August 25, 2017

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

Re: Rancho La Laguna Appeal - DENY

Dear Chair Hartmann and Honorable Supervisors:

This comment letter regarding the Rancho La Laguna Project ("Project") is submitted by the Environmental Defense Center ("EDC") on behalf of the Santa Barbara County Action Network ("SBCAN"). SBCAN is a countywide grassroots organization that works to promote social and economic justice, to preserve our environmental and agricultural resources, and to create sustainable communities. EDC is a public interest law firm that protects and enhances the environment through education, advocacy and legal action.

SBCAN urges the Board to deny the applicants' appeal and uphold the Planning Commission's denial of the proposed Rancho La Laguna subdivision. As set forth in the Commission's Findings for Denial, the Project would threaten the agricultural future of this 4,000-acre Ranch and set a precedent that will likely lead to other rural subdivisions in the Santa Ynez Valley and throughout the County. The owners of the Ranch intentionally withdrew the Ranch from the Williamson Act in anticipation of this subdivision, and they now seek to divide the single agricultural property into thirteen parcels that will exist under separate ownership. As noted in the Final EIR, the subdivision would eliminate the existing combined farming and ranching, and could lead to permanent "fallowing," which would undermine the agricultural viability and intended use of the Ranch per its land use designation as Agricultural Commercial ("AC").

In 1995, the County denied a similar subdivision, Mission Oaks, because the County found that the project would not only be inconsistent with the Williamson Act, **but also** because the subdivision would violate the County's Agricultural Element and would be growth-inducing. This Project is similarly inconsistent with the County's Agricultural Element, and will induce growth by setting a precedent for further subdivisions. Moreover, the proposed Project affirms

906 Garden St. Santa Barbara, CA 93101
PHONE (805) 963-1622 FAX (805) 962-3152
www.EnvironmentalDefenseCenter.org

the County's concerns expressed twenty years ago that allowing agricultural subdivisions would undermine the Williamson Act program. Clearly, the nonrenewal of the contract for this property occurred to support this application.

Contrary to the assertions submitted by the appellants, the Project would unravel decades of protection for the agricultural operations on the Ranch. There is no guarantee that any of the future parcels will be protected with a new Williamson Act contract. In addition, the appellants refused to accept a condition that would have provided for combined ranching and farming.

The appeal must be denied because the Project is inconsistent with the AC land use designation for the property and with numerous Comprehensive Plan policies protecting agricultural and natural resources.

In addition to the serious problems with the proposed Project, the Final EIR cannot be certified because there remain deficiencies related to the Project Description, Environmental Setting, and analysis of Impacts and Alternatives. The Final EIR also fails to adequately evaluate and disclose the Project's inconsistencies with the County's Comprehensive Plan. Because of these inconsistencies with the Land Use, Agricultural, and Conservation Elements, the appeal must be denied.

I. The Final EIR Cannot Be Certified.

The Final EIR cannot be certified because the Project Description is incomplete; the Environmental Setting is based on outdated and incomplete information; the Impact Analysis omits critical information and fails to adequately disclose impacts related to Agricultural Resources, Land Use, and Biological Resources; and the Alternatives are unduly constrained. Please see the attached letter to the Planning Commission, dated January 23, 2017, which sets forth in detail the deficiencies in the EIR.

II. The Project Must Be Denied Because It Is Inconsistent With The County's Comprehensive Plan Land Use, Agricultural, And Biological Resource Protection Policies.

The Project must be denied because it is inconsistent with the County's Comprehensive Plan. (Government Code §§ 66473.5, 66474; *Neighborhood Action Group v. County of Calaveras*, 156 Cal.App.3d 1176, 1187 (1984); *City of Carmel-by-the-Sea v. Board of Supervisors,* 137 Cal.App.3d 964, 997 (1982).) As noted in the Planning Commission Findings, the Project is inconsistent with several policies in the County's Agricultural Element. Additionally, as explained herein, the Project is inconsistent with the County's Land Use and Conservation Elements.

A. The Project is inconsistent with the County's Land Use and Agricultural Element policies promoting agriculture.

At present, Rancho La Laguna is truly an agricultural operation. What the appellant proposes will take this agricultural operation with a few agricultural buildings and a small

amount of residential use (one house and a cabin) on it and turn it into a residential subdivision of significant size in this extremely rural corner of the County. This proposed change is inconsistent with agricultural protections set forth in the County's Land Use and Agricultural Elements.

1. The Land Use Element Requires Protection of Rural Agriculture.

The Land Use Element states that "In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses."[1] The Project would violate this policy by reducing the size of the parcels, eliminating the capacity for combined farming (Final EIR at 4.2-21), creating conflicts between residential and agricultural uses (Final EIR at 4.2-30), and decreasing the likelihood that the Ranch will be reserved for agricultural uses. The Final EIR admits that fallowing may result from the subdivision, but fails to analyze the resulting inconsistency with the Land Use Element. (See, for example, Final EIR at 4-2-30, 9-370, and 6-4.)

In addition, the land use designation for Rancho La Laguna is AC, requiring that the Ranch is to be used for "commercially farmed" purposes.[2] To ensure consistency with this land use designation, the Ranch must be (1) subject to a Williamson Act Contract, or (2) otherwise eligible for Williamson Act Contract. As noted above, the appellants nonrenewed the Williamson Act Contract for the Ranch so it no longer qualifies for the first criteria.[3] Even though the appellants *propose* to place five of the thirteen new parcels in contract, most of the parcels, including Lot 6 – which contains critical grazing infrastructure – and Lot 4 – an important water source - will not be placed in contract. In addition, there is no guarantee that the proposed five contracts will be approved. For one, the size of the development envelopes proposed for these lots exceeds that allowed under the County's Uniform Rules and thus renders them ineligible for contract. Notably, the Planning Commission proposed Findings for approval state that "Future development located within the RDE's on *all* lots would be limited to a maximum area of 5 acres." (Revisions to Findings and Conditions of Approval, April 26, 2017, at page D-5, emphasis added.) This allowance violates the requirement set forth in the Uniform Rules, which state that for parcels greater than or equal to 100 acres in size, a single principal "dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy *no more than two acres or three percent of the parcel, whichever is smaller*." (Uniform Rules, Section 1-4.1(C)(3), emphasis added.) Accordingly, these parcels will not qualify for Williamson Act contracts.

[1] Land Use Element at page 67.
[2] Santa Barbara County Comprehensive Plan Land Use Element, p. 136.
[3] Although the appellants' attorney has testified on multiple occasions that appellants did not nonrenew the Williamson Act contract for the Ranch, the evidence in this case indicates otherwise. The Notice of Nonrenewal confirms that the request was submitted by *Rancho La Laguna* and Rancho San Juan on December 31, 2006. (See attached Notice of Nonrenewal of Land Conservation Contract; see also Board of Supervisors Agenda Letter dated November 21, 2006, which states that the request was submitted by Mark Manion for *Rancho La Laguna* and Rancho San Juan.)

Clearly, the Board cannot find that the subdivision complies with the Land Use Element policies and AC land use designation.

2. The Project is Inconsistent with Numerous Agricultural Element Policies.

As noted in the Planning Commission Findings, the Project is inconsistent with Agricultural Element Goal I, Policy I.A, Goal II, Policy II.D, Goal III, and Policy III.A.

In addition, the Project is inconsistent with Agricultural Element Policy I.D, which encourages agricultural preserves; Policy I.G, which encourages sustainable agricultural practices on agriculturally designated land in order to preserve the long-term health and viability of the soil; and Policies II.B, which further discourage activities that result in land use conflicts with agricultural operations.

- *Agricultural Element Policy I.D.*

This policy provides that "[t]he use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs." As noted above, this Project is directly tied to the nonrenewal of thirteen Williamson Act contracts and could encourage other ranchers to take similar action. Therefore, the Project is inconsistent with this policy. Even if the Project contemplates re-enrollment for five parcels, our comments herein note the speculative nature of this proposal and the fact that the new parcels may not be viable or used for continued agricultural purposes.

- *Agriculture Element Policy I.G.*

This policy states that "[s]ustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil." The Project would not preserve the long-term health and viability of soils destroyed for development of residences and infrastructure.

With no Agricultural Conservation Easement and nonrenewal of the Williamson Act contract, future agriculture on the site would be significantly diminished. The Final EIR finds that if a future lot owner(s) were to "discontinue agricultural use," that would be tantamount to "fallowing" that lot(s), and because fallowing land is a common agricultural practice, discontinuance of agriculture on a lot(s) would not be considered a non-agricultural use. (Final EIR at 4.2-23) The concern, however, is that we are not talking about fallowing as a temporary agricultural activity, but rather discontinuing agriculture as a *permanent change in land use*. As noted in the Final EIR, "[f]uture property owners could potentially choose to discontinue agriculture use on their property altogether." (*Id.*) Discontinuing agricultural use is clearly inconsistent with County policy.

- *Agricultural Element Policy II.B*

Goal II and related policies are intended to protect agriculture from urban conflicts. As discussed above, introducing more residences, domestic animals, and other related uses will create conflicts with continued agriculture, whether it be grazing or farming. Contrary to appellants' assertions, the concern is not that urban influences from the outside will affect agricultural viability, but rather that urban influences *within* the subdivision will undermine continued agricultural operations. Without the Williamson Act contract and combined farming, there is no requirement that new owners will continue agricultural operations on their new lots, especially if they face such conflicts.

The County denied the Mission Oaks Ranch Subdivision based on inconsistency with Agricultural Element Goal II and Policy II.B, because the Mission Oaks project would include "urban" development on rural agricultural lands.[4] The County found that:

> "The language of the policy does not limit its application to urban influences from Urban Areas. In fact, because most of the County's agricultural land occurs within Rural Areas, such an assumption would essentially limit application of this policy to 1) direct effects on Rural Area agricultural lands where they are immediately adjacent to Urban Areas, 2) indirect effects of Urban Areas on distant agricultural lands in the Rural Area, or 3) the small number of agricultural parcels located within the Urban Area."[5]

Similarly, in this case, residential development on the resulting thirteen parcels will substantially increase urban conflicts throughout the Ranch. The Project will introduce land uses which may undermine the integrity of the existing agricultural operation. For instance, roaming dogs belonging to future lot owners may cause cattle to run or stampede, or may attack calves. Fences and roads may impair livestock movement. Despite Mitigation Measures B-2(b) and B-2(c) (Final EIR at 4.4-77 -78), which will be difficult if not impossible to enforce, non-native pest plants introduced by RDE landscaping can escape into grazing lands, interfering with their ability to support cattle. Residents may plant landscaping which could include invasive species (e.g., pampas grass, invasive erosion control seed mixes, invasive wildflower seed mixes), or may unintentionally import invasive plants or pest insects (e.g., in potted plants purchased at nurseries and driven to the future RDEs) which could adversely affect the quality of forage for cattle, or could become pests on croplands.

The County's Ag Buffer Ordinance does not apply on this site (Final EIR at 4.2-14), so conflicts between agriculture and residential uses, such as noises, dust, and odors, may become nuisances and impair agriculture. The RDEs are located immediately adjacent to active grazing and crop lands. RDEs 3, 5, 6 and 7 are located immediately adjacent to areas of cultivation. RDE 5 is located on the western property line and so it also poses these impacts and other land use conflicts with offsite agricultural operations.

---

[4] Santa Barbara County Board of Supervisors Findings re Mission Oaks Ranch, TM 14,315 (May 23, 1995), attached hereto. Page 8.
[5] *Id.*

Other examples exist, such as the Varian Ranch APD in San Luis Obispo County, where owners that were not agriculturalists came into an area and were not only – on average – unsuccessful with agriculture, but also raised issues for the tenant rancher, Jack Varian, because the new residential uses conflicted with ranching operations.

These concerns were raised by agriculturalists regarding the similar Mission Oaks Ranch project which was denied due to conflicts with the Agricultural Element. Specific concerns pertained to the effects of scattered homes and fences interfering with movement of cattle, trespass, poaching, wildfires, and damage to fencing.[6]

Finally, like the Mission Oaks Ranch project, the Project may also induce growth on nearby ranches by improving and/or extending roads which approach property lines and which could be extended further to serve residential development on adjacent ranches to the north or west. The access road and RDE for Lot 5 would intersect the western property line abutting an adjacent agricultural operation, and could remove an obstacle to growth and be utilized to foster estate/ranchette development on the adjacent property. The Project may eliminate impediments to development on nearby agricultural properties through extension and improvement of roads. These significant concerns may interfere with future agriculture in conflict with Policy I.A, and were significant concerns with the Mission Oaks Ranch subdivision which was denied due to conflicts with agriculture.[7]

Subdividing agricultural land into smaller parcels also increases the price of raw land. This increase makes it infeasible, or less feasible and/or unprofitable, for ranchers and farmers to buy or lease land for agricultural use. The greater the economic value of land, the less likely it is for a farmer or a rancher to be able to buy or lease it and make a profit from agriculture. For example, there are currently six active listings of agricultural land currently on the market in the Santa Ynez Valley. Listing prices on these lands range from $4 million to $7.5 million (103 - 247 acres). Adding homes to these parcels will drive their value up even further. While the Rancho La Laguna lots are more remote, subdividing this Ranch will clearly set a trend in the same direction. Furthermore, when parcel values increase in an area, it has the effect of driving up nearby parcel values as well.

Finally, once these trophy homes are built, their value as residential estates will skyrocket. This is a critical issue that must be considered when reviewing the cumulative impacts of this subdivision. There are no less than eighteen parcels in close proximity to this property (totaling at least 17,423 acres), at least ten of which would be eligible to apply for a similar subdivision. Approval of this subdivision will likely encourage at least some, if not many, of these landowners to attempt to subdivide their land for a similar use in order to obtain financial benefits from their property investments, a process which will drive up land values in the Project vicinity making agriculture in the region less viable. Appellants assert that Proposition 13 will protect against substantial increases in property values, but such assertion

[6] *Id.*
[7] *Id*. Page 7.

ignores the fact that when the parcels are sold, the property tax rates will adjust to current market value.

In sum, the Project violates the County's Land Use and Agricultural Element policies that mandate protection of the continued, commercial agricultural viability of Rancho La Laguna. Accordingly, the appeal must be denied and the Planning Commission's denial must be upheld.

B. The Project is inconsistent with Comprehensive Plan policies that protect native grasslands, streams, oak trees, and oak woodland habitat.

The proposed Project is located within an incredibly unique ecological region, and abuts the Los Padres National Forest. The Project would impact the Ranch's natural resources, native grasslands, streams, and oak woodlands, in violation of the County's Land Use and Conservation Elements.

1. The Project is Inconsistent with the Land Use Element's Hillside and Watershed Protection Policies 1 and 2.

Hillside and Watershed Protection Policy 1 provides that "Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain." Hillside and Watershed Protection Policy 2 states that "All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space."

The Project would require grading of 10,997 cubic yards for the water infrastructure alone. (Final EIR at 2-14) In addition, "[a]n estimated 23,023 cubic yards of grading would be required for access roads, including for retaining walls up to 12 feet in height along the private driveway for proposed Lot 10." (Final EIR at 4.7-19) This is a substantial amount of grading in an area largely covered by high landslide hazards, and therefore the Project is inconsistent with Policies 1 and 2.

The Project is not designed to fit the site topography, soils, and geology because it includes numerous lots accessed by roads which may exceed 15% slope (Final EIR at 9-65) and which include retaining walls of up to 12 feet; several lots and access roads are proposed high up in the steep San Rafael Mountains which reach 2,529 feet above sea level on the Project site. (Final EIR at 4.7-1) Additionally, the majority of the site has a high potential for landslides, and "the entire project site, except for the valley floor of Foxen Canyon, has a high potential for landslides." (Final EIR at 4.7-18) Analysis of Impact G-4 regarding landslides finds that the RDEs would not be located over areas with a high potential for landslides (*id.*); however, the analysis fails to consider landslide impacts related to the approximately ten miles of access roads on the site. The access roads would cross soil types with moderate to severe erosion potential. (Final EIR Figure 4.7-1 at 4.7-5 and Final EIR Figure 4.4-1 at 4.4-3)

The Project could also remove 17.6 acres of oak woodland (Final EIR at 4.4-74). Such extensive removal of oak trees and oak woodlands clearly violates Policy 2 which requires that, "Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible."

2. The Project is Inconsistent with the Conservation Element's Policies Protecting Native Grasslands, Steams, and Oak Trees and Woodland Habitat.

- *Conservation Element – Native Grasslands*

The Conservation Element provides that "Because of the rarity of native grasses, areas where they occur should be preserved. It is recommended that these areas should be subjected only to carefully regulated scientific study."[8] The Project would result in the destruction of native grasslands for purposes other than scientific study, including up to 1.2 acres in RDEs and potentially more acreage along the road corridor. (Final EIR at 4.4-74; see also Final EIR at 9-360) As noted in the attached letter to the Planning Commission, the Final EIR likely understates the extent of native grasslands - and thus potential impacts and policy inconsistencies - by adopting an unduly limited definition of grasslands.

- *Conservation Element – Streams*

The Conservation Element recommends a 100-foot creek buffer to minimize the impacts of new development on streams: "We estimate that as little as 100 feet on either side of a stream could provide a good deal of protection to the stream, although this width would have to be increased where the slope of the land is significant."[9] The Project includes approximately fourteen road crossings of drainages and streams.[10] (Final EIR Figure 4.4-3 at 4.4-19) In addition, access roads follow onsite streams and drainages for approximately two miles, primarily with buffers apparently less than 100 feet. (Final EIR at 4.4-19) While some of the access roads would be along existing unimproved roads, the Project proposes to improve and pave roads and creek crossings. (Final EIR at 2-9) The development of improved access roads will not accommodate the Conservation Element's 100-foot creek buffer, and the Project is therefore inconsistent with the County Comprehensive Plan's Conservation Element.

- *Conservation Element - Oak Tree Protection in the Inland Rural Areas of Santa Barbara County*

Oak Tree Protection Policy 1 provides that "Native oak trees, native oak woodlands and native oak savannas shall be protected to the maximum extent feasible in the County's rural and/or agricultural lands. Regeneration of oak trees shall be encouraged. Because of the limited range and increasing scarcity of valley oak trees, valley oak woodlands and valley oak savanna,

[8] Conservation Element at page 130.
[9] Conservation Element at page 141.
[10] The EIR identifies 8 creek crossings but Figure 4.4-3 appears to show 14.

special priority shall be given to their protection and regeneration." The Project is inconsistent with this policy because it will eliminate up to 9.7 acres of rare valley oak woodland, and up to 7.9 acres of coast live oak woodland, including an undisclosed number of the 537 oak trees on the Project site. (Final EIR at 4.4-74; see also 4.4-83)

Accordingly, the Project violates Comprehensive Plan policies intended to protect oak trees, streams, landforms and native grasslands.

Conclusion

The Project must be denied because the Final EIR cannot be certified and because the Project is inconsistent with the County's Comprehensive Plan. The property's AC land use designation is intended to provide the greatest possible protection for agriculture. The nonrenewal of the Williamson Act contract and appellants' refusal to allow combined farming threaten the future commercial agricultural use of the property. The significant impacts to agriculture and biological resources would permanently alter the unique characteristics of this important Ranch and threaten the viability of not only Rancho La Laguna, but also surrounding farms and ranches. The Project would establish a precedent that undermines the scenic rural character and agricultural viability of the Santa Ynez Valley. Therefore, the appeal must be denied.

Thank you for your attention to these comments.

Sincerely,

Linda Krop,
Chief Counsel

Brian Trautwein,
Environmental Analyst / Watershed Program Coordinator

cc: SBCAN

Attachments:

A - EDC letter to Santa Barbara County Planning Commission, January 23, 2017

B - Nonrenewal of Land Conservation Contract, December 12, 2006

C - Board of Supervisors Agenda Letter, November 21, 2006

D – Excerpts from Santa Barbara County Board of Supervisors Findings re Mission Oaks Ranch, TM 14,315, May 23, 1995

Attachment A

environmental
DEFENSE CENTER

January 23, 2017

Planning Commission
County of Santa Barbara
123 East Anapamu Street
Santa Barbara, CA 93101

Re: Rancho La Laguna Final Environmental Impact Report Certification and Project - DENY

Dear Honorable Planning Commissioners:

This comment letter regarding the Rancho La Laguna Project ("Project") and proposed Final Environmental Impact Report ("EIR") is submitted by the Environmental Defense Center ("EDC") on behalf of the Santa Ynez Valley Alliance ("Alliance"). The Alliance exists to protect the rural character of the Santa Ynez Valley and to support good stewardship of natural and agricultural resources through education, comprehensive planning, and public participation. EDC protects and enhances the environment through education, advocacy and legal action.

The Alliance urges the Commission to deny the proposed Rancho La Laguna subdivision because it would threaten the agricultural future of this 4,000 acre Ranch and set a precedent that will likely lead to other rural subdivisions in the Santa Ynez Valley and throughout the County. The owners of the Ranch intentionally withdrew the Ranch from the Williamson Act in anticipation of this subdivision, and they now seek to divide the single agricultural property into thirteen parcels that will exist under separate ownership. As noted in the Final EIR, the subdivision would eliminate the existing combined farming and ranching, and could lead to "fallowing," which would undermine the agricultural viability of the Ranch.

In 1995 the County denied a similar subdivision, Mission Oaks, because the County found that the project would not only be inconsistent with the Williamson Act, but also because the subdivision would violate the County's Agricultural Element and would be growth-inducing. This Project is similarly inconsistent with the County's Agricultural Element, and will induce growth through by setting a precedent for further subdivisions. Moreover, the proposed Project affirms the County's concerns expressed twenty years ago that allowing agricultural subdivisions would undermine the Williamson Act program. Clearly, the nonrenewal of the contract for this property occurred to support this application.

906 Garden St. Santa Barbara, CA 93101
PHONE (805) 963-1622 FAX (805) 962-3152
www.EnvironmentalDefenseCenter.org

In addition to the serious problems with the proposed Project, the Final EIR cannot be certified because there remain deficiencies in the Project Description, Environmental Setting, Impacts, and Alternatives analyses. The Final EIR also fails to adequately evaluate and disclose the Project's inconsistencies with the County's Comprehensive Plan. Because of these inconsistencies, especially with the Land Use, Agricultural and Conservation Elements, the Project must be denied.

Due to the short timeframe afforded the public to review the Final EIR, Staff Report, Findings and Conditions, we respectfully request that this matter be continued to allow more meaningful review. EDC and our client have not had the opportunity to thoroughly assess the potential impacts and policy inconsistencies posed by this proposal.

I. The Final EIR Cannot be Certified.

The Final EIR cannot be certified because the Project Description is incomplete, the Environmental Setting is based on outdated and incomplete information, the Impact Analysis omits critical information and fails to disclose certain significant impacts, and the Alternatives are unduly constrained.

A. The Project Description is Incomplete and Fails to Allow for Sufficient Environmental Review.

As noted in our comments on the Draft EIR, the Project Description is inadequate because: (1) it does not set forth the locations of the main houses or guest houses within the residential development envelopes ("RDEs"); (2) the access road and infrastructure plans have not been finalized; and (3) the locations of the employee dwellings outside the RDEs are not known or disclosed. As a result, the level of impacts to biological and agricultural resources cannot be determined. The Final EIR, including the Responses to Comments, admits that these Project elements are missing. (Final EIR at 9-343) This omission violates the requirement under CEQA that a Project Description must be detailed enough to facilitate analysis of project impacts, and must be finite and stable.[1]

With regard to biological impacts, the Final EIR finds that because the Project Description lacks this basic information, "the quantity of impacts to these sensitive communities is not known." (Final EIR at 4.4-74) Similarly, the Final EIR finds that the Project Description is not well formed enough to determine the number of oak trees to be removed. (Final EIR at 4.4-83) In addition, "Impacts to potential aquatic habitat from drainage crossings cannot be quantified at this time due to the lack of final design plans for road construction." (Final EIR at 4.4-53) With the Project Description incomplete and subject to change (e.g., development of final designs for road construction, access route alignment, and water tank and employee dwelling locations), the Final EIR cannot accurately disclose the extent of impacts such as impacts to sensitive biological communities and oak trees.

