comprehensive Plan and LCP have been amended regularly since their original adoption, particularly the Land Use Element that was adopted in 1980, the Coastal Land Use Plan that was adopted in 1980 and was certified by the Coastal Commission in 1981, and the Coastal Zoning Ordinance that was adopted and certified in 1982. However, growth and development under these Plans over time, as well as the changing needs and circumstances of California, Santa Barbara County and particularly the Toro Canyon area, now warrant a comprehensive review and updating of the Comprehensive Plan and LCP for the Toro Canyon area through the preparation and adoption of the new Toro Canyon Area Plan.
- B. The location and characteristics of the Toro Canyon Plan area warrant the preparation and adoption of a new Area Plan as the best and most complete and effective means of updating the Comprehensive Plan, Coastal Land Use Plan, and applicable zoning within the Plan's boundaries. The Toro Canyon Plan area is distinguished from the neighboring Montecito and Summerland Community Plan areas by characteristics and circumstance that include but are not limited to: its physical geography, with extensive areas of very steep slopes, potential geologic hazards, and high fire hazard areas; its hydrologic characteristics, including a high density of major streams, their tributaries, and associated watershed areas; important and diverse biological habitats and resources, including a wide range of known and potential Environmentally Sensitive Habitats both within and outside the State Coastal Zone; its extensive scenic vistas, many of which are visually prominent both within and well beyond the Plan area's boundaries; and the character of existing human use and development, including extensive agricultural and low-density residential uses with two very small areas of low-intensity commercial development on Via Real and Santa Claus Lane. The Plan area lacks the extensive urban residential densities and commercial cores that exist within the Montecito and Summerland Community Plans' boundaries, and instead is distinguished by several discrete areas of concentrated but low-intensity residential and commercial development within the Coastal Zone. The Plan gives special recognition and planning treatment to these as "Rural Neighborhood" areas as defined in the countywide Coastal Land Use Plan, within which new development should be carefully planned in order to allow appropriate in-fill development while protecting the character and resources of the surrounding Rural Area.
- C. The Toro Canyon Plan provides for the health, safety, and general welfare of the Plan area and its residents through planning for orderly development.
- D. Adoption of the Toro Canyon Plan is in the best interest of the public since the new plan more clearly distinguishes between those areas where development is appropriate and may be facilitated, and those areas that are physically and/or environmentally constrained and are not appropriate for development. This new Area Plan serves to guide development to appropriate areas and reduces environmental impacts of future development, thereby reducing permitting and environmental review time and costs.
- E. The Toro Canyon Plan has been prepared pursuant to good land use planning and zoning practice, and is consistent with state planning and zoning law and the Santa Barbara County Comprehensive Plan and all of its Elements including the Coastal Land Use Plan.

- F. Planning for orderly development involves numerous and sometimes competing social, land use, public service, and environmental factors. The Toro Canyon Plan has been developed in consideration of the area's circumstances, needs, and the differing desires of various residents and property owners, including but not limited to competing factors regarding the accommodation of population growth, providing adequate housing opportunities, encouraging viable commercial development, ensuring the availability of public services, providing environmental resource and open space protection, and mitigating environmental impacts as identified in 2000-EIR-1. Various land use mixes have been analyzed and considered in order to assess the relative benefits and costs of a reasonable range of alternatives. The resultant Plan revises the development potential of many parcels throughout the planning area and generally provides for the feasible avoidance and mitigation of adverse effects. In doing so, the Plan respects service, resource, and infrastructure capacities while accommodating development to a degree and in a manner that furthers community welfare. Therefore, it is hereby found that the re-designation of land uses and densities for affected parcels within the planning area is justified and in the public interest considering the community's resource and infrastructure constraints, and that the Plan provides for the community's overall benefit and is consistent with adopted County service and resource policies.
- G. The County requires project-specific mitigation of school impacts to the fullest legal extent as demonstrated by Board of Supervisors' Resolution 92-700. The County considers adequate public school services to be of high community priority. The Plan considers the community's needs, services and resources, and state law. The Plan recognizes the previously expressed desire of the Carpinteria Unified School District (CUSD) to construct a new school in the area. However, the choice of reasonably possible sites for a school within the Plan area is extremely limited; very few vacant or sparsely-developed non-agricultural lots exist that have a usable area large enough to support a school. In addition, the CUSD's boundaries extend well beyond the Plan area, and more suitable alternative sites may exist outside the Plan area.

Given the rural and semi-rural character of the Plan area, the limited choice of suitable sites, the substantial residential downzoning reflected in the Plan, and the overall elementary-grade enrollment decreases projected within the CUSD through at least 2005-06, the Plan does not presume a need to locate a new elementary school within the Toro Canyon area and therefore does not designate a future school site on the Land Use Plan map. The Plan proposes that, if at such time as funding levels and enrollments may support the CUSD's renewed pursuit of a new elementary school within the area, that the District re-apply for the appropriate county permits (most likely an LCP Amendment and Major Conditional Use Permit) on the site of its choice. The Plan includes a specific commitment to consider working together with the CUSD, upon the District's request, to identify suitable future school sites within the CUSD's boundary (Action PS-TC-3.1).

The Plan substantially reduces potential future residential buildout within the Toro Canyon Area and thereby reduces potential future impacts on the facilities of the Carpinteria Unified School District. Therefore, the Plan is consistent with Land Use Development Policy #4 of the Land Use Element and LCP Policy 2-6 as they relate to schools, with Resolution 92-700, and with the interpretative statement of adopted County policy with regard to schools approved by the Board of Supervisors on 12/8/92.

- H. The Toro Canyon Plan is broad and comprehensive in scope, covering and complementing topics addressed by the previously adopted Elements of the Comprehensive Plan, including but not limited to the Land Use, Conservation, Circulation, Seismic Safety and Safety, Open Space, Housing, Scenic Highways, Agriculture, and Noise Elements. The EIR identified one potential inconsistency between the draft Plan and other adopted Comprehensive Plan policies in the Housing Element. This potential inconsistency related to the draft Plan's limited accommodation of affordable housing opportunities due to the draft Plan's proposed pattern of low-density land use and zoning designations.

The Board of Supervisors finds that the final Plan is consistent with the Housing Element because it recognizes and encourages the provision of affordable housing in the Plan area through the approval of Residential Second Units and farm employee housing pursuant to applicable existing regulations. The Board finds that additional opportunities for moderate, low, and very low income housing exist through other previously adopted programs of the Housing Element including, but not limited to, Density Bonus, Inclusionary Affordable Units, and the Homebuyer Assistance Program and other county financial assistance programs.

The Plan also recognizes an 11.4-acre site on Via Real as a potential site for application of the Affordable Housing Overlay (AHO). Under the AHO, a higher residential density (as compared to the base density) and other incentives are available at the property owner's option, in order to encourage the development of greater numbers of affordable and market-priced units than otherwise possible under the base density. The designation of this site with the AHO could substantially increase overall Plan buildout, thereby substantially increasing the potential development of both market-priced and affordable units within the Plan area. However, application of the AHO would require amendment of the countywide Housing Element to allow the application of the AHO outside designated Urban Areas, because the potential Via Real AHO site is not within a designated Urban Area. In the alternative, the Urban Area Boundary would need to be extended to encompass this site.

The Board of Supervisors finds that the amendment of the countywide Housing Element is neither feasible nor appropriate within the context of the geographically limited Toro Canyon Plan, and that the alternative of extending the Urban Area Boundary to encompass this potential AHO site cannot be accomplished without creating other inconsistencies with policies of the Coastal Act and Coastal Land Use Plan, including but not limited to their mandates to concentrate urban development and to protect agricultural lands from urban encroachment.

- I. The environmental review performed on the Toro Canyon Plan was done at a program level and is not intended to examine whether there are project-specific significant effects peculiar to a particular project or its site. It may, however, be used for cumulative impact analysis and to avoid repetitive environmental studies, consistent with the tiering and streamlining provisions of the California Environmental Quality Act (CEQA).

IV. CEQA FINDINGS: GENERAL

- A. The Environmental Impact Report (EIR) for this project has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level policies, actions, and

development standards of the Plan and to the effects that may be expected to follow from the adoption of the Plan. The EIR is not as detailed as an EIR on a specific development project or implementation program that might follow.

- B. The California Environmental Quality Act requires analysis not only of potential direct impacts, but also of potential indirect or secondary effects which the proposed project may reasonably foreseeably cause, even though later in time or farther removed in distance. In light of these principles, the EIR discusses and classifies the potential indirect, secondary effects arising from the Plan specifically and from cumulative and regional development that may subsequently occur during the life of the Plan.
- C. The Plan mitigates the environmental impacts to the maximum extent feasible as discussed in the findings made below. Where feasible, changes and alterations have been incorporated into the Plan that are intended to avoid or substantially lessen the significant environmental effects identified in the EIR.
- D. The EIR identified numerous mitigation measures designed to reduce potentially significant impacts that might occur from development under the Plan. During the process of incorporating these mitigation measures into the Plan, several types of actions or determinations were taken. These fall into four basic categories:
 - 1. The mitigation measure has been directly incorporated as a goal, policy, action, program, or development standard within the Plan;
 - 2. The mitigation measure has been subsumed into or is covered by another goal, policy, action, program, or development standard in the Plan;
 - 3. The intent of the mitigation measure was already covered by existing policies or practices, including but not limited to those of the County, APCD, and Flood Control District;
 - 4. The mitigation measure was not included in the Plan because it was considered to be infeasible, unworkable, or of little value in achieving the goals of the Plan.
- E. The Board of Supervisors of the County of Santa Barbara has examined the Proposed Final EIR dated June 2000 with revisions dated February 14, 2002, and finds that these documents have been prepared in compliance with the requirements of CEQA and hereby certifies that these documents together constitute a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and reflect the independent judgment of Board of Supervisors. Revisions to the proposed project and the Final EIR do not change the EIR's conclusions or require its recirculation.
- F. The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors at 105 East Anapamu Street, Santa Barbara, California 93101.
- G. A Mitigation Monitoring and Reporting Plan for the Toro Canyon Plan has been adopted pursuant to the requirements of Public Resources Code Section 21081.6, to ensure

implementation of the adopted mitigation measures to reduce significant effects on the environment, and is included in the revisions to the EIR dated February 14, 2002.

V. FINDINGS THAT CLASS I SIGNIFICANT UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The EIR for this project identifies numerous potentially significant environmental impacts that cannot be fully mitigated and are therefore considered unavoidable. Those impacts are related to: Land Use & Agriculture; Fire Protection & Hazards; Parks, Recreation & Trails; Transportation & Circulation; Public Services (Solid Waste, Police Protection, & Schools); Wastewater; Water Resources; Biological Resources; Geology, Hillsides & Topography; Cultural Resources; and Visual Resources. To the extent these impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations, included as Section VIII of these Findings. The “Class I” impacts identified in the EIR are discussed below, along with the appropriate findings as per CEQA Guidelines Section 15091.

A. Land Use & Agriculture

Impacts. The EIR identified significant land use impacts due to continued agricultural expansion and intensification that could conflict with the area’s semi-rural character and environment (Impact LU-1, including cumulative impacts); potential removal of land from agricultural production due to the reclassification of some parcels from Agricultural to Residential and Mountainous Area land use designations (Impact LU-2); and continued residential expansion emphasizing large residential estates that could conflict with the area’s existing character (Impact LU-3, including cumulative impacts).

