

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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August 18, 2017

Joan Hartmann, Chair
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-17-0048-1 (Eastern Goleta Valley Community Plan)

Dear Honorable Chair Hartmann and Supervisors:

On August 10, 2017 the Coastal Commission approved the subject Local Coastal Program (LCP) amendment with suggested modifications. The Commission's resolution of certification is contained in the staff report dated July 27, 2017. The suggested modifications, as approved by the Commission on August 10, 2017, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action

to certify the Local Coastal Program Amendment, the Commission shall review the local government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

John Ainsworth
Executive Director



By: Megan Sinkula
Coastal Program Analyst

Cc: Dianne Black, Santa Barbara County Planning and Development Department

**Final Suggested Modifications
LCP Amendment No. 4-STB-17-0048-1
(Eastern Goleta Valley Community Plan)**

SUGGESTED MODIFICATIONS TO THE COASTAL LAND USE PLAN

The County’s proposed and approved amendment language to the certified Coastal Land Use Plan is shown in straight type. Language approved by the Commission to be modified is shown in ~~line out~~ and underline. Other suggested modifications that do not directly change LCP text (e.g., revisions to maps, figures, instructions) are shown in *italics*.

SUGGESTED MODIFICATION NO. 1

The following shall be added to Section I (Introduction) of the Eastern Goleta Valley Community Plan as a new Subsection E (Important Differences Between the Coastal and Inland Portions of this Plan):

As a result of the Coastal Commission’s review of the Eastern Goleta Valley Community Plan for certification as an amendment to the Santa Barbara County Local Coastal Program (LCP), a number of the Goals, Policies, Actions, Programs, and Development Standards originally adopted by the County for the entire Plan area were modified as they apply within the Coastal Zone. In these cases there are similar, but different, provisions that apply within the coastal as compared to the inland (non-Coastal Zone) portions of the Plan area. These are clearly marked throughout the document as either “COASTAL” or “INLAND” at the beginning of the text of relevant Goals, Policies, Actions, Programs, and Development Standards. Goals, Policies, Actions, Programs, and Development Standards that are not marked as either “COASTAL” or “INLAND” shall be interpreted to apply to the entire Plan area.

SUGGESTED MODIFICATION NO. 2

**Eastern Goleta Valley Community Plan
General Land Use**

Policy EGV-1.5 (COASTAL): The County shall implement the policies and standards in the Local Coastal Program, including the EGVCP, in a manner that avoids a taking of private property for public use without just compensation as required by applicable law. If an applicant asserts that the application of the policies and standards of the Local Coastal Program or EGVCP would preclude a “reasonable use” of property and constitute a taking of property, the applicant shall submit an application for an Economically Viable Use Determination pursuant to Article II, Sections 35-192.4 through 192.6 in conjunction with the associated Coastal Development Permit application. Any deviation from a policy or standard of the Local Coastal Program, including the EGVCP, to provide a reasonable

use of property may only be allowed if the applications are approved by the County decision-maker consistent with Article II.

SUGGESTED MODIFICATION NO. 3

**Eastern Goleta Valley Community Plan
Project-Specific Development Standards—More Mesa**

DevStd LUDS-EGV-1A (COASTAL): No applications for development shall be accepted prior to approval of a Specific Plan for the entire site. A Specific Plan shall be prepared for the entire site (currently including APNs 065-320-001, 002, 007 through 010) which incorporates all of the conditions listed below and conforms to all other policies of the land use plan. ESH buffers for the site shall be established as part of the Specific Plan. The specific plan shall show the location of roads and structures and indicate the amount and location of open space for habitat preservation and public recreation. Any parcels within the More Mesa site purchased subsequent to the adoption of this Community Plan by the County or other public/private agencies for the purposes of resource/open space protection shall be excluded from the boundaries of the Specific Plan. All new development shall be confined to the eastern side of the site within the area designated as developable in Figure 13 of the Community Plan and outside of buffer areas on the eastern side of the site indicated as being acceptable for development on Figure 13 of the Community Plan, with the exception of minor public improvements such as trails, signs and restrooms. ~~Any h~~Higher density development shall be clustered toward the north end of the developable area, with lower density development toward the south.

DevStd LUDS-EGV-1I (COASTAL): To the maximum extent feasible, vegetation consisting of drought tolerant native species shall be used ~~for landscaping to screen development from public use areas and~~ to create buffers from ESH areas and to screen development from public use areas. ~~New~~ Landscaping, especially in areas near or adjacent to ESH or wetlands, shall be designed to complement, enhance and restore native habitats onsite. ~~As part of this buffer, a~~ A belt of native trees (e.g.: oaks, Sycamores, willows), with the exception of Monterey Cypress trees which may also be used, and non-native trees (e.g.: Monterey Cypress, Eucalyptus) shall be planted along the north and east perimeters of the developable area and access road.

SUGGESTED MODIFICATION NO. 4

**Eastern Goleta Valley Community Plan
Public Services and Facilities**

DevStd FIRE-EGV-1C (COASTAL): Within high fire hazard areas, vegetation management practices within Environmentally Sensitive Habitat (ESH)/~~Riparian Corridor (RC)~~ overlay and setback areas for new development should shall be limited to

the following activities to balance environmental resources preservation against wildfire protection and shall be consistent with the requirements of DevStd ECO-EGV-2B:

- Removal of non-native trees ~~or immature native trees~~
- Removal of surface debris
- Removal of invasive non-native plants as defined and listed in the California Invasive Plant Council's "California Invasive Plant Inventory"
- Removal of vegetation in non-riparian oak woodland or forest within the minimum defensible space area from structures as required by the County Fire Department
- Selective limb removal of mature trees away from structures within minimum defensible space area as required by the County Fire Department
- Thinning, pruning or mowing of vegetation (except trees) to no less than that required to meet fuel modification criteria (in no case less than 4 inch stubble) and leaving the roots intact

SUGGESTED MODIFICATION NO. 5

**Eastern Goleta Valley Community Plan
Parks, Recreation, Trails and Open Space**

Policy PRT-EGV-3.2 (COASTAL): Public access and recreational opportunities at Tucker's Grove and Goleta Beach County Parks shall be maintained and enhanced.