[1] CEQA Guidelines section 15124.

Similarly, the Project Description notes allowances by County Fire to permit 20% grades on roads under "extenuating circumstances" (Final EIR at 2-13), but the Final EIR does not specifically call out whether/where such roads would occur, noting only that any changes to the alignment of the roads alignments would be subject to approval by County Fire and Planning and Development. (Final EIR at 9-344) Roads need to be defined to fully evaluate (1) impacts on agricultural activities, e.g., whether the roads would sever agricultural operations, as well as (2) consistency with Hillside and Watershed Protection Policies which require grading to be kept to an absolute minimum, and 3) consistency with Land Use Development Policy ("LUDP") #2 which states that maximum densities may be reduced if such reduction is warranted to address site-specific conditions related to topography, geologic or flood hazards, habitat areas, or steep slopes. Therefore, the Final EIR's Project Description is deficient pursuant to CEQA and must be revised to provide adequate detail to enable impact analysis.

B. The Environmental Setting is Based on Outdated and Incomplete Information.

CEQA Guidelines Section 15125(a) requires that an "EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental review is commenced."

The baseline surveys in the Final EIR were not completed in a timely manner. Most of the reports relied upon in the EIR are outdated. As noted in our comments on the Draft EIR, the County requires that biological surveys be completed "as part of an EIR."[2] The Final EIR states that spring botanical surveys were conducted by Padre on May 9 and May 16, 2016, and cites to Appendix D. (Final EIR at 9-345) However, we find no references to Padre's May 2016 botanical surveys in Final EIR Appendix D.[3] Other than the 2014 *Least Bell's Vireo Habitat Assessment* and two 2015 site visits by Rincon biologists, who conducted only a reconnaissance-level survey (Final EIR at 4.4-48; see also Final EIR at 9-345), surveys were completed long before an EIR was prepared for the Project. The Final EIR notes that special-status plant surveys were conducted by Padre *six* years ago. (Final EIR at 4.4-48) The Final EIR even notes that "[i]n the intervening time, conditions on the project site may have changed, and the areas occupied by special-status species altered." (Final EIR at 4.4-48) Moreover, reconnaissance-level biological surveys typically involve only pedestrian (i.e., walking) surveys and exclude (1) protocol-level surveys for special-status species, and (2) quantitative analyses (e.g., native grasslands relative percent cover measurement and calculations required to determine the extent of native grasslands onsite and along access roads). The Final EIR notes that the "DEIR includes prescriptive mitigation measures for conducting appropriate surveys to ensure that all identified impacts to biological resources would be reduced to less than significant levels." (Final EIR at 9-345) Additionally, the FEIR refers to a "requirement for subsequent impact analysis" (*id.*), however impact analysis and disclosure must occur during EIR preparation and not following potential

[2] County Thresholds and Guidelines Manual at A-5, attached hereto.
[3] The Final EIR's reference to new botanical surveys conducted by Padre in May 9 and 16, 2016 (see e.g., FEIR at 9-345) appears to be a typographical error; the FEIR at 9-346 refers to "surveys conducted by Padre" on "May 9 and May 16, *2007*." (*Emphasis added*.)

Project approval. Focused surveys are needed up front to inform a Draft EIR's environmental baseline and impact identification; deferring appropriate surveys until after Project approval eliminates public review of the survey methods and results, and of any impacts identified as a result of the surveys. Reconnaissance level biological surveys are inadequate to systematically identify all special-status species, and to determine the extent of native grasslands pursuant to Santa Barbara County's CEQA Thresholds and Guidelines Manual.

The Final EIR notes that, "[c]onducting protocol level surveys, such as rare plant surveys conducted during bloom periods, during preparation of the Draft EIR is not a requirement to analyze impacts to biological resources." (Final EIR at 9-346) However, the County's Guidelines for preparing EIRs and conducting biological surveys also require that special-status plant surveys be conducted during times in which the plant species would be identifiable, i.e., bloom periods. "Investigations should be conducted at the proper season and time of day when special status species are both evident and identifiable. Field surveys should be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify plants of concern, and during periods critical to the species such as nesting for birds or larval development for amphibians."[4] While the Final EIR notes that Rincon's reconnaissance level surveys "were not intended to serve as full protocol level botanical surveys," "[f]ocused botanical surveys which encompass the bloom periods of special status plant species that may occur on-site *were not conducted* within and in the vicinity of the proposed access roads and infrastructure." (Final EIR at 4.4-48; ***emphasis added***) As a result of the improperly timed botanical surveys, the Final EIR does not meet County standards for environmental review. Moreover, deferring these surveys until after potential Project approval - pursuant to Mitigation Measure B-1(a) (Final EIR page 4.4-49) - results in an inadequate biological baseline /environmental setting in the Final EIR.

The CEQA Guidelines also require that "Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project."[5] The Final EIR notes that, "fifty special status plant species were identified as occurring within the vicinity of the project site." (Final EIR at 4.4-27) There are also thirty-four rare animal species "known from the vicinity of the project site." (Final EIR at 4.4-30) Rare species may be affected by the Project. (Final EIR at 4.4-47) Pursuant to the Guidelines, the Final EIR should have been informed by protocol-level surveys. The Final EIR says it is adequate because it assumes presence of special-status species in unknown locations on the Project site. (Final EIR at 9-346) However, it is only by conducting focused and protocol level surveys during Draft EIR preparation that the locations of such species can be ascertained in order to revise the Project as needed to avoid such species. This must occur during rather than after the public CEQA process. Deferring these surveys until after potential Project approval eliminates the opportunity for the public to comment regarding the methods and results of those surveys as they relate to Project impacts and alternatives.

Accordingly, the EIR must be informed by recent biological surveys conducted in accordance with the CEQA and the County's CEQA Environmental Thresholds and Guidelines

[4] County Thresholds and Guidelines Manual at A-7, attached hereto.
[5] CEQA Guidelines section 15125(c).

Manual Biological Survey Guidelines in order to adequately inform the public and decision-makers.

C. The Impact Analysis Fails to Disclose Potentially Significant Impacts.

The Final EIR fails to accurately analyze and disclose potentially significant impacts to agricultural and biological resources as well as land use impacts.

1. Agricultural Resources

The Project would subdivide a Ranch located in a substantially remote, rural area of the County that currently involves agricultural operations that cross the proposed new parcel lines. *In response to our comments on the Draft EIR, the Final EIR was modified to acknowledge that combined farming would no longer be part of the Project*. (Final EIR at 9-369) *The Final EIR also acknowledges that the Project may result in fallowing*, but does not find this change to constitute a significant impact on the basis that fallowing is not the same as conversion. However, taking land that is designated, zoned and operated for agricultural purposes and changing ownership that results in fallowing *does* adversely impact the agricultural use of the property and should be considered a significant impact.

As noted in our comments on the Draft EIR, the current grazing operation would be threatened by the proposed subdivision. Some or all of the new owners may not wish to participate in a combined grazing operation. As such, the grazing operation would have to avoid those lots owned by people who do not wish to be part of a combined grazing operation. This would entail keeping cattle off certain lots, and would affect the ability of the operation to move cattle from one grazing area to another where access roads cross lots on which agriculture is discontinued. The Final EIR notes that "future property owners may elect to convert grazing areas to cropland" or convert cropland to "different crops," or "discontinue agriculture." (Final EIR at 4.2-23) In addition, Lot 6, which contains "the entire infrastructure for the existing cattle grazing operation," is not proposed for Williamson Act protection. (Final EIR at 4.2-21, 18) Similarly, Lots 12 and 4 have the majority of water needed for the future agricultural activities on all 13 lots. (Final EIR at 4.2-19) Lot 4, however, is not proposed for Williamson Act protection. In addition, a shared water agreement and related infrastructure "are not yet in place." (Final EIR at 4.2-20) Absent a final shared water agreement, eleven of the lots may not have adequate water for agriculture. If the future Lot 6 owner and/or the future Lot 4 and/or 12 owner(s) were to discontinue agriculture, then this would seriously impact any remaining combined cattle grazing operation on the other lots, undermining agricultural viability throughout Rancho La Laguna.

The Final EIR analyzes agricultural viability by applying a weighted point system ("WPS") based on various attributes and features of the project. The Alliance takes exception to the following assumptions and calculations:

1. Parcel Size: The Final EIR was based on a point system initially based on the original 2-acre RDEs, whereas the RDEs have been increased and range from 2.25 to over 15 acres. (Final EIR at 2-9) The Final EIR notes that when the net parcel acreages (minus the

RDEs) are considered, "the point assignment would not change." (Final EIR at 4.2-19) The Final EIR states that this is because of the "relatively small size of each RDE compared to the overall lot sizes," and because "none of the net acreages would fall below parcel size groupings (i.e. from above 100 acres to below 100 acres)." (*Id.*) However, setting aside that the parcel size groupings appear arbitrary, some of the lots' acreages are reduced by up to 9%. For parcels in the 100-500 acre range, total points possible under "parcel size" are 11-12. (Final EIR Appendices at PDF page 181) Nine percent of 11 points is .99 points, and 9% of 12 points is 1.08 points. Given the percent reduction in usable farmland, the total points assigned should be reduced by one point for each lot wherein the RDEs have been significantly increased (i.e., Lots 1, 2, 3, 5, 6, 8, 9, and 10).

Regardless of parcel size, topography is also an important factor in agricultural viability. For instance, Lot 9 is severely constrained by steep slopes and dense vegetation. While some existing cultivated land would be protected from the RDE, the lot as a whole is very constrained for agriculture due to steep slopes. Although some land is mapped "existing," there is no commitment to maintain the new lots in agriculture. It will be difficult to access and manage these lots separately when they appear to be topographically separated and fragmented. Without a defined road system and other agricultural support facilities, as well as a confirmed management plan for agricultural use, and a water-sharing agreement, continued agricultural viability cannot be assured; this is especially true in light of the conversion to residential use.

The Tract Map illustrates that residential use will not be accessory and subordinate to the principal use of AC agriculture, and that it would be difficult or impossible for agriculture to be sustained in this residential ranchette neighborhood.

2. Water Availability: The analysis of water demand does not account for the impacts of guest houses, based on the statement that such demand is included in the analysis of water demand for the primary residences. It is not clear whether that water demand for the primary residences was increased to add water demand from the guest houses, or whether the assumption was that water demand from the guest houses would be minimal. This issue needs to be clarified. In addition, the Final EIR did not account for water demand for employee dwellings which the Final EIR says are not part of the Project, but which we believe are reasonably foreseeable. Furthermore, the analysis fails to account for the effects of extended drought and climate change. Finally, if Lots 12 and/or 4 were to discontinue agriculture, and/or if the water sharing agreement is not finalized, there may be insufficient water for agriculture.

3. Comprehensive Plan Designation: Because certain lots may discontinue agriculture (Final EIR at 4.2-22), the maximum point assignment of 5 is not appropriate. If each of the thirteen lots were to be entered into new Williamson Act contracts, thus ensuring continued agriculture for at least 10 years, or if they were placed under permanent Agricultural Conservation Easements, then an assignment of 5 points may be appropriate. However, as it stands, the Final EIR acknowledges the potential for fallowing; therefore, the points allocated to this category should be reduced.

4. Agricultural Suitability: As noted in past comments on this Project, the Alliance continues to believe that the County's WPS within the Environmental Threshold and Guidelines Manual is, in many cases, subjective. A better way to make this determination would be to consider a range for some of those categories that, in the end, reflect a "high" and "low" scenario. To make a finding the agricultural viability exists at 60, but not at 59, is far too simplistic for a project as complicated as this one. The subjective nature of the WPS is borne out by the fact that the points assigned to each proposed parcel have dropped over the course of the life of this Project, beginning with the Mitigated Negative Declaration released in 2010. In the end, only two lots (Lots 4 and 7) even come close to the agricultural viability score (74) of the Ranch as it currently exists. This is a clear indication that the agricultural viability of the property is highest as it is currently configured.

   Additionally, the point system evaluation of agricultural viability does not account for the fact that lot owners may discontinue agriculture. (*Id.*) There is no plan offered to ensure that agricultural use will be maintained and that the tract map ensures a design which encourages the retention of agriculture onsite. While the Final EIR claims "fallowing" agricultural land is a normal agricultural practice (Final EIR at 6-4), if this practice becomes permanent, it would eliminate agriculture from some or all lots. This very realistic scenario exists because there is a distinct possibility that some or all of these lots would be purchased by wealthy persons interested in owning a large home in the Santa Ynez Valley, rather than by someone truly interested in agriculture. The cost to buy one of these lots which could support a very large home is likely to be prohibitive if the goal is to make a living from the land. Therefore, the likelihood that agriculture will continue on these lots will be dependent on the desire of the person or persons purchasing the lots. While some of them may wish to have their own personal vineyard as part of their "estate," it is less likely that they will have a cattle operation or perhaps even row crops with their attendant agricultural operations which could be viewed as a nuisance, i.e. noise, dust from cultivation, etc. Even a personal vineyard does not meet the intent of the AC zoning designation and does not guaranteed long-term agricultural productivity.

   Furthermore, this possibility is exacerbated by the fact that the grazing infrastructure is located only on Lot 6, and the property's best wells are located on Lots 4 and 12. Loss of access to this infrastructure may have a profound effect on the viability and sustainability of these and other lots. As a result, the Final EIR should lower the points assigned for Lots 1-3, 5, and 7-13.

In addition, the analysis in the Final EIR is skewed due to an over-reliance on Williamson Act Protection. One of the key indicators of "real" agriculture in Santa Barbara County is the number of acres of agricultural lands in Williamson Act Contracts. According to a report filed by the California Department of Conservation, between 2012 and 2013, landowners in the

County opted out of renewing Williamson Act Contracts on 8,193 acres of agricultural land.[6] This is an alarming trend which the current landowner became part of in 2005 when he filed for non-renewal.

The Williamson Act became law in order to provide an important tool for agriculturalists to keep their property in agriculture by basing property taxes on the agricultural value of the property, rather than its speculative value for residential development. As a result, the fact that a property is not currently under Williamson Act protection says more about the intention of the landowner than it does about the property's agricultural value. While the presence of Williamson Act protection shows that the owner is committed to keeping his/her land in agriculture, the absence of such protection does not mean that the land is less agriculturally valuable. In its current configuration, the property is clearly a viable agricultural operation regardless of the fact that it is not covered by a Williamson Act contract (especially since the property was in a contract until December 2016). To approve a project of this nature because it is no longer under Williamson Act would do much to ensure the myth that agriculture value is inextricably linked to this one factor and could encourage other property owners in the area to file for non-renewal in hopes of subdividing their properties. Both the Final EIR and the staff report fail to adequately discuss the precedent setting implications of approving this ill-advised subdivision.

That being said, the non-renewal of Rancho La Laguna as a precursor to this Project's consideration by the Planning Commission proves up the threat to continued agricultural viability on the Ranch. If the landowner intended for this property to remain in agricultural production after this subdivision was completed, then why was it necessary to file for non-renewal? As stated in the Final EIR, "Non-renewal initiations are.....often filed in anticipation of converting farmland to other uses." (Final EIR at 4.2-10)

Under the current scenario, only five of the thirteen lots are proposed for new Williamson Act Contracts, but the Final EIR includes no mitigation measures *requiring* new Williamson Act Contracts. (Final EIR 4.2-17 – 4.2-32) These five parcels are the largest, being proposed with the most grazing land and the least prime farmland. Page 4 of the staff report states, "According to the applicant, this type of agricultural use (cultivated agriculture) does not offer the same benefits from the Agricultural Preserve Program as lots which are primarily used for grazing land." There is no reasoning given in the report for this statement. The Alliance takes exception to this statement, not only because no reason is given, but also because the applicant is not the expert on which lands are most suited for Williamson Act protection. It is the position of the Alliance that *all* lands that qualify for the reduced taxes under Williamson Act protection are equally benefited by that protection.

Lot 6, which contains the grazing operation infrastructure, is not proposed for Williamson Act Contract application, nor are the smaller, but most agriculturally "prime" parcels, leaving them to be assessed at their highest and best use, which is likely to be residential estates, and not likely to be as farmland. These smaller parcels, which are located closest to Foxen Canyon

[6] Department of Conservation, *The California Land Conservation Act 2014 Status Report* at page 13 (March 2015) http://www.conservation.ca.gov/dlrp/lca/stats_reports/Documents/2014%20LCA%20Status%20Report_March_2015.pdf

Road, are at the greatest risk of being purchased as second homes, and "fallowed," likely being permanently converted from agriculture to residential use. It is these owners, not the applicant nor the Planning Commission, who will decide whether or not to protect these properties under the Williamson Act.

The act of subdividing Rancho La Laguna will affect the price and thus the viability of the resulting lots. Parcels in the 101-477 acre size range with potential for residential building envelopes within which an owner can construct reasonable residential development, including all residential accessory development, are likely to sell in the $2.4 to $12 million range.[7] At this price, these properties may not be economically viable as farms, even if they possess the natural attributes to be so. While the land may retain its agricultural zoning, it will have lost its agricultural heritage and, over time, this cumulative loss will negatively impact active agriculture in the Valley.[8]

Furthermore, once these trophy homes are built, their value as residential estates will skyrocket. This is a critical issue that must be considered when reviewing the cumulative impacts of this subdivision. As submitted by the Alliance in its 2010 letter, there are no less than eighteen parcels in close proximity to this property (totaling at least 17,423 acres), at least ten of which would be eligible to apply for a similar subdivision. Approval of this subdivision will likely encourage at least some, if not many, of these landowners to attempt to subdivide their land for a similar use in order to obtain financial benefits from their property investments, a process which will drive up land values in the Project vicinity making agriculture in the region less viable. In fact, on page 4.2-31, the Final EIR states "Subdivision and/or fragmentation of contiguous agricultural areas could also result in cumulative impacts to the longer term viability of agricultural operations... by breaking up agricultural lands into individual properties or ownerships that are too small to remain viable on their own." The Final EIR argues that current zoning and "minimum parcel size requirements (100 acres)" will provide "a certain level of protection against systematic fragmentation of large ranches into small, non-viable land holdings." (Final EIR at 4.1-12) However, the protection afforded by *this property's* AG II-100 zoning demonstrates that zoning alone is not adequate to protect the agriculture value of this property. Absent certainty that Rancho La Laguna will continue to remain in agriculture, the proposed subdivision should be denied.

While the Alliance believes that the point ratings in the County's Threshold Manual are somewhat subjective, and therefore not necessarily an accurate assessment of a property's agricultural viability, the economic factors discussed herein, in reality, play a much more significant role in the long term economic viability of these parcels for agriculture, should the Project be approved. The Final EIR acknowledges that the "development of residential estates within rural agricultural areas of the county has the potential to set a precedent by encouraging further residential estate development in the vicinity and discouraging continued investment in agriculture through the domino effect and introduction of incompatible uses and the conflicts they create." (Final EIR at 4.2-31) However, the Final EIR then falls flat stating that it is

[7] Santa Barbara Multiple Listing Service (April 13, 2016).
[8] Santa Barbara County Board of Supervisors Findings re Mission Oaks Ranch, TM 14,315 (May 23, 1995), attached hereto. Page 8.

"speculative" to suggest that this is the case. (Final EIR at 4.1-12; see also Final EIR at 4.2-31) Rather, the EIR makes the argument that "while estate-style residential development is likely to occur within the Third and Fifth Districts, it is *expected* that agricultural uses would continue and sufficient land would continue to be available for agriculture." (Final EIR at 4.2-32; ***emphasis added***) This conclusion is simply not supported by the evidence in the record, and it is countered by the County Findings for Denial of the similar Mission Oaks Ranch project in 1995.[9]

The Final EIR claims that "there is the potential for the rural character of the area to be adversely affected by the introduction of estate-style residences," but "this does not equate to a physical effect on the area's agricultural productivity or ability to remain agriculturally viable." (Final EIR at 9-371) The Final EIR states that "it is expected that agricultural uses would continue and sufficient land would be available for agriculture." (*Id.*) "This expectation is based on the underlying agricultural Comprehensive Plan and zoning designations," "as well as the prevalence of Williamson Act Contracts." (*Id.*) This reasoning is belied by the fact that this property – which is zoned Agriculture - opted to non-renew its Williamson Act Contract in advance of the proposed subdivision, and to subdivide the property for residential estates, and in doing so set a precedent for similar non-renewals.

At this time, Rancho La Laguna is truly an agricultural operation. What the applicant proposes will take this agricultural operation with a few agricultural buildings and a small amount of residential use (one house and a cabin) on it and turn it into a residential subdivision of significant size in this extremely rural corner of the county.

In addition, the Project will introduce land uses which may undermine the integrity of the existing agricultural operation. For instance, roaming dogs belonging to future lot owners may cause cattle to run or stampede, or may attack calves. Fences and roads may impair livestock movement. Despite Mitigation Measures B-2(b) and B-2(c) (Final EIR at 4.4-77 -78), which will be difficult if not impossible to enforce, non-native pest plants introduced by RDE landscaping can escape into grazing lands interfering with their ability to support cattle. Despite Measure B-2(b), which may be impossible to enforce, residents may plant landscaping which could include invasive species (e.g., pampas grass, invasive erosion control seed mixes, invasive wildflower seed mixes), or may unintentionally import invasive plants or pest insects (e.g., in potted plants purchased at nurseries and driven to the future RDEs) which could adversely affect the quality of forage for cattle, or could become pests on croplands.

Other examples exist, such as the Varian Ranch APD in San Luis Obispo County, where owners that were not agriculturalists came into an area and were not only – on average – unsuccessful with agriculture, but also raised issues for the tenant rancher, Jack Varian, because the new residential uses conflicted with ranching operations. The County's Ag Buffer Ordinance does not apply on this site (Final EIR at 4.2-14), so conflicts between agriculture and residential

[9] Although the Responses to Comments in the Final EIR differentiate Mission Oaks from Rancho La Laguna on the ground that Mission Oaks involved property under Williamson Act contract, in fact Rancho La Laguna was also in Williamson Act contract and was non-renewed to support this subdivision proposal. In both situations, the viability of the Williamson Act program would be undermined by the proposed subdivision. Moreover, the Mission Oaks subdivision was also found to be inconsistent with the County's Comprehensive Plan and to be growth-inducing. Such concerns apply to the Rancho La Laguna application as well.

uses, such as noises, dust, and odors, may become nuisances and impair agriculture. The RDEs are located immediately adjacent to active grazing and crop lands. RDEs 3, 5, 6 and 7 are located immediately adjacent to areas of cultivation. RDE 5 is located on the western property line and so it poses these impacts and other land use conflicts with offsite agricultural operations.