Mitigation measures. In addition to numerous goals, policies, actions, and development standards of existing adopted county plans and the draft Toro Canyon Plan, the EIR identified three measures that would partially mitigate the above-described impacts. These mitigation measures have been addressed as follows.

Mitigation LU-1 (require landscaping plans for all new development): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*. However, the entire Plan area has been included within the Design Control (D) Overlay District, which requires that development be reviewed and approved by the Board of Architectural Review (BAR). In addition, DevStd GEO-TC-1.2 requires a landscape plan for development on slopes greater than twenty percent (20%).

Mitigation LU-2 (minimize hardscaped areas in agricultural and greenhouse development): The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Mitigation LU-3 (incorporate the “No Subdivision Alternative” land use and zoning designations for the area north of East Valley Road and west of Ladera Lane): This measure has been incorporated into the Plan, except that the La Casa de Maria Retreat property has been given the same zoning (10-E-1) as the surrounding residential properties, rather than the RR-20 zoning proposed under the “No Subdivision Alternative.”

Findings. Regarding Mitigation LU-1 (landscaping plans), the measure as presented in the EIR has not been adopted because it would impose additional expenses and processing time delays on property owners, as well as increased plan review burdens on county staff, that would be disproportionate to the benefits realized. This is largely due to the practical difficulty of enforcing numerous landscape plans over the long term after they are approved, particularly in the case of single-family residential development. The entire Plan area has been included within the Design Control (D) Overlay District, which requires that development be reviewed and approved by the BAR, and the BAR has broad purview over both structural and landscaping design. Also, existing zoning regulations require landscape plan review and approval for many projects involving major structural development that would have the greatest potential for conflicting with the area's character, and DevStd GEO-TC-1.2 requires a landscape plan for development on slopes greater than twenty percent (20%). Landscape plan requirements for greenhouse development are addressed separately by the Carpinteria Valley Greenhouse Program.

Regarding Mitigation LU-2 (minimize hardscaped areas in agricultural and greenhouse development), the measure as presented in the EIR has not been adopted because open-field and orchard cultivation by their nature minimize hardscaped areas, and because the minimization of hardscaped areas for greenhouse development is addressed separately by the Carpinteria Valley Greenhouse Program.

Regarding Mitigation LU-3 (incorporate the "No Subdivision Alternative" land use and zoning designations for the area north of East Valley Road and west of Ladera Lane), the La Casa de Maria Retreat property has been given the same zoning (10-E-1) as the surrounding residential properties, rather than the RR-20 zoning proposed under the "No Subdivision Alternative" because the Retreat, which has a land use designation of Educational Facility, is subject to a recently modified Conditional Use Permit for continued institutional use, and it is unlikely that the owners would propose a change to residential use within the foreseeable future. At such time as any change may be proposed, the county would retain full discretion to determine the appropriate designation, density and minimum parcel size.

The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII. Some impacts related to land use also have been mitigated to levels of insignificance, as discussed in Section VI.A of these Findings.

B. Fire Protection & Hazards

Impacts. The EIR identified potentially significant project-specific and cumulative impacts due to the Plan's allowance of development outside of the fire protection districts' five-minute response zones (Impact FIRE-1) and within high fire hazard areas (Impact FIRE-2).

Mitigation Measures. The EIR identified no additional mitigation measures beyond the policies, actions, programs, and development standards contained in existing adopted county plans and the Fire Protection/Hazards Section of the draft Toro Canyon Plan.

Findings. The Board finds that the policies, actions, and development standards in the Fire Protection/Hazards Section of the adopted Toro Canyon Plan mitigate significant adverse impacts to the greatest feasible extent. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

C. Parks, Recreation & Trails

Impacts. The EIR identified potentially significant project-specific and cumulative impacts due to increased demand for recreational facilities/neighborhood parks and beach access (Impact REC-1).

Mitigation measures. In addition to policies of the existing adopted Land Use Element and the draft Toro Canyon Plan, the EIR identified three measures that would partially mitigate the above-described impacts (Mitigations REC-1, REC-2, and REC-7). These mitigation measures have been partially incorporated into the Plan as follows.

Action PRT-TC-1.2: The County shall pursue siting a neighborhood park within the central area of residential development near Toro Canyon Road and Highway 101.

***Action PRT-TC-2.1:** The County shall adopt the trail development guidelines in Appendix E which address land use compatibility; biological, agricultural, and archaeological concerns; access control; and trail maintenance/ construction. The County shall follow the guidelines in developing the trail system. (*Note: Appendix E is part of the adopted Plan and therefore this Action does not appear in the body of the final Plan.*)

Findings. The Board finds that Mitigation REC-1 has been substantially incorporated into Action PRT-TC-1.2, and that Mitigation REC-7 has been incorporated into Action PRT-TC-2.1 and that the Trail Siting Guidelines accordingly have been adopted as Appendix E of the Plan. Mitigation REC-2 (continue to pursue grants and other funding sources for parks and trails) is part of the overall missions of both the County Park Department and County P&D, and therefore it is not necessary to include this as a measure specific only to the Toro Canyon Plan. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII. Some impacts related to parks, recreation & trails also have been mitigated to levels of insignificance, as discussed in Section VI.B of these Findings.

D. Transportation & Circulation

Impacts. The EIR identified potentially significant project-specific and cumulative impacts related to traffic hazards at the S.R. 192/Cravens Lane intersection (Impact TR-1).

Mitigation Measures. The EIR identified one measure that would partially mitigate the above-described impact (Mitigation TR-1). This measure has been incorporated into the Plan as follows.

Action CIRC-TC-2.2: Through the TIP or other means, the County Public Works Department and Planning and Development shall work with Caltrans to investigate the source of elevated collision rates experienced at Route 192/Cravens Lane and to implement appropriate corrective action, if necessary. The design and scale of intersection improvements shall be consistent with the rural character of the area to the greatest extent feasible.

Findings. The Board finds that Mitigation TR-1 has been incorporated into Action CIRC-TC-2.2. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

E. Public Services (Solid Waste, Police Protection, and Schools)

Impacts. The EIR identified potentially significant project-specific and cumulative impacts related to increased solid waste generation (Impact PS-1), increased demand on police services (Impact PS-2), and additional demands on public school facilities (Impact PS-3).

Mitigation Measures. The EIR identified two mitigations for solid waste impacts (Mitigations PS-1 & -2) and one mitigation for school impacts (Mitigation PS-3). The first two of these mitigation measures for solid waste impacts have been partially incorporated into the Plan as follows.

Action PS-TC-1.1: The County shall work with the local waste hauler to continue with education programs which provide information on conservation, recycling and composting techniques, and the awards campaign that recognizes significant local waste reduction achievements.

DevStd PS-TC-1.3: Recycling bins shall be provided by the applicant or contractor at all construction sites. All recyclable materials currently being accepted at the County Transfer Station, landfill, or recycling centers shall be collected for recycling at construction sites. Adequate and accessible enclosures and/or areas shall be provided for the storage of recyclable materials in appropriate containers.

The last mitigation concerning schools (Mitigation PS-3) has been substantially incorporated into the Plan as follows.

Action PS-TC-3.1: Upon the request of the School District, the County shall consider participation in a joint task force comprised of representatives of the County and District for the purpose of identifying suitable future school sites within the District.

The EIR identified no mitigation measures for impacts on police services other than Policy PS-TC-2 and Action PS-TC-2.1 as contained in the draft Plan.

Findings. The Board finds that: the intent of Mitigation PS-1 has been incorporated into Action PS-TC-1.1 to the greatest feasible extent, and curbside recycling will be maximized by the education and awards programs cited in this Action without a regulatory mandate; and that Mitigation PS-2 has been incorporated into DevStd PS-TC-1.3.

Regarding schools and Mitigation PS-3, the Board finds that Action PS-TC-3.1 substantially meets the intent of Mitigation PS-3 as presented in the EIR. Furthermore, in the late 1990s the Board committed significant resources to working with the Carpinteria Unified School District (CUSD) in exploring options for a feasible new school site in the western Carpinteria Valley, including partnering with the District in writing the EIR for its previously proposed Toro Canyon School. The county intends to continue working with the CUSD in this regard, but the limited area covered by the Toro Canyon Plan does not encompass all of the District's territory, or where a new school site may be most desirable, and therefore it is not appropriate to include Mitigation PS-3 as a measure specific only to the Toro Canyon Plan.

The Board also finds, as is stated within the Plan, that “The Plan substantially reduces potential future residential buildout compared to previous land use and zoning patterns, although buildout under the Plan still could increase student population within the area by approximately 140 children at grade levels K-8 and 60 children at grade levels 9-12. There is no planning rule that provides a ‘threshold’ number of students that should be served by a new school campus, nor is there a threshold for maximum desirable commute distances to school. The choice of reasonably possible sites for a school within the Plan area is extremely limited; very few vacant or sparsely-developed non-agricultural lots exist that have a usable area large enough to support a school. Given the rural and semi-rural character of the Toro Canyon Plan area, the limited choice of suitable sites, the substantial residential downzoning reflected in this Plan, and the overall elementary-grade enrollment decreases projected within the CUSD through 2005-06, this Plan does not presume a need to locate a new elementary school within the Toro Canyon area and therefore does not designate a future school site on the Land Use Plan map. However, this Plan recognizes the CUSD’s previously expressed desire to construct a new school in the area. The Plan proposes that, at such time as funding levels and enrollments may support the CUSD’s renewed pursuit of a new elementary school within the area, that the District re-apply for the appropriate county permits (most likely an LCP Amendment and Major Conditional Use Permit) on the site of its choice.”

The Board’s findings regarding the county’s general intent to mitigate development projects’ school impacts to the fullest legal extent were previously stated in Section III.G of these Findings. State law establishes limits on the kind and amount of mitigation that local agencies may require for residential projects that adversely affect school enrollments and overcrowding but are consistent with existing general plan designations and zoning. However, the Board may find that a reduction in density, phasing of a project, or some other action is necessary to allow school infrastructure to keep pace with the demand generated by development allowed under the Plan. Should a residual adverse effect remain after the maximum allowable mitigation, the law provides that a project may not be denied on the basis of its adverse effects on schools if the project is consistent with the basic use and density/intensity standards of the applicable land use element and zoning.

The county intends to require project-specific mitigation of school impacts to the fullest extent allowed by state law, as evidenced by Board of Supervisors’ Resolution 92-700. The county considers adequate public school services to be a matter of high priority. The Plan considers the area’s needs, services and resources, and state law. In balancing these factors for the Toro Canyon area, the Board concludes that reducing potential future development to a level low enough to completely eliminate any school impacts is neither desirable nor feasible.

The Board finds that residual significant public services impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

F. Wastewater

Impacts. The EIR found that development allowed under the Plan would significantly increase the wastewater treatment demand on the Carpinteria Sanitary District (CSD) (Impact WW-1, including cumulative impacts) and would have additional potentially significant impacts regarding the successful siting and long-term operation of onsite liquid waste disposal systems (“septic systems”) in areas not served by the CSD (Impact WW-2).