Program PRT-EGV-3A (COASTAL): Continue to ameliorate ongoing beach erosion at Goleta Beach County Park in compliance with the County's Coastal Development Permit No. 4-14-0687 approved by the California Coastal Commission on May 13, 2015. develop and implement shoreline management plans at Goleta Beach County Park for public recreation areas subject to wave hazards, erosion, and impacts from sea level rise. Shoreline management plans should provide for the protection of existing development, public improvements, coastal resources, coastal access, foredune restoration and public opportunities for coastal recreation. Plans must evaluate the feasibility of hazard avoidance, maintaining and restoring natural sand supply, and beach nourishment and planned retreat, and encourage the use of non-structural shoreline protective methods.

DevStd PRT-EGV-7A (COASTAL): Opportunities for coastal public access shall be analyzed, considered, and maximized as feasible for any discretionary proposal within the coastal zone, including coastal development permit applications. Where the provision of public access is related and proportional to the impacts of the proposed development, the County shall require dedication of a public accessway or easement as a condition of permit approval for the development. Where staircase or other engineered access structures are proposed, public access shall be strongly encouraged where appropriate.

Action PRT-EGV-7B (COASTAL): Identify additional vertical access points and coastal parcels which could be acquired to preserve and maximize provide for adequate public access to coastal resources.

SUGGESTED MODIFICATION NO. 6

**Eastern Goleta Valley Community Plan
Wastewater Management**

DevStd WW-EGV-1F (COASTAL): ~~New development shall be evaluated for both individual or~~ and cumulative impacts of septic systems and for new development shall not cause pollution of creeks and waterways.

SUGGESTED MODIFICATION NO. 7

**Eastern Goleta Valley Community Plan
Transportation and Circulation**

DevStd TC-EGV-3C (COASTAL): ~~Roadway maintenance, w~~ Widening or new construction of roadways should shall be sited and designed to accommodate avoid restoration and preservation of the Goleta Slough, and Environmentally Sensitive Habitat (ESH), Riparian Corridor (RC), and other habitat areas so that these resources are preserved and, where appropriate, enhanced. Maintenance of roadways shall avoid the Goleta Slough and ESH areas to the maximum extent feasible.

SUGGESTED MODIFICATION NO. 8

**Eastern Goleta Valley Community Plan
Water Resources and Conservation**

Policy WAT-EGV-1.4 (COASTAL): The County shall protect the quality and quantity of groundwater resources. New groundwater wells and replacement wells that are not intended to serve agricultural purposes shall not be permitted where the project site can be or is already serviced by a public water district or an existing mutual water company. All new groundwater wells or replacement wells shall be metered and water use shall be monitored by the property owner and reported to the County. Efforts to comprehensively monitor the condition of private wells shall be encouraged.

Policy WAT-EGV-1.6 (COASTAL): Creek channelization or other impermeable paving which significantly reduces groundwater recharge shall be prohibited except as allowed pursuant to DevStd HYD-EGV-2C and Policy HYD-EGV-2.3 discouraged.

Policy WAT-EGV-1.7 (COASTAL): Subdivisions or projects that result in increased residential density shall be analyzed to ensure that sufficient supply of water exists to serve existing commitments and the proposed project.

SUGGESTED MODIFICATION NO. 9

Eastern Goleta Valley Community Plan Environmental Resources and Constraints

Policy LUA-EGV-1.3 (INLAND): Atascadero and Maria Ygnacio Creeks shall be maintained appropriately to serve as buffers between agricultural areas, recreational uses and adjacent commercial, industrial and residential uses.

Policy ECO-EGV-2.4 (COASTAL): Where sites proposed for development contain sensitive ~~or important~~ habitats ~~and areas to be preserved over the long term, and impacts to these habitats are unavoidable consistent with Policy ECO-EGV-5.8,~~ degradation of these habitats shall be avoided to the maximum extent feasible, and demonstrated unavoidable impacts minimized as a component of a project, including but not limited to, one or more of the following conditions:

- Dedication of onsite open space easements covering habitat areas.
- Onsite habitat restoration programs utilizing appropriate native, drought-tolerant, and, ~~or~~ where appropriate, fire-resistant species propagated from plants in close proximity to the site.
- ~~Monetary contributions toward habitat acquisition and management.~~
- Offsite easement and/or restoration and open space conservation (through an easement or other means) of comparable habitat/area when onsite ~~preservation~~ restoration is infeasible.

Policy ECO-EGV-2.5 (COASTAL): (Restoration) In cases where adverse impacts to biological resources as a result of new development cannot be avoided ~~after and~~ impacts have been minimized, restoration shall be required. A minimum replacement ratio of ~~23:1~~ shall be required to compensate for adverse impacts to the destruction of native habitat areas and or biological resources, except that mitigation for impacts to wetlands shall be a minimum 4:1 ratio. ~~The area or units to be restored, acquired, or dedicated for a permanent protective easement shall be twice the biological value of that which is destroyed. Restoration may also be required for parcels on which development is proposed and on which disturbance has previously occurred if the currently proposed development would exacerbate the existing impact.~~ Where onsite restoration is infeasible ~~or not beneficial~~ with regard to long-term preservation of habitat, ~~an offsite easement and/or restoration which provides adequate quality and quantity of habitat will ensure long-term preservation~~ shall be required.