These concerns were raised by agriculturalists regarding the similar Mission Oaks Ranch project which was denied due to conflicts with Agricultural Element in 1995. Specific concerns pertained to the effects of scattered homes and fences interfering with movement of cattle, trespass, poaching, wildfires, and damage to fencing.[10]

Finally, like the Mission Oaks Ranch project, the Project may also induce growth on nearby ranches by improving and/or extending roads which approach property lines and which could be extended further to serve residential development on adjacent ranches to the north or west. The access road and RDE for Lot 5 would intersect the western property line abutting an adjacent agricultural operation, and could remove an obstacle to growth and be utilized to foster estate/ranchette development on the adjacent property. The Project may eliminate impediments to development on nearby agricultural properties through extension and improvement of roads. These significant concerns may interfere with future agriculture in conflict with Policy I.A, and were significant concerns with the Mission Oaks Ranch subdivision which was denied due to conflicts with agriculture in 1995.[11]

In the concluding paragraph regarding Impact AG-3, the Draft EIR found that Impact AG-3 is "potentially significant due to the potential for future residential development adjacent to agricultural areas to result in conflicts that require the modification of agricultural practices in a manner that impacts productivity." (Draft EIR at 4.2-26) While the Final EIR appears to track many changes with strike-through (deletions) and bold font (additions), the concluding paragraph and the conclusion of a "potentially significant" impact to agriculture was deleted from the Final EIR without tracked changes. The new conclusion is that Impact AG-3 is "less than significant." (Final EIR at 4.2-29, 30) As a result of the Final EIR purporting to track changes but then deleting significant conclusions without tracking changes, the public is forced to compare the full text of the Draft EIR and Final EIR side-by-side to identify all changes, which places an unreasonable burden on the public. The Final EIR must be corrected to track all changes consistently, and the Draft EIR's concluding paragraph stating that Impact AG-3 is "potentially significant" should be reinserted.

The Final EIR's analysis of cumulative impacts is similarly inadequate because it relies on the determination that the Project itself would not result in significant impacts to agriculture. (Final EIR at 4.4-30 – 4.2-32) This finding is erroneous because the Project will cause significant impacts to agriculture as discussed above. The conclusion that the Project does not contribute considerably to cumulative impacts to agriculture is also flawed because it focusses on buildout of the Comprehensive Plan, including the physical impacts of the construction of principally permitted single-family residences on agriculturally zoned parcels, while failing to adequately address the precedent set by subdivision of agricultural land into smaller parcels and

[10] Santa Barbara County Board of Supervisors' Findings for Mission Oak Ranch, *supra*.
[11] *Id*. Page 7.

the resulting increase in the price of raw land. This increase makes it infeasible, or less feasible and/or unprofitable for ranchers and farmers to buy or lease land for agricultural use. While the Final EIR at 4.2-26 finds that "current zoning and land use designations in the Third and Fifth Districts, including the project site itself, provide a certain level of protection against systematic fragmentation of large ranches into small, nonviable landholdings," the EIR fails to address the increased price per acre caused by subdivision of large ranches, and the indirect effect of this increase on adjacent and nearby agriculture discussed above. Instead the Final EIR states that "the commenter does not explain how the sale price of future residences would undermine agricultural use." (Final EIR at 9-372) The greater the economic value of land, the less likely it is for a farmer or a rancher to be able to buy or lease it and make a profit from agriculture. When parcel values increase in an area, it has the effect of driving up nearby parcel values. Instead of addressing these indirect effects, the Final EIR focusses exclusively on the direct "physical effect" of subdivision, and not the indirect impact of increasing land values pricing agriculture out of the area.

2. Biological Resources

The analysis of potential impacts to biological resources suffers from the incomplete Project Description. It is impossible to determine what the full scope of impacts may be without identification of the location of development, including the roads, infrastructure, residences and employee residences. In addition, as noted above, the failure to completely assess the Environmental Setting undermines the accuracy of the impact analysis.

In addition, the Final EIR still appears to apply the incorrect definition of native grasslands, and as a result likely overlooks significant areas of native grasslands and potential impacts. The Final EIR analyzes and discloses potential impacts to 1.2 acres of native grasslands within the RDEs. (Final EIR at 4.4-74) The County defines native grasslands as: "an area where native grassland species comprise 10 percent or more of the total relative cover."[12] The definition in the County's Thresholds and Guidelines Manual also states that, "for example, where a high density of small patches occur in an area of one acre, the whole acre should be delineated if native grassland species comprise 10% or more of the total relative cover, rather than merely delineating the patches that would sum to less than one acre."[13] The Final EIR notes that, in addition to purple needlegrass, additional plant species characteristic of native grasslands also occur in the native purple needlegrass grasslands onsite:

> "These grassland areas have diagnostic presence of native herbs and grasses, and at least 10 percent cover of purple needlegrass (*Stipa pulchra*) and other native grassland species. Common native herbs in these grasslands include sky lupine (*Lupinus nanus*), California aster (*Corethrogyne filaginifolia*), fascicled tarplant, peppergrass (*Lepidium nitidum*), popcorn flower (*Plagiobothrys sp.*), poison sanicle (*Sanicula bipinnata*), plantain (*Plantago erecta*), and farewell to spring (*Clarkia sp.*)." (Final EIR at 9-348; see also 4.4-15)

[12] County Thresholds and Guidelines Manual at 31, attached hereto.
[13] *Id.*

The Final EIR added "and other native grassland species" to the above passage and hence seemed to clarify that areas with greater than10% relative cover of both native grass species *and other characteristic native grassland species combined* are mapped as native grasslands. (Final EIR at 9-346 – 9-348) "Native grassland species" is a broader category of plant species than just one species of native grass, and includes other non-grass plant species typically found in California native grasslands.[14] The County's CEQA Thresholds and Guidelines Manual definition of "native grasslands" cites to Todd Keeler-Wolf with the California Department of Fish and Wildlife's ("CDFW") Vegetation Classification and Mapping Unit. EDC and the Alliance checked with this expert regarding the proper way to apply the 10% relative cover "membership rule" for purple needlegrass grasslands. Keeler-Wolf confirmed that the 10% relative cover threshold is applied to "native grassland species" including both native grasses and herbs characteristic of native grasslands, not merely to the dominant native grass.[15]

However, Final EIR Appendix D states that native grasslands were identified where only native grass species (excluding other native grassland species) exceed 10% relative cover. (Final EIR Appendix D at PDF pages 371 and 372) This significant discrepancy in the Final EIR's definition of native grasslands makes it difficult or impossible for the public to determine whether native grasslands were properly characterized in the Final EIR as areas with at least 10% relative cover of native *grassland* species (as opposed to merely native *grass* species).

In addition, the Final EIR does not appear to correctly apply the County or State definition of native grassland with regard to small patches. Specifically, it is unclear whether the Final EIR mapped high densities of small patches of native grasslands together, where combined the patches exceed .25 acres and 10% relative cover within one acre, and mapped the whole acre as native grassland. Finally, the Final EIR does not disclose the acreage of native grasslands impacted by, for instance, access roads, outside of the RDEs. (Final EIR at 4.4-74) As a result, the Final EIR likely understates the extent of native grasslands and thus potential impacts and policy inconsistencies.

As noted below, the Project violates the County's protections for oak trees and oak woodland habitat. This resource is incredibly valuable to the County and is afforded special protections in the County's Comprehensive Plan and Deciduous Oak Tree Protection and Regeneration Ordinance. The Project would negatively affect oak trees and oak woodland habitat by eliminating up to 7.9 acres of live oak woodland, and 9.7 aces of valley oak woodland, including an undisclosed number of specimen oak trees. (Final EIR at 4.4-74)

3. Land Use

The EIR fails to disclose all of the Project's inconsistencies with the County's Comprehensive Plan, including policies in the Land Use, Agricultural and Conservation

[14] Letter from Elizabeth Painter, Ph.D. Plant Ecologist, to Santa Barbara County Planning Commission regarding Santa Barbara Ranch FEIR (July 17, 2008), attached hereto.
[15] Email from Todd Keeler-Wolf, CDFW Vegetation Classification and Mapping Unit Senior Vegetation Ecologist, email to Brian Trautwein, EDC (March 18, 2016), attached hereto.

Elements.[16] For example, the following policy inconsistencies were not disclosed in the Final EIR:

- *Land Use Element Regional Goal - Agriculture*

The Comprehensive Plan states that "In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses."[17] The Project would violate this policy by reducing the size of the parcels, impairing the capacity for combined farming (Final EIR at 4.2-21), creating conflicts between residential and agricultural uses (e.g., future lot owners' dogs harassing cattle) (Final EIR at 4.2-30), and decreasing the likelihood that the Ranch will be reserved for agricultural uses. The Final EIR admits that fallowing may result from the subdivision but fails to analyze the resulting inconsistency with the Land Use Element. (See, for example, Final EIR at 4-2-30, 9-370, and 6-4)

The Final EIR and Staff Report find consistency with this goal, based in large part on the size of the subdivided parcels and the County's weighted point system. What these documents ignore, however, is the emphasis in the Land Use and Agricultural Elements on avoiding "parcelization" of agricultural land. Within the Agriculture Element, for example, under Issues and Concerns, the Plan highlights the concern the County has in regards to the impacts caused by parcelization of agricultural land. The Agricultural Element states that although a proposed project may not include the conversion of agricultural land to an urban use, the division of agriculture parcels into smaller parcel size may leave them uneconomically viable.[18] Because the proposed Rancho La Laguna Project will drastically decrease the parcel sizes, there is potential for impacts to viability of the land especially in terms of cattle grazing. This type of concern is pointed out in the County's Plan regarding the Santa Ynez Valley, which is known historically for its cattle grazing capability, by asserting that the Valley's cattleman are alarmed about the parcelization of land into inefficient sizes.[19]

- *Agricultural Element Goal I*

The intention of the Agriculture Element within Santa Barbara County's Comprehensive Plan is to ensure the protection of agricultural lands as a fundamental component of the County's resources. Goal I states, "Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County." Subdividing the land into smaller parcels that may lead to fallowing will not assure and enhance the continuation of agriculture and is inconsistent with the Plan.

The Final EIR recognizes the potential for fallowing, but disingenuously finds that fallowing is not considered a conversion of agricultural land and thus fallowing does not constitute an impact or Plan inconsistency. (Final EIR at 9-368) In fact, long term fallowing does

[16] See CEQA Guidelines § 15125(d); Appendix G(IX)(B).
[17] Land Use Element at page 67.
[18] Agricultural Element at page 26.
[19] Agricultural Element at page 24.

conflict with and undermine the County's goal of assuring the continuation of agriculture as a major viable production industry.

- *Agricultural Element Policy I.A.*

At our request, the County added this policy to the Final EIR. This policy requires that "[t]he integrity of agricultural operations shall not be violated by recreational or other non-compatible uses." As explained above, the Project violates Policy I.A because it would subdivide one agricultural holding into thirteen parcels designed to residential standards, convert a current viable agricultural operation into fragmented agricultural lands separated by residential uses or related infrastructure, introduce potential right-to-farm issues with siting of residential envelopes/enclaves adjacent to active farmed areas, reduce available water for agriculture uses, and introduce growth-inducing impacts by increasing land values of the site and surrounding agricultural lands, which could undermine agricultural operations on adjacent and nearby parcels. Accordingly, the Project is inconsistent with this policy.

- *Agricultural Element Policy I.D.*

This policy provides that "[t]he use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs." As noted above, this Project is directly tied to the non-renewal of thirteen Williamson Act contracts and could encourage other ranchers to take similar action. Therefore, the Project is inconsistent with this policy. Even if the Project contemplates re-enrollment for five parcels, our comments above note the speculative nature of this proposal and the fact that the new parcels may not be viable or used for continued agricultural purposes. Furthermore, there is nothing in the Final EIR's mitigation measures that requires such re-enrollment.

- *Agriculture Element Policy I.G.*

This policy states that "[s]ustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil." The Project would not preserve the long-term health and viability of soils destroyed for development of residences and infrastructure.

With no Agricultural Conservation Easement and with application for Williamson Act protection proposed, but not required, for only five lots (Final EIR at 4.2-20), future agriculture on the site could be significantly diminished. The Final EIR finds that if a future lot owner(s) were to "discontinue agricultural use," that would be tantamount to "fallowing" that lot(s), and because fallowing land is a common agricultural practice, discontinuance of agriculture on a lot(s) would not be considered a non-agricultural use. (Final EIR at 4.2-23 and 9-370) However, fallowing is a temporary agricultural activity involving resting land *between agricultural uses or crops*, while discontinuing agriculture may be a *permanent change in land use*.

- *Agricultural Element Goal II, Policy II.A., Policy II.B, Policy II. D, Policy III.A*

This goal and related policies are intended to protect agriculture from urban conflicts. As discussed above, introducing more residences, domestic animals, and other related uses will create conflicts with continued agriculture, whether it be grazing or farming.

These policies were included in the Agricultural Element after considerable concern was raised by agriculturalists during the Agricultural Element hearings on the issue of how new development, urban uses, and trails can affect on-going agricultural operations.[20] Specific concerns raised include increased potential for trespass, poaching, wildfires, damage to fencing, and the related effects on long-term productive agricultural use of lands.[21]

Goal II, Policy II.A and Policy III.A are intended to protect agriculturally-zoned lands from urban uses and activities. The Final EIR finds consistency with Goal II, Policy II.B, and Policy III.A as follows: "The proposed subdivision and future residential development would not be considered an urban use," which is defined in the Land Use Element as "residential development at a density greater than one unit per five acres." (Final EIR at 4.2-21; see also Final EIR at 9-375 and Appendix H)

The County, however, denied the Mission Oaks Ranch Subdivision – *including densities of less than one unit per one hundred acres* –based on inconsistency with Agricultural Element Goal II and Policy II.B, because the Mission Oaks project would include "urban" development on rural agricultural lands.[22] The County found that, "The Land Use Element definitions of Urban and Rural Areas *do not preclude analyses of how projects within a Rural Area may include urban types of uses and urban influences*."[23] (*Emphasis added*.) The County further found that:

> "The language of the policy does not limit its application to urban influences from Urban Areas. In fact, because most of the County's agricultural land occurs within Rural Areas, such an assumption would essentially limit application of this policy to 1) direct effects on Rural Area agricultural lands where they are immediately adjacent to Urban Areas, 2) indirect effects of Urban Areas on distant agricultural lands in the Rural Area, or 3) the small number of agricultural parcels located within the Urban Area."[24]

Under the Final EIR's proposed narrow interpretation, projects which propose to subdivide and develop agricultural land into ranchettes or estates would be exempt from these important Agricultural Element goals and policies, allowing substantial urban-type uses to displace agriculture. Such a narrow interpretation and limited application of Goal II and Policy II.A would fail to protect the vast majority of and the most significant areas of agriculture in the

[20] Santa Barbara County Board of Supervisors' Findings for Mission Oak Ranch, *supra*.
[21] *Id.*
[22] *Id.*
[23] *Id.* at page 3.
[24] *Id.*

County, and would be inconsistent with both the County's intent in adopting these Agricultural Element policies, and with the County's prior application of this policy.

Policy II.D of the Agriculture Element states that "conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands." If the division of parcel size will lead to fallowing of the viable agriculture land, this is not consistent with the policy and does not encourage the retention of productive agriculture land.

- *Grading: Land Use Element - Hillside and Watershed Protection Policies 1, 2 and 3*

Policy 1 provides that "Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain." Hillside and Watershed Protection Policy 2 states that "All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space." Hillside and Watershed Protection Policy 3 requires that "For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season."

The Final EIR finds consistency with Policies 1 and 2 as follows: "grading would not be excessive because the residential development envelopes do not contain steep slopes, unstable areas, or flood zones, and the proposed access roadways and utility alignments have been designed to minimize grading while meeting safety requirements (i.e. turning radius, roadway slope) for site access." (Final EIR at 9-356; see also Final EIR Appendix H) However, the Project involves grading of 10,997 cubic yards for the water infrastructure alone. (Final EIR at 2-14) "An estimated 23,023 cubic yards of grading would be required for access roads, including for retaining walls up to 12 feet in height along the private driveway for proposed Lot 10." (Final EIR at 4.7-19) This is a substantial amount of grading in an area largely covered by high landslide hazards, and therefore the Project is inconsistent with Policies 1 and 2.

With regards to Policy 2, the Project is not designed to fit the site topography, soils and geology because it includes numerous lots accessed by roads which may exceed 15% slope (Final EIR at 9-65) and which include retaining walls of up to 12 feet; several lots and access roads are proposed high up in the steep San Rafael Mountains which reach 2,529 feet above sea level on the Project site. (Final EIR at 4.7-1) Additionally, the majority of the site has a high potential for landslides, and "the entire project site, except for the valley floor of Foxen Canyon, has a high potential for landslides." (Final EIR at 4.7-18) Analysis of Impact G-4 regarding landslides finds that the RDEs would not be located over areas with a high potential for landslides (*id.*); however, the analysis omits analysis of landslide impacts related to the

approximately ten miles of access roads on the site. The access roads would cross soil types with moderate to severe erosion potential. (Final EIR Figure 4.7-1 at 4.7-5 and Final EIR Figure 4.4-1 at 4.4-3)

The Final EIR notes that grading cut and fill can be balanced onsite. However, it is a very large site (almost 4,000 acres) which ranges from 1,060 feet to 2,529 feet in elevation. (Final EIR at 4.7-1) A considerable amount of grading will be for access roads to the upper lots, such as Lot 10 which requires a twelve-foot retaining wall. Given this, soil will likely need to be transported considerable distance up and down the mountain in order to balance cut and fill onsite. Grading and site alteration can be minimized by eliminating the upper lots, but the Project could remove 17.6 acres of oak woodland (Final EIR at 4.4-74). Such extensive removal of oak trees and oak woodlands clearly violates Policy 2 which requires that, "Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible."

The Final EIR's analysis of consistency with Policies 1, 2 and 3 presumes that all thirteen lots and RDEs must be created. Given this assumption, the Final EIR finds that the Project has been designed to minimize erosion while meeting safety requirements. (Final EIR at 9-36) However, lots higher up on the mountain, such as Lot 10, are served by steeper access roads which traverse areas with landslide hazards, and which require retaining walls up to twelve feet tall. The Project could reduce the amount of grading for access roads and utilities, and potentially achieve consistency with the Hillside and Watershed Protection Policies 1, 2 and 3 by eliminating lots proposed higher up on the mountainside.

- *Conservation Element – Native Grasslands*

The Conservation Element provides that "Because of the rarity of native grasses, areas where they occur should be preserved. It is recommended that these areas should be subjected only to carefully regulated scientific study."[25] This provision of the Conservation Element was also added to the Final EIR at our request. The Project would result in the destruction of native grasslands for purposes other than scientific study, including up to 1.2 acres in RDEs and potentially more acreage along the road corridor. (Final EIR at 4.4-74; see also Final EIR at 9-360) The Final EIR's Response to Comment 8-15 finds the Project consistent with this Policy by finding that, "the language that the commenter references in the Conservation Element is a general recommendation for *avoiding* impacts to native grasslands. The Conservation Element does not include any adopted policies prohibiting impacts to native grasslands or removal of native grasslands." (Final EIR at 9-360; *emphasis added*.) This Response ignores the intent and clear recommendation of the Conservation Element. Just because a policy is written as a recommendation does not obviate its importance.

[25] Conservation Element at page 130; see also Conservation Element at page 157: "An Interim Implementation Policy - The County should evaluate each of these recommendations in preparing environmental impact reports, in order to ensure that adequate consideration is given to preserving ecological communities."

- *Conservation Element – Streams*

The Conservation Element identifies a 100-foot creek buffer which can minimize the impacts of new development on streams: "We estimate that as little as 100 feet on either side of a stream could provide a good deal of protection to the stream, although this width would have to be increased where the slope of the land is significant."[26]

The Conservation Element stream setback provision was added to the Final EIR at our request. The Project includes approximately 14 road crossings of drainages and streams.[27] (Final EIR Figure 4.4-3 at 4.4-19) In addition, access roads follow onsite streams and drainages for approximately 2 miles primarily with buffers apparently less than 100 feet. (Final EIR at 4.4-19) While some of the access roads would be along existing unimproved roads, the Project proposes to improve and pave roads and creek crossings. (Final EIR at 2-9) Therefore, the development of improved access roads will not accommodate the Conservation Element's 100-foot creek buffer, and the Project is therefore inconsistent with the County Comprehensive Plan's Conservation Element.

The Final EIR omits the Conservation Element's Interim Interpretation Policy on page 157 which requires County EIRs to consider the Conservation Element's provisions, including the 100-foot creek setback. While the Final EIR now briefly mentions the Conservation Element provision for streams, it does not attempt to increase the creek setback or disclose the proposed creek setback. (See e.g., Mitigation Measure B-3(a) Avoidance of Impacts to Drainages at 4.4-80) Therefore, the Final EIR does not adequately consider the Conservation Element stream setback provision and is in conflict with the adopted Conservation Element's Interim Implementation Policy.

- *Oak Trees, Woodlands and Savanna: Conservation Element - Oak Tree Protection in the Inland Rural Areas of Santa Barbara County*

Oak Tree Protection Policy 1 provides that "Native oak trees, native oak woodlands and native oak savannas shall be protected to the maximum extent feasible in the County's rural and/or agricultural lands. Regeneration of oak trees shall be encouraged. Because of the limited range and increasing scarcity of valley oak trees, valley oak woodlands and valley oak savanna, special priority shall be given to their protection and regeneration." As noted above, the Project is inconsistent with this policy because it will eliminate up to 9.7 acres of rare valley oak woodland, and up to 7.9 acres of coast live oak woodland, including an undisclosed number of the 537 oak trees on the Project site. (Final EIR at 4.4-74; see also 4.4-83)

In sum, the Project violates a number of Comprehensive Plan policies, including policies and provisions for the protection of agriculture, oak trees, streams, landforms and native grasslands.

[26] Conservation Element at page 141.
[27] The EIR identifies 8 creek crossings but Figure 4.4-3 appears to show 14.

D. The Final EIR Fails to Evaluate Alternatives that are Consistent with County Policies and Avoid or Substantially Lessen Project Impacts.

The Project as proposed will violate the Comprehensive Plan and cause significant impacts to agriculture, land use and biological resources. Accordingly, the consideration of alternatives is critical to ensure that such impacts are avoided or substantially lessened. (CEQA Guidelines § 15126.6) The Final EIR is deficient for constraining the range of alternatives with an overly narrow Project Objective defined as subdividing the Project site into thirteen legal lots with RDEs. (Final EIR at 2-4) This narrow Project Objective violates the mandate of CEQA that objectives be defined broadly enough to allow consideration of a range of reasonable alternatives. (CEQA Guidelines § 15126.6) In fact, this narrow Objective did lead staff to reject the only other two alternatives as infeasible. (See Staff Report at 10, 11)

II. The Project Must Be Denied.

The Project must be denied because it is inconsistent with the County's Comprehensive Plan. (Government Code §§ 66473.5, 66474; *Neighborhood Action Group v. County of Calaveras*, 156 Cal.App.3d 1176, 1187 (1984); *City of Carmel-by-the-Sea v. Board of Supervisors,* 137 Cal.App.3d 964, 997 (1982).) In addition, the significant impacts to agriculture and biological resources would permanently alter the unique characteristics of this important ranch and threaten the viability of not only Rancho La Laguna, but also surrounding farms and ranches. The Project would establish a precedent that undermines the scenic rural character of the Santa Ynez Valley. Therefore, the Project must be denied.

Conclusion

In closing, the Final EIR is inadequate with regards to the Project Description, Environmental Setting, Impacts Analysis, and Alternatives. Impacts to agriculture, native grasslands, streams, and oak trees are not considered in light of relevant Conservation Element, Agricultural Element and Land Use Element goals and policies. The Project itself must be denied because the Final EIR cannot be certified and because the Project is inconsistent with the County's Comprehensive Plan.

Thank you for your attention to these comments.