Mitigation Measures. In addition to policies of the existing adopted Land Use Element & Coastal Land Use Plan and the draft Toro Canyon Plan, the EIR identified one measure that would partially mitigate the above-described impacts (Mitigation WW-1). The measure as presented in the EIR has not been adopted, for the reasons explained in the following *Findings*.

Findings. The identified mitigation measure involves working with the CSD and Regional Water Quality Control Board in planning the expansion of wastewater treatment and disposal capacity for the CSD's entire service area, which is much larger than the area covered by the Toro Canyon Plan. Therefore, it is not feasible to include Mitigation WW-1 as a measure specific only to the Toro Canyon Plan. The Board finds that wastewater impacts are mitigated to the maximum feasible extent through the operation of existing adopted planning policies and development review procedures as well as the Toro Canyon Plan's Wastewater & Water goal, policies, actions, and development standards, and that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

G. Water Resources

Impacts. The EIR identified potentially significant impacts related to surface water quality degradation (Impact WAT-1) and groundwater quality degradation (Impact WAT-2).

Mitigation Measures. In addition to policies of the existing adopted Land Use Element & Coastal Land Use Plan and the draft Toro Canyon Plan, the EIR identified four measures that would partially mitigate the above-described impacts (Mitigations WAT-1 through -4). The first two of these measures have been incorporated into the Plan as follows.

DevStd WW-TC-2.3: Where feasible, measures to decrease the amount of nitrates filtering through soil to groundwater shall be required, including:

1. Shallow-rooted non-invasive plants (maximum root depth of four feet) shall be planted above all leach fields to encourage evapotranspiration of effluent and uptake of nitrates. Impervious surfaces, such as paved driveways, shall not be constructed above leach fields. If site constraints require a driveway to be located above a leach field in order to ensure reasonable use of property, turf block or other suitable pervious surface shall be used.
2. Advanced treatment for the removal of nitrates shall be required on septic systems utilizing drywells as the disposal field. Existing septic systems that utilize drywells that have failed, or that need to be modified or certified, must also install advanced treatment.

DevStd WW-TC-2.1: To reduce the possibility of prolonged effluent daylighting, two disposal fields shall be built to serve each septic system as required by EHS so that when one field begins to fail, the other field can immediately be put into use. An additional third expansion area shall be set aside where no development can occur, except for driveways on constrained sites as provided in Development Standard 2.3.1. In the expansion area, a disposal field should be constructed when any other disposal field is in a state of failure.

Mitigations WAT-3 & -4 have not been incorporated into the Plan, for the reasons explained in the following *Findings*.

Findings. The Board finds that Mitigation WAT-1 has been incorporated into the Plan as DevStd WW-TC-2.3 and that Mitigation WAT-2 has been incorporated into the Plan as DevStd WW-TC-2.1. Mitigations WAT-3 & -4, which relate specifically to greenhouse development, are addressed separately by the Carpinteria Valley Greenhouse Program. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

H. Biological Resources

Impacts. The EIR identified potentially significant project-specific and cumulative impacts related to: elimination of substantial areas of open land and habitat fragmentation (Impact BIO-1); loss of chaparral, scrub oak chaparral, coastal sage scrub, native grassland, and other habitat areas (Impact BIO-2); elimination of habitat due to fire safety clearing (Impact BIO-3); biological degradation related to water quality impairment from septic systems and other contaminants (Impact BIO-4); degradation or loss of monarch butterfly aggregation sites (Impact BIO-5); development-related impacts to individual sensitive species (Impact BIO-6); and vegetation loss due to trail construction and use (Impact BIO-7).

Mitigation Measures. In addition to policies of the existing adopted Land Use Element, Environmental Resources Management Element, and Coastal Land Use Plan, as well as the Biological Resources policies, actions, and development standards of the draft Toro Canyon Plan, the EIR identified twenty measures that would partially mitigate the above-described impacts (Mitigations BIO-1 through -18, -20 & -21). Some of these measures have been fully or partially incorporated into the Plan as follows.

DevStd BIO-TC-1.4: Development shall be required to include the following buffer areas from the boundaries of Environmentally Sensitive Habitat (ESH):

- Southern Coast Live Oak Riparian Forest corridors - 100 feet in Rural areas and 50 feet in Urban, Inner-rural areas, and Existing Developed Rural Neighborhoods (EDRN)/Rural Neighborhoods, as measured from the top of creek bank¹. When this habitat extends beyond the top of creek bank, the buffer shall extend an additional 50 feet in Rural areas and 25 feet in Urban, Inner-rural areas, and EDRN/Rural Neighborhoods from the outside edge of the Southern Coast Live Oak Riparian Forest canopy;
- Coast Live Oak Forests - 25 feet from edge of canopy;
- Monarch butterfly habitat- minimum 50 feet from any side of the habitat;
- Native grassland, a minimum ¼ acre in size - 25 feet;
- Coastal Sage – minimum 20 feet;
- Scrub oak chaparral – 25 feet from edge of canopy;

¹ “Top of creek bank” is identified differently by the Flood Control District for flood control purposes and by Environmental Health Services for the location of septic systems. For the purposes of the habitat protection policies and development standards of this Plan, the “top of creek bank” shall be defined as the recognized geologic top of slope.

- Wetlands – minimum 100 feet; and
- Buffer areas from other types of ESH shall be determined on a case-by-case basis.

These buffer areas, except for Monarch butterfly habitat, wetlands and Southern Coast Live Oak Riparian Forests, may be adjusted upward or downward on a case-by-case basis given site specific conditions. Adjustment of the buffer shall be based upon site-specific conditions such as slopes, biological resources, and erosion potential, as evaluated and determined by Planning and Development and other County agencies, such as Environmental Health Services and the Flood Control District.

Adjustment of the Southern Coast Live Oak Riparian Forest buffer areas shall be based upon an investigation of the following factors and after consultation with the Department of Fish & Game and the Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams, creeks and wetlands:

1. Existing vegetation, soil type and stability of the riparian corridors;
2. How surface water filters into the ground;
3. Slope of the land on either side of the riparian waterway;
4. Location of the 100 year flood plain boundary; and
5. Consistency with the adopted Local Coastal Plan or the Comprehensive Plan, particularly the Biological Resources policies.

In all cases listed above, buffer areas may be adjusted in order to avoid precluding reasonable use of property consistent with applicable law.

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

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

DevStd BIO-TC-2.2: Development otherwise requiring a Landscape Plan outside ESH and ESH buffer areas, shall be limited to non-invasive plants within 500' from the ESH resource (see Appendix H, *List of Invasive Plants to Avoid Using in Landscape Plans Near ESH Areas*).

***Action BIO-TC-2.3** Planning and Development shall develop a list (for inclusion in the Final Toro Canyon Plan) of invasive plant species that should be removed from such sites and avoided in restoration and landscape plan requirements for future development projects. (*Note: list incorporated into the adopted Plan as Appendix H, therefore this Action does not appear in the body of the adopted Plan.*)

DevStd BIO-TC-4.3: Significant vegetation fuel management² within ESH and ESH buffer areas may be permitted where, subject to a coastal development permit, findings are made consistent with Coastal Act Sections 30001.5(b), 30007.5, 30010, 30200(b), 30240, and 30253(1). The coastal development permit shall include a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&D may require that the Fuel Management Plan be prepared by a qualified biologist to ensure vegetation clearance/trimming minimizes the impacts to ESH.

Policy BIO-TC-6: **All residential structures deemed nonconforming shall be allowed to be reconstructed pursuant to the nonconforming regulations contained in the zoning ordinance, Article II (Section 35-162) and the TCP Overlay District (Sec. 35-194).**

DevStd BIO TC-7.6: New development on parcels entirely covered with ESH shall be subject to the following development standards to allow reasonable use of the property while protecting the habitat resource to the maximum extent feasible:

- a. The area of permitted ground disturbance for development shall be proportional to the size of the parcel. No more than twenty percent (20%) of a parcel's total area should be disturbed by development, and at least eighty percent (80%) of the ESH on the property should be preserved (for example, on a five acre parcel entirely covered with ESH, no more than one acre should be disturbed by development including vegetation clearance for fire protection, and no less than four acres of ESH should be preserved), in a manner consistent with all other policies and development standards of the Toro Canyon Plan and the County Comprehensive Plan.
- b. Main structure and accessory structures & uses, including roadways, landscaping and agricultural uses, shall be clustered in one contiguous area to avoid fragmenting the habitat.
- c. Development shall be located adjacent to existing access roads and infrastructure to avoid fragmenting the habitat, subject to the requirements of "a" and "b" listed above, and a balancing of the policies of the Plan.

DevStd BIO-TC-7.7: Vegetation fuel management as required by the local fire protection agency shall be allowed within 100 feet from all structures on the property. Beyond 100 feet, vegetation fuel management within ESH and the ESH buffer areas to reduce fire hazards shall require a Fuel Management Plan approved by Planning and Development and the local fire protection agency (see Fuel Management Guidelines in Appendix D). P&D may require that the plan be prepared by a qualified biologist to ensure that vegetation clearance/trimming minimizes the impacts to ESH.

² Significant vegetation fuel management shall be defined as removal and/or thinning involving a cumulative total of one-half acre (21,780 square feet) or more of land area.

DevStd BIO-TC-11.1: Development shall include the buffer for Southern Coast Live Oak Riparian Forest set forth in DevStd TC-BIO-1.4. The buffer shall be indicated on all grading and building plans. Lighting associated with development adjacent to riparian habitat shall be directed away from the creek and shall be hooded. Drainage plans shall direct polluting drainage away from the creek or include appropriate filters, and erosion and sedimentation control plans shall be implemented during construction. All ground disturbance and native vegetation removal shall be minimized.

DevStd BIO-TC-11.2: New permit applications that depend on alluvial well extractions or stream diversion shall be required to monitor the long-term effects on surface streamflow and riparian vegetation. Contingencies for maintaining streamflow (e.g., minimum bypass flows, alternate water sources, decreased pumping rates, groundwater discharge, etc.) shall be identified and implemented as such measures may be needed to mitigate significant adverse impacts to an ESH area.

Policy BIO-TC-12: **Significant biological communities not designated ESH should not be fragmented by development into small, non-viable areas.**

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

Action BIO-TC-12.3: The County shall pursue funding for protection and restoration of significant biological resources in the Toro Canyon Planning Area.