DevStd ECO-EGV-2A (COASTAL): If potentially suitable habitat exists for sensitive plant species, prior to permit approval and the commencement of approved development onsite any grading or vegetation clearing for future projects in the Plan area, focused ~~rare sensitive~~ plant surveys shall be conducted during the appropriate time of year to optimize detection of potentially occurring ~~rare sensitive~~ plants. Focused surveys shall be conducted in accordance with ~~the County's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008 and any subsequent revisions)~~ and applicable

county and resource agency survey protocols to determine the potential for impacts resulting from the project on these species.

DevStd ECO-EGV-2B (COASTAL): ~~Where appropriate and feasible, as determined by County staff, if~~ potentially suitable habitat or critical habitat exists for sensitive wildlife species on or adjacent to a project site, prior to permit approval and the commencement of approved development onsite any grading or vegetation clearing for future projects in the Plan area, focused presence/absence surveys shall be conducted in accordance with applicable county and resource agency protocols the County's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008 and any subsequent revisions) to determine the potential for impacts resulting from the project on these species.

DevStd ECO-EGV-2C (COASTAL): If sensitive species, suitable nesting habitat, or other sensitive areas are found on or adjacent to a project site in the Plan area and have potential to be impacted by implementation of the project, the following avoidance and mitigation measures would apply:

- **Fairy Shrimp:** Direct impacts to vernal pool habitat and species may require permits from USACE, RWQCB, and CDFW ~~(also discussed under Impact BIO-4).~~ Mitigation shall be determined at the project level and be developed in consultation with the County and resource agencies.
- **Nesting Avian Species:** If project activities are proposed during the general avian breeding season of January 15 to September 15, the project biologist shall conduct a pre-construction survey for active nests within 500 feet of the construction area 100 feet of the development area for species protected by MBTA, and 300 feet for federally listed, state listed, or raptor species, and submit a letter report to County prior to the preconstruction meeting. If active nests are detected, clearing and construction within a minimum of 300 feet shall be postponed until the nest(s) is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. If an active raptor or rare, threatened, endangered, or species of special concern bird nest is found, clearing and construction within a minimum of 500 feet shall be postponed until the nest(s) is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. The report submitted to the County shall include mitigation measures including, but not limited to, 1) worker environmental awareness training, 2) daily biological monitoring during construction activities, and 3) the locations of flags and/or stakes to provide the appropriate avoidance buffers. and/or nesting season avoidance. If no nesting birds are detected during the pre-construction survey, no mitigation is required. The project biologist shall continue to perform site surveys during all construction activities to detect any nesting birds that may nest on the project site after the pre-construction survey. Pre-construction clearance surveys shall be completed as required to comply with the FESA, MBTA, Bald and Golden Eagle Protection Act, California Fish and Game Code, and/or County Regulations. If the biological monitor determines that project activities are disturbing or disrupting the nesting activities, the monitor will make recommendations to County staff to reduce the noise or disturbance in the vicinity. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce

noise, (2) working in other areas until the young have fledged and (3) stopping work until young are independent of their nests.

- ~~When determined appropriate by County staff, a~~ A qualified biologist possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit shall conduct protocol level focus presence/absence surveys for state and federally listed species in areas that support suitable habitat for those species. ~~When deemed necessary by County staff, s~~ Surveys for state and federally listed species shall be conducted prior to permit approval and the commencement of approved development onsite the commencement of any construction. If state and federally listed species are present on or adjacent to a project site, then the following conditions must be met:
 - 1) No clearing, grubbing, grading, or other construction activities shall occur within suitable habitat for state and federally listed avian species during their respective breeding seasons. Areas restricted from such activities shall be staked or fenced under supervision of a qualified biologist. State and ~~F~~ federally listed species that may occur within the Plan area include southwestern willow flycatcher and least Bell's vireo; **and**
 - 2) During the breeding seasons for state and federally listed species, no construction activities shall occur within any portion of the site where construction activities would result in indirect impacts resulting from noise, lighting, or other construction-related activity. Prior to the commencement of construction activities during the breeding season, areas restricted from construction activities shall be staked or fenced under the supervision of a qualified biologist; **or**
 - 3) Prior to commencement of the breeding season and construction activities, attenuation measures (e.g., berms, walls, directed and shielded lighting) may be implemented to reduce potential impacts from noise or lighting. If noise attenuation techniques implemented are determined to be inadequate by a qualified biologist, then the associated construction activities shall cease until such time that adequate noise/lighting attenuation is achieved or until the end of the breeding season.; ~~or~~
 - 4) ~~If an active nest for a federally listed species is located within any portion of the site where construction activities would result in indirect impacts, a qualified biologist will monitor the active nest(s) daily until (1) project activities are no longer in the vicinity of the nest or (2) the fledglings become independent of their nest. If the nest monitor determines that project activities are disturbing or disrupting the nesting activities, the monitor will make practicable recommendations to reduce the noise or disturbance in the vicinity. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise and (2) working in other areas until the young have fledged. If~~

~~no construction activity can continue without disturbing nesting activities, the biologist may stop work until young are independent of their nests.~~

If federally listed species are not detected during the focused survey, the qualified biologist shall submit substantial evidence to the County, which demonstrates whether or not mitigation measures such as noise walls are necessary ~~during the breeding season~~ as follows: If this evidence indicates the potential is high for a federally listed species to be present based on historical records or site conditions, then conditions (2) or (3) shall be adhered to as specified above; and (2) if this evidence concludes that no impacts to federally listed species are anticipated, no further mitigation measures are necessary.