Sincerely,

Linda Krop,
Chief Counsel

Brian Trautwein,
Environmental Analyst / Watershed Program Coordinator

Exhibits:

A - County Thresholds and Guidelines Manual at A-5, A-7.
B – Excerpts from Mission Oaks EIR, Staff Report and Findings. (May 23, 1995)
C - Letter from Elizabeth Painter, Ph.D. Plant Ecologist, to Santa Barbara County Planning Commission regarding Santa Barbara Ranch FEIR (July 17, 2008).
D - Email from Todd Keeler-Wolf, CDFW Vegetation Classification and Mapping Unit Senior Vegetation Ecologist, email to Brian Trautwein, EDC (March 18, 2016).

cc: Santa Ynez Valley Alliance

Attachment A

COUNTY OF SANTA BARBARA

Planning and Development

Environmental Thresholds and Guidelines Manual

Revised January 1995
Revised October 2001
Revised October 2002
Replacement Pages July 2003
Interim Revision to Air Quality Subsection October 2006
Revised January 2008
Revised September 2008

Published October 2008

123 East Anapamu Street
Santa Barbara, California 93101
805.568.2000

624 West Foster Road, Suite C
Santa Maria, California 93455
805.934.6250

that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history."

CEQA Appendix G, items (c), (d), and (t) specifically mention or refer to habitat.

The California legislature has further recognized the need to conduct habitat-based land use planning through adoption of the *Natural Community Conservation Planning Act of 1991 (NCCP)* (California Fish and Game Code Section 2800 et. seq.). The purpose of this Act is to provide for regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development and growth. The NCCP process is designed to provide an alternative to current "single species" conservation efforts by formulating regional, natural community-based habitat protection programs to protect the numerous species inhabiting each of the targeted natural communities.

In 1986, the U.S. District Court for Hawaii *(Palila v. Hawaii Department of Land and Natural Resources and Sportsmen of Hawaii, 649 F.Supp.1070 [1986] (Palila II)* issued a ruling regarding destruction of habitat of an endangered bird known as "Palila" in the State of Hawaii. Regarding the term "harm" within the definition of "take" of the Federal Endangered Species Act, the Court concluded:

"A finding of "harm" does not require death to individual members of the species; nor does it require a finding that habitat degradation is presently driving the species further toward extinction. Habitat destruction that prevents the recovery of the species by affecting essential behavioral patterns causes actual injury to the species and effects a taking under Section 9 of the Act."

"The key to the Secretary's [of the Interior] definition is harm to the species as a whole through habitat destruction or modification. If the habitat modification prevents the population from recovering, then this causes injury to the species and should be actionable under Section 9."

See also *Sierra Club v. Lyng,* 694 F.Supp.1260 (E.D. Tex. 1988) and *Sierra Club v. Yeutter,* 926 F.2d 429 (5th Cir.1991). Further discussion of habitat protection under the Endangered Species Act is provided by Sidle and Bowman (1988).

B. Biological Survey Guidelines.

1. **Initial assessment of biological resources (Initial Studies, EIRs and Mitigated NDs).** During the overall land use permit process, an on-site inspection is conducted by the Planning and Development Department to determine if critical or sensitive biological resources may be impacted by a proposed project. Should the on-site investigation indicate the presence, or a high potential for the presence, of critical or sensitive biological resource, a biological survey may be required, pursuant to CEQA Section 15064 (Determining Significant Impacts). The biological survey could be completed as part of an EIR or it could be used to develop a Mitigated Negative Declaration as provided for by CEQA Section 15070:

    a. The Initial Study shall be used to provide a written determination of whether a Negative Declaration or an EIR shall be prepared for a project.

    b. Where a project is revised in response to an Initial Study so that potential adverse effects are mitigated to a point where no significant environmental effects would occur, a Negative Declaration shall be prepared instead of an EIR. If the project would still result in one or

more significant effects on the environment after mitigation measures are added to the project, an EIR shall be prepared.

c. The EIR shall emphasize study of the impacts determined to be significant and can omit further examination of those impacts found to be clearly insignificant in the Initial Study.

Biological survey reports are conducted and written by professional biologists under contract to the County. Payment for the study is accomplished by a deposit with the County from the applicant in an amount equal to the cost estimate of the consulting biologist. In some cases, work is performed by a Planning and Development Department-qualified biologist under contract to the applicant.

All biological surveys are subject to review and acceptance by Planning and Development Department staff and may require reexamination by an outside consulting biologist acceptable to the Planning and Development Department. If a disagreement among experts occurs, review by an independent biologist may be required.

In a majority of cases, applicants work with the staff of the Development Review Division to modify the project design for the purpose of reducing impacts to biological resources to an acceptable level. Project design modifications, with the applicant's consent, then become a part of the project description and the basis for issuing a Mitigated Negative Declaration. However, if design modifications are not acceptable to an applicant, then additional biological analysis (and possibly development of additional mitigation measures) would be required as a component of an EIR pursuant to the above citation from CEQA.

2. **Qualifications to perform the biological survey.** Biological consultants must be on the Planning and Development Department list of qualified biologists or on staff of a Planning and Development Department-qualified consulting firm or otherwise be acceptable to Planning and Development Department. A file is retained in the Planning and Development Department which tracks the performance of each consultant. Consultants should be selected on the basis of possessing objectivity and the following qualifications, in order of importance:

   a. A BA/BS in biological sciences or other degree specializing in the natural sciences.

   b. Professional or academic experience as a biological field investigator, with a background in field sampling design and field methods;

   c. Taxonomic experience and a knowledge of plant or animal (whichever is appropriate) ecology;

   d. Familiarity with plants, animals, or both (whichever is appropriate) of the area, including the species of concern; and

   e. Familiarity with the appropriate county, state and federal policies related to special status species and biological surveys.

   f. In addition, the County of Santa Barbara requires that a consultant, hired to perform a biological survey, presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed. Therefore, to avoid a real or perceived appearance of a conflict of interest, a biological survey submitted by a consultant shall be subject to verification of the Planning and Development Department staff biologists or a third outside consulting biologist.

3. **Guidelines for preparation of biological survey reports.** These guidelines were prepared by James R. Nelson, a botanist with the California Energy Commission, published in its original form by the California Department of Fish and Game (1984) and supplemented by Planning and Development Department staff in consultation with local biologists.

   a. **When to conduct a biological survey**. It is appropriate to conduct a biological field survey to determine if, or the extent to which, sensitive plants or animals or a habitat of concern will be affected by a proposed project when:

      (1) Based upon an initial biological assessment, it appears that the project may damage potential special status plant or animal habitats;

      (2) Special status species have historically been identified on the project site and adequate information for impact assessment is lacking; or

      (3) No initial biological assessment by the Planning and Development Department biologist has been conducted and it is not known which habitats or the quality of habitats exist on the site, nor what the potential impacts of the project may be.

   b. **Guidelines and goals of the biological survey.** Biological surveys that are conducted to determine the environmental impacts of development activities should include particular attention to all rare, threatened, and endangered species and habitats. The species and habitats are not necessarily limited to those that have been "listed" by state and federal agencies, but include any species that, based upon all available data, can be shown to be rare, threatened and/or endangered. These can include "federal candidate" species, "state special concern" species, and those of local concern such as those species which are endemic, rare in the region, or declining in number.

      Field searches should be conducted in such a manner that they will locate any listed or special status plant or animal species that may be present/a resident or that may utilize the site on a seasonal rather than year-round basis. Specifically:

      (1) Investigations should be conducted at the proper season and time of day when special status species are both evident and identifiable. Field surveys should be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify plants of concern, and during periods critical to the species such as nesting for birds or larval development for amphibians.

      (2) Investigations should be both predictive in nature and based upon field inspection. Surveys should predict the presence of rare plants and animals (which may not be present every year or which may use it infrequently) based upon the occurrence of habitats or other physical features, in addition to actual field observation. The survey should not be limited to a description of those species that are actually observed in the field. Every species noted in the field should be identified to the extent necessary to ensure that it is neither a listed nor special status species.

      (3) Investigations should be conducted in such a manner that they are consistent with conservation ethics. Collections of voucher specimens or rare (or suspected rare) plants or animals should be made only when such actions do not jeopardize the continued existence of the population and in accordance with applicable state and federal regulations. All voucher specimens should be deposited at local public herbaria or recognized museums of natural history for proper storage and future reference. Photography should be used to document plant identifications and habitat

Attachment B

MISSION OAKS RANCH

Final
Environmental Impact Report

94-EIR-1A
TM 14,315

Prepared for:

County of Santa Barbara
Department of Planning & Development
123 East Anapamu Street
Santa Barbara, California
93101-2058

Prepared by:

ENVICOM CORPORATION
28328 Agoura Road
Agoura Hills, California
91301

July, 1994

Secondly, there are many aspects of a cattle operation which could be considered to be nuisances by residents of the proposed lots, particularly those in Lots 4, 6, 9, 10 and 29 because they are proximal to the prime grazing areas of the site. These impacts include interruption of vehicular traffic flow by cattle crossings, cattle branding, noise, damage to landscape, flies, odors and dust. These potential conflicts between residential and agricultural uses, when combined, may ultimately inhibit the productivity of the grazing operation.

At this point, it should be noted that owners on neighboring properties have expressed concern about off-site (non-agricultural) land use impacts generated by the proposed project. According to project site neighbors, the increase in the number of project site residents, and the proposed development of recreational trails along fence lines may result in increased trespassing and poaching on surrounding properties, and may increase the risk of wildfires as well. For further detail on this matter, please refer to Section 13.0 Comments and Responses, Letters L and R.

Economic Implications

As development pressures expand into the Santa Ynez Valley, the impetus to subdivide land increases, resulting in the increased value of raw land adjacent to subdivided areas (County Tax Assessors Office, 1994). This trend, in conjunction with the moderate returns to some cattle ranching operations, especially those situated on non-prime rangeland, has made many ranches in the region vulnerable to subdivision pressures because the owner has the potential to receive a considerable return from the subdivision. When ranches are bought at their potential subdivision value, even if on speculative terms, it may prove difficult for the new owner to justify utilizing land only for the benefit derived from cattle grazing operations. Thus, conversion of farmland to non-agricultural uses increases land value, increasing production costs for ranchers who rent or lease land, or those who want to enter into ranching or expand existing operations (California Department of Conservation, 1991).

It is likely that revenues from many cattle ranches in the County today would prove insufficient to cover both the costs of operations and debt service if the properties were purchased at prevailing land prices. Consequently, identification and establishment of alternative or supplemental revenue sources may be necessary in some cases to contribute to the economic sustainability of existing cattle ranching operations which were purchased in recent history. In the case of the proposed project, the stated objective is to continue to utilize most of the Ranch for the grazing of cattle and to support that enterprise, as necessary, with revenues generated through project site homeowners' fees assessed by a Homeowners' Association. However, it can be argued that this project causes the agricultural component to become secondary to the residential component. Consequently, the issue is whether the proposed project supports the "intent and

SANTA BARBARA COUNTY AGENDA BOARD LETTER

Clerk of the Board of Supervisors
Room 407 105 E. Anapamu Street
Santa Barbara, CA 93101
(805) 568-2240

Report Date:	May 16, 1995
Department:	P&D
Budget Unit:	5390
Agenda Date:	May 23, 1995
Placement:	Departmental
Estimated Time:	1.0 hour
Continued Item:	YES

TO: Board of Supervisors

FROM: John Patton, Director
Planning & Development

STAFF CONTACT: Natasha Heifetz (x2011)

SUBJECT: Mission Oaks Ranch; TM 14,315

RECOMMENDATIONS: C.A. Recommendation:_____

That the Board of Supervisors:

A. Uphold the Planning Commission's recommendation to deny TM 14,315 based on the project's inconsistency with the Comprehensive Plan and inability to make required findings under the Subdivision Map Act; and

B. Adopt the required findings which are attached to the Board Agenda Report dated April 11, 1995.

EXECUTIVE SUMMARY:

On March 21, 1995, the Board took conceptual action to deny the project without prejudice, continued the hearing to April 25, 1995, and directed staff to docket revised findings to support this action two weeks prior to the continued hearing date. On April 25, 1995 the Board accepted three late letters into the record (California Cattlemen's Association 4/25/95, Department of Conservation 4/24/95, and California Farm Bureau Federation 4/25/95). The Board also continued the hearing at the request of Fred Clough and limited the continued hearing of May 23, 1995 to the issue of the Williamson Act as raised in the above-mentioned letters.

MANDATES & SERVICE LEVELS: N/A **FISCAL AND FACILITIES IMPACTS:** N/A

SPECIAL INSTRUCTIONS:

- Clerk of the Board will forward a copy of the Minute Order to Planning Commission Support Staff.
- Planning and Development will prepare all final action letters (condition letters) and otherwise notify all concerned parties of the Board of Supervisors' final action.

Concurrences: County Counsel dev_rev\wp\tm_tpm\14315\bs52395.hrg

DISCUSSION:

Williamson Act and Letters from Dept of Conservation and the Farm Bureau

On Friday, April 21, 1995, staff received copies of two letters from Mr. Clough for the April 25, 1995 Board of Supervisors hearing. Staff sent these letters to the Department of Conservation and the Farm Bureau, as many of the issues raised were specific to letters of comment from these organizations. The letters were received by their offices on the next business day, Monday, April 24, 1995.

The proposed findings for denial reference two policies that specifically address the Williamson Act, Open Space Policy I and Agricultural Element Policy I.D. The Subdivision Map Act requires a findings that the project is consistent with the Comprehensive Plan, which in turn references the support of the use of the Williamson Act. Development that is not in compliance with the Act would be contrary to Agricultural Element Policy I.D.

Comparison with Hollister Ranch, Firestone Ranch, and Rancho Saguaro

1. All of these project were approved prior to adoption of the County's Agricultural Element (adopted 9/3/91) with its related policies and goals. Therefore, these projects were not subject to evaluation of consistency with this element of the Comprehensive Plan.

2. The Hollister Ranch was approved in several phases in the 1970's. Aside from the obvious changes to many Comprehensive Plan policies and other State and County regulations, and new information on a variety of issue areas and experiences which have occurred since its subdivision, the Hollister Ranch has many physical differences with Mission Oaks Ranch (size, forage, soils for supplemental feed, etc.,) which have been previously pointed out.

3. The Firestone Ranch involved approval of a subdivision into 3 parcels of 830 acres, 715 acres and 734 acres. The originally proposed parcels 1 and 2 were required to be combined as the decision-makers found that those parcels were too small to support viable agricultural uses. The smaller of these parcels was over 200 acres in size. Findings for approval could not be supported even at that time, without the present Agricultural Element policies, with such small parcel sizes on that particular property. The site was also down-zoned from a minimum allowable parcel size of 100 acres to a minimum parcel size of 320 acres.

4. The Rancho Saguaro project was not a subdivision. That project involved a reversion to acreage and a lot line adjustment. It involved an antiquated subdivision and resulted in a *reduction in the number of lots* onsite and a consequential *increase in individual lot size*. In contrast to Mission Oaks Ranch, which has only had one type of historic agricultural use, historic agricultural uses on Rancho Saguaro were not limited to cattle grazing. It was assumed, given historic uses and arable soils onsite, that a variety of agricultural operations could occur after the lot line adjustment/reversion to acreage.

5. The issue of non-compliance with the Williamson Act does not appear to have been an issue of contention in consideration of the above projects. Changes in the Williamson Act, recent court decisions, continued loss of agricultural lands, and new information relating to the Act are now available that were not available during consideration of these older projects.

6. Concern over potential abuse of the Williamson Act tax benefits has grown in recent years. This is evidenced by newspaper articles such as those attached to the Department of Conservation's letter to the Planning Commission and by farmers and Farm Bureau who believe the Williamson Act is an important tool in maintaining agricultural land uses. Staff is not aware that these same concerns were raised during consideration of these older projects.

Urban Influence

The Land Use Element of the Comprehensive Plan includes definitions under the heading of "Boundary Lines" for Urban Area and Rural Area. Consistent with the Land Use Element definitions, the project findings do not reflect an analysis of policies that are limited to application in the Urban Area.

The Land Use Element definitions of Urban and Rural Areas do not preclude analyses of how projects within a Rural Area may include urban types of uses and urban influences. The urban influences of the Mission Oaks project would be associated with the increase in primary residences and incidental residential structures and uses associated with 30 new lots. In addition, recognition of the residential features of this project have not been limited to staff's analyses. The Planning Commission received a letter in support of the project from the adjacent Jonata Springs Ranch Homeowners Association dated 10/3/95. This letter states in part that, "it now seems to us that more water would be used by Mission Oaks in its agricultural operation than it will when it becomes the residential subdivision now being considered by the County." The residential character has also been noted by the Department of Conservation and the Farm Bureau, as well as by several members of the public who testified on the project.

The Agricultural Element includes policy language which addresses protection of agricultural lands from adverse urban influences. The language of the policy does not limit its application to urban influences from Urban Areas. In fact, because most of the County's agricultural land occurs within Rural Areas, such an assumption would essentially limit application of this policy to evaluation of 1) direct effects on Rural Area agricultural lands where they are immediately adjacent to Urban Areas, 2) indirect effects of Urban Areas on distant agricultural lands in the Rural Area, or 3) the small number of agricultural parcels located within the Urban Area.

BOARD OF SUPERVISORS' FINDINGS
FOR
MISSION OAKS RANCH (TM 14,315)
(As amended by the Board of Supervisors on May 23, 1995)

I. PROCEDURAL HISTORY

A. The original Tract Map for Mission Oaks Ranch, Ltd. (TM 14,287) was submitted for processing on November 10, 1992.

B. An incomplete letter for TM 14,287 was sent out on December 10, 1992. This letter requested information necessary for continued processing and included advisories associated with the following issues: land use, agriculture, biology, archaeology, past oil activities onsite, visual resources, grading, fire safety, water and project design as related to environmental review and policy concerns.

C. The original tract map application, TM 14,287, was deemed to be complete for processing on February 12, 1993. The complete letter included advisories on potential policy inconsistencies, which focussed on the effect the project design and the proposed agricultural/biological easement would have on long-term agricultural productivity and habitat values.

D. On March 11, 1993, staff requested submittal of previously requested information on proposed water sources and historic cattle numbers.

E. The Initial Study for TM 14,287 was completed on April 14, 1993 with a recommendation for preparation of an EIR.

F. A Notice of Preparation (NOP) was mailed on April 14, 1993.

G. TM 14,287 was withdrawn by letter from the applicant dated April 20, 1993 as the applicant proposed to revise the project.

H. A revised project was submitted to Planning & Development on July 16, 1993. A new case number (TM 14,315) was assigned.

I. The revised project, TM 14,315, was deemed complete for processing on July 30, 1993. The complete letter referred back to the policy advisories included in the complete letter for TM 14,287 dated February 12, 1994 (see C above). In addition, the new complete letter emphasized that the "foremost policy issue that will be thoroughly evaluated in connection with the project is the effect the proposed division would have on the future agricultural use of the project site... The intent, purpose, and implementing policies, rules, and development standards associated with the property's current land use, zoning, and agricultural preserve status strongly promote the continuation of agricultural use on the project site. In order to be found consistent with these requirements, the project must not be detrimental to the continuation of an economically viable and productive agricultural operation on site..."

P. On September 14, 1994 Penfield and Smith submitted a letter proposing additional minor changes to Lots 1 and 5 and to the "A" Area for Lot 1. An addendum, dated September 28, 1994, was prepared to address these changes.

Q. On October 3, 1994, the staff report was released with a recommendation for denial.

R. On October 12, 1994, the Planning Commission considered the project at a noticed public hearing at the Betteravia Government Center in Santa Maria and recommended denial of TM 14,315 to the Board of Supervisors on a vote of 5 to 0 (transcript of P/C action attached).

S. On December 13, 1994, the Board of Supervisors considered the staff report, testimony, and submittals and continued the hearing to December 20, 1994 as the applicant was unable to attend this hearing.

T. On December 20, 1994, the Board of Supervisors considered the staff report, testimony, and submittals and continued the hearing to 1995 for consideration by the new Board of Supervisors.

U. On March 21, 1995, the Board of Supervisors considered the staff report, testimony, and submittals and took action to conceptually deny the application without prejudice and directed staff to present findings for the Board's consideration at a hearing on April 25, 1995.

V. On April 25, 1995, staff informed the Board that staff has reviewed all information submitted by the applicant, including submittals for all of the decision-maker hearings in consultation with the consultants. Envicom provided a written response to the Agland Investment document submitted for the Board's March 21, 1995 hearing (attached).

On April 25, 1995, the Board of Supervisors:

- Accepted into the record late submittals from the Department of Conservation-Office of Land Conservation, The California Farm Bureau Federation and the California Cattlemen's Association[1]; and

---

[1] Based on the Board of Supervisor's Procedural Guidelines, only those late submittals (those received after noon on the Friday before the following Tuesday Board hearing) accepted as part of the record by the Board are part of the record. Therefore, the following late submittals, which were not addressed, discussed or accepted by the Board of Supervisors are not a part of the record: 4/24/95 letter from Fred Clough with attached letters from Carson Scheller and a resume for John Stechman, a letter (received at 3:40 p.m. on 4/21/95) from Willy Chamberlin, and a document on the Proposed Agricultural Plan from Willy Chamberlin (received at 2:51 p.m. on 4/21/95).

the Board, public and staff for the December 13, 1994, December 20, 1994, March 21, 1995 and April 25, 1995 Board of Supervisors hearings.

a. Agricultural Element Policy LD: The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.

Finding: The project site has been enrolled in the County Agricultural Preserve Program for over 25 years. Use of the land is therefore limited by the contract between the property owner and the County, the County Agricultural Preserve Program Uniform Rules ("Uniform Rules"), and Government Code sections 51200 through 51295, commonly known as the California Land Conservation Act of 1965, or as the Williamson Act. Non-agricultural use of the property is prohibited, and in exchange the owner enjoys significant property tax savings.

The contract which applies to the project site is for a term of ten years, and it automatically renews every year. Either the owner or the County may file a Notice of Nonrenewal of the contract at any time; at the end of nine calendar years after the filing of such a notice, the contract would expire. No such notice has been filed relative to the contract governing this property.

The Uniform Rules allow the owner to build a residence on the property for the purpose of residing in it provided that the building site is less than two acres. Construction of additional residences is prohibited because it is presumed to be unrelated to and incompatible with the agricultural use of the land.[2] We specifically find in this instance that the proposed subdivision of the property into 31 homesites would result in a change in the primary use of the land from agricultural to residential, in violation of the contract presently in force.

The California Department of Conservation and the Farm Bureau of Santa Barbara County have each submitted letters opposing the project on the grounds that the project violates the spirit and letter of the Williamson Act. Also opposing the project on the same grounds are the California Farm Bureau Federation (a private agency) and various members of the public.

The proposed project is not consistent with the Williamson Act, the Uniform Rules or the policies identified above. As pointed out by the Department of Conservation, the proposed parcels would not be of sufficient size to individually sustain agricultural use. On the contrary, due to the configuration and topography of the property, 10 of the proposed lots would be capable of supporting less than one animal unit per year. The division of the property would result in fragmentation of the best grazing areas onsite. The use of level,

---

[2]Although it is not an issue herein, we note that the construction of housing for agricultural workers is explicitly designated as a compatible use under the Williamson Act and the Uniform Rules.

easement area will be able to address the conflicts between the residential and agricultural uses which will be side by side throughout the ranch. The subdivision of this 3677 acre ranch into 31 widely dispersed lots and the related residential uses on each of these lots are expected to generate conflicts with on-going agricultural uses. The primary attraction, the primary value and the most important use of the proposed lots, from the perspective of future owners, will be for a residential homesite. Residential use is, therefore, likely to be *each individual homeowner's priority* when conflicts between the residential and agricultural

The project would also be considered growth inducing as it would eliminate impediments to growth on other undeveloped agricultural holdings through the extension of roads and utilities to the far ends of the ranch, and would increase the extent of adverse urban influences further into rural areas. Although the applicant has suggested that future owners would not agree to access easements allowing adjacent developments to utilize their ranch roads, this is certainly conceivable at the right price (e.g., Hollister Ranch easement for oil pipeline which entailed substantially greater disruption and long-term risk to residents than use of existing roads).