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

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

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

- Policy BIO-TC-14:** **Non-native trees and forests (e.g., eucalyptus groves and windrows) that provide known raptor nesting or major and recurrent roosting sites shall be protected.**
- Policy BIO-TC-15:** **Southern California steelhead trout is a federally listed endangered species which, if identified in the Plan area, shall be protected.**
- DevStd BIO-TC-15.1:** Development activity which requires ground disturbance which is proposed on parcels containing ephemeral (dry except during and immediately after rainfall) or intermittent (seasonal) streams and creeks, and associated riparian corridors, shall be subject to any permit requirements of the California Department of Fish and Game and the U.S. Army Corps of Engineers.
- DevStd BIO-TC-15.2:** Development activity in streams and riparian corridors shall be subject to the “Guidelines for Salmonid Passage at Stream Crossings” prepared by the National Marine Fisheries Service (see Appendix G).
- Policy LUG-TC-6:** **The Policies and Development Standards of this Plan shall be implemented in a manner that does not take private property for public use without just compensation as required by applicable law.**
- Action FIRE-TC-2.8:** P&D shall encourage and work with the CSFPD, MFPD and the residents in the Planning Area to prepare a Toro Canyon Fire Protection Plan. Other affected departments and agencies, such as the County Public Works and Fire Department, the U.S. Forest Service, and the Fire Safe Council, a south coast multi-agency/community organization, should also be encouraged to participate. A component of the plan shall include a fire education program for the residents. The education program shall address roadside fuel management, including mowing of annual grasses within public road rights-of-way and selective pruning of trees and brush near such roads. The Plan shall maintain the aesthetic character of the area, while increasing roadway width and visibility, and controlling the “bottom rung of the fuel ladder.”
- Action FIRE-TC-2.9:** P&D, in cooperation with Public Works and the CSFPD shall prepare a fee schedule for the Toro Canyon Fire Protection Plan. The fees assessed from new development on affected parcels shall help to fund implementation of this Toro Canyon Fire Protection Plan.
- Policy FIRE-TC-3:** **Fuel breaks in Toro Canyon shall be sited and designed to be effective means of reducing wildland fire hazards and protecting life and property, while also minimizing disruption of biological resources and aesthetic impacts to the maximum extent feasible.**
- DevStd FIRE-TC-3.1:** Fuel breaks shall incorporate perimeter roads and yards to the greatest extent feasible. Development envelopes containing new structures and the area of site disturbance shall be sited to reduce the need for fuel breaks (see Fuel Management Guidelines in Appendix D).

DevStd FIRE-TC-3.2: Fuel breaks shall not result in the removal of protected healthy oaks, to the maximum extent feasible. Within fuel breaks, treatment of oak trees shall be limited to limbing the branches up to a height of eight (8) feet, removing dead materials, and mowing the understory. Along access roads and driveways, limbing of branches shall be subject to the vertical clearance requirements of the CSFPD and MFPD. Where protected oaks have multiple trunks, all trunks shall be preserved.

Action PRT-TC-1.3: The County shall pursue, to the extent feasible, developing a public beach access on Padaro Lane, provided the County Board of Supervisors finds, based on substantial evidence, that there are insufficient opportunities for public access to the beach elsewhere in the Plan area. The opening of any beach access shall be considered “development” subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. The County shall include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The siting of the beach access shall minimize removal of native trees and eucalyptus trees that are part of a monarch butterfly aggregation site.

DevStd WW-TC-2.7: Development shall not be approved where individual or cumulative impacts of septic systems for new development would cause pollution of creeks and ocean waters, unless this would preclude reasonable use of property.

Findings. The Board finds that:

- Mitigation BIO-1 has been incorporated into Action PRT-TC-1.3;
- Mitigation BIO-2 has been partially incorporated into DevStd BIO-TC-1.4. As adopted, this development standard specifies buffers for Southern Coast Live Oak Riparian Forest, where this habitat extends beyond the top of creek bank, of either 50' from edge of canopy in Rural Areas and 25' elsewhere. These buffers would be less habitat-protective than Mitigation BIO-2, which would specify 100' from edge of canopy in all areas. The Board finds that the adopted development standard provides a sensible and prudent balance between habitat protection and human use of property, given the extensive areas of Southern Coast Live Oak Riparian Forest within the Plan area, especially on smaller lots in areas such as the Torito Road Rural Neighborhood. DevStd BIO-TC-1.4 still allows for the upward or downward adjustment of these habitat buffers to reflect site-specific conditions. Also, as noted in the EIR, even the 100' buffer from edge of canopy would not reduce potential impacts to insignificance;
- The intent of Mitigation BIO-3 is reflected in DevStds BIO-TC-4.3 & -7.7;
- Mitigation BIO-4 has been partially incorporated into DevStds BIO-TC-1.4 and -11.1, for the same reasons as explained above for Mitigation BIO-2;
- Mitigation BIO-5 has been incorporated into DevStd BIO-TC-11.2;
- Mitigation BIO-6 has been incorporated into Policy BIO-TC-12 and DevStd BIO-TC-12.1;

- Mitigation BIO-7 has been partially incorporated into DevStd BIO-TC-7.6. As adopted, this development standard pertains only to lots outside the Coastal Zone that are entirely covered by ESH, rather than the broader applicability of former DevStd BIO-TC-5.2 and related Mitigation BIO-7 to all areas “adjacent to significant oak woodlands or riparian areas.” The Board finds that the narrower focus of DevStd BIO-TC-7.6 is appropriate in order to deal with the special circumstance of inland lots that are entirely covered by sensitive habitat, whereas the more general circumstance of any development adjacent to habitat areas, including but not limited to “significant oak woodlands or riparian areas,” is covered exhaustively by the other policies and development standards of the Plan. As adopted, DevStd BIO-TC-7.6 specifies that no more than 20% of a lot outside the Coastal Zone that is completely covered by sensitive habitat should be disturbed by development, along with other protective measures for clustering development in a single contiguous area adjacent to existing access roads and infrastructure. (Similarly situated lots within the Coastal Zone would continue to be governed by the ESH policies and standards of the existing Coastal Act and LCP, as well as the general and coastal-specific policies and development standards of the Plan.) On lots smaller than five acres, this development standard could be less habitat-protective than the fixed one-acre disturbance limit set forth in former DevStd BIO-TC-5.2 and Mitigation BIO-7. The Board finds that the adopted development standard provides a sensible and prudent balance between habitat protection and human use of property, given the standard’s narrowed focus on inland-area lots that are entirely covered by ESH, both on larger lots where a fixed one-acre disturbance limit could be unreasonably restrictive and on smaller lots where a one-acre disturbance limit could be unreasonably permissive. In any case, as noted in the EIR, even Mitigation BIO-7 as proposed would not reduce potential impacts to insignificance;
- The intent of Mitigation BIO-8 has been incorporated into Policy BIO-TC-2, DevStds BIO-TC-2.1 & -2.2, and Appendix H;
- Mitigation BIO-9 has not been incorporated into the Plan because it addresses former DevStd BIO-TC-5.4 of the Preliminary Draft Plan, which focused on the pursuit of funding for habitat protection and restoration projects including but not limited to several specific geographic areas and habitat types. This former development standard has been rejected in favor of a more general and therefore potentially less limiting and equally or more effective measure, Action BIO-TC-12.3. In any case, as noted in the EIR, Mitigation BIO-9 as proposed would not reduce potential impacts to insignificance;
- The intent of Mitigation BIO-10 is reflected in Policies BIO-TC-13 & -14 and DevStds BIO-TC-13.1 & -13.2;
- Mitigation BIO-11 has been incorporated into DevStd WW-TC-2.7;
- Mitigation BIO-12 has been incorporated into the Plan’s land use and zoning maps;
- Mitigation BIO-14 has been partially incorporated into DevStds FIRE-TC-3.2 and BIO-TC-4.3 & -7.7. DevStd FIRE-TC-3.2 specifically addresses the preservation of protected healthy oaks. The protection of “scrub oaks and other sensitive species,” as noted in Mitigation BIO-14, would be covered in some cases by the project-specific Fuel Management Plans required under DevStds BIO-TC-4.3 (Coastal) or -7.7 (inland). The Board finds that the transplantation requirement of Mitigation BIO-14 would be unduly burdensome to property owners and of marginal effectiveness and benefit, although such transplantation may be performed in appropriate instances under project-specific Fuel Management Plans prepared pursuant to DevStds BIO-TC-4.3 or -7.7. In any case, as noted in the EIR, Mitigation BIO-14 including its transplantation requirement would not reduce potential impacts to insignificance;
- Mitigation BIO-15 has been incorporated into Policy FIRE-TC-3 and DevStd FIRE-TC-3.1;

- Mitigation BIO-16 has not been incorporated into the Plan because it would affect a much larger geographic area than that covered by the Plan;
- Mitigation BIO-17 has been incorporated into Actions FIRE-TC-2.8 & -2.9;
- Mitigation BIO-18 has not been incorporated into the Plan because it would affect a much larger geographic area than that covered by the Plan, but the basic intent of this measure is addressed by Action BIO-TC-12.3;
- Mitigation BIO-20 has been incorporated into Policy BIO-TC-15 and DevStd BIO-TC-15.1;
- Mitigation BIO-21 has been incorporated into Policy BIO-TC-15 and DevStd BIO-TC-15.2 and the Guidelines for Salmonid Passage have been included in the Plan as Appendix G.

The portions of Mitigations BIO-3, -4, -6, -7, -11, -13, & -15 that suggest the amendment of various Plan policies and development standards to include language stating "...unless this would preclude reasonable use of a property..." are addressed broadly by Policy LUG-TC-6. Some impacts to biological resources also have been mitigated to a level of insignificance, as discussed in Section VI.C of these Findings. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

I. Geology, Hillsides & Topography

Impacts. The EIR identified potentially significant project-specific and cumulative impacts related to: increased erosion from development allowed under the Plan (Impact GEO-1); geologic hazards from development on slopes greater than 20% (Impact GEO-2); scarring and erosion from pre-permitting investigations (Impact GEO-3); potential demand for new shoreline protection devices to protect development allowed under the Plan (Impact GEO-4); and seismic hazards to development allowed under the Plan (Impact GEO-5).

Mitigation Measures. In addition to policies of the existing adopted county plans, the state Coastal Act, and the draft Toro Canyon Plan, the EIR identified four measures (Mitigations GEO-1 through -4) that would partially mitigate the first three of the above-described impacts. These measures have been incorporated into the Plan as follows.

DevStd GEO-TC-1.2: In order to minimize erosion, landscape plans shall be required for development on slopes greater than twenty percent. Such plans shall include revegetation of graded areas with appropriate native plantings. Landscape plans may be subject to review and approval by the County BAR.

DevStd GEO-TC-2.1: Temporary erosion control measures such as berms and appropriate location and coverage of stockpiled soils shall be used to minimize on- and offsite erosion related to construction occurring during the rainy season (November 1 to April 15).

DevStd GEO-TC-2.3: Revegetation and/or landscaping of project sites shall be accomplished as soon as is feasible following grading/vegetation clearing in order to hold soils in place.

DevStd GEO-TC-3.1: The County shall require site-specific geologic and/or geotechnical investigation(s), prepared as appropriate by a Registered Geologist, Certified Engineering Geologist, and/or licensed Geotechnical Engineer, on sites that are on or adjacent to faults, landslides, or other geologic hazards or in any case where development is proposed in areas where natural grade is 20% or greater. Sites underlain by the potentially unstable Sespe Formation are of particular concern. Where applicable, the measures recommended to avoid or mitigate geologic hazards shall be incorporated into the proposed development in a manner that avoids or minimizes any potential adverse effects of such measures (for example, hillside scarring).

DevStd GEO-TC-3.3: All roads and driveways proposed on areas where natural grade is 20% or greater shall be reviewed for adequacy of engineering and drainage design, including but not limited to failure avoidance and erosion control.