- **Burrowing Owls:** When determined appropriate ~~and feasible~~ by County staff, prior to permit approval and the commencement of approved development ~~the issuance of construction permits for future projects~~ in the Plan area, a habitat assessment shall be conducted to determine whether or not occupancy surveys are needed. Should burrowing owl habitat or signs be encountered on or within 500 feet of a project site, breeding season surveys would be conducted. If occupancy is determined, site-specific avoidance and mitigation measures would be developed in accordance with the protocol established in the Staff Report on Burrowing Owl Mitigation (State of California 2012). Measures to avoid and minimize impacts to burrowing owl may include take avoidance (pre-construction) surveys, site surveillance, and the use of buffers, screens, or other measures to minimize impacts during project activities.
- **California Red-legged Frog:** When determined appropriate ~~and feasible~~ by County staff, prior to permit approval and the commencement of approved development ~~issuance of construction permits for future projects~~ on rural parcels ~~proposed for development~~ that are located within the species' range or within 1.2 miles of known occurrences or potential breeding habitat for this species, USFWS protocol habitat assessments for California red-legged frog shall be conducted by qualified biologists. This includes agricultural conversion of rangeland if that requires a Land Use Permit for grading. Projects which are proposed on parcels that are completely surrounded by development on all sides (e.g., urban parcels) are generally not subject to this survey requirement based on the assumption that these urban areas are not suitable habitat for California red-legged frog. Habitat assessments and field surveys shall be conducted in accordance with current USFWS guidelines ~~(USFWS 2005 at the time of this report preparation)~~.

Policy ECO-EGV-4.1 (COASTAL): (Protecting Existing Trees) Existing trees in Eastern Goleta Valley shall be preserved to the maximum extent feasible, prioritizing "protected trees." Protected trees are defined for the purpose of this policy as mature native, naturalized, or roosting/nesting trees that do not pose a threat to health and safety ~~are healthy, structurally sound, and have grown into the natural stature particular to the species~~. Protected trees include, but are not limited to:

- Oaks (*Quercus agrifolia*).
- Sycamores (*Platanus racemosa*).

- Willow (Salix sp.).
- Redwoods (Sequoia sempervirens).
- Maples (Acer macrophyllum).
- California Bay Laurels (Umbellularia californica).
- Cottonwood (Populus fremontii & Populus balsamifera).
- White Alder (Alnus rhombifolia).
- California Walnut (Juglans californica).
- Any tree serving as known or discovered raptor nesting and/or key raptor roosting sites.
- Any trees serving as Monarch butterfly habitat, including aggregation sites.

Policy ECO-EGV-4.2 (COASTAL): All existing “protected trees” shall be protected from damage or removal to the maximum extent feasible, except in cases where preservation of trees would preclude reasonable use of a parcel, or threaten life and/or property. Where the removal of protected trees cannot be avoided through the implementation of project alternatives, or where development encroachments into the protected zone of protected trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every one tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be required.

DevStd ECO-EGV-4A (COASTAL): Where development may ~~damage or destroy~~ adversely impact existing trees, a Tree Protection Plan shall be required by the County when either the project site contains protected trees per Policy ECO-EGV-4.1, or where threatened protected trees on adjacent properties have drip lines which reach onto the project site. This requirement for a Tree Protection Plan may be modified or deleted where it can be found that no trees (proposed to be retained) would be adversely impacted ~~potentially damaged~~ by the development project activities. This decision shall be based on ~~the location of trees and~~ the project’s potential to ~~directly or indirectly damage~~ adversely impact trees through such activities as grading, brush clearing, construction, vehicle parking, supply/equipment storage, trenching or the proposed use of the property. The Tree Protection Plan shall be developed by a County approved arborist, biologist, or other qualified professional as determined by the County. The plan shall be approved by P&D prior to issuance of a CDP or LUP. The plan shall be included and considered with all grading and building plans. ~~The County’s standard Tree Protection Plan is included in the Standard Mitigation Measures/Standard Conditions Manual.~~

DevStd ECO-EGV-4B (COASTAL): A sufficient permanent buffer shall be established around trees serving as raptor nesting sites and/or key roosting sites, except in cases where such a buffer would preclude reasonable use of a parcel. The size of the buffer shall be determined by P&D and with a qualified biologist based on site conditions and constraints, including a detailed analysis of the nesting and/or roosting sites present and

the buffer distance necessary to protect those resources from adverse impacts of the proposed development and the proposed use of the property needs of individual cases.

Policy ECO-EGV-5.2 (COASTAL): Environmentally sensitive habitat (ESH) means any area in which plant or animal life or their habitats are either (1) rare or (2) especially valuable because of their special nature or role in an ecosystem. The presence and extent of ESH shall be identified on a case-by-case basis based upon site-specific evidence provided by a biological report prepared by a qualified biologist.

1. Rare Species or Habitats. Areas with plant or animal life or their habitats included in the following lists and categories are considered “rare” for the purposes of this policy:
 - Federal and State listed Rare, Threatened, and Endangered Species.
 - Plants, Animals, and Natural Communities ranked as Global or State G1 or S1 (critically imperiled), G2 or S2 (imperiled), or G3 or S3 (vulnerable to extirpation or extinction).
 - California Fully Protected Species, California Species of Special Concern, and their habitats.
 - California Rare Plant Ranking System plant species designated 1B (rare, threatened, or endangered in California and elsewhere) and 2B (rare, threatened, or endangered in California but more common elsewhere).
 - Federal and State Plants, Animals, and Natural Communities that are candidates for listing.