Due to the scattered location of 31 new homes, accessory structures and uses, dogs, roads, etc. throughout the site and common trails (trail users and dogs) and development areas near the perimeter of the site (adjacent to other on-going agricultural operations), the project would increase the interface between residential and agricultural uses both on and offsite. Such urban influences would increase land use conflicts associated with the increase in residential uses and residents, roaming dogs, trespass, trails (particularly at the property perimeter), poaching, nuisance complaints, etc., with both on- and off-site agricultural properties, inconsistent with the above goal and policy from the Agricultural Element. (Also see discussion under Santa Ynez Agricultural Goal #1).

d. Agricultural Element Policy II.B: Conversion of highly productive agricultural lands, whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

Finding: Although not highly productive in terms of cultivation potential, the 3800-acre project site has been utilized for cattle grazing since the 1800's. Cattle were only recently (and temporarily) removed from the site, after the site was purchased by the project applicant, due to past overgrazing (as identified by the applicant). Cattle were brought back to the site in the spring of 1994. In Santa Barbara County, from a physical resource perspective, a minimally viable rangeland property (or leasable unit) is generally considered to be a property which can support/produce between 25 and 30 animal units per year. The subject property has been estimated to support approximately 59 animal units per year. Buildout of the development areas on each of the 31 lots would result in the loss of up to 100 acres of the most grazable areas of the site for cattle grazing, with additional acreage removed for new driveways and widened access roads. Utilization of the property for cattle grazing is considered one of the most productive and least capital and labor intensive uses of the land, given the lack of contiguous soils appropriate for cultivation. There are a lack of

f. Santa Ynez Valley Community Land Use Goal #1: Future residential development should not be located on prime food-producing or pasture land, but close to existing public services. The beauty of the land should be preserved by limiting urban sprawl and creating buffer zones to maintain the individual character of each town.

Finding: The site has supported cattle ranching operations for over 100 years; it has adequate onsite water supplies to continue to support such operations; it can support more than a minimally viable number of animal units (25-30 AU is considered to be the minimum productivity necessary for a viable operation and the site can support at least twice this amount); and it is currently enrolled in and consistent with the County's Agricultural Preserve Program. The proposed A and B Areas (development areas) would potentially remove up to 100 acres of the two highest forage value grazing land from cattle ranch operations, with additional forage areas removed and/or interrupted by new driveway access roads. Development would be interspersed throughout the ranch. The location of future structures primarily on ridge tops and the widening and paving of existing roads and new driveways to the far ends of the ranch would visually extend the "existing developed rural neighborhood" boundary (created before adoption of the General Plan in 1980) outward to the north, contrary to the goals of creating buffer zones to maintain the individual character of each town. The project site is not located close to existing public services, further stretching and increasing existing demands on public services such as police, ambulance, fire, etc. Extension of roads and utilities to the farthest ends of the ranch, particularly to the north and to the west, would also remove impediments to subdivision of adjacent large undeveloped acreages. This ability to provide access to adjacent large undeveloped acreages to the north and west and to reduce the cost of extending utilities to these areas, combined with increased land values (due to their perceived subdivision potential) is growth inducing.

g. Santa Ynez Community Land Use Goal #2: Parcel sizes should progressively increase from urban centers to suburban belts, to ranches, to rural farming and grazing.

Finding: The parcels would range in size from 100 to 224 acres. The existing property is surrounded to the north and west by cattle ranches of substantial acreage (922 acres, 3700 acres, 1300 acres). To the south is the existing developed rural neighborhood (EDRN) of Bobcat Springs which includes AG-I-20, 1-E-1, A-I-5 and highway commercial designations (see vicinity map, attached). EDRNs are composed of parcels with lot sizes less than the minimum allowable size in the surrounding area. Parcels within these areas were approved or created prior to adoption of the County's Comprehensive Plan. The purpose of the EDRN boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands. No expansion of EDRNs outside the designated areas are to occur. Also located to the south, but west of the EDRN, are agricultural parcels with cultivation and grazing. These parcels are 370 to 620 acres in size. Separating the Bobcat Springs development from the City of Buellton are additional agricultural parcels of approximately 450 and 550 acres. Given that there are still over 3000 acres between the City of Buellton and Mission Oaks Ranch with parcels sizes of 370 to 600 acres, implementation of the proposed subdivision to 100-224 acre parcels would be inconsistent with this goal of increasing parcel sizes away from urban centers. Compliance with this goal

additional fees to cover losses and to maintain agricultural infrastructure which they may be reluctant to fund.

The Mission Oaks Ranch project would rely on measures more restrictive than have historically been placed on similar subdivisions. The County has had recent experience where applicants have expressed dissatisfaction with complex conditioning. Such extensive conditioning has been found to either keep people from buying into a project or in disregarding the restrictions and requirements when it comes to actual implementation.

The applicant has pointed to two other large agricultural subdivisions to support their project. Neither the Hollister Ranch (with 54 homes out of the 136 parcels) or the Santa Barbara Thoroughbred Farm (6-8 homes out of 30 parcels) subdivisions have been built out to date. Therefore, although cattle grazing activities are continuing on these ranches, there is no guarantee that the opportunity for continuation of this use will be present under buildout of these ranches. In addition, both of these projects were subdivided prior to adoption of the County's Agricultural Element and therefore were not subject to the policies and goals of this element of the Comprehensive Plan).

The Hollister Ranch has however already experienced the withdrawal of acreage on individual parcels from the cattle operation and has experienced some land use conflicts between the cattle operation and residential uses including loose dogs, horses, and damage to private landscaping (according to the applicants' Agricultural Management Plan and the experiences of the Cattle Coop Manager at the Hollister Ranch). The Hollister Ranch HOA has also been embroiled in litigation involving the CC&Rs and related restrictions, which are less restrictive than those proposed for the Mission Oaks Ranch project. Both the litigation and maintenance of the extensive roadway infrastructure have resulted in a considerable level of effort both in time and expense to the HOA. Important differences between the Hollister Ranch and Mission Oaks are that 1) the Hollister Ranch includes 14,000 acres, providing greater flexibility in the number, movement, and rotation of cattle on the ranch. The substantially greater size of the Hollister Ranch reduces the adverse effects on continued grazing operations when individual lots are developed and acreage is removed for the residential development. Another important difference between the two ranches and related development is that the primary attraction of the Hollister Ranch (for lot owners) is the coastline and the related beach and water oriented recreational opportunities that this coastline provides. Because the primary interest of owning property at the Hollister Ranch for many of its owners is to take advantage of the ranch's beaches and surf, many parcels are either undeveloped or do not have full-time residents. The combination of temporal use of existing residences and the focus of owner activities at the beach greatly reduce the interface between residential uses and activities and the on-going agricultural activities of the cattle operation.

Of the six to eight new homes at the Santa Barbara Thoroughbred Farm, only two parcels are utilized by full-time residents (see applicants' Agricultural Management Plan). Therefore it is inconclusive to determine whether agricultural uses will continue upon buildout of all of the lots. The Mission Oaks Ranch proposal anticipates income for the HOA from the cattle

j. Land Use Development Policy #4: *Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.*

The County Water Agency is currently re-evaluating the status of the Buellton Uplands Basin in coordination with an advisory committee to the Santa Ynez River Water Conservation District. The applicant and his hydrologist have been involved in this process. At this time, neither the County Water Agency nor the Santa Ynez River Water Conservation District has reached a final determination or consensus regarding the status of this basin. Regardless of whether the status of the basin is determined to be in surplus or in overdraft (to the extent suggested in the EIR), the project would be consistent with LUDP#4 with regard to water, based on the new interpretive guidelines approved by the Board of Supervisors. These guidelines identify a project as being consistent with LUDP#4 if the basin would continue to have at least a 75-year life with both existing plus project water demand. Therefore, even if the basin is assumed to be in overdraft as indicated in the EIR, the project would remain consistent with this policy. There are no findings for denial which are based on the proposed water supply or the status of the Buellton Uplands Basin.

k. Hillside/Watershed Protection Policy #1: *Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.*

Finding: Project grading would require substantial cutting and filling particularly for improvement of existing roads and installation of new roads, individual driveways, and utility extensions throughout the entire ranch as well as for on-going maintenance. Development options exist which would require less grading, including a reduced density project or a more clustered project, such as, but not limited to alternatives discussed in the project EIR. Therefore, the project is inconsistent with this policy.

l. Hillside/Watershed Protection Policy #2: *All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other existing preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soils, geologic, flood, erosion or other hazards shall remain in open space.*

Finding: The project design does not maximize preservation of natural features or native vegetation. The direct loss and fragmentation of native vegetation due to the proposed location of development areas and infrastructure disbursed to the far ends of the 3877 acres

2. State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map:

a. The proposed map is not consistent with applicable general and specific plans as specified in §65451.

Finding: See discussion of State Government Code Section 66473.5 above.

b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Finding: The design and improvements set forth in TM 14,315 are inconsistent with the County's Comprehensive Plan for the reasons discussed in findings 1a - 1p above, and as further discussed in sections 3.0 and 5.1 of the October 12, 1994 Planning Commission staff report, and in public, staff, Planning Commission, and Board testimony and submittals at the Planning Commission and Board of Supervisors hearings.

c. The site is not physically suitable for the type of development proposed.

Finding: The site topography, agricultural resources, biological resources, and archaeological constraints onsite make the site physically unsuitable for the specific type of development proposed. The project would result in creation of 30 private residential building sites scattered throughout a 3877 acre active cattle ranch. The proposal places development in areas which would result in fragmenting the best forage areas for grazing onsite as well as sensitive wildlife habitats and loss of native vegetation. The development would essentially be a rural residential development with secondary agricultural uses as the new owners would be purchasing individual lots for the primary purpose of a residential homesite. Impacts stemming from conflicts between residential and agricultural use of the property as well as indirect impacts of human intrusion into undeveloped rural areas are exacerbated by scattering development throughout the 3877 acre ranch.

d. The site is not physically suited for the proposed density of development.

Finding: The density of development may be accommodated onsite, but not with the proposed interspersed configuration of development. The unsuitability of the site for the proposed project is affected more by the project design, particularly the lot and development area layout, than by the proposed density.

Attachment C

Elizabeth L. Painter, Ph.D.
Botanist and Plant Ecologist
2627 State Street #2
Santa Barbara, CA 93105
805-687-6187
paintere@west.net

17 July 2008

Subject: Santa Barbara Ranch FEIR

Dear Planning Commissioners:

I would like to submit the following comments and information on those parts of the Santa Barbara Ranch Final Environmental Impact Report (URS Corporation 2008) related specifically to biological resources, in particular, plants and vegetation. I believe that I am very qualified to address these issues. I hold graduate degrees in both botany and ecology, and have 34 years professional experience in these fields, and 18 years experience working with the California flora. I have authored in The Jepson Manual, the Jepson Desert Manual, and the forthcoming revision of The Jepson Manual. My curriculum vitae is on file with Santa Barbara County Planning & Development.

I found a number of serious flaws in how the 2008 URS Corporation Final Environmental Impact Report (FEIR 2008) addressed plants and vegetation, which I will discuss in detail below. I have reviewed not only the FEIR (2008), but also Holland's (2003) Botanical survey of Santa Barbara Ranch and SAIC's (2005) Final 2004–2005 Biological Survey Report. Although the FEIR (2008) states that it had adequate baseline information, this does not appear to be an accurate characterization of the plant and vegetation information provided.

Based on the lack of a complete list of plant taxa[1] occurring in the project area in Holland (2003), SAIC (2005), or the FEIR (2008), it is evident that no comprehensive floristic survey was conducted, despite this being prerequisite to conducting an adequate botanical survey. Holland (2003) stated that his was a preliminary survey. SAIC (2005) and the FEIR (2008) are both 'final'. Without a comprehensive floristic survey, the information cannot be considered adequate for the purposes of impact assessment in the FEIR (2008). Without a comprehensive floristic survey, there is no satisfactory way to determine all the rare plant taxa occur in the project area, all the plant taxa associated with any of the habitat (plant community or vegetation) types occurring in the project site, nor to determine if an adequate number of taxa were used to identify these habitat types. Without a comprehensive floristic survey and a complete list of plant taxa occurring at the project site, the baseline information cannot be considered adequate for adequate for the purposes of identifying and mitigating impacts to rare taxa or for identifying habitat types and mitigating impacts to rare habitats.

Failure to conduct a comprehensive floristic survey and a complete list of plant taxa occurring at the project site is a failure to meet Fish and Wildlife Service, California Department of Fish and Game (CDFG), California Native Plant Society (CNPS), and Santa Barbara County protocols and guidelines for botanical field surveys and documentation habitats of a project site. These guidelines, developed by federal and state biological resource agencies and professional botanists, provide minimum standards by which botanical and floristic inventories should be conducted. These are the minimum standards expected of professional botanical consultants.

> USFWS Guidelines (2000): "List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level

[1] (taxon, singular) a group of organisms of any taxonomic rank, e.g., family, genus, species — used in my comments as the general term for the lowest rank identified in the project documents because there are mixed levels of taxa reported for the project site (e.g., genera, species, infraspecific taxa)

which allows rarity to be determined" and "a comprehensive list of all vascular plants occurring on the project site for each habitat type".

CDFG Guidelines (2000): "A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report".

CNPS Guidelines (2001): "A floristic survey requires that every plant observed be identified to species, subspecies, or variety as applicable. In order to characterize the site properly, a complete list of plants observed on the site shall be included in every botanical survey report. In addition, a sufficient number of visits spaced throughout the growing season is necessary to prepare an accurate inventory of all plants that exist on the site. The number of visits and the timing between visits must be determined by geographic location, the plant communities present, and the weather patterns of the year(s) in which the surveys are conducted."

Santa Barbara County biological survey guidelines (2002): "Investigations should be conducted at the proper season and time of day when special status species are both evident and identifiable. Field surveys should be scheduled to coincide with known flowering periods, and/or during periods of phenological development that are necessary to identify plants of concern...."

Under CDFG and CNPS guidelines, there need to have been multiple visits to all parts of the project site throughout the growing seasons of plant taxa that could occur to be considered adequate in conducting a floristic survey and be able to detect special-status species. Holland (2003) stated that the site was surveyed in March through mid-July, but does not clearly say that the entire project site was surveyed multiple times during that period. Based on the SAIC (2005) report, it appears that SAIC botanists spent nearly all of their time surveying and sampling grassland vegetation (14 April 2004, 23 April 2004, 28 April 2004, 25 May 2004) or wetlands (14 April 2004, 19 April 20004, 23 April 2004, 28 April 2004, 3 may 2004, 25 May 2004, 14 June 2004, 15 June 2004, 13 July 2004), and did not visiting any of the Dos Pueblos Ranch. The FEIR states that a biologist visited the entire project site at least once. However, data supporting this is not clearly provided in any of the documents. Holland's survey dates would have missed early spring-, late summer-, autumn-, and winter-flowering plant taxa. The SAIC survey dates would have missed early spring-, late summer-, autumn-, and winter-flowering plant taxa. Neither Holland (2003) nor SAIC (2005) included any of the chaparral information provided in the FEIR (2008). Based on information available in Holland (2003), SAIC (2005), and the FEIR (2008), it appears that surveys failed to follow the USFWS, CDFG, CNPS, or County survey guidelines. Failure to follow the USFWS, CDFG, CNPS, or County guidelines means that the baseline information cannot be considered adequate.

It appears from Holland (2003), SAIC (2005), and the FEIR (2008) that no herbarium voucher specimens were collected for any of these. Correspondence with V.L. Holland and David J. Keil confirmed that no voucher specimens were made for the Holland (2003) survey. A search of the Consortium of California Herbaria yielded 34 specimen records from the project area[2], several of which were not mentioned in Holland (2003), SAIC (2005), or the FEIR (2008).

Santa Barbara County biological survey guidelines (2002) recommend that "[c]ollections of voucher specimens or rare (or suspected rare) plants or animals should be made only when such actions do not jeopardize the continued existence of the population and in accordance with applicable state and federal regulations" and that "[a]ll voucher specimens should be deposited at local public herbaria or recognized museums of natural history for proper storage and future reference." The guidelines also require that reports of biological field surveys and reports must contain a list of "herbaria and museums visited, and the location of voucher specimens".

[2] see 'herbarium' sheet on attached Excel file

California Native Plant Society (CNPS) recommends that "voucher specimens be collected and stored appropriately to document floristic data included in environmental review projects and scientific studies". CNPS's recommendations concerning voucher specimens include the following:

> "Environmental review projects (e.g., environmental impact reports [EIRs] and statements [EISs], environmental assessments [EAs], initial studies and negative declarations, natural environmental studies) that are conducted in the State of California and that include botanical field observations should also include voucher specimens, and/or photographic documentation consistent with existing standards, deposited in one or more herbaria listed in *Index Herbariorum*, Ed. 8 (Holmgren et al. 1990) or subsequent editions."[3]
>
> "The thoroughness of documentation for a particular project should be commensurate to the importance of the study, but in any case should include collection of voucher specimens for target species studies and noteworthy botanical observations (e.g., range extensions; state and county records; rediscoveries)."
>
> "Clients (e.g., private or public permit applicants) for whom environmental studies are conducted should be held financially responsible for the collection, identification, and curation of botanical vouchers; otherwise, there is little chance that documentation will improve."
>
> "Collection of botanical vouchers and the deposition of them in formal herbaria should be a requirement of the CEQA and NEPA processes. CNPS recommends that the responsible agencies and legislative bodies undertake a review of state and federal legislation and make appropriate amendments that will result in the collection and preparation of botanical vouchers becoming a formal part of the environmental review process."
>
> "One category of hierarchical data associated with herbarium specimens should be that which (1) identifies the project for which the specimen serves as a voucher, (2) lists the client, agency, and/or institution associated with the project, and (3) names the report in which the specimen is cited.'

In failing to collect herbarium voucher specimens, it appears that the surveys failed to follow CNPS and County guidelines. Without herbarium vouchers, there is no permanent record of plant taxa (rare and common) that occur at the project site. Without herbarium vouchers, there is no satisfactory way to determine if the names applied in Holland (2003), SAIC (2005), and the FEIR (2008) reflect the taxa actually occurring at the project site (i.e., that the taxa were correctly identified). Without herbarium vouchers, there is no way for anyone to attempt to complete the partial identifications found in the reports. Without herbarium vouchers, the baseline information cannot be considered adequate.

I found 215 plant taxa in Holland (2003), SAIC (2005), the FEIR (2008), and herbarium records[4]:

34 plant taxa were found as herbarium specimens found in Consortium of California Herbaria
151 plant taxa were listed by Holland.
171 plant taxa were listed by SAIC.
56 plant taxa were listed by the FEIR.

USFWS Guidelines (2000) state that "[v]ascular plants need to be identified to a taxonomic level which allows rarity to be determined". Of the 215 plant taxa, 14 taxa were identified only to genus

Acacia sp.
Amaranthus sp.
Citrus sp.
Clarkia sp. [15 native taxa documented in SB Co.]
Clematis sp. [3 native taxa documented in SB Co.]
Eucalyptus sp.
Filago sp. [3 taxa documented in SB Co., including 2 native taxa]

---

[3] The indexed herbaria in Santa Barbara County are the herbaria at the Santa Barbara Botanic Garden and the University of California at Santa Barbara.

[4] see 'taxa' sheet on attached Excel file

Hemizonia sp. [10 native taxa documented in SB Co.]
Lomatium sp. [8 taxa documented in SB Co.]
Microseris sp. [5 taxa documented in SB Co.]
Pinus sp. [9 taxa documented in SB Co.]
Populus sp. [2 taxa documented in SB Co.]
Salix sp. [7 taxa documented in SB Co.]
Vulpia sp. [6 taxa documented in SB Co.]

30 taxa with infraspecific taxa (vars. or subspp.) were identified only to species:

Amsinckia menziesii [2 vars. documented in SB Co.]
Atriplex lentiformis [1 subsp. documented in SB Co.]
Bloomeria crocea [3 vars. documented in SB Co.]
Brodiaea terrestris [1 subsp. documented in SB Co.]
Calystegia macrostegia [3 subspp. documented in SB Co.]
Castilleja exserta [2 subspp. documented in SB Co.]
Ceanothus megacarpus [2 vars. documented in SB Co.]
Claytonia perfoliata [2 subspp. documented in SB Co.]
Dichelostemma capitatum [1 subsp. documented in SB Co.]
Epilobium ciliatum [1 subsp. documented in SB Co.]
Hazardia squarrosa [3 vars. documented in SB Co.]
Hordeum brachyantherum [2 subspp. documented in SB Co.]
Hordeum murinum [2 subspp. documented in SB Co.]
Isocoma menziesii [4 vars. documented in SB Co.]
Juncus bufonius [3 vars. documented in SB Co.]
Juncus effusus [2 vars. documented in SB Co.]
Juncus phaeocephalus [1 var. documented in SB Co.]
Lepidium nitidum [1 var. documented in SB Co.]
Lomatium caruifolium [2 vars. documented in SB Co.]
Lotus scoparius [1 var. documented in SB Co.]
Malacothrix saxatilis [5 subspp. documented in SB Co.]
Pholistoma auritum [1 var. documented in SB Co.]
Quercus agrifolia [1 var. documented in SB Co.]
Rhamnus californica [1 subsp. documented in SB Co.]
Scrophularia californica [2 subspp. documented in SB Co.]
Sidalcea malviflora [4 subspp. documented in SB Co.]
Trifolium albopurpureum [2 var. documented in SB Co.]
Urtica dioica [1 subsp. documented in SB Co.]
Verbena lasiostachys [2 vars. documented in SB Co.]
Vulpia microstachys [4 vars. documented in SB Co.]

Without complete identifications of reported plant taxa, the baseline information cannot be considered adequate.

Over the past several years, I have begun to assemble lists of habitats for native plant taxa documented in Santa Barbara County. Not all sources have been surveyed for all taxa. To date, I have surveyed 4 to 30 sources for over 1600 native plant taxa found in Santa Barbara County. I have surveyed[5] The Jepson Manual (Hickman 1003), online treatments for revision of The Jepson Manual (Jepson Flora Project 2008), A California Flora (Munz 1959) and Supplement (Munz 1968), Flora of North America (Flora of North America Editorial Committee 1993+), A Flora of the Santa Barbara Region (Smith 1998),, and the Calflora database for all taxa reviewed to date. Other sources reviewed include A Flora of Santa Cruz Island (Junak et al. 1995), Flowering Plants of Monterey County (Matthews 1997), and A Flora of Kern County (Twisselmann 1967). I have found that over 600 native plant taxa are listed by at least one source as occurring in grasslands, over 60 native plant taxa are listed by at least one source as occurring

[5] not all sources included all taxa on my list and were not included in 'number of sources' on attached the Excel file

in 'potreros', over 160 native plant taxa are listed by at least one source as occurring in 'fields', over 200 native plant taxa are listed by at least one source as occurring in meadows, over 300 native plant taxa are listed by at least one source as occurring in moist habitats, over 500 native plant taxa are listed by at least one source as occurring in wetlands, over 400 native plant taxa are listed by at least one source as occurring in riparian, stream habits, over 900 native plant taxa are listed by at least one source as occurring in shrublands, over 700 native plant taxa are listed by at least one source as occurring in woodlands, over 30 native plant taxa are listed by at least one source as occurring in savannas, and over 500 native plant taxa are listed by at least one source as occurring in forests.