Action GEO-TC-3.4: County Grading Ordinance Standard 14-6.(b)(5) does not apply to roadways constructed to provide access for geologic, geotechnical, and septic system testing. The County shall consider amending the grading ordinance so that if construction of such a roadway involves more than fifty cubic yards of grading and/or is located on any area where natural grade is twenty percent or greater, then a grading permit shall be required.

DevStd FLD-TC-2.2: Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter drainage patterns on the site or in its vicinity. The purpose of such plan(s) shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. Such plan(s) shall be reviewed and approved by both County Flood Control and Planning & Development.

Findings. The Board finds that Mitigation GEO-1 has been incorporated into the Plan as DevStd GEO-TC-2.1; Mitigation GEO-2 has been incorporated into the Plan as DevStd GEO-TC-2.3; Mitigation GEO-3 has been substantially incorporated into the Plan as DevStds FLD-TC-2.2 and GEO-TC-1.2, -3.1, & -3.3; and Mitigation GEO-4 has been substantially incorporated into the Plan as DevStd GEO-TC-3.4. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

J. Cultural (Archaeological and Historic) Resources

Impacts. The EIR identified potentially significant project-specific and cumulative impacts related to: damage to archaeological resources due to agricultural expansion and intensification (Impact CR-1) and residential development (Impact CR-2); increased artifact collection by increased Plan area populations (Impact CR-3); damage to the heritage values of contemporary Chumash as a result of the disruption of prehistoric archaeological sites (Impact CR-4); and demolition or alterations that would remove character-defining features on historically significant buildings on Santa Claus Lane (Impact CR-5).

Mitigation Measures. In addition to policies of the existing adopted Land Use Element and Coastal Land Use Plan and the draft Toro Canyon Plan, the EIR identified four measures (Mitigations CR-1 through -4) that would partially mitigate the above-described impacts. These mitigation measures have been partially incorporated into the Plan and the implementing Toro Canyon Plan (TCP) Overlay District within the Coastal Zoning Ordinance as follows.

DevStd HA-TC-1.1: A Phase 1 archaeological survey shall be performed when identified as necessary by a county archaeologist or contract archaeologist or if a county archaeological sensitivity map identifies the need for a study. The survey shall include areas of projects that would result in ground disturbances, except where legal ground disturbance has previously occurred. If the archaeologist performing the Phase I report, after conducting a site visit, determines that the likelihood of an archaeology site presence is extremely low, a short-form Phase I report may be submitted.

DevStd HA-TC-1.2: All feasible recommendations of an archaeological report analysis including completion of additional archaeological analysis (Phase 2, Phase 3) and/or project redesign shall be incorporated into any permit issued for development.

Action HA-TC-1.3: The Board should consider either funding creation of a sensitive archaeological resources map for the Toro Canyon Area or allocating funds for a full-time County archaeologist.

DevStd HA-TC-2.3: No permits shall be issued for any development or activity that would adversely affect the historic value of the properties listed in Table IV.D-1, unless a professional evaluation of the proposal has been performed pursuant to the County's most current Regulations Governing Archaeological and Historical Projects, reviewed and approved by Planning and Development and all feasible mitigation measures have been incorporated into the proposal.

County Code, Ch. 35, Art. II, Sec. 35-194.2.2 (part of the TCP Overlay added to the Coastal Zoning Ordinance per Action C-TC-3.1 which, since it was implemented upon Plan adoption, does not appear in the adopted version of the Plan):

“Western Seaside Vernacular Commercial” is defined as follows.

The chief style characteristic of Western Seaside Vernacular Commercial is simplicity. Examples of Western Seaside Vernacular have occurred in Avila Beach and Stearns Wharf. The following are characteristic of Western Seaside Vernacular architecture.

Orientation and Massing

Low massing
Little or no set-back from sidewalk edge

Roofs

Flat
Pitched gable roofs, but not gambrel or mansard roofs

Roof Materials

Composition
Wood shingles, subject to the allowances and limitations of the County Building Code
Shingles made to resemble wood or slate

Windows

"Picture"
Horizontally oriented multi-paned
Multi-paned with wood sash and frames
Wood framed

Doors

Simple wood
Simple wood and glass
Simple French doors

Siding

Board and batten
Beveled tongue and groove
Clapboard
Shingles

Colors

Weathered wood
Whitewash
Neutrals
Weathered colors

Findings. The Board finds that the nearly universal requirement for Phase I archaeological surveys embodied in Mitigation CR-1 would be unnecessarily costly and onerous for many smaller projects, but that the intent of this measure has been partially incorporated into the Plan as DevStds HA-TC-1.1 & -1.2. The Board finds that the public costs associated with producing and distributing educational materials under Mitigation CR-2 would be of marginal benefit, but that some of this function would be accomplished by Action HA-TC-1.3 should it be implemented.

The Board finds that Mitigation CR-3 requiring the preservation of the Santa Claus figure and its underlying building in place is legally and technically infeasible and, therefore, does not adopt it for the following reasons. First, although the Historic Landmarks Advisory Commission determined that the Santa figure is a structure of historic merit, it did not recommend the Santa figure for Landmark status. The Board finds that the Santa figure has lost some of its historic integrity because of the removal of neighboring Christmas-themed figures and businesses and other changes to the village setting on Santa Claus Lane over the past twenty years. Accordingly, under the County’s Historic Landmarks Ordinance (County Code, Ch. 18A), the County has no legal authority to require its preservation and maintenance in place. Second, on November 1, 2001, the Building Official determined “...that Santa meets the definition of a dangerous structure due to its lack of connection to the building below and due to on-going dilapidation with the Santa structure itself.” It is technically infeasible to require the retention of the Santa figure without the owner’s desire to retain and repair it.

The Board finds that Mitigation CR-4 has been partially incorporated as DevStd HA-TC-2.3, as well as being reflected in the design guidelines for Santa Claus Lane that are incorporated into the Toro Canyon Plan (TCP) Overlay District that is added to the Coastal Zoning Ordinance as part of the Board’s final action on the Toro Canyon Plan. The Board also finds that the maximum feasible mitigation for the loss of historic resources on Santa Claus Lane will be required as a condition of the permit for removal of the Santa Claus and chimney structure, where photo-documentation of all of the buildings in the former “Santa’s Village” complex will be performed before the removal of the Santa Claus structure and chimney, thereby documenting as much as possible of the associative historic significance of this complex prior to any further modifications.

The Board finds that the historic resource impact that was identified in the EIR as a Class II impact subject to feasible mitigation (Impact CR-5) in fact cannot be feasibly mitigated to a level of insignificance. As stated above, the Board is without authority to prevent the alteration or removal of character-defining features on historically significant buildings on Santa Claus Lane. Mitigation CR-4, while not included in the Plan, will be incorporated into the conditions of the Coastal Development Permit for removal of the Santa Claus and chimney structure and partially mitigates the potential impacts to historic resources from alterations to buildings on Santa Claus Lane, by requiring photo-documentation to record as much as possible of the remaining associative historic significance of this complex prior to any further structural modifications. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

K. Visual Resources

Impacts. The EIR identified potentially significant project-specific and cumulative impacts related to: loss of open space due to buildout allowed under the Plan (Impact VIS-1); potential construction of large structures that would be incompatible with surrounding development (Impact VIS-2); and night lighting glare from new greenhouse, residential, and commercial development (Impact VIS-3).

Mitigation Measures. In addition to the policies and provisions of existing adopted county plans, ordinances, and design guidelines, and the policies and development standards of the draft Toro Canyon Plan, the EIR identified ten measures (Mitigations VIS-1 through -10) and one additional recommended measure (VIS-11) that would partially mitigate the above-described impacts. Some of these measures have been addressed in the Plan as follows.

Policy VIS-TC-1: Development shall be sited and designed to protect public views.

DevStd VIS-TC-1.1: Development shall be sited and designed to minimize the obstruction or degradation of public views.

DevStd VIS-TC-1.2: Development and grading shall be sited and designed to avoid or minimize hillside and mountain scarring and minimize the bulk of structures visible from public viewing areas. Mitigation measures may be required to achieve this, including but not limited to increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways, unless those measures would preclude reasonable use of property or pose adverse public safety issues.

DevStd VIS-TC-1.3: In urban areas, development shall not occur on ridgelines if suitable alternative locations are available on the property. When there is no other suitable alternative location, structures shall not intrude into the skyline or be conspicuously visible from public viewing places. Additional measures such as an appropriate landscape plan and limiting the height of the building may be required in these cases.

DevStd VIS-TC-2.1: Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features such as major rock outcroppings, mature trees and woodlands, drainage courses, visually prominent slopes and hilltops, ridgelines, and coastal bluff areas.

DevStd VIS-TC-2.2: Grading for development, including primary and accessory structures, access roads (public and private) and driveways, shall be kept to a minimum and shall be performed in a way that:

- minimizes scarring,
- maintains to the maximum extent feasible the natural appearance of ridgelines and hillsides.

Action VIS-TC-2.4: In carrying out the Visual & Aesthetic Resources policies and development standards of this Plan and the TCP Overlay District, the County shall work with project applicants and designers, the Carpinteria-Summerland Fire Protection District, and the Montecito Fire Protection District to minimize excessive road/driveway construction and reduce or redesign fire buffers to minimize the removal of natural vegetation and related visual effects.

***Action VIS-TC-2.5:** The Toro Canyon Plan Overlay shall include the following:

- Residential structures shall not exceed a height of 25' unless further restricted by other sections of the Zoning Ordinances (such as the Ridgeline and Hillside Development Guidelines^{*}).
- Notice of a project's initial BAR hearing (e.g. conceptual or preliminary review) shall be mailed to the owners of the affected property and the owners of the property within 500 feet of the exterior boundaries of the affected property at least 10 calendar days prior the BAR hearing, using for this purpose the name and address of such owners and occupants as shown on the assessor tax rolls of the County of Santa Barbara.

***Action VIS-TC-2.6:** The Design Overlay District shall apply to the Toro Canyon Plan Area. The following criteria shall be part of the Toro Canyon Plan Overlay District to be applied for the approval of any non-agricultural structure(s) by Planning and Development (P&D) and the Board of Architectural Review (BAR).

- A. Where height exemptions under Ridgeline and Hillside Development Guidelines^{*} are allowed for rural properties, BAR minutes and the P&D project file shall include a written discussion of how the project meets the applicable exemption criteria.
- B. Large understories and exposed retaining walls shall be minimized.
- C. Building rake and ridgeline shall conform to or reflect the surrounding terrain.
- D. Landscaping is used to integrate the structures into the site and its surroundings, and is compatible with the adjacent terrain.

^{*} See County Zoning Ordinance Article II Section 35-144 or Article III Section 35-292b.

^{*} See County Zoning Ordinance Article II Section 35-144 or Article III Section 35-292b.