2. Especially Valuable Species or Habitats. Areas with plant or animal life or their habitats may be especially valuable because of their “special nature,” such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Areas may be especially valuable because of their special “role in the ecosystem,” such as providing habitat for endangered species, protecting water quality, providing essential corridors linking one sensitive habitat to another, or providing critical ecological linkages such as the provision of pollinators or crucial trophic connections.

~~The following general criteria are utilized to determine which resources and habitats in Eastern Goleta Valley are identified as ESH. Significant habitat resources within the urban, EDRN and Mountainous Areas that meet one or more of these criteria shall have coverage of the ESH overlay.~~

- ~~1. Unique, rare, or fragile communities which should be preserved to ensure their survival into perpetuity.~~
- ~~2. Habitats of rare or endangered species that are also protected by State and Federal laws.~~
- ~~3. Plant communities that are of significant interest because of extensions of ranges, or unusual hybrid, disjunctive, or relict species.~~
- ~~4. Specialized wildlife habitats which are vital to species survival, e.g., White-tailed kite habitat, butterfly trees.~~

5. ~~Outstanding representative natural communities that have values ranging from a particularly rich flora and fauna to an unusual diversity of species.~~
6. ~~Areas which are important because of their high biological productivity and ecological function as wetlands and vernal pools.~~
7. ~~Areas which are structurally important in protecting watershed ecology and species, e.g., riparian corridors that protect stream banks from erosion and provide shade.~~

Policy ECO-EGV-5.4 (COASTAL): (ESH and RC Habitat Types) Specific biological resources and habitats shall be considered environmentally sensitive and designated on the Eastern Goleta Valley Community Plan ESH/Riparian Corridor map (EGVCP Figure 22 or where determined to exist during a site survey) based on the criteria of Policy ECO-EGV-5.2. *(Note: The scale of the overlay map precludes complete accuracy in the mapping of habitat areas. In some cases, the precise location of habitat areas is not known and is therefore not mapped. In addition, the migration of species or the discovery of new habitats may result in the designation of new areas, or site-specific reviews may indicate different habitat designations.)*

A. ESH Habitat Types: ~~In the Urban, Inner Rural, EDRNs and Mountainous Areas,~~ ¶The following habitats shall be considered environmentally sensitive and shall be protected and preserved through provisions of the ESH Overlay, including but not limited to:-

- Creeks and streams
- Riparian woodlands and riparian corridors (including but not limited to willow, riparian mixed hardwood, California sycamore, and riparian mixed shrub alliances)
- Monarch butterfly roosts
- Sensitive native flora
- Coastal sage scrub (including but not limited to California sagebrush and soft scrub – mixed chaparral alliances)
- Coastal bluff scrub
- Chaparral (e.g., chamise chaparral, lower montane mixed chaparral, ceanothus chaparral, and soft scrub – mixed chaparral alliances) where it supports rare or vulnerable native vegetation alliances and/or sensitive native plant and/or animal species
- Oak woodlands (including but not limited to coast live oak and coastal mixed hardwood alliances)
- ~~Bigcone Douglas fir alliance~~
- Vernal pools
- Native grasslands (including but not limited to perennial grasses and forbs alliance)
- Wetlands (including but not limited to tule-cattail alliance)
- Dunes
- White-tailed kite foraging habitat
- Western burrowing owl habitat
- Raptor/turkey vulture roosts

- Critical wildlife habitat
 - Wildlife corridors
- ~~B. RC Habitat Types: On land designated Agriculture in the Rural Area, the following habitats shall be considered environmentally sensitive and shall be protected and preserved through the provisions of the RC Overlay.~~
- ~~Riparian woodlands and riparian corridors (including but not limited to willow, riparian mixed hardwood, California sycamore, and riparian mixed scrub alliances).~~

Policy ECO-EGV-5.5 (COASTAL): (Minimum Buffer Areas for ~~ESH Streams and Creeks~~) The minimum buffer strip and setbacks from streams and creeks for development and activities within the ESH overlay that are regulated by the County Coastal Zoning Ordinances shall be as follows, ~~except on parcels designated for agriculture in rural areas where Policy ECO-EGV-5.6 shall apply:~~

- ~~ESH areas within the Urban Area and EDRNs:~~ a minimum setback of 50 feet from either side of top-of-bank of streams and creeks or existing edge of riparian vegetation, whichever is the further furthest distance from the stream or creek. The setback shall be indicated on all site plans. Plans shall minimize ground disturbance and vegetation removal.
- ~~ESH areas within the Mountainous GOL zone district:~~ a minimum buffer of 200 feet from the edge of existing riparian vegetation. Grading and vegetation removal within these buffers shall be restricted while not precluding the reasonable use of a parcel.

Policy ECO-EGV-5.7 (COASTAL): (Minimum Buffer Areas for ESH): A minimum setback of 50 feet from the outer edge of all ESH habitats shall be required unless otherwise specified in the Local Coastal Program.

Policy ECO-EGV-5.8 (COASTAL): Resource dependent uses may be allowed in ESH where sited and designed to avoid significant disruption of habitat values. A resource dependent use is a use that is dependent on the ESH resource to function (e.g., nature study, habitat restoration, and public trails). Non-resource dependent development, including fuel modification, shall be sited and designed to avoid ESH and ESH buffer areas. If avoidance is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected.