I checked the 215 plant taxa recorded in Holland (2003), SAIC (2005), the FEIR (2008), and herbarium records against my habitat records and found that, 111 are considered by most or all sources to be native taxa[6].

68 are listed by at least one source as occurring in grasslands (including coastal prairie, herbland).
24 are most commonly listed as occurring in grasslands (including coastal prairie, herbland).
13 are listed by at least one source as occurring in potreros[7].
0 taxa are most commonly listed source as occurring in potreros.
22 are listed by at least one source as occurring in fields[8].
0 taxa are most commonly listed as occurring in fields.
20 are listed by at least one source as occurring in meadows (including cienegas[9]).
0 taxa are most commonly listed as occurring in meadows (including cienegas).
42 are listed by at least one source as occurring in moist habitats.
1 taxon is most commonly listed as occurring in moist habitats.
55 are listed by at least one source as occurring in wetlands (at least FAC).
26 taxa are most commonly listed as occurring in wetlands (at least FAC).
61 are listed by at least one source as occurring in riparian, stream habitats.
11 taxa are most commonly listed as occurring in riparian, stream habitats.
99 are listed by at least one source as occurring in shrublands.
44 taxa are most commonly listed as occurring in shrublands.
81 are listed by at least one source as occurring in woodlands.
10 taxa are most commonly listed as occurring in woodlands.
11 are listed by at least one source as occurring in savannas.
0 taxa are most commonly listed as occurring in savannas.
55 are listed by at least one source as occurring in forests.
1 taxon is most commonly listed as occurring in forests.

6 rare plant taxa that occur on the project site (or very near) were identified in Holland (2003), SAIC (2005), the FEIR (2008), and herbarium records:

Baccharis plummerae subsp. plummerae
CNPS 4.3
Herbarium specimen
FEIR (high potential for occurrence in project area)
Brodiaea terrestris subsp. terrestris
Rare Plants of Santa Barbara County
Holland; SAIC; FEIR
Horkelia cuneata subsp. puberula
CNPS 1B.1

[6] see attached Excel file (all pages)

[7] Potreros are most frequently defined as dry montane grasslands, but the term is sometimes used for moist grasslands and meadow.

[8] The term 'fields' appears to be used for cultivated areas in some cases and noncultivated areas in others (often akin 'herbland' or 'wildflower' fields).

[9] Cienagas are wet meadows or marshes.

FEIR (regions 4, 5)

Lonicera subspicata var. subspicata
CNPS 1B.2, Rare Plants of Santa Barbara County
SAIC; FEIR (regions 1, 4)

Malacothrix saxatilis var. saxatilis
CNPS 4.2
FEIR [regions 2, 3]

Parnassia palustris
Rare Plants of Santa Barbara County
Herbarium specimen, FEIR (region 5)

Although Santa Barbara County biological survey guidelines (2002) require that "[I]nvestigations should be well-documented. When rare or endangered plants or animals or unusual plant communities are located, a California Native Plant Field Survey Form or its equivalent must be completed and sent to the Natural Diversity Data Base and a copy attached to the report sent to RMD", there were no California Native Plant [NDDB] Field Survey Forms included with the FEIR.

However, this may not be all of the rare plant taxa at the project site. Without a comprehensive floristic survey pursuant to the USFWS, CDFG, CNPS, and County guidelines, it is not possible to determine how many rare plant taxa were missed.

There were 3 genera not identified to species which contain rare taxa:

Clematis sp.
1 sensitive taxon in SB Co.
SAIC

Filago sp.
1 sensitive taxon in SB Co.
SAIC

Hemizonia sp.
6 sensitive taxa in SB Co.
SAIC

The FEIR (2008) states (p. 9.4-87) states that "Rare plant surveys shall be conducted within one year of the proposed commencement of construction activities". However, without a complete list of rare plants, planning decisions that need to be made before approval of construction activities cannot be made. Without a complete survey for and identifications of rare plant taxa, the rare plant baseline information cannot be considered adequate.

On p. 9.4-88 of the FEIR (2008), it says that "In the event any sensitive plant species are found in these areas to be disturbed, a qualified biologist shall collect seeds, bulbs, or cuttings of these species for transplantation to suitable areas within the OSCE [Open Space Conservation Easement]." The FEIR (2008) provides no evidence that this would be a successful strategy. Studies have found that transplantation is rarely successful (Allen 1994, CNPS 1998, Fahselt 1988, Fiedler 1991, Hall 1987, Howald 1996). And 'successes' often required continued intensive management. CNPS (1998) reported that "reliance on transplantation of state-listed species is not only unlikely to succeed, but is likely to contribute to further declines of these taxa, possibly to widespread extinctions. In an example that could illustrate the potential results for the proposal in the FEIR, Havlik (1987) reported on a case where (as is suggested in the FEIR) on an attempt to transplant to 'suitable' habitat of rare plants that were discovered shortly before building began on an approved development project. The effort was "essentially a failure". If is inappropriate to propose as a primary strategy for protecting 'sensitive plant species' methodology that has a very high potential for failure. It would be more appropriate (and probably more successful) if a comprehensive rare plant survey were conducted early in the process and avoidance strategies were developed prior to project approval.

There appear to be conflicts between current literature and Holland (2003), SAIC (2005), and the FEIR (2008) as to which taxa are native or alien.

Xanthium strumarium is listed as alien by Holland, SAIC, and the FEIR. However, it is unclear what their source was for this decision.

Xanthium strumarium is treated as a native species in The Jepson Manual (Hickman 1993), as well as Flora of North America, the USDA PLANTS database, Jepson Online Interchange (Jepson Herbarium information for the revision of The Jepson Manual).

Some taxa identified as alien are now considered native and vice versa.

Matricaria discoidea [Chamomilla suaveolens] is considered native by Flora of North America and Jepson Online Interchange (Jepson Herbarium information for the revision of The Jepson Manual).

Lepidium strictum is now considered alien by the Jepson Online Interchange.

As a former English teacher, I strongly believe that the use by Santa Barbara County[10] of the term 'native grassland species' must be literal, i.e., that all **native species** that have been identified as most commonly or frequently growing in **grasslands**[11] should be included in measurements of 10% or more relative cover.

Based on the plant taxa most commonly listed as occurring in grasslands, choices of plant taxa that Holland (2003), SAIC (2005), and the FEIR (2008) included as 'native grassland species' appear to be at least somewhat arbitrary and incomplete.

Of the 111 native plant taxa mentioned by Holland (2003), SAIC (2005), and the FEIR (2008), the sources I have surveyed identified 'grasslands' (including coastal prairie, herblands) as the most frequently identified 'grassland' habitat (including coastal prairie, herblands) of at least 24 taxa[12].

SAIC and the FEIR identified 10 taxa as 'native grassland species':

Bloomeria crocea
Brodiaea terrestris
Castilleja exserta
Hordeum brachyantherum
Ddichelostemma pulchella
Juncus occidentalis
Leymus triticoides
Nassella pulchra
Plantago erecta
Sisyrinchium bellum

Holland identified 17 native plant taxa as occurring in 'grassland and mixed ruderal communities', but did not separate out 'native grassland species':

Bloomeria crocea
Brodiaea terrestris
Calystegia macrostegia
Castilleja densiflora subsp. densiflora
Eschscholzia californica
Dichelostemma capitatum
Eremocarpus setigerus
Hemizonia fasciculata

[10] Santa Barbara County Environmental Thresholds of Significance Report (1993)

[11] Most plant taxa are listed in multiple habitats, e.g., Nassella pulchra occurs not only in grasslands (27 of 31 sources) but also shrublands (16 or 31), woodlands (12 or 31), and forests (1 of 31). The high frequency of listed occurrences in woodlands and forests might indicate that it should also be included in measurements for those habitat types.

[12] see 'grasslands' sheet on attached Excel file

Lotus humistratus
Lupinus succulentus
Nassella pulchra
Plantago erecta
Sanicula arguta
Sidalcea malviflora
Sisyrinchium bellum
Trifolium albopurpureum var. albopurpureum
Verbena lasiostachys
Vulpia microstachys

Since these apparently arbitrary choices were then used to decide a priori in which areas to run transects to see if cover was sufficient to constitute a 'native grassland', the placements of transects was also arbitrary.

Thus, both because of the failure to include all 'native grassland species' and the placement of transects, 'native grasslands' could have been significantly underestimated.
Without complete a complete survey for and measurement of cover by all 'grassland' plant taxa, the baseline information cannot be considered adequate.

Holland (2003) did not explain why he considered Hemizonia fasciculata [Deinandra fasciculata] to be 'ruderal'[13]. Neither SAIC (2005) nor the FEIR (2008) explain why they did not include this taxon in 'native grassland species'.

In 10 of 13 sources I surveyed, 'grassland' (including coastal prairie, herblands) is most commonly the listed habitat for Hemizonia fasciculata [Deinandra fasciculata]. Relatively few sources included 'disturbed' among the habitats (e.g., Flora of North America gave 'burns' as its example of disturbed).

The Jepson Manual lists coastal grassland, woodland.

Flora of North America lists grasslands, openings in chaparral, coastal scrub, and woodlands, vernal pool beds, disturbed sites (e.g., burns).

Munz's California Flora lists valley grassland, coastal sage scrub, southern oak woodland.

Munz's Southern California Flora lists valley grasslands, coastal sage scrub, southern oak woodland.

Smith's A Flora of the Santa Barbara Region lists fields, open woodlands.

Calflora lists valley grassland, coastal sage scrub, southern oak woodland.

In his draft Jepson Manual revision treatment, Baldwin (personal communication) lists grasslands, scrub, woodlands, vernal pools, open or disturbed sites.

Junak et al.'s Flora of Santa Cruz Island lists valley and foothill grassland, grassy slopes, coastal flats, pastures, coastal scrub.

Hoover's San Luis Obispo Co. book interior herbaceous habitats, clay soils.

Since not all native grassland species were included, then those areas with 'native grassland species' not identified by SAIC (2005) or the FEIR (2008) need to (re)surveyed. This would include all those areas with Hemizonia fasciculata [Deinandra fasciculata], including those previously identified as 'non-native grassland' or 'weedy' and the areas photographed by in June of this year by Magney (2008).

Holland (2003), SAIC (2005), and the FEIR (2008) did not include any discussion of measurements of biological (cryptobiotic, cryptogamic) soil crusts as constituents of 'native grassland' (or other native plant habitat types), although they can be important in what is often called 'bare ground'. Biological soil crusts an association of lichens, mosses, microfungi, green algae, cyanobacteria, and other bacteria (Belnap et

[13] a plant that grows on poor land or disturbed sites, including natural disturbances (e.g., burns, landslides, gopher and ground squirrel soil excavations)

al. 2001, Rosentreter et al. 2007). Biological soil crusts stabilize soils and reduce wind and water erosion, aid in water infiltration, improve seedling establishment, increase soil organic matter and nutrients, and increase survival of some higher plant taxa (Belnap 1994, Belnap & Gardner 1993, Belnap et al. 1994, Belnap et al. 2001, Beymer & Klopatek 1992, Brotherson et al. 1983, Harper & Marble 1988, Harper & Pendleton 1993, St. Clair & Johansen 1993). Without inclusion of biological soil crusts, the baseline information provided cannot be considered adequate.

Holland (2003), SAIC (2005), and the FEIR (2008) do not define 'weed'. The term 'weed' is often casually used; however, to weed scientists and most other biologists, 'weeds' are not simply 'any plants growing where they are not wanted', which requires a value judgment by the observer (Holland and Keil 1995, Stuckey and Barkley 1993). An explanation of the differences between definitions of *weed* based on value judgments and definitions based on biological attributes can be found in Stuckey and Barkley (1993) and Holland and Keil (1995).

Based on biological attributes, Holland and Keil (1995) describe 'weeds' as species introduced by human activities to areas outside their natural range that aggressively invade stands of undisturbed native vegetation as well as areas that have been subjected to disturbance (particularly human-induced disturbance). This description does not place a value judgment on a species' economic impact or aesthetic qualities. It also excludes native species within their native range and habitat, even if the latter is 'disturbed'.

Holland (2003) did not explain why he considered Eremocarpus setigerus [Croton setigerus] or Heliotropium curassavicum to be 'invasive weeds'. Both Eremocarpus setigerus and Heliotropium curassavicum are native species, thus by definition not invasive. By Holland and Keil's definition neither are weeds (although Eremocarpus setigerus is sometimes described as growing in disturbed sites).

In 12 of 16 sources I surveyed, 'grassland' (including coastal prairie, herblands) is most commonly the listed habitat for Eremocarpus setigerus [Croton setigerus]. A few sources included 'disturbed'[14] among the habitats.

The Jepson Manual lists dry, open, often disturbed areas.

Munz's California Flora lists valley grassland, coastal sage scrub, foothill woodland, oak woodland.

Munz's Southern California Flora lists valley grassland, oastal sage scrub, oak woodland.

Smith's A Flora of the Santa Barbara Region lists roadsides, fallow ground, pastures, fields.

Calflora lists valley grassland, coastal sage scrub, foothill woodland, northern oak woodland, southern oak woodland.

Junak et al.'s Flora of Santa Cruz Island lists grasslands, grassy hillsides, open ridgetops and slopes, coastal scrub, near vernal ponds.

Matthews's Monterey Co. book lists valley grassland, oak woodland, coastal sage scrub.

Twisselmann's Kern Co. book lists upper Sonoran grassland, summer fallowed fields, sandy plains, roadsides.

In 7 of 13 sources I surveyed, 'wetland' is most commonly the listed habitat for Heliotropium curassavicum, while 4 listed 'moist and 4 listed 'grassland'. None included 'disturbed' among the habitats. Heliotropium curassavicum is not included on the Corps of Engineers 'wetland species' lists. However, this should not preclude its being considered as a 'wetland' component, especially since many taxa frequently found in 'moist' habitats are considered to be at least FAC.

The Jepson Manual lists moist to dry, saline soils.

Munz's California Flora lists saline or alkaline soils.

Munz's Southern California Flora lists saline or alkaline soils.

[14] including natural disturbances (e.g., burns, landslides, gopher and ground squirrel soil excavations)

Smith's A Flora of the Santa Barbara Region lists ocean bluffs, coastal marshes, waste places, roadsides, sandy fields.

Calflora says that it grows "occurs almost always under natural conditions in wetlands" and lists yellow pine forest, red fir forest, lodgepole forest, foothill woodland, chaparral, valley grassland, riparian-wetlands.

Junak et al.'s Flora of Santa Cruz Island lists brackish estuary, sandy beaches, floodplains, moist grassy flats, coastal strand, grasslands.

Hoover's San Luis Obispo Co. book lists saline, alkaline, or moist ground

Matthews's Monterey Co. book lists saline or alkaline soils.

Twisselmann's Kern Co. book lists alkali sink (seasonally wet), winter-wet often subalkaline low places, sandy washes, canal banks, moist soil.

Neither SAIC (2005) nor the FEIR (2008) provide a clear definition of 'relative cover', nor do they make clear whether aerial or basal cover was used. I reviewed al plant ecological methods books on my shelves, checked several webpages, and contacted plant ecologists. The general consensus was that 'relative cover' means the cover of a particular taxon or group of taxa divided by the sum of the covers of all species. It generally does not include non-living plant material (e.g., litter or mulch), biological soil crust, or bare ground. If aerial cover is used, total plant cover can be greater than or less than 100%, depending on whether cover by taxa overlaps. If basal cover is used, total plant cover usually is less than 100%.

Holland (2003), SAIC (2005), and the FEIR (2008) indicated that plant habitats at the project site included grasslands, chaparral, coastal scrub, coastal bluff scrub, marine terrace, riparian woodlands, and wetlands.[15] Relevés were the primary method by which habitats at the project site were characterized. Coast live oak riparian woodland, coast live oak woodland, coast live oak-sycamore woodland, southern willow scrub, coastal bluff scrub, wetlands, and native grasslands are considered sensitive types by federal, state, and local resource agencies.

Only 5 relevés were included in SAIC's (2005) report, which by most standards in not adequate to characterize all the plant habitat types identified in the project area.

There are no chaparral, coast live oak woodlands, sycamore woodland, willow scrub, or coastal bluff relevés.

There is only one coastal scrub relevé, R3.

There is only one 'ruderal' area relevé, relevé R4.

There are only 3 'grassland' relevés, R1, R2, and R5.

It would appear that most of the habitats at the project site, particularly the sensitive habitat types, were inadequately surveyed or not surveyed at all. Without more complete habitat surveys, the baseline information provided cannot be considered adequate. Santa Barbara County biological survey guidelines 1992) require that "[I]nvestigations should be conducted using systematic field techniques in all habitats of the site to ensure a reasonably thorough coverage of potential impact areas."

None of the grassland relevés included cover by Hemizonia fasciculata [Deinandra fasciculata], which appears from photos to be an important native 'grassland' species. Nor do they include Eremocarpus setigerus [Croton setigerus] Because not all 'native grassland taxa' were considered, it is quite possible that more 'grassland' relevés would have been appropriate to adequately characterize 'native grasslands'.

[15] see 'reports' sheet on attached Excel file

SAIC relevé R2 is labeled 'non-native grassland'. Only 1 native taxon was identified, Hemizonia sp. (<1%). Since this transect was read in early April, it may have been too early to adequately sample the Hemizonia. Finding this at the site should have triggered a resurvey of the relevé later in the season, when Hemizonia was more abundant, so it could be accurately determined if in fact Hemizonia was only a minor constituent at the site.

SAIC relevé R2 is labeled 'grassland', but does not specify 'native. The plants includes 12% cover by Lomatium (species not given). Since all Lomatiums in Santa Barbara County are native, this is sufficient cover to define this as a 'native grassland'. In addition to the Lomatium, other native plant taxa at the site include Plantago erecta (1%), Sisyrinchium bellum (1%), Hordeum brachyantherum (2%), Microseris (species not given) (<1%), Castilleja exserta (<1%). If a complete accounting of plant taxa were provided, there may have been move native taxa. However, with what is given, native plant taxa compose at least 16% of the cover. If this is absolute cover (which adds up to 37% total), then native plant taxa constitute 43% of the relative cover.

SAIC (2005) relevé R5 is labeled 'non-grassland'. Most of the listed dominants are alien taxa. However, 5% of the cover is Vulpia sp. There are 6 native Vulpia taxa in Santa Barbara County. 5% absolute cover is 6% relative cover, so it would not take many hits on unreported native plant taxa to open this site up to consideration as a 'native grassland'.

There are 6 'native grassland' transect forms included in SAIC's (2005) report. Because not all 'native grassland taxa' were considered, it is quite possible that more 'native grassland' transects would have been appropriate to adequately characterize 'native grasslands'.

'Native grassland' transect T1 appears to discount this site as a 'native grassland', because the absolute cover by Hordeum brachyantherum (the only 'native grassland species' recorded) was 8%, and the relative cover was less than 10%. However, this was established using cover values with a precision level of whole numbers while the relative cover value was taken to 1 decimal place (which is inappropriately adding a significant digit to the level of precision). Results cannot be more precise than the data were. When the 9.5% cover is rounded to the appropropriate precision level, 'native grassland' relative cover is 10%[16], even without measuring any other 'native grassland species' that were not reported. Without a comprehensive survey of all wetland sites at the appropriate times of year, the baseline information cannot be considered adequate.

On Santa Barbara Ranch, wetlands were more adequately surveyed than any other habitat. There are 24 'wetland plot' forms included in SAIC's (2005) report. However, not all wetlands on Santa Barbara Ranch were formally delineated. However, not all Corps of Engineers 'wetland species' recorded in Holland (2003), SAIC (2005), the FEIR (2008), and herbarium records were identified on these forms, indicating that not all wetlands were surveyed.

I found 58 Corps of Engineers 'wetland species'[17] among the taxa recorded in Holland (2003), SAIC (2005), the FEIR (2008), and herbarium records. No wetlands on Dos Pueblos Ranch were delineated. Neither Holland (2003) nor SAIC (2005) were tasked with covering Dos Pueblos Ranch. Moreover, for wetlands that were delineated, the FEIR listed only 17 of these. Again, this failure to include all Engineers 'wetland species' indicates that not all wetlands were surveyed. Without a complete list of 'wetland' plant taxa occurring at the project site, the baseline information cannot be considered adequate.

[16] I set my calculator for the appropriate number of significant digits (whole number as percent, 2 decimal places as fraction), and got 10% (.10) as the answer to 8% divided by 84%.

[17] see 'C of E wetland' sheet on attached Excel file

Thank you for your considerations of my comments and information.

Sincerely,

Elizabeth L. Painter, Ph.D.

cc: Brian Trautwein, Environmental Defense Center
Nathan G. Alley, Environmental Defense Center

References

Allen, W.H. 1994. Reintroduction of endangered plants: biologists worry that mitigation may be considered an easy option in the political and legal frameworks of conservation. BioScience 44(2): 65-68.

Belnap, J. 1994. Potential role of cryptobiotic soil crusts in semiarid rangelands. Pp. 179-185 *in* S.B. Monsen & S.G. Kitchen (compilers), Proceedings — Ecology and Management of Annual Rangelands. General Technical Report INT-GTR-313. USDA Forest Service Intermountain Research Station, Ogden, UT.

Belnap, J. & J.S. Gardner. 1993. Soil microstructure in soils of the Colorado Plateau: the role of the cyanobacterium *Microcoleus vaginatus*. Great Basin Naturalist 53: 40-47.

Belnap, J., K.T. Harper, & S.D. Warren. 1994. Surface disturbance of cryptobiotic soil crusts: nitrogenase activity, chlorophyll content, and chlorophyll degradation. Arid Soil Research & Rehabilitation 8: 108.

Belnap, J. J. H. Kaltenecker, R. Rosentreter, J. Williams, S. Leonard, and D. Eldridge. 2001 Biological Soil Crusts: Ecology and Management. Technical Reference 1730-2. USDI Bureau of Land Management, Denver, CO.

Beymer, R.J. & J.M. Klopatek. 1992. Effects of grazing on cryptogamic crusts in pinyon-juniper woodlands in Grand Canyon National Park. American Midland Naturalist 127: 139-148.

Brotherson, J.D., S.R. Rushforth, & J.R. Johansen. 1983. Effects of long-term grazing on cryptogam crust cover in Navajo National Monument, Ariz. Journal of Range Management 36: 579-581.

California Department of Fish and Game (CDFG). 2000. Guidelines for Conducting and Reporting Botanical Inventories for Rare, Threatened, and Endangered Plants and Natural Communities. 9 December 1983, Revised 8 May 2000. California Department of Fish and Game, Sacramento, California.

California Native Plant Society (CNPS). 1998. Statement opposing transplantations as mitigation for impacts to rare plants 9 July 1998. California Native Plant Society, Sacramento, California

California Native Plant Society (CNPS). 2001. Botanical Survey Guidelines. Board of Directors, California Native Plant Society. Sacramento, California. See www.cnps.org for complete text of guidelines. First published 9 December 1983, revised 2 June 2001.

California Native Plant Society (CNPS). 2008. Inventory of Rare and Endangered Plants. 7th Edition (on-line). http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi

Calflora. http://www.calflora.org/species/index.html

Consortium of California Herbaria. http://ucjeps.berkeley.edu/consortium/

County of Santa Barbara. 2002. Environmental Thresholds and Guidelines Manual. Published May 1992. Revised January 1995, October 2001, and October 2002, Replacement pages July 2003. Santa Barbara County Planning and Development Department, Santa Barbara, CA.