- E. The exterior surfaces of structures, including water tanks, walls and fences, shall be non-reflective building materials and colors compatible with surrounding terrain (including soils, vegetation, rock outcrops). Where paints are used, they also shall be non-reflective.
- F. Retaining walls shall be colored and textured (e.g., with earth tone and split faces) to match adjacent soils or stone, and visually softened with appropriate landscaping.
- G. Outside lighting shall be minimized. Outside lighting shall be shielded, downward-directed low-level lighting consistent with Toro Canyon's rural and semi-rural character.
- H. The total height of cut slopes and fill slopes, as measured from the natural toe of the lowest fill slope (see Figure IV.E-1 Examples A and D) or the natural toe of the lowest cut slope (see Figure IV.E-1 Examples B and C) to the top of the cut slope, shall be minimized. The total vertical height of any graded slopes for a project, including the visible portion of any retaining wall above finished grade, shall not exceed 16 vertical feet above natural grade.
- I. The visible portion of a retaining wall above finished grade shall not exceed six feet. (See Figure IV.E-1.)

Upon recommendation by BAR, P&D may grant exemptions to criteria H and I if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promotes better structural and/or architectural design and 3) minimizes visual or aesthetic impacts.

(Note: Actions VIS-TC-2.5 & -2.6 do not appear in the adopted version of the Plan, but have been incorporated into the TCP Overlay District in the applicable zoning ordinances.)

DevStd GEO-TC-1.2: In order to minimize erosion, landscape plans shall be required for development on slopes greater than twenty percent. Such plans shall include revegetation of graded areas with appropriate native plantings. Landscape plans may be subject to review and approval by the County BAR.

Findings. The Board finds that some of the specific standards contained within Mitigation VIS-1 would be unnecessarily costly and onerous for many smaller projects and would be duplicative of routine county design review standards (§§2, 7, 8, 16, 17, 19). The Board finds that Mitigation VIS-1 otherwise has been partially incorporated into the Plan as DevStds VIS-TC-1.2 (§§1, 5, 12), -1.3 (§15) & -2.1 (§§3, 4, 18), Actions VIS-TC-2.4 (§5) & -2.6 (§§6, 9, 10, 11, 13, 14), and DevStd GEO-TC-1.2 (§11). The Board finds that §9 of Mitigation VIS-1 has been subsumed into Action VIS-TC-2.6 in a broader and more effective fashion by placing the entire Plan area with the Design Overlay District, rather than only those limited areas within the Urban Area Boundary. The Board finds that Mitigations VIS-2 through -10, which relate specifically to greenhouse development, are addressed separately by the Carpinteria Valley Greenhouse Program, but that Mitigation VIS-9 is partially addressed in the Plan by DevStd VIS-TC-2.6.G. The Board finds that recommended Mitigation VIS-11 has not been incorporated into either the Toro Canyon Plan or the Carpinteria Valley Greenhouse Program because the development standards as well as the setback requirements in the Carpinteria Agricultural (CA) Overlay to be adopted under the Greenhouse Program are sufficient to provide adequate screening opportunities and reduce land use compatibility issues. The lot coverage requirements for parcels within designated view corridors remain in the CA Overlay. The Board finds that residual significant impacts are acceptable due to the overriding considerations that support adoption of the Plan, discussed in Section VIII.

VI. FINDINGS THAT CLASS II SIGNIFICANT MITIGABLE IMPACTS ARE MITIGATED TO A LEVEL OF INSIGNIFICANCE

CEQA Guidelines Section 15091(a) requires that, where feasible, all significant adverse impacts be reduced to a level of insignificance. The EIR identifies potentially significant impacts, which are mitigated to a less-than-significant level through incorporation of identified mitigation measures into the Plan, in the areas of: Land Use & Agriculture; Parks, Recreation & Trails and Transportation & Circulation; Biological Resources; Flooding & Drainage; Cultural Resources; Air Quality; and Noise. The “Class II” impacts identified in the EIR are discussed below, along with the appropriate findings as per CEQA Guidelines Section 15091.

A. Land Use & Agriculture

Impacts. The EIR identified potentially significant but mitigable impacts due to potential conflicts between proposed trail use and surrounding agricultural and residential land uses (Impact LU-4, related to Impact REC-5 as discussed below in Section VI.B of these Findings), and potential conflicts between proposed trails & staging areas and residential land uses (Impact LU-5).

Mitigation Measures. In addition to numerous goals, policies, actions, and development standards of existing adopted county plans and the draft Toro Canyon Plan, the EIR identified eight measures (Mitigations LU-4 through -8 and REC-5 through -7) that would mitigate the above-described impacts to levels of insignificance. These mitigation measures have been addressed as follows.

DevStd PRT-TC-1.6: Consistent with the Agricultural Element, all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails.

Action PRT-TC-1.8: If either of the proposed alternative connections to the Romero Trail from Toro Canyon Road (2 or 2a on Figure III.B-1) and/or the proposed connection between Toro Canyon Park and Toro Canyon Road (6a on Figure III.B-1) are constructed, the County should consider the feasibility of siting low-intensity roadside parking on the western portion of parcel 155-020-004 (Figure III.B-1.) Also, appropriate “no parking” signs shall be located along Toro Canyon Road consistent with applicable County Road Division standards, and motor vehicle barriers shall be installed at trailheads per County Park Department standards. The staging area would feature a minimal amount of grading and clearing so as not to disturb existing trees.

Action PRT-TC-1.9: Trailhead parking shall be sited and designed to minimize disruption to existing neighborhoods.

***Action PRT-TC-2.1:** The County shall adopt the trail development guidelines in Appendix E which address land use compatibility; biological, agricultural, and archaeological concerns; access control; and trail maintenance/ construction. The County shall follow the guidelines in developing the trail system. (*Note: Appendix E is part of the adopted Plan and therefore this Action does not appear in the body of the final Plan.*)

DevStd PRT-TC-2.2: On-road trail development design shall maximize road shoulder width to separate trail users from vehicular traffic.

Action PRT-TC-2.3: The County should explore the feasibility of routing trail 2 from Toro Canyon Road to connect with the Romero Trail south of the Edison Catway (see trail route 2a on Figure III.B-1). Property owners, the Park Department and Planning & Development should work together to determine trail siting feasibility.

Findings. The Board finds that specific mitigation measures have been adopted as follows, and that the above-cited impacts therefore are reduced to insignificant levels:

- Mitigations LU-4 & -5 and REC-7 are incorporated into the Trail Siting Guidelines that are adopted as Appendix E of the Plan pursuant to Action PRT-TC-2.1;
- Mitigation LU-6 is incorporated into the Trails Map adopted as part of the Plan;
- Mitigation LU-7 is incorporated into the Plan as Action PRT-TC-1.8 and is further addressed by Action PRT-TC-2.3;
- Mitigation LU-8 is incorporated into the Plan as Action PRT-TC-1.9, and is further addressed by DevStd PRT-TC-2.2 and by the Trail Siting Guidelines that are adopted as Appendix E of the Plan;
- Mitigation REC-5 is incorporated into the Plan as part of DevStd PRT-TC-1.6;
- Mitigation REC-6 is adequately addressed through standard procedures followed by the office of the County Agricultural Commissioner in its issuance and enforcement of pesticide application permits.

B. Parks, Recreation & Trails and Transportation & Circulation

Impacts. The EIR identified potentially significant but mitigable impacts due to: buildout that could increase potential seawall construction and obstruction of beach access (Impact REC-2); buildout that would restrict trail development (Impact REC-3); buildout-related traffic increases that would increase safety concerns for users of on-road trails and trail staging areas (Impacts REC-4 & TR-2); and potential conflicts between proposed trail use and surrounding agricultural land uses (Impact REC-5, related to Impact LU-4 as discussed above in Section VI.A of these Findings).

Mitigation Measures. In addition to policies of the existing adopted Land Use Element and the draft Toro Canyon Plan, the EIR identified eight measures (Mitigations REC-3 through -7, TR-2, and LU-4 & -5) that would mitigate the above-described impacts to levels of insignificance. These mitigation measures have been addressed as follows.

Action PRT-TC-1.3: The County shall pursue, to the extent feasible, developing a public beach access on Padaro Lane, provided the County Board of Supervisors finds, based on substantial evidence, that there are insufficient opportunities for public access to the beach elsewhere in the Plan area. The opening of any beach access shall be considered “development” subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. The County shall include appropriate improvements in any project to open beach access, possibly including but not necessarily limited to signage, bicycle racks, parking, trash receptacles, sewer-connected sanitation facilities, and other appropriate features for the beach access. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The siting of the beach access shall minimize removal of native trees and eucalyptus trees that are part of a monarch butterfly aggregation site.

Action PRT-TC-1.4: Public access to the beach from Santa Claus Lane shall be formalized as soon as feasible by: securing and opening a vertical accessway between Santa Claus Lane and the beach; clarifying the status of lateral beach access rights and securing any easements that may be necessary and appropriate; developing one or more parking areas (also see Action CIRC-TC-4.3); constructing appropriate safety features; and installing any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. The opening of any beach access shall be considered “development” subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Access for jet ski and other motorized recreational activity shall be prohibited from any coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking area(s) developed in support of this recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.

DevStd PRT-TC-1.6: Consistent with the Agricultural Element, all opportunities for public trails within the general corridors identified on the Parks, Recreation and Trails (PRT) map shall be protected, preserved and provided for during review and upon approval of development and/or permits requiring discretionary approval. County Public Works shall consult with the County Park Department prior to issuing any encroachment permits for on-road development such as driveways along road shoulders with current or proposed trails.

***Action PRT-TC-2.1:** The County shall adopt the trail development guidelines in Appendix E which address land use compatibility; biological, agricultural, and archaeological

concerns; access control; and trail maintenance/ construction. The County shall follow the guidelines in developing the trail system. (*Note: Appendix E is part of the adopted Plan and therefore this Action does not appear in the body of the final Plan.*)

DevStd PRT-TC-2.2: On-road trail development design shall maximize road shoulder width to separate trail users from vehicular traffic.

Findings. The Board finds that specific mitigation measures have been adopted as follows, and that the above-cited impacts therefore are reduced to insignificant levels:

- Mitigation REC-3 is substantially incorporated into the Plan as part of Action PRT-TC-1.3;
- Mitigation REC-4 is incorporated into the Plan as Action PRT-TC-1.4;
- Mitigation REC-5 is incorporated into the Plan as part of DevStd PRT-TC-1.6;
- Mitigation REC-6 is adequately addressed through standard procedures followed by the office of the County Agricultural Commissioner in its issuance and enforcement of pesticide application permits;
- Mitigations REC-7 and LU-4 & -5 are incorporated into the Trail Siting Guidelines that are adopted as Appendix E of the Plan pursuant to Action PRT-TC-2.1;
- Mitigation TR-2 is incorporated into the Plan as DevStd PRT-TC-2.2.

C. Biological Resources

Impacts. The EIR identified potentially significant but mitigable impacts due to the potential use of invasive motorized recreational craft, such as jet skis, at Santa Claus Lane (Impact BIO-8).

Mitigation Measures. The EIR identified one measure (Mitigation BIO-19) that would mitigate this impact to a level of insignificance. This mitigation measure has been incorporated into the Plan as follows.