DevStd ECO-EGV-5C (COASTAL): Development within ESH areas in the Urban Area, EDRNs and Mountainous GOL Zone Districts shall provide onsite restoration of any project-disturbed ESH or ESH buffer or riparian vegetation, unless restoration would preclude reasonable use of the parcel. If onsite restoration is infeasible, offsite restoration shall be required. A restoration plan, approved by the County, shall be developed by a County-approved biologist (or other experienced individual acceptable to the County) and implemented at the applicant's expense, per the requirements for Restoration Plans.

DevStd ECO-EGV-5D (COASTAL): Required minimum buffers for stream/riparian ESH and RC may be adjusted upward or downward on a case-by-case basis given site

specific evidence provided by a biological report prepared by a qualified biologist. Where adjusted upward where necessary in order to prevent significant disruption of habitat values, the required minimum buffer ~~but~~ shall not preclude reasonable use of a parcel. The buffer shall be established based on an investigation of the following factors and, ~~when appropriate,~~ after consultation with the Department of Fish and Wildlife and Regional Water Quality Control Board. All buffers shall be sufficient in order to protect the biological productivity and water quality of streams, to avoid significant disruption of habitat values, and to be compatible with the continuance of the habitat area:

- Existing vegetation, soil type and stability of stream and riparian corridors
- How surface water filters into the ground
- Slope of the land on either side of the stream,
- Location of the 100 year flood plain boundary
- Consistency with adopted plans, particularly Biology and Habitat policies

In all cases listed above, buffer areas on sites within the Coastal Zone may be adjusted downward only in order to avoid precluding reasonable use of property.

DevStd ECO-EGV-5F (COASTAL): Projects subject to ~~land use~~ coastal development permits within the ESH ~~and RC~~ Overlays shall provide onsite restoration of any unavoidable project-disturbed creek buffer or riparian vegetation within the riparian corridor boundary to maintain a continuous canopy of appropriate native trees along such corridors. If the project would result in unavoidable disturbance of habitat, a restoration plan shall be required. When restoration is not feasible onsite, offsite restoration which covers comparable quality and quantity of habitat and will ensure long-term preservation shall be ~~considered~~ required consistent with Policy ECO-EGV-2.4.

DevStd ECO-EGV-6E (COASTAL): Any construction, or grading ~~or development~~ within 200 feet of known or historic butterfly roosts shall be prohibited during the months between November 1 and April 1. This requirement may be adjusted on a case-by-case basis where P&D with a qualified biologist concludes that construction and grading will one or more of these activities would not impact monarchs using the trees on or near the site. ~~or where it would preclude reasonable use of the parcel.~~

DevStd ECO-EGV-6G (COASTAL): New development, including fuel modification, shall be sited and designed to protect riparian vegetation. Adverse impacts to riparian vegetation shall be avoided to the maximum extent feasible. Where avoidance is infeasible and would preclude reasonable use of a parcel, then the alternative that would result in the fewest or least significant impacts shall be selected. Riparian protection and ~~reasonable~~ riparian restoration measures shall be required in the review of a project requiring a coastal development permit or other discretionary approval and shall be based on a project's proximity to riparian habitat and the project's unavoidable ~~potential to directly or indirectly damage~~ adverse impacts to riparian habitat through activities such as grading, bush clearing, construction, vehicle parking, supply/equipment storage, or the proposed use of the property. ~~Damage~~ Adverse impacts could include, but ~~is~~ are not limited to, vegetation removal/disturbance, reduced buffer, erosion/sedimentation, trenching, and activities which hinder or prevent wildlife access and use of habitat. ~~All~~

~~development, including dredging, filling and grading within stream corridors, shall be limited to activities necessary for construction. Resource dependent uses may be allowed in riparian habitats where sited and designed to avoid significant disruption of habitat values. A resource dependent use is a use that is dependent on the ESH resource to function (e.g., nature study, habitat restoration, and public trails).~~

DevStd ECO-EGV-6I (INLAND): No structures shall be located within a riparian corridor, except:

- Public trails or paths that would not adversely affect existing habitat.
- Flood control projects, where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety.
- Alternative structures or developments that have been approved by the Army Corps of Engineers pursuant to a Section 404 permit.
- Other development where the primary function is for the improvement of fish and wildlife habitat, such as fish passage structures.
- Where this policy would preclude reasonable use of a parcel.

Culverts, dams for water supply projects, agricultural roads and crossings in rural areas zoned for agricultural use, fences, pipelines, and bridges may be permitted when no alternative route or location is feasible, or where other environmental constraints or site design considerations (e.g., public safety) would require such structures. All development shall incorporate the best mitigation measures feasible to minimize the impact to riparian vegetation.

DevStd ECO-EGV-6K (COASTAL): Where restoration of ~~stream wetland~~ areas and surrounding habitats is ~~sought-proposed or required~~, the result shall re-establish a continuous riparian corridor along the affected section of the stream or waterway, with appropriate native vegetation and natural conditions, including avoidance of lighting and noise, extending outward a minimum of 25 feet from the top of bank or historic habitat edge.

DevStd ECO-EGV-6M (COASTAL): Mitigation for unavoidable impacts to wetlands ~~and waters~~ shall be based on the type of wetland resource impacted ~~type of wetland and project design~~. Mitigation for impacts to wetlands should prevent any net loss of wetland area functions and the functions and values of the impacted wetland. Mitigation for impacts to wetlands shall be a minimum 4:1 ratio. ~~The Plan update policies require mitigation of impacts to sensitive biological resources at a minimum 2:1 replacement ratio.~~ However, the resource agencies may require higher mitigation ratios depending on the type and quality of the resource impacted. Mitigation ratios for impacts to wetlands and riparian habitat are typically around 2:1 or 3:1, but can be as high as 8:1 for especially rare or valuable wetland types such as vernal pools.