Fahselt. D. 1988. The dangers of transplantation as a conservation technique. Natural Areas Journal 8(4): 238-243. Excerpts published in 2004 in BEN: Botanic Electronic News No. 331 http://www.ou.edu/cas/botany-micro/ben/

Fiedler, P. 1991. Mitigation related transplantation, translocation and reintroduction projects involving endangered and threatened and rare plant species in California. California Department of Fish and Game, Sacramento, CA.

Flora of North America Editorial Committee (editors). 1993+. Flora of North America North of Mexico. 12+ vols. New York and Oxford. Vol. 1, 1993; vol. 2, 1993; vol. 3, 1997; vol. 4, 2003; vol. 5, 2005; vol. 19, 2006; vol. 20, 2006; vol. 21, 2006; vol. 22, 2000; vol. 23, 2002; Volume 24, 2007; Volume 25, 2003; vol. 25, 2003; vol. 26, 2002.

Hall, L.A. 1987. Transplantation of sensitive plants as mitigation for environmental impacts. Pp. 413-420 in T.S. Elias [editor], Conservation and management of rare and endangered plants. California Native

Plant Society, Sacramento, CA

Harper, K.T. & J.R. Marble. 1988. A role for nonvascular plants in management of semiarid rangelands. Pp. 189-221 *in* P.T. Tueller (ed.), Vegetation Science Applications for Rangeland Analysis and Management. Kluwer Academic Publ., London.

Harper, K.T. & R.L. Pendleton. 1993. Cyanobacteria and cyanolichens: can they enhance availability of essential minerals for higher plants: Great Basin Naturalist 53: 59-72.

Havlik, N.A. 1987. The 1986 Santa Cruz t5aweed relocation project. Pp. 421-423 in T.S. Elias [editor], Conservation and management of rare and endangered plants. California Native Plant Society, Sacramento, CA

Hickman, J.C, (editor). 1993. The Jepson Manual, Higher Plants of California. University of California Press, Berkeley, CA.

Holland, V.L. 2003. Botanical Survey of Santa Barbara Ranch, Santa Barbara County, California. Prepared for L&P Consultants, Santa Barbara, CA.

Holland, V.L. and D.J. Keil. 1995. California Vegetation. Kendall/Hunt Publishing Co., Dubuque, IA.

Holmgren, P.K., N.H. Holmgren, and L.C. Barnett. 1990. Index Herbariorum. Part I: The Herbaria of the World. 8th edition. New York Botanical Garden, Bronx, NY.

Hoover, R.F. 1970. The Vascular Plants of San Luis Obispo County, California. University of California, Berkeley, CA.

Howald, A.M. 1996. Translocation as a mitigation strategy: lessons from California. In D.A. Falk, C.I. Millar, and M. Olson (editors), Restoring Diversity: Strategies for Reintroduction of Endangered Plants. Island Press, Washington, D.C.

Jepson Flora Project. 2008. Treatments for public viewing for the Second Edition of The Jepson Manual: Vascular Plants of California. http://ucjeps.berkeley.edu/jepsonmanual/review/

Junak, S., T. Ayers, R. Scott, D. Wilken, David Young. 1995. A Flora of Santa Cruz Island. Santa Barbara Botanic Garden, Santa Barbara, CA & California Native Plant Society, Sacramento, CA.

Magney, D.L. 2008. Santa Barbara Ranch FEIR. Prepared for Santa Barbara County Department of Planning and Development, Santa Barbara, CA (copy to Environmental Defense Center).

Matthews, M.A. 1997. An Illustrated Field Key to the Flowering Plants of Monterey County and Ferns, Fern Allies, and Conifers. California Native Plant Society, Sacramento, CA.

Munz, P.A. 1959. A California Flora. University of California Press, Berkeley, CA.

Munz, P.A. 1968. Supplement to A California Flora. Berkeley, CA: University of California Press.

Munz, P.A. 1974, A Flora of Southern California. University of California Press, Berkeley, CA.

Rosentreter, R., M. Bowker, and J. Belnap. 2007. A Field Guide to Biological Soil Crusts of Western U.S. Drylands. US Government Printing Office Denver, CO.

St. Clair, L.L. & J.R. Johansen. 1993. Introduction to the symposium on soil crust communities. Great Basin Naturalist 53: 1-4.

Science Application International Corporation [SAIC]. 2005. Final 2004-2005 Biological Survey Report of the Santa Barbara Ranch Property, Gaviota Coast, California. Prepared for Santa Barbara County Department of Planning and Development, Santa Barbara, CA.

Smith, C.F. 1998. A Flora of the Santa Barbara Region, California. Santa Barbara Botanic Garden & Capra Press, Santa Barbara, CA.

Stuckey, R. L. and T. M. Barkley. 1993. Weeds. Pp. 193-198 *in* Flora of North America Editorial Committee (editors), Flora of North America North of Mexico, Vol. 1. Oxford University Press, New York.

Twisselmann, E.C. 1967. A Flora of Kern County, California. University of San Francisco, San Francisco, CA.

URS Corporation, 2008. Santa Barbara Ranch Project Proposed Final Environmental Impact Report (June 2008). State Clearinghouse # 2005011049. http://www.sbcountyplanning.org/projects/03DVP-00041/index.cfm

United States Army Corps of Engineers. 1988. National List of Plant Species that Occur in Wetlands.

United States Army Corps of Engineers. 1996. National List of Plant Species that Occur in Wetlands.

United States Department of Agriculture (USDA) PLANTS Database. http://plants.usda.gov/

United States Fish and Wildlife Service (USFWS). 2000. Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants. http://www.fws.gov/sacramento/es/protocol.htm

Wilken, D.H. 2007. Rare Plants of Santa Barbara County. Santa Barbara Botanic Garden, Santa Barbara, CA. http://www.cnpsci.org/PlantInfo/01RarePlants.htm

Attachment D

Brian Trautwein

Subject: FW: Problem with application of native grassland definition in Santa Barbara County

---

From: Keeler-Wolf, Todd@Wildlife [mailto:Todd.Keeler-Wolf@wildlife.ca.gov]
Sent: Friday, March 18, 2016 2:49 PM
To: Brian Trautwein
Cc: Hickson, Diana@Wildlife
Subject: RE: Problem with application of native grassland definition in Santa Barbara County

Hi Brian,

Beth is correct, Safer to go with 10% cover of native species and ideally it would be more than just Stipa pulchra.

We are recognizing that Stipa isn't the only criterion and many native grasslands have higher native annual cover than perennial cover. For other possible native herbaceous alliance types see the website for the MCV (http://vegetation.cnps.org/). These measurements on proportion of cover by natives should be taken at proper phenology, not in the dead of winter, or after 5 years of drought, for example.
Let me know if you have more questions.

Todd

Attachment B

2006-0096532

Recorded
Official Records
County of
Santa Barbara
Joseph E. Holland

REC FEE 0.00

FREE CONFORMED C 0.00

NB
09:32AM 12-Dec-2006 | Page 1 of 9

Recording Requested by:

Date: December 12, 2006
Return by inter-office mail to:
CLERK OF THE BOARD
105 E. ANAPAMU STREET
ROOM 407
SANTA BARBARA, CA 93101
ATTENTION: Lisa Frances Carlson

9
cc

NO FEE PER GOVERNMENT CODE 6103

Title(s)

MANION NON-RENEWAL AGRICULTURAL PRESERVE CONTRACT, SANTA MARIA AREA

COB file number: 06-01073

EXHIBIT A
NOTICE OF NONRENEWAL
OF LAND CONSERVATION CONTRACT

Agricultural Preserve Number: 67-AP-003

Assessor's Parcel Number: 133-050-014, 133-060-028, 133-080-026, -036, -037, 133-110-063

Name: Rancho La Laguna and Rancho San Juan

Nonrenewal Date: December 31, 2006

Original Preserve Recorded: February 14, 1968

Original Instrument Number: Book 2222, Pages 37-54

Pursuant to a request by the Landowner, the above agricultural preserve shall not be renewed as of the next automatic renewal date, nor considered renewed as provided in Section 51244 and 51244.5 of the Government Code, and the Land Conservation Agreement by and between Landowner and the County of Santa Barbara, entered into on January 1, 1968 shall be terminated effective December 31, 2015.

DATED: 12/5/06

COUNTY OF SANTA BARBARA

By: _____
Chairman, Board of Supervisors

APPROVED AS TO FORM:
SHANE STEPHEN STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy Clerk

xc: Recorder (for recordation)
County Counsel
Assessor's Office
Planning and Development
Owner: Rancho San Juan, Inc., 115 East Micheltorena Street, Suite 200, Santa Barbara CA 93101

G:\GROUP\Permitting\Case Files\AGP\06 cases\06AGP-00000-00028 Rancho La Laguna San Juanfor 67-AP-003NR\nonrenewalcontract.doc

Add Notarial

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Maria

On 12/5/06 (Date) before me, L. F. Carlson, Notary Public (Name and Title of Officer (e.g., "Jane Doe, Notary Public"))

personally appeared Joni Gray (Name(s) of Signer(s))

☒ personally known to me

☐ (or proved to me on the basis of satisfactory evidence)

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

L. F. CARLSON
Commission # 1490126
Notary Public - California
Santa Barbara County
My Comm. Expires Jun 15, 2008

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

EXHIBIT A

LEGAL DESCRIPTION

PARCEL ONE: Those portions of the Rancho La Laguna de San Francisco, in the County of Santa Barbara, State of California, patented by the United States of America to Octaviano Gutierrez, by patent recorded in Book "A," page 26 of Patents, records of said county, described as follows:

PARCEL A: Beginning at the northwest corner of the Rancho Corral de Quati, as patented; thence east, along the north boundary of said Rancho Corral de Quati, as patented, 207.60 chains to the southwest corner of the Rancho Zaca, as patented; thence north along the west line of said Rancho Zaca, as patented, 219.23 chains to the northwest corner of said Rancho Zaca, as patented; thence east along the north line of said Rancho Zaca, as patented, 29.08 chains, more or less, to the intersection of said north line with the northerly line of the tract of land described in the deed from Jarret T. Richards, trustee, to Joel Remington Fithian, dated April 25, 1900, and recorded in Book 70, at Page 557 of Deeds, records of said county; thence westerly along the northerly line of the tract of land described in said deed, 87.86 chains, more or less, to the point of intersection of said northerly line with the easterly and southerly line of the tract of land described in the deed from Joel Remington Fithian and wife, to San Pasqual Land and Cattle Company, a corporation, dated September 23, 1918, and recorded in Book 168, page 571 of Deeds, records of said county; thence southerly along said easterly and southerly line 243.93 chains, more or less, to the southwest corner of said tract of land described in said deed to San Pasqual Land and Cattle Company; thence south along the line between the San Juan Rancho and the Wickenden Rancho 94.66 chains, more of less, to the point of beginning.

PARCEL B: Beginning at the most southerly corner of the Tinaquaic Rancho; thence north 67°52' west, following the line between the said Tinaquaic Rancho and the San Juan Rancho, 5947.20 feet to the most northwesterly corner of said San Juan Rancho, thence south 0°28' west, following the line between the said San Juan Rancho and the Wickenden Rancho, 10,450 feet, more or less, to the center line of the County Road going to Los Alamos; thence following said County Road in a northeasterly direction up the Los Alisos Canada, 10,700 feet, more or less, to a bridge on Los Alisos Creek; thence following the center line of said County Road in a northerly direction 5,400.00 feet, more or less, to where the said County Road intersects the southerly line of Foxen Canyon Road; thence north 59°44' west, following the southerly line of said Foxen Canyon Road or northerly line of land owned by J.R. Fithian, 505.30 feet; thence north 46°55' west, following said southerly line of said Foxen Canyon Road, 358.80 feet; thence north 53°01' west, following said southerly line of said Foxen Canyon Road 2,148.90 feet; thence north 50°51' west, following said southerly line of said Foxen Canyon Road, 378.70 feet; thence north 67°26' west, following said southerly line of said Foxen Canyon Road, 198.10 feet to the point of intersection of said southerly line with the east line of said Tinaquaic Rancho; thence south 23°38' west, following said east line of said Tinaquaic Rancho, 4,042.50 feet to the point of beginning.

PARCEL C: Commencing at a point in the Rancho La Laguna (which rancho as patented by the Government of the United States to Octaviano Gutierrez on the 17th day of May, 1867, and patent recorded in the office of the County Recorder of said County of Santa Barbara in Book A of Patents Page 26, to which patent reference is hereby made for further description) where the fence on the south side of the present traveled County Road running through said Rancho La Laguna from east to west corners with the fence on the east line of the Tinaquaic Rancho, as said Tinaquiac Rancho is fenced; running thence along the south line of said County Road being a portion of said Laguna Rancho, as patented to Octaviano Gutierrez, 1st, south 66° east 3.06 chains to angle in fence; thence south of road, 2nd, south 51° east 5.68 chains to angle in fence; thence south of road, 3rd , south 53° east 29.92 chains to angle in fence; thence south of road, 4th, south 53-1/2° east 5.97 chains to angle in fence; thence south of road, 5th, south 55-1/4° east 14.00 chains, at 10.00 chains to post in fence marked 74 on south side of road, at 14.00 chains to angle in fence; thence along south side of road, 6th, south 73-3/4° east 12.36 chains to angle in fence, thence south of road, 7th, south 89-3/4° east 18.41 chains to angle in fence; thence south of road, 8th, south 70° east 52.85 chains to angle in boundary line fence between the lands formerly owned by the parties of the deed between Kate X. Bell and John S. Bell, grantors, and Thomas B. Bishop, grantee, hereinafter mentioned, the lands formerly owned by Calkins; thence along the said fence as it is now standing on said boundary line, 9th, east 162.28 chains to angle in fence near the northern boundary of said lands of Calkins and the northern boundary of the lands formerly owned by the Estate of Thomas Bell, deceased; thence 10th, north 84-1/2° east 130.50 chains along the said boundary line fence as the same is now between the lands of the said parties to the said deed and the said lands formerly owned by the Estate of Thomas Bell, over high and rough mountain spurs to the southeast corner of the Rancho Sisquoc as fenced; thence along near the south line of the Rancho Sisquoc as fenced over high, rough and grassy mountains, 11th, north 64° west 404.00 chains to northeast corner of the Rancho Tinaquaic, as fenced; thence along the east line of the Tinaquaic Rancho as fenced, 12th, south 23° west 145.00 chains to the place of beginning.

PARCEL TWO: That portion of the Rancho Sisquoc, in the County of Santa Barbara, state of California, as said rancho was finally confirmed to James B. Huie, and described in Patent recorded in Book "A," Page 12 et seq. of Patents, records of said county, described as follows:

Beginning at the southeast corner of said Rancho Sisquoc; thence north 29°19'10" east, along the easterly line of said rancho, 9,701.40 feet; thence leaving said last mentioned line, north 68°44'00" west 2,442.04 feet, thence north 63°30'10" west 4,659.40 feet; thence north 35°55'20" west 176.27 feet; thence north 62°27'30" west 954.57 feet; thence north 11°43'40" west 708.95

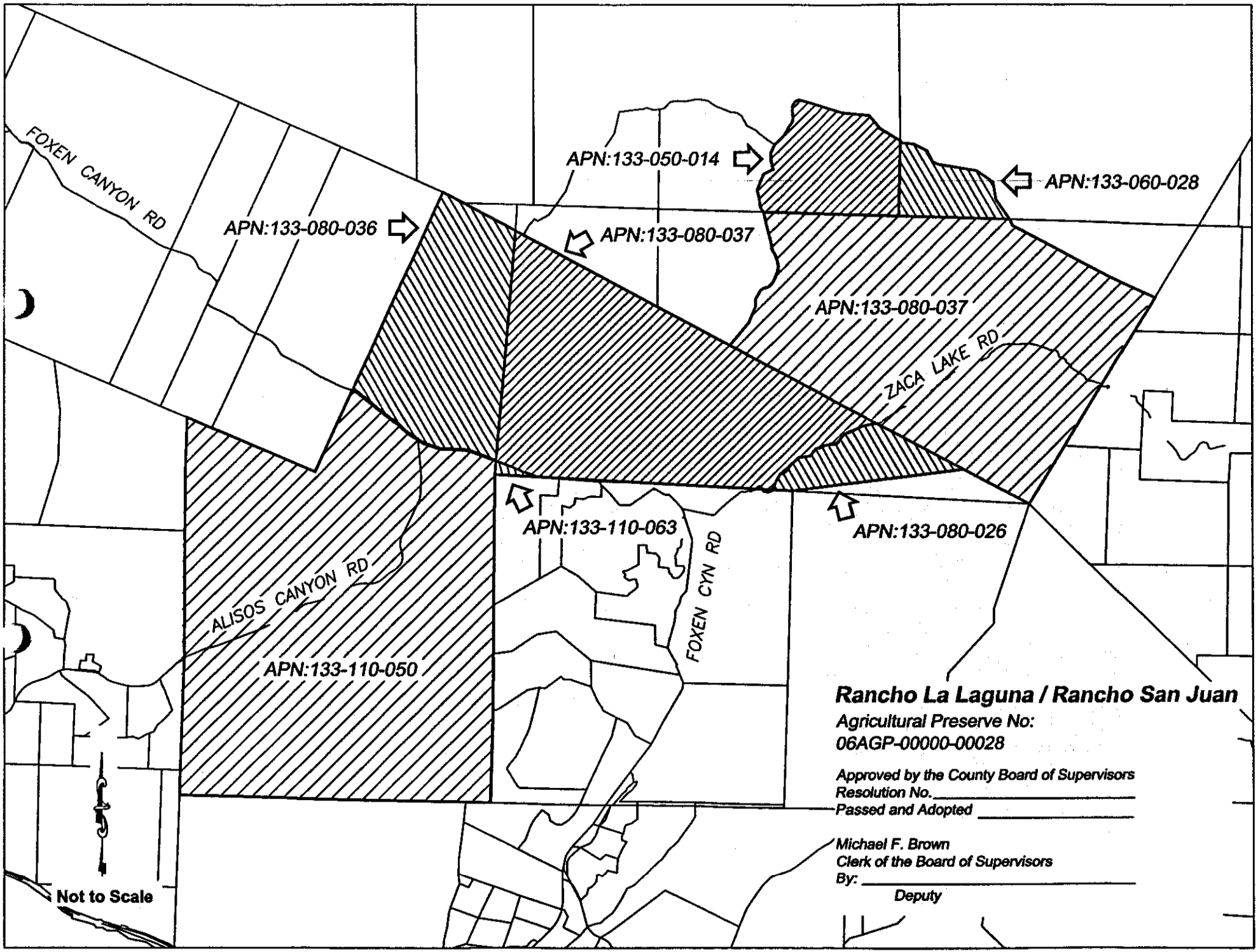
feet; thence north 56°17'40" west 915.98 feet; thence north 89°17'50" west 670.42 feet; thence north 78°19'40" west 1,334.94 feet; thence north 59°17'20" west 153.42 feet; thence north 30°46'50" west 584.84 feet; thence north 63°48'30" west 594.88 feet; thence north 84°15'50" west 542.97 feet; thence north 56°51'00" west 1,311.40 feet; thence north 40°12'20" west 757.86 feet; thence south 83°08'40" west 1,092.37 feet; thence north 72°51'00" west 1,903.80 feet; thence south 85°06'20" west 169.62 feet; thence south 59°54'00" west 295.82 feet, thence south 3°27'00" east 685.80 feet; thence south 29°27'40" west 687.40 feet; thence south 44°24'10" west 696.71 feet to an angle point in the easterly line of the tract of land described in Deed to Union Oil Company of California, a corporation, recorded January 13, 1958 as Instrument No. 733 in Book 1495, Page 481 of Official Records, records of said county, at the easterly end of that certain course described therein as "thence south 52°45'00" east 877.06 feet"; thence along said last mentioned line, the following courses and distances:

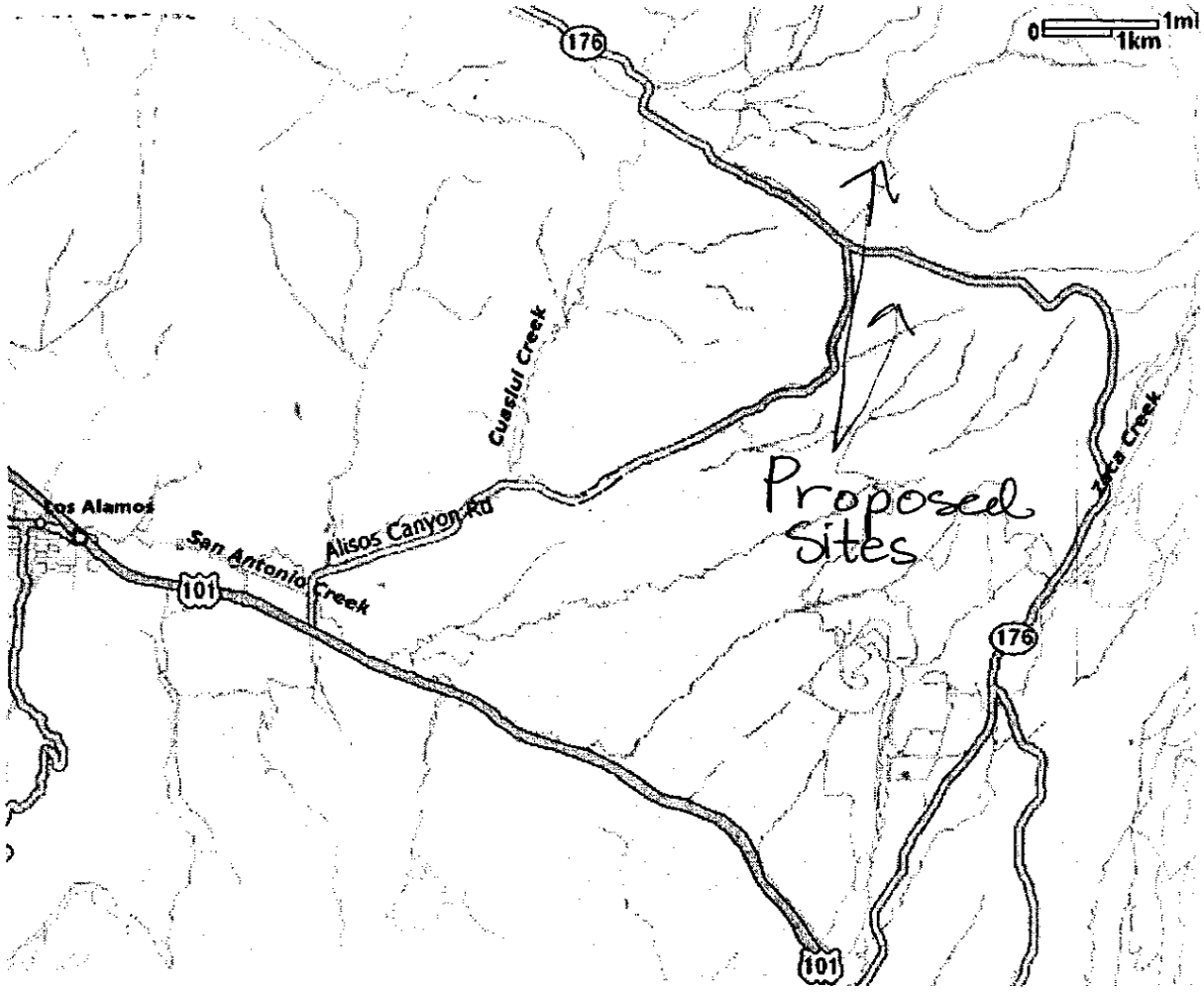
south 6° 49 '30" east 90.86 feet; south 37° 48' 40" west 69.91 feet;
south 33° 10' 50" west 156.41 feet; south 19° 44 '50" west 223.97 feet;
south 3° 12' 40" west 68.47 feet; south 14° 07' 30" east 113.85 feet;
south 16° 12 '45" east 193.11 feet; south 10° 32' 25" east 120.16 feet;
south 14° 54' 15" west 79.90 feet; south 68° 41' 45" west 26.27 feet;
south 67° 17' 45" west 328.33 feet; south 42° 53' 55" west 207.05 feet;
south 23° 15' 45" west 226.42 feet; south 35° 57' 45" west 126.71 feet;
south 34° 20' 05" west 101.09 feet; south 16° 35' 15" east 113.44 feet;
south 17° 54 '35" east 101.28 feet; south 26° 14' 45" east 79.89 feet;
south 37° 38' 45" east 79.96 feet; south 44° 15' 35" east 143.02 feet;
south 50° 59' 45" east 154.10 feet; south 56° 18' 45" east 294.58 feet;
south 17° 18' 05" east 295.44 feet; south 12° 06' 55" east 324.71 feet;
south 16° 25' 55" east 684.32 feet; south 7° 58' 05 east 88.13 feet;
south 12° 25' 45" east 154.42 feet; south 13° 52' 05" east 179.52 feet;
south 32° 17' 25" east 135.09 feet; south 34° 02' 25" east 80.23 feet;
south 20° 09' 15" east 190.17 feet; south 17° 25' 35" east 289.14 feet;
south 7° 06' 25" west 243.11 feet; south 27° 21' 45" west 135.00 feet;
south 14° 00' 55" west 92.41 feet; south 20° 05' 30" west 154.41 feet;
south 10° 54' 45" west 85.25 feet; south 39° 32' 40" west 82.13 feet;
south 30° 35' 50" west 88.37 feet; south 50° 56' 40" west 116.61 feet;
south 68° 08' 20" west 218.10 feet; south 63° 09' 20" west 70.55 feet;
south 50° 27' 00" west 61.54 feet; south 37° 07' 20" west 52.76 feet;
south 30° 04' 10" west 76.84 feet; south 24° 51' 00" west 120.96 feet;
south 31° 46' 05" west 177.49 feet; south 3° 01' 05" east 81.12 feet;
south 3° 01' 05" east 253.29 feet; south 25° 47' 10" east 280.15 feet;
south 21° 22' 05" west 429.59 feet; south 39° 50' 20" west 204.79 feet;

south 36° 22' 30" west 40.40 feet; and south 36° 22' 30" west 452.85 feet to the southerly line of said Rancho Sisquoc, being the most southerly corner of said Union Oil Company tract of land; thence along said southerly line, the following courses and distances: south 64°30'00" east 11,963.88 feet; and south 64°15'40" east 3,063.12 feet to the point of beginning.