Action PRT-TC-1.4: Public access to the beach from Santa Claus Lane shall be formalized as soon as feasible by: securing and opening a vertical accessway between Santa Claus Lane and the beach; clarifying the status of lateral beach access rights and securing any easements that may be necessary and appropriate; developing one or more parking areas (also see Action CIRC-TC-4.3); constructing appropriate safety features; and installing any necessary signage, bicycle racks, parking, trash receptacles, landscape screening, restrooms and other appropriate features. A railroad crossing with armatures, lights, and bells and a stairway and/or access ramp over or around the seawall should also be considered. The opening of any beach access shall be considered “development” subject to the provisions of this Plan, and shall be undertaken in a manner that protects public safety and the privacy and security of residents to the maximum feasible extent. Access for jet ski and other motorized recreational activity shall be prohibited from any coastal access established at the Santa Claus Lane beach area, and signage indicating this prohibition shall be posted at the parking area(s) developed in support of this

recreational access point. Planning for the scope, design and location of improvements shall be done in consultation with local residents and other affected parties. The County shall aggressively pursue funding for the design and implementation of beach access at Santa Claus Lane as the priority beach access for the Toro Canyon Plan area at the earliest feasible date.

Findings. The Board finds that Mitigation BIO-19 has been incorporated into the Plan as part of Action PRT-TC-1.4, and that the above-cited impacts therefore are reduced to insignificant levels.

D. Flooding & Drainage

Impacts. The EIR identified potentially significant but mitigable impacts due to: increased sedimentation from development in the upper Toro Creek & Arroyo Paredon watersheds (Impact FLOODING-1); increased need for private or public flood control improvements due to plan buildout (Impact FLOODING-2); and increased drainage problems and flooding hazards due to greenhouse development (Impact FLOODING-3).

Mitigation Measures. In addition to policies of the existing adopted Land Use Element & Coastal Land Use Plan and the draft Toro Canyon Plan, the EIR identified four measures (Mitigations FLD-1 through -4) that would mitigate the above-cited impacts to levels of insignificance. Two of these measures have been incorporated into the Plan as follows.

DevStd FLD-TC-2.2: Grading and drainage plans shall be submitted with any application for development that would increase total runoff from the site or substantially alter drainage patterns on the site or in its vicinity. The purpose of such plan(s) shall be to avoid or minimize hazards including but not limited to flooding, erosion, landslides, and soil creep. Appropriate temporary and permanent measures such as energy dissipaters, silt fencing, straw bales, sand bags, and sediment basins shall be used in conjunction with other basic design methods to prevent erosion on slopes and siltation of creek channels and other ESH areas. Such plan(s) shall be reviewed and approved by both County Flood Control and Planning & Development.

DevStd FLD-TC-2.5: Excavation and grading for development shall be limited to the dry season of the year (i.e., April 15th to November 1st) unless an approved erosion control plan is in place and all measures therein are in effect.

Findings. The Board finds that Mitigation FLD-1 has been incorporated into the Plan as DevStd FLD-TC-2.5, and that Mitigation FLD-2 has been incorporated into the Plan as part of DevStd FLD-TC-2.2. The Board finds that Mitigations FLD-3 & -4, which relate specifically to greenhouse development, are addressed separately by the Carpinteria Valley Greenhouse Program, but that Mitigation FLD-3 also is partially addressed in the Plan by DevStd FLD-TC-2.2. The Board finds that the above-cited impacts therefore are reduced to insignificant levels.

E. Cultural (Historic) Resources

Impacts. The EIR identified one potentially significant but mitigable impact related to demolition or alterations that would remove character-defining features on the historically significant buildings associated with the Santa Claus theme (Impact CR-5).

Mitigation Measures. The Board disagrees with the conclusion of the EIR that Mitigations CR-3 and -4 can mitigate to insignificance the potential impacts related to demolitions or alterations that would remove character-defining features on historically significant buildings associated with the Santa Claus theme. Findings explaining why these mitigations cannot do so are found in Section V.J of these Findings.

F. Air Quality

Impacts. The EIR identified potentially significant but mitigable impacts due to short-term dust and particulate (PM₁₀) emissions related to new development (Impact AQ-1), and potential exposure of residents adjacent to agricultural operations to dust, odors, and agricultural chemicals (Impact AQ-2).

Mitigation Measures. In addition to policies of the existing adopted Air Quality Supplement to the Land Use Element, state Coastal Act, the Clean Air Plan, and the draft Toro Canyon Plan, the EIR identified one measure (Mitigation AQ-1) that would help mitigate Impact AQ-1 to a level of insignificance. This measure has been incorporated into the Plan as follows.

Policy GEO-TC-5: Grading shall be carried out in a manner that minimizes air pollution.

DevStd GEO-TC-5.1: For any construction project that includes earth moving activities, the construction contractor shall implement Air Pollution Control District (APCD) dust control measures.

Also, the following two Development Standards (included here with their accompanying Policy) were cited by the EIR as constituting effective mitigation measures for Impact AQ-2:

Policy LUA-TC-3: New development shall be compatible with adjacent agricultural lands.

DevStd LUA-TC-3.1: New non-agricultural development adjacent to agriculturally zoned property shall include appropriate buffers, such as trees, shrubs, walls, and fences, to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel-specific review on a case-by-case basis.

DevStd LUA-TC-3.2: Consistent with the County's adopted Right to Farm Ordinance, a Notice to Property Owner (NTPO) shall be recorded with the final tract and/or parcel map for properties within 1,000 feet of agriculturally zoned land. The NTPO shall inform the buyer that:

The adjacent property is zoned for agriculture and is located in an area that has been planned for agricultural uses, including permitted oil development, and that any inconvenience or discomfort from properly

conducted agricultural operations, including permitted oil development, shall be allowed consistent with the intent of the Right to Farm Ordinance. For further information, contact Santa Barbara County Planning and Development.

Findings. The Board finds that Mitigation AQ-1 has been substantially incorporated into the Plan as DevStd GEO-TC-5.1 and is further supported by Policy GEO-TC-5 and by standard development review practices and project conditions, and that this impact is mitigated to a level of insignificance. The Board also finds that Impact AQ-2 would be mitigated to a level of insignificance by standard development review practices and project conditions, as reinforced by Policy LUA-TC-3 and DevStds LUA-TC-3.1 & -3.2, that “would ensure adequate buffers between residential and agricultural uses to minimize air quality impacts from agricultural operations on adjacent sensitive receptors” (EIR, §4.13.6).

G. Noise

Impacts. The EIR identified potentially significant but mitigable impacts due to construction-related noise near residential receptors (Impact NOISE-1), and increased exposure of people to noise from agricultural operations including greenhouse construction (Impact NOISE-2).

Mitigation Measures. In addition to policies of the existing adopted Noise Element, the EIR identified five measures (Mitigations NOISE-1 through -5) that would mitigate noise-related impacts to levels of insignificance. Two of these mitigation measures have been incorporated into the Plan as follows.

Policy LUG-TC-5: The public shall be protected from noise that could jeopardize health and welfare.

DevStd LUG-TC-5.1: Construction activities within 1,600 feet of residential receptors shall be limited to the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday. Construction equipment maintenance shall be limited to the same hours.

DevStd LUG-TC-5.2: Stationary construction equipment that could generate noise exceeding 65 dB(A) at project site boundaries shall be shielded to County P&D’s satisfaction, and shall be located a minimum of two hundred (200) feet from sensitive receptors.

Findings. The Board finds that Mitigation NOISE-1 has been incorporated into the Plan as DevStd LUG-TC-5.1, that Mitigation NOISE-2 has been incorporated as DevStd LUG-TC-5.2, and that Policy LUG-TC-5 provides additional support to these measures. The Board finds that these measures reduce Impact NOISE-1 to insignificant levels and partially mitigate Impact NOISE-2. The Board finds that Mitigations NOISE-3 through -5, which further address Impact NOISE-2 but relate specifically to greenhouse development, are addressed separately by the Carpinteria Valley Greenhouse Program. The Board finds that the above-cited impacts therefore are reduced to insignificant levels.

VII. **FINDINGS REGARDING PLAN ALTERNATIVES**

The EIR evaluated the potential effects of five primary alternatives to the originally initiated Preliminary Draft Toro Canyon Plan (February 1999), including the “no project” alternative required by CEQA. The overall impacts of the Preliminary Draft Plan, which would have supported about 310 additional residential units, are very comparable to those of the adopted Plan, which supports a maximum of about 304 additional units.

When developing the Plan, the Planning Commission and the Board of Supervisors considered various land use and zoning alternatives for many areas within the Plan’s boundary. The adopted Plan incorporates some features of some of the alternatives discussed below: the Torito Road subdivision has been recognized as a Rural Neighborhood Area with no change to its previous one-acre maximum residential density and 1-E-1 zoning, representing the “No Project” alternative with regard to the basic land use and zoning designations for this area; the zoning examined under the EIR’s No Subdivision alternative has been adopted for some properties north of East Valley Road and west of Ladera Lane, in recognition of the area’s environmental sensitivity and its numerous constraints to further development through land division; and areas re-designated as Mountainous Area have been rezoned to the new MT-TORO District rather than to the RES District, as examined under the EIR’s Medium Build alternative.

The Commission and Board generally examined issues and impacts related to service, resource, and other planning concerns applicable to these areas including, but not limited to, existing patterns of parcelization and development, site hazards and development constraints/opportunities, and neighborhood compatibility. Some areas, including but not limited to the Torito Road vicinity that has been recognized within a Rural Neighborhood Area boundary, were studied in more detail than others. The Commission and Board also heard extensive input from property owners, neighbors, and other interested citizens. The Board's final decisions on land use and zoning designations considered all pertinent factors (previously described in Section III of these Findings), including but not limited to providing for reasonable use of property, protecting and enhancing natural resources, maintaining and improving public services and amenities, and providing housing that meets the needs of all segments of the larger south coast community. In many cases the Board needed to balance and reconcile the concerns and desires of various property owners, neighbors, and other concerned parties.

- A. No Project Alternative: The “no project” alternative assumes that buildout within the Toro Canyon Plan Area would follow the previously applicable land use, zoning, and circulation designations adopted under the 1980/81 inland and coastal Land Use Plans and the 1980 Circulation Element, as they have been amended from time to time since then. Buildout under the “no project” alternative would permit about 545 additional residential units, substantially more than either the initiated or adopted Plan. Therefore, impacts directly related to the amount and extent of new development would be generally greater under this alternative, while there would be none of the adopted Plan’s standards for future development that serve to protect resources and avoid hazards. The “no project” alternative would not produce some significant unavoidable impacts to agriculture that are associated with the Plan (Impact LU-2), since all previous Agricultural land use designations would be maintained without the Plan’s changing of some parcels to Residential and Mountainous Area designations. However, the Plan does allow for agricultural activity on properties designated Mountainous Area through the new implementing MT-TORO zone district, and some agricultural uses are allowed on properties designated Residential through the implementing R-1/E-1 zone district. Also, the “no project” alternative might be less likely to involve significant mitigable impacts to historic buildings on Santa Claus Lane (Impact CR-5), since the area would not be rezoned from Highway Commercial to Limited Commercial. Although property owners on

Santa Claus Lane desire commercial revitalization of the Lane, it could be argued that they would be less likely to redevelop existing buildings and intensify commercial uses without the rezone adopted under the Plan. However, in all other impact categories, the adverse impacts of the “no project” alternative would be as severe as or greater than those of the adopted Plan and would not produce the substantial benefits associated with the adopted Plan. The “no project” alternative has been adopted in part for many parcels that retain their previous land use and zoning designations and maximum densities, including but not limited to all existing Rural Neighborhood Areas and the newly designated Rural Neighborhood containing the Torito Road subdivision, but these areas will benefit from the additional policies and development standards contained in the adopted Plan. Therefore, the Board of Supervisors finds that the project as adopted is preferable to the simple “no project” alternative.