DevStd ECO-EGV-6O (COASTAL): Mitigation for projects impacting vernal pools shall be managed by a qualified vernal pool restoration ecologist. Mitigation shall include, but not be limited to, salvage of soil that supports sensitive species from vernal pools to be impacted, introduction of salvaged material into restored vernal pool habitat

where appropriate (e.g., same vernal pool series), and maintenance of salvaged material pending successful restoration of the vernal pools. Salvaged material shall not be introduced to existing vernal pools containing the same species outside the vernal pool series absent consultation with and endorsement by vernal pool species experts not associated with the project (e.g., independent expert). The mitigation sites shall include preservation of the entire watershed and a buffer based on functions and values; however, if such an analysis is not conducted, there shall be a default of a 100-foot buffer from the watershed. Restoration of vernal pools should only be conducted within an area that has been known to historically support vernal pools. Identification and implementation of restoration in such “vernal pool preserve(s)” should occur in coordination with the County and Wildlife Agencies.

Policy HYD-EGV-2.3 (COASTAL): As part of its on-going maintenance operations, the County Flood Control District shall minimize impacts to stream channels ~~where~~ to the maximum extent feasible and consistent with sound flood control practices, and incorporate mitigation measures from the County Flood Control Maintenance Program Environmental Impact Report (PEIR) to restore channels and stream banks and mitigate unavoidable adverse impacts to coastal resources to the maximum extent feasible. The District should incorporate and project costs for these efforts into County budget planning.

DevStd HYD-EGV-2A (COASTAL): A Hydrologic/Hydraulic Report shall be prepared by a Registered Civil Engineer for any development within a floodplain that requires ~~channel~~ improvements within a creek channel. Said Hydrologic/Hydraulic Report shall be submitted to the County Flood Control District and P&D for review and approval. ~~Channel i~~ Improvements within a creek channel shall be consistent with Policy HYD-EGV-2.3, DevStd HYD-EGV-2B and DevStd HYD-EGV-2C and sufficient to convey the 100-year discharge, or applicable discharge deemed appropriate by the County Flood Control District, and revegetation shall be required allow for revegetation of any areas of riparian vegetation and creek banks disturbed by the approved improvements. Any creek revegetation plans shall be reviewed and approved by P&D and County Flood Control. Revegetation plans shall provide for complete revegetation of the creek banks and top of banks with appropriate native species consistent with the policies of this Plan.

DevStd HYD-EGV-2B (COASTAL): New flood control protection shall be the least environmentally damaging alternative that achieves flood protection objectives consistent with all applicable policies of the Local Coastal Program and shall consider less intrusive solutions as a first priority over engineering structural solutions. Less intrusive measures (e.g., biostructures, vegetation, and soil bioengineering) shall be preferred for flood protection over “hard” solutions such as concrete or riprap channels. “Hardbank” measures (e.g., use of concrete, riprap, gabion baskets) or channel redirection may be permitted only if all less intrusive flood control efforts have been considered and have been found to be infeasible. Natural building materials such as rock, heavy timber, and erosion control shrubs and wire revetment planted with native or naturalized plants shall be used wherever possible in replacing or constructing flood control infrastructure.

DevStd HYD-EGV-2C (COASTAL): Channelizations or other substantial alterations of streams shall be prohibited except for: 1) necessary water supply projects where no feasible alternative exists; 2) flood control projects for existing development where necessary for public safety and there is no other feasible alternative, or 3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including ESH and the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over “hard” solutions such as concrete or riprap channels.

Policy GEO-EGV-1.1 (COASTAL): Development on coastal bluff-top property shall be sited to include sufficient setbacks to avoid areas subject to erosion and designed to avoid reliance on coastal armoring and/or bluff protection devices pursuant to Policy GEO-EGV-1.2. No development shall be permitted on a bluff face, except for engineered staircases or accessways to provide public beach access, and pipelines for scientific research or coastal dependent industry; such uses are permitted only where no other less environmentally damaging alternative is feasible and the development is sited and designed to not contribute to erosion and to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face shall not be permitted if the property can feasibly be drained away from the bluff face.

Policy GEO-EGV-1.2 (COASTAL): Development on coastal bluff-top property shall be sited and designed to have a setback from the bluff edge that is sufficient to avoid the threat of bluff erosion or slope instability considering 100 years of bluff erosion and to not contribute to increases in bluff erosion (e.g., piping). ~~Coastal bluff top development shall consider~~ factoring in the long term effects of climate change and sea-level rise based on best available science and without the need for new or existing slope or shoreline protection devices that would substantially alter natural landforms or otherwise adversely impact coastal resources (e.g., public access, visual impacts) during planning and design stages.

DevStd GEO-EGV-1A (COASTAL): The County shall require development proposed to be located on ocean bluff-top property or on the bluff face to perform a site specific analysis by a registered or certified geologist prior to project review and approval to determine the extent of the hazards (including bluff retreat, potential impacts to coastal resources and shoreline sand supply, and effects of climate change, including locally relevant sea-level rise projections based on best available science) on the project site and identify appropriate setbacks, adaptation and protective measures other than shoreline protective devices seawalls and revetments to ensure the development is safe from hazards while avoiding adverse impacts on local shoreline sand supply, public access, and biological, recreational, archeological, and other coastal resources. These measures can include, but not be limited to adequate bluff setbacks, restriction of irrigation, directing drainage away from the bluff edge/face appropriate placement of drainage culverts, restriction of the use of septic tanks, use of appropriate landscaping on bluff top or face, etc.

Policy GEO-EGV-2.1 (COASTAL): Excessive grading for the purpose of creating or enhancing views or aesthetics shall not be permitted.

SUGGESTED MODIFICATION NO. 10

Revise all proposed maps that depict the Coastal Zone Boundary to add a note within the map legend that states the following:

Given the small scale of this map, the Coastal Zone Boundary depicted on this map is not intended for the purpose of defining the Coastal Zone Boundary on a parcel level.

SUGGESTED MODIFICATION NO. 11

Relevant Goals, Programs, Policies, Actions, and Development Standards that are modified herein for application only within the Coastal Zone are marked as “COASTAL” at the request of the County. An “INLAND” version of these relevant Goals, Programs, Policies, Actions, and Development Standards using the County’s originally adopted language shall be marked as “INLAND.”

SUGGESTED MODIFICATIONS TO THE EASTERN GOLETA VALLEY RESIDENTIAL DESIGN GUIDELINES

The County’s proposed and approved amendment language to the certified Coastal Land Use Plan is shown in straight type. Language approved by the Commission to be modified is shown in ~~line-out~~ and underline.

SUGGESTED MODIFICATION NO. 12

Trees and Vegetation

Large canopy trees provide a neighborhood its character and significantly benefit stormwater quality. During a rain event, canopy trees slow the path of rainfall to the ground and increase ground absorption. Trees with trunk diameters greater than 6 inches should be considered integral components of a neighborhood and thus retained whenever feasible.

When siting a new dwelling or addition on a parcel, the goal should be to disturb as little vegetation as possible, with a priority placed on retaining healthy, native species and those trees that, by definition are protected (i.e., mature native trees that are healthy and structurally sound and have grown into the natural stature particular to the species).¹ Fire prevention measures should also be considered. Refer to fire hazard prevention requirements in Section 10, page 55.

¹ Goleta Community Plan Policy BIO-GV-16

In the Coastal Zone, when siting a new dwelling or addition on a parcel, the goal should be to disturb as little vegetation as possible, with a priority placed on retaining healthy, native species and those trees that, by definition are protected (i.e., mature native trees that do not pose a threat to health and safety).² Fire prevention measures should also be considered. Refer to fire hazard prevention requirements in Section 10, page 55.

SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN/COASTAL ZONING ORDINANCE

The County's proposed amendment language to the certified Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language approved by the Commission to be modified is shown in ~~line-out~~ and underline.

SUGGESTED MODIFICATION NO. 13

Article II Coastal Zoning Ordinance

Section 35-192.4 *Economically Viable Use.* If an applicant asserts that the application of the policies and standards contained in the Local Coastal Program regarding use of property within the Eastern Goleta Valley Community Plan area would constitute a taking of private property without just compensation, the applicant shall apply for an economic viability determination in conjunction with the associated Coastal Development Permit application and shall be subject to the provisions of this section.

Section 35-192.5 *Economically Viable Use Determination.* The application for an economic viability determination shall include the entirety of all parcels that are geographically contiguous and held by the applicant in common ownership at the time of the application. Before any application for a Coastal Development Permit and economic viability determination is accepted for processing, the applicant shall provide the following information, unless the County determines that one or more of the particular categories of information is not relevant to its analysis:

1. The date the applicant purchased or otherwise acquired the property, and from whom.
2. The purchase price paid by the applicant for the property.
3. The fair market value of the property at the time the applicant acquired it, describing the basis upon which the fair market value is derived, including any appraisals done at that time.
4. The general plan, zoning or similar land use designations applicable to the property at the time the applicant acquired it, as well as any changes to these designations that occurred after acquisition.
5. Any development restrictions or other restrictions on use, other than government regulatory restrictions described in subsection 4 above, that applied to the

² Eastern Goleta Valley Community Plan Policy ECO-EGV-4.1 (COASTAL)

- property at the time the applicant acquired it, or which have been imposed after acquisition.
6. Any change in the size of the property since the time the applicant acquired it, including a discussion of the nature of the change, the circumstances and the relevant dates.
 7. A discussion of whether the applicant has sold or leased a portion of, or interest in, the property since the time of purchase, indicating the relevant dates, sales prices, rents, and nature of the portion or interests in the property that were sold or leased.
 8. Any title reports, litigation guarantees or similar documents in connection with all or a portion of the property of which the applicant is aware.
 9. Any offers to buy all or a portion of the property which the applicant solicited or received, including the approximate date of the offer and offered price.
 10. The applicant's costs associated with the ownership of the property, annualized for each of the last five calendar years, including property taxes, property assessments, debt service costs (such as mortgage and interest costs), and operation and management costs.
 11. Apart from any rents received from the leasing of all or a portion of the property, any income generated by the use of all or a portion of the property over the last five calendar years. If there is any such income to report it should be listed on an annualized basis along with a description of the uses that generate or has generated such income.
 12. Any additional information that the County requires to make the determination.

Section 35-192.6 Supplemental Findings for Approval of Coastal Development Permit. A Coastal Development Permit that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use may be approved or conditionally approved only if the appropriate governing body, either the Planning Commission or Board of Supervisors, makes the following supplemental findings in addition to the findings required in Section 35-169 (Coastal Development Permits):

1. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the applicant's property.
2. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.
3. The use proposed by the applicant is consistent with the applicable zoning.
4. The use and project design, siting, and size are the minimum necessary to avoid a taking.
5. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.
6. The development will not be a public nuisance or violate other "background principles of the State's law of property," as that phrase was used in the U.S. Supreme Court's decision in *Lucas v. South Carolina Coastal Council*, 505 U.S.

1003, 1028-30 (e.g., public trust doctrine). If it would violate any such background principle of property law, the development shall be denied.