EXCEPTING from said Parcel Two that portion conveyed to Union Oil Company of California, a corporation, in deed recorded January 13, 1958 as Instrument No. 733 in Book 1495, Page 481 of Official Records, records of said County.

Approved to Form
Deputy County Surveyor
11/20/06 Edmund R. Villa
County Surveyor
Santa Barbara County
Date 11/20/06


FOXEN CANYON RD
APN:133-080-036
APN:133-050-014
APN:133-060-028
APN:133-080-037
APN:133-080-037
ZACA LAKE RD
APN:133-110-063
APN:133-080-026
FOXEN CYN RD
ALISOS CANYON RD
APN:133-110-050
Not to Scale
Rancho La Laguna / Rancho San Juan
Agricultural Preserve No:
06AGP-00000-00028
Approved by the County Board of Supervisors
Resolution No.
Passed and Adopted
Michael F. Brown
Clerk of the Board of Supervisors
By:
Deputy



06AGP-00000-00028
Vicinity Map

Attachment C

BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name:	Plannning and Development
Department No.:	053
For Agenda Of:	November 21, 2006
Placement:	Administrative
Estimate Time:	5 minutes
Continued Item:	NO
If Yes, date from:	
Vote Required:	No Vote Required

TO: Board of Supervisors

FROM: Department Director(s) John Baker, Director
Planning and Development
Contact Info: Zoraida Abresch, Deputy Director, (934-6585)
Development Review - North County

SUBJECT: **Rancho La Laguna/Rancho San Juan, Santa Maria**

County Counsel Concurrence:
As to form: ☐ Yes ☐ No ☒ N/A

Auditor-Controller Concurrence:
As to form: ☐ Yes ☐ No ☒ N/A

Other Concurrence: N/A
As to form: ☐ Yes ☐ No ☒ N/A

Recommended Action(s):

That the Board of Supervisors:

Set hearing on November 21, 2006 at the request of Mark Manion, Price, Postel and Parma LLP for Rancho La Laguna and Rancho San Juan, to consider Case No. 06AGP-00000-00028, for nonrenewal of an existing agricultural preserve contract.

A. Accept the request for nonrenewal of Agricultural Preserve 67-AP-003, and;

B. Execute the attached Notice of Nonrenewal by the County Land Conservation Contract for Assessor's Parcel Nos. 133-050-014, 133-060-028, 133-080-026, -036, and -037, and 133-110-063, located south of the intersection of Alisos Canyon and Foxen Canyon Roads, in the Santa Maria area, Third Supervisorial District. (SET ON ADMINISTRATIVE AGENDA FOR DECEMBER 5, 2006)

Summary:

On November 3, 2006 the Agricultural Preserve Advisory Committee acknowledged the request of a landowner not to renew due to different ownerships and issues regarding obtaining certificate of compliances of an Agricultural Preserve (67-AP-003). Nonrenewal of the contract will become effective December 31, 2006. The subject property has been in an agricultural preserve (67-AP-003) since January 1, 1968. The site is approximately 7,931.67 acres and is used for row crops and cattle grazing.

Background:

Section 51245 of the Government Code provides that if either the landowner or the County desires in any year not to renew an agricultural preserve contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. The Agricultural Preserve Advisory Committee's position is that while it does not encourage removal of property from preserve status, it recognizes that pursuant to the Uniform Rules of the County's Agricultural Preserve Program, nonrenewal is an accepted method for terminating a contract when the landowner chooses to withdraw from the program.

Fiscal and Facilities Impacts:

Budgeted: ☒ Yes ☐ No

Fiscal Analysis:

Narrative:
The costs associated with processing this replacement contract are offset by the $1,326.00 processing fee required to be paid by the applicant per the Planning & Development adopted fee schedule.

Permit revenues are budgeted in the Permitting & Compliance Program of the Development Review, North Division on Page D-296 of the adopted 2006 – 2007 fiscal year budget.

Staffing Impact(s):

Legal Positions:	FTEs:
N/A	

Special Instructions:

Please distribute copies of the recorded contract with attached legal descriptions and copies of the Board of Supervisors Minute Order as follows:

P&D	Contract, Map
Assessor	Contract, Map
Surveyor	Contract
Clerk	Contract
Rancho San Juan, Inc. 115 East Micheltorena Street, Suite 200 Santa Barbara CA 93101	Contract, Map

Attachments:

1. Agricultural Preserve Contract
2. Legal Description
3. Vicinity Map

Authored by:

Florence Trotter-Cadena, Planner III, 805-934-6253
Development Review Division – North, Planning and Development Department

Attachment D

BOARD OF SUPERVISORS' FINDINGS
FOR
MISSION OAKS RANCH (TM 14,315)
(As amended by the Board of Supervisors on May 23, 1995)

I. PROCEDURAL HISTORY

A. The original Tract Map for Mission Oaks Ranch, Ltd. (TM 14,287) was submitted for processing on November 10, 1992.

B. An incomplete letter for TM 14,287 was sent out on December 10, 1992. This letter requested information necessary for continued processing and included advisories associated with the following issues: land use, agriculture, biology, archaeology, past oil activities onsite, visual resources, grading, fire safety, water and project design as related to environmental review and policy concerns.

C. The original tract map application, TM 14,287, was deemed to be complete for processing on February 12, 1993. The complete letter included advisories on potential policy inconsistencies, which focussed on the effect the project design and the proposed agricultural/biological easement would have on long-term agricultural productivity and habitat values.

D. On March 11, 1993, staff requested submittal of previously requested information on proposed water sources and historic cattle numbers.

E. The Initial Study for TM 14,287 was completed on April 14, 1993 with a recommendation for preparation of an EIR.

F. A Notice of Preparation (NOP) was mailed on April 14, 1993.

G. TM 14,287 was withdrawn by letter from the applicant dated April 20, 1993 as the applicant proposed to revise the project.

H. A revised project was submitted to Planning & Development on July 16, 1993. A new case number (TM 14,315) was assigned.

I. The revised project, TM 14,315, was deemed complete for processing on July 30, 1993. The complete letter referred back to the policy advisories included in the complete letter for TM 14,287 dated February 12, 1994 (see C above). In addition, the new complete letter emphasized that the "foremost policy issue that will be thoroughly evaluated in connection with the project is the effect the proposed division would have on the future agricultural use of the project site... The intent, purpose, and implementing policies, rules, and development standards associated with the property's current land use, zoning, and agricultural preserve status strongly promote the continuation of agricultural use on the project site. In order to be found consistent with these requirements, the project must not be detrimental to the continuation of an economically viable and productive agricultural operation on site..."

J. The revised Initial Study was completed on August 16, 1993.

K. The Request for Proposal (RFP) for EIR preparation was mailed on August 30, 1993. The first sentence in the RFP work program for the Agricultural Resources section states that **"Impacts to agricultural resources and land implications of the subdivision are expected to be the principal project issue...."** Therefore, the approach and personnel proposed to address the agricultural resources issues were the primary focus of choosing the EIR consultant to prepare the EIR. (See attached summary of agricultural team experience)

L. Staff and the applicant reviewed the four proposals received for preparation of the EIR and both staff and the applicant recommended the Envicom proposal. Negotiations ensued between the County, Envicom Corporation and the applicant regarding the specific elements and detailed costs of the EIR work plan. Funding for preparation of the EIR and the separate purchase order for biological services was requested by letter dated November 4, 1993.

M. The EIR contract was approved, after receipt of funding, by the Board of Supervisors on December 14, 1993.

N. The Draft EIR was released for public comment on March 15, 1994. The Draft EIR incorporated changes submitted by the applicant to a number of lots as well as new information on the project's water supplies. The Draft EIR included a preliminary analysis of the project's consistency with applicable Comprehensive Plan policies. The majority of the same policies identified as inconsistent in the staff report were identified as potentially inconsistent in the Draft EIR. The exceptions to this include: 1) the Draft EIR identified potential inconsistency with LUDP#4, but the project is now considered to be consistent (due to new interpretive guidelines for LUDP#4), 2) the Draft EIR identified potential consistency with Open Space Policy #1 and Historical/Archaeological Resources Policy #4 which are now considered to be inconsistent (due to Department of Conservation and Planning Commission comments on Agricultural Preserves and an oversight with regard to the Archaeological policy), and 3) identification of an additional applicable policy not included in the Draft EIR, Agricultural Element Policy II.B. A hearing to accept comments on the Draft EIR was held in Solvang on April 11, 1994. The public comment period closed on April 29, 1994.

O. In response to the Draft EIR, the applicant and their consultants submitted eight letters of comment. Included with the applicant's comments were proposed revisions to the project description (involving changes to lot configurations, building areas, and access roads, as well as a proposed Agricultural Resources Management Program). Evaluation of applicant submitted revisions required additional field work as well as revisions to tables, graphics, figures, and the basic project description analyzed in the Draft EIR. A contract amendment to cover this out of scope work effort was approved by the Board of Supervisors on May 25, 1994. The proposed Final EIR was completed on July 29, 1994.

P. On September 14, 1994 Penfield and Smith submitted a letter proposing additional minor changes to Lots 1 and 5 and to the "A" Area for Lot 1. An addendum, dated September 28, 1994, was prepared to address these changes.

Q. On October 3, 1994, the staff report was released with a recommendation for denial.

R. On October 12, 1994, the Planning Commission considered the project at a noticed public hearing at the Betteravia Government Center in Santa Maria and recommended denial of TM 14,315 to the Board of Supervisors on a vote of 5 to 0 (transcript of P/C action attached).

S. On December 13, 1994, the Board of Supervisors considered the staff report, testimony, and submittals and continued the hearing to December 20, 1994 as the applicant was unable to attend this hearing.

T. On December 20, 1994, the Board of Supervisors considered the staff report, testimony, and submittals and continued the hearing to 1995 for consideration by the new Board of Supervisors.

U. On March 21, 1995, the Board of Supervisors considered the staff report, testimony, and submittals and took action to conceptually deny the application without prejudice and directed staff to present findings for the Board's consideration at a hearing on April 25, 1995.

V. On April 25, 1995, staff informed the Board that staff has reviewed all information submitted by the applicant, including submittals for all of the decision-maker hearings in consultation with the consultants. Envicom provided a written response to the Agland Investment document submitted for the Board's March 21, 1995 hearing (attached).

On April 25, 1995, the Board of Supervisors:

- Accepted into the record late submittals from the Department of Conservation-Office of Land Conservation, The California Farm Bureau Federation and the California Cattlemen's Association[1]; and

[1] Based on the Board of Supervisor's Procedural Guidelines, only those late submittals (those received after noon on the Friday before the following Tuesday Board hearing) accepted as part of the record by the Board are part of the record. Therefore, the following late submittals, which were not addressed, discussed or accepted by the Board of Supervisors are not a part of the record: 4/24/95 letter from Fred Clough with attached letters from Carson Scheller and a resume for John Stechman, a letter (received at 3:40 p.m. on 4/21/95) from Willy Chamberlin, and a document on the Proposed Agricultural Plan from Willy Chamberlin (received at 2:51 p.m. on 4/21/95).

- Continued TM 14,315 to the meeting of May 23, 1995. *The hearing on May 23, 1995 was limited to the issue of the Williamson Act as raised in the above-mentioned submittals which were accepted as part of the record on April 25, 1995, and the referenced study from the Department of Conservation, "The Impacts of Farmland Conversion in California" to be submitted into the record by staff on April 26, 1995. Applicant, per Mr. Clough's agreement, was to submit all information by May 5, 1995.*

W. On May 23, 1995, the Santa Barbara County Board of Supervisors took the following action:

- Supervisor Wallace moved and Supervisor Urbanske seconded the motion to deny the project and to adopt the findings included in the Board's agenda letter dated April 11, 1995 which was prepared for the April 25, 1995 Board of Supervisor's hearing, with the following modifications: ') Update the chronology section of the findings to reflect the Board of Supervisor's actions on April 25, 1995 and May 23, 1995 and 2) To delete reference to Open Space Policy 1 from the findings. The motion carried unanimously 3-0 (Wallace, Staffel, Urbanske).

II. ADMINISTRATIVE FINDINGS

The Board of Supervisors has considered all of the evidence in the record prior to adopting these findings.

A. The following findings required by the Subdivision Map Act support denial of TM 14,315 by the Board of Supervisors.

1. State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.

Finding: The project as proposed is inconsistent with the Comprehensive Plan, and specifically with the following Comprehensive Plan policies and goals: Agricultural Element Policies I.D, I.G, II.B, II.D, Agricultural Element Goals II and III, Santa Ynez Valley Agricultural Community Goal #1, Santa Ynez Valley Community Land Use Goals #1 and #2, Land Use Development Policy #2, Hillside/Watershed Protection Policies #1 and #2, and Historical/Archaeological Resources Policies #2, #3, and #4. The policy-specific findings below are supported by evidence in the EIR, sections 3 and 5.1 in the Planning Commission staff report dated October 12, 1994 and written and oral testimony by the Planning Commission, the public and staff for the October 12, 1994 Planning Commission hearing and written and oral testimony from the Board, public and staff for

the Board, public and staff for the December 13, 1994, December 20, 1994, March 21, 1995 and April 25, 1995 Board of Supervisors hearings.

a. Agricultural Element Policy I.D: *The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.*

Finding: The project site has been enrolled in the County Agricultural Preserve Program for over 25 years. Use of the land is therefore limited by the contract between the property owner and the County, the County Agricultural Preserve Program Uniform Rules ("Uniform Rules"), and Government Code sections 51200 through 51295, commonly known as the California Land Conservation Act of 1965, or as the Williamson Act. Non-agricultural use of the property is prohibited, and in exchange the owner enjoys significant property tax savings.

The contract which applies to the project site is for a term of ten years, and it automatically renews every year. Either the owner or the County may file a Notice of Nonrenewal of the contract at any time; at the end of nine calendar years after the filing of such a notice, the contract would expire. No such notice has been filed relative to the contract governing this property.

The Uniform Rules allow the owner to build a residence on the property for the purpose of residing in it provided that the building site is less than two acres. Construction of additional residences is prohibited because it is presumed to be unrelated to and incompatible with the agricultural use of the land.[2] We specifically find in this instance that the proposed subdivision of the property into 31 homesites would result in a change in the primary use of the land from agricultural to residential, in violation of the contract presently in force.

The California Department of Conservation and the Farm Bureau of Santa Barbara County have each submitted letters opposing the project on the grounds that the project violates the spirit and letter of the Williamson Act. Also opposing the project on the same grounds are the California Farm Bureau Federation (a private agency) and various members of the public.

The proposed project is not consistent with the Williamson Act, the Uniform Rules or the policies identified above. As pointed out by the Department of Conservation, the proposed parcels would not be of sufficient size to individually sustain agricultural use. On the contrary, due to the configuration and topography of the property, 10 of the proposed lots would be capable of supporting less than one animal unit per year. The division of the property would result in fragmentation of the best grazing areas onsite. The use of level,

---

[2]Although it is not an issue herein, we note that the construction of housing for agricultural workers is explicitly designated as a compatible use under the Williamson Act and the Uniform Rules.

accessible acreage for homesites would result in conversion of land otherwise available for agricultural production. Development of the proposed roads, homesites and fencing is likely to block the movement of grazing animals from one favored grazing area to another. The adverse effects are exacerbated by the scattering of residences and residents throughout the existing agricultural operation. As noted finding 1i) herein, the proposed Agricultural and Biological Resources Management Plan (ABRMP) is insufficient to ensure the continued agricultural viability of the property.

The legislative findings on which the Williamson Act is predicated are set forth in Government Code section 51220. It is clear from that section that the purpose of the Act is to ensure the preservation of a maximum amount of the limited agricultural land found in the state. A further purpose is the discouragement of premature and unnecessary conversion of agricultural land to urban uses. The proposed development would result in the loss of land dedicated to commercially viable agricultural production, and in a discontiguous pattern of residential development. Both of these results would adversely impact the surrounding on- and off-site agricultural operations if the project were approved.

b. Agricultural Element Goal II: ***Agricultural lands shall be protected from adverse urban influence.***

c. Agricultural Element Policy II.B: ***Santa Barbara County shall recognize, and give high priority to, the need for protection from trespass, vandalism, roaming dogs, etc., on all agricultural lands.***

Combined Finding: The above goal and policy were included in the Agricultural Element after considerable concern was raised by agriculturalists during the Agricultural Element hearings on the issue of how new development, urban uses, and trails can affect on-going agricultural operations. These same concerns were also raised in comment letters on the Draft EIR and in verbal testimony, at the Planning Commission and Board of Supervisors hearings, from two adjacent cattle ranch property representatives (Rancho El Roblar located immediately to the north and Rancho Redrock located immediately to the west). Specific concerns and actual experiences which have been raised include increased potential for trespass, poaching, wildfires, damage to fencing on their ranches (or loss due to increased wildfire occurrence), location of recreational trails next to adjacent property line fences, etc. and the related effects on long-term productive agricultural use of their own lands.

Adverse urban influences to agriculture include conflicts between residential and agricultural uses. Such adverse influences could occur as a result of parcelization and residential development adjacent to productive agricultural lands. Placing 30 private residences throughout the ranch and the cattle operation will maximize the interface between the on- and off-site agricultural activities and the residents, guests, pets, private landscaping, etc., associated with the new lots. Experiences on neighboring ranches and the experience of other local ranchers indicate that it is reasonable to conclude that the proposed project design and its related urban influences will result in the demise or degradation of the site's agricultural productivity and agricultural use. There is no assurance that the program for the

easement area will be able to address the conflicts between the residential and agricultural uses which will be side by side throughout the ranch. The subdivision of this 3877 acre ranch into 31 widely dispersed lots and the related residential uses on each of these lots are expected to generate conflicts with on-going agricultural uses. The primary attraction, the primary value and the most important use of the proposed lots, from the perspective of future owners, will be for a residential homesite. Residential use is, therefore, likely to be each individual homeowner's priority when conflicts between the residential and agricultural uses arise.

The project would also be considered growth inducing as it would eliminate impediments to growth on other undeveloped agricultural holdings through the extension of roads and utilities to the far ends of the ranch, and would increase the extent of adverse urban influences further into rural areas. Although the applicant has suggested that future owners would not agree to access easements allowing adjacent developments to utilize their ranch roads, this is certainly conceivable at the right price (e.g., Hollister Ranch easement for oil pipeline which entailed substantially greater disruption and long-term risk to residents than use of existing roads).

Due to the scattered location of 31 new homes, accessory structures and uses, dogs, roads, etc. throughout the site and common trails (trail users and dogs) and development areas near the perimeter of the site (adjacent to other on-going agricultural operations), the project would increase the interface between residential and agricultural uses both on and offsite. Such urban influences would increase land use conflicts associated with the increase in residential uses and residents, roaming dogs, trespass, trails (particularly at the property perimeter), poaching, nuisance complaints, etc., with both on- and off-site agricultural properties, inconsistent with the above goal and policy from the Agricultural Element. (Also see discussion under Santa Ynez Agricultural Goal #1).

d. Agricultural Element Policy II.D: ***Conversion of highly productive agricultural lands, whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.***

Finding: Although not highly productive in terms of cultivation potential, the 3800-acre project site has been utilized for cattle grazing since the 1880's. Cattle were only recently (and temporarily) removed from the site, after the site was purchased by the project applicant, due to past overgrazing (as identified by the applicant). Cattle were brought back to the site in the spring of 1994. In Santa Barbara County, from a physical resource perspective, a minimally viable rangeland property (or leasable unit) is generally considered to be a property which can support/produce between 25 and 30 animal units per year. The subject property has been estimated to support approximately 59 animal units per year. Buildout of the development areas on each of the 31 lots would result in the loss of up to 100 acres of the most grazable areas of the site for cattle grazing, with additional acreage removed for new driveways and widened access roads. Utilization of the property for cattle grazing is considered one of the most productive and least capital and labor intensive uses of the land, given the lack of contiguous soils appropriate for cultivation. There are a lack of

details and anticipated conflicts and difficulties associated with implementing and enforcing the program for the easement area and thus this program cannot be relied upon to discourage conversions or to retain agricultural uses on the property. Factoring in that future lot owners will be purchasing lots primarily for their residential use, the project is anticipated to result in conversion of the property from its current and historic use of commercial agricultural production to primarily rural residential or ranchette type uses with agriculture as an avocation or to maintain tax savings. (Also see combined findings for 1a and 1b).

e. Agricultural Element Goal III: *Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.*

Finding: It is not necessary to convert this property to the proposed uses at this time. There are still over 3000 acres between the City of Bueilton and the Mission Oaks Ranch, ranging in size from 370 to 600 acres, which have yet to be divided to their minimum allowable parcel size. Conversion and use of the "A" and "B" areas onsite to residential and accessory structures and uses and installation of additional roadway segments for new driveways to these development areas would permanently remove these areas from its current cattle grazing use. However, the more critical concern is the effect that subdivision of the site into 31 parcels would have on continuation of the agricultural use of the property in the long-term. It is reasonable to conclude that conversion to individually non-viable agricultural parcels without a clearly effective and enforceable management plan for the proposed common easement area would interfere with agricultural uses on the remaining