- B. No Subdivision Alternative (Environmentally Superior Alternative): The overall design of the No Subdivision alternative would be to reduce site-specific and regional environmental impacts by downzoning selected parcels to a level that would preclude the creation of new buildable lots, with buildout occurring only on existing buildable vacant lots. The zoning examined under the No Subdivision alternative has been adopted for some properties north of East Valley Road and west of Ladera Lane, in recognition of the area’s environmental sensitivity and its numerous constraints to further development through land division. Buildout under the No Subdivision alternative would produce about 203 additional residential units, substantially less than buildout under the adopted Plan. Therefore, impacts directly related to the amount of new development generally would be lower under this alternative; however, unlike the “no project” alternative, many of the development controls and other benefits associated with the Plan would be realized. However, under the No Subdivision alternative on a Plan-wide level, no potentially significant impacts would be reduced to a level of insignificance (Class III) or from a level of significant and unavoidable (Class I) to significant but mitigable (Class II). Some impacts related to parks, recreation & trails would increase in severity from Class II to Class I (Impacts LU-5 and REC-2 through -4) because opportunities to exact recreational easements from land division projects would be eliminated. By providing for less overall private development than the adopted Plan, this alternative would reduce private incentives to provide for public benefits and amenities in conjunction with new development, making it less likely that the public benefits of the adopted Plan would be realized. This alternative would make less efficient use of some larger parcels that could support a reasonable amount of new development with relatively little harm and overall public benefits. Therefore, the Board of Supervisors finds that the project as adopted is preferable to the No Subdivision alternative.
- C. Medium Build Alternative: Full buildout under the Medium Build alternative would permit approximately 329 additional residential units, somewhat more than under either the initiated Plan (310 units) or the base residential densities under the adopted Plan (304 units). This alternative generally would not be preferable to the adopted project because adverse impacts directly related to the amount of new development would be more severe under this alternative, while off-setting public benefits and development standards associated with this alternative would be no greater than those of the adopted project. For example, the same hazard/constraint areas would be avoided, most of the same land use designation and zoning changes would be made, and the same park and trail system would be included in the Plan, but with higher-density potential residential development in some areas. As examined under the Medium Build alternative, areas that have been re-designated as Mountainous Area have been rezoned to a new MT-TORO District rather than to the RES District, in order to

provide property owners with less stringent permit requirements for a range of residential and agricultural uses. In other respects, the Board of Supervisors finds that the project as adopted is preferable to the Medium Build alternative.

- D. Via Real Company Parcels (Alternatives 4a & 4b): These site-specific alternatives considered two different designations for an 11.4-acre group of five contiguous Assessor's parcels, located on the north side of Via Real between the Serena Park neighborhood and the Santa Barbara Polo and Racquet Club. This site was considered for special alternative uses that could provide substantial public benefits, and was selected because it is unique in the Plan area for its combination of large size, relative lack of development constraints, and relative abundance of development opportunities. Alternative 4a considered the effects of designating the site with the Affordable Housing Overlay (AHO), and Alternative 4b considered the effects of designating the site Educational Facility for use as a new public elementary school. During hearings on the Plan the Carpinteria Unified School District opposed the designation of this site for a new elementary school campus, for reasons including but not limited to acquisition costs and concerns over noise and safety due to the site's proximity to the Highway 101/Union Pacific Railroad transportation corridor. The Board finds that there would be little or no benefit in designating this site Educational Facility due to the District's disinterest in locating a school on the site. The Board finds that substantial benefits could accrue to the broader South Coast community from the development of affordable housing under the AHO, but that the current countywide Housing Element precludes the application of the AHO outside designated Urban Areas, and the Via Real site is within a designated Rural Neighborhood. As previously explained in Section III.H of these Findings, application of the AHO would require amendment of the countywide Housing Element to allow the application of the AHO outside designated Urban Areas, because the potential Via Real AHO site is not within a designated Urban Area; or, in the alternative, the Urban Area Boundary would need to be extended to encompass this site.

The Board of Supervisors finds that the amendment of the countywide Housing Element is neither feasible nor appropriate within the context of the geographically limited Toro Canyon Plan, and that the alternative of extending the Urban Area Boundary to encompass this potential AHO site cannot be accomplished without creating inconsistencies with policies of the Coastal Act and Coastal Land Use Plan, including but not limited to their mandates to concentrate urban development and to protect agricultural lands from urban encroachment. However, the adopted Plan includes the following action as a commitment to consider future application of the AHO to the Via Real site, should the countywide Housing Element be amended to allow the AHO within Rural Neighborhood areas:

Action LUR-TC-1.3: *At such time as the Housing Element may be amended to allow application of the Affordable Housing Overlay within Rural Neighborhood areas, the county shall consider applying this Overlay to part or all of the Via Real Company property between the Serena Park neighborhood and the Polo Club (APNs 005-270-17, -19, -29, -33, &-34). Appropriate base and AHO densities shall be considered at such time.*

The environmental analysis contained in the Plan EIR is intended to serve as a foundation for tiering a more detailed project-specific environmental review at such time as the application of the AHO to the Via Real site may be considered as anticipated in Action LUR-TC-1.3,

and possibly at such time as a development proposal under the AHO may be submitted should the AHO be applied to the property.

- E. Rancho Monte Alegre: This alternative would expand the Plan area to include the 3150-acre Rancho Monte Alegre (RMA) immediately to the east. The primary objective of this alternative would be to protect sensitive resources on the RMA by extending the Plan's policies and development standards to cover the property. In addition, areas outside the Coastal Zone would be rezoned from the obsolete and partially repealed Zoning Ordinance 661 to the more current Article III. The EIR found that adding the RMA to the Plan area would not affect the overall scope or severity of potentially significant adverse environmental impacts associated with development allowed by the Plan. The Board finds that this alternative may merit further consideration, but under a separate process that would include the Board's initiation of an amendment to the Plan to add the RMA including possible changes in its land use and zoning designations, updated mapping of environmentally sensitive habitats, consideration of policies and development standards specifically applicable to the property such as those that are included in the Plan EIR's analysis of this alternative, and the appropriate level of environmental and public review and hearings.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

In considering the adoption of the Toro Canyon Plan, the Board of Supervisors has balanced the benefits of the Plan against its unavoidable adverse environmental effects and finds that the benefits of the Plan outweigh the plan's adverse environmental effects. The Board finds that the adverse environmental effects are "acceptable," based on the following individual and collective overriding considerations:

- A. The Toro Canyon Plan provides for necessary and orderly development to accommodate population growth within the 10-20 year planning horizon of the plan.
- B. The Plan provides for growth within available resource and service capacities, provides for a range of housing types affordable to all income levels, protects agriculture, provides for needed recreation and open space areas including public trails and beach access, protects natural resources, preserves the area's rural and semi-rural character, and balances the needs of the future residents with the needs of existing residents.
- C. The Plan provides for affordable housing by its encouragement of Residential Second Units and farm employee housing on appropriate sites pursuant to existing zoning regulations and applicable policies and development standards, and in committing to the consideration of an Affordable Housing Overlay on the Via Real site contingent upon a possible future enabling amendment of the countywide Housing Element.
- D. The Plan provides for orderly development while protecting natural resources and avoiding hazards to the maximum extent feasible.
- E. The Plan provides a more logical and orderly progression of minimum parcel sizes and maximum residential densities, generally from smaller minimum parcels and higher densities in the less-constrained and predominantly developed southern portions of the Plan area to larger parcel sizes and lower residential densities in the more constrained areas to the north and in agricultural areas.

- F. The Plan assists in protecting valuable prime and non-prime agricultural lands by reducing potential encroachment by incompatible residential uses, establishing larger minimum parcel sizes that will prevent fragmentation of commercially viable operations, and establishing clearer standards and guidelines for reducing potential conflicts between adjacent agricultural and non-agricultural uses.
- G. The Plan affords protection of the important natural resources of the various environmentally sensitive habitats and mountainous upper watershed areas within the Plan's boundaries, and preserves the value of these lands for their important biologic, hydrologic, and aesthetic qualities.
- H. Within the Urban Area and Rural Neighborhood Area Boundaries, areas that are appropriate for development are clearly distinguished from those that contain significant natural resources, or are otherwise constrained and inappropriate for development. This is accomplished primarily through the Environmentally Sensitive Habitat Overlay and development standards that address various development constraints. These planning tools are used to provide for appropriate levels of private development while preserving large contiguous bands of habitat to contain and protect valuable natural resources, to provide for movement of natural wildlife along these corridors, and to avoid hazards and other development constraints.
- I. The Plan helps to correct the present deficit of readily accessible parks in the area by anticipating a possible new neighborhood park in addition to the existing Toro Canyon County Park.
- J. The Plan provides for a contiguous multi-use trail system linking parks, residential areas, and trails outside the Plan area including those within the Los Padres National Forest. The existing and planned trail system provides the opportunity for residents to enjoy the natural resources of the area in a manner that respects private property rights and protects agricultural uses.
- K. The Plan identifies general insufficiencies in development fees for parks and recreational facilities, and contains an action item to conduct a park fee study to determine if current fees are adequate to provide and maintain parks and other public recreational facilities to serve new development consistent with the Land Use Element's Land Use Development Policy 4 and Coastal Plan Policy 2-6.
- L. The Plan contains an adequate circulation system of streets, existing and planned bikeways, and other alternative transportation means including public transit.
- M. The Plan recognizes the Santa Claus Lane commercial strip as an asset to both highway travelers and local residents, and has rezoned this area from Highway Commercial to Limited Commercial in order to provide for a wider range of permitted commercial uses that would improve economic viability for property owners and businesses in a manner consistent with the state Coastal Act. The Plan's goals, policies, actions, and development standards that promote economic revitalization and visual resource protection in the Coastal Zone outweigh any residual significant impacts of the removal and/or demolition of the Santa Claus figure or possible changes to related historic resources.
- N. The Plan incorporates some features of the environmentally superior alternative and other alternatives analyzed in the EIR to the extent feasible. The other alternatives analyzed in the EIR, including the "No Project" alternative, would either result in environmental impacts of greater severity than those of the adopted Plan or have been found to be incapable of meeting the beneficial objectives of the Plan. The "No Project" alternative would not correct the deficiencies of the existing Comprehensive and Coastal Plans, including but not limited to the existing illogical

pattern of minimum parcel sizes and residential densities and the lack of policies and development standards adequate to address development constraints and hazards.

- O. The Plan provides clarity for future developers and land use regulators. The clearly defined policies and development standards of the Plan will minimize future environmental review, time, uncertainty, and cost in the permit process. This benefit is not present in the existing regulatory setting.

IX. MITIGATION MONITORING AND REPORTING PLAN

A Mitigation Monitoring and Reporting Plan for the Toro Canyon Plan is included in the revisions to the EIR (dated February 14, 2002) and has been adopted pursuant to the requirements of Public Resources Code §21081.6.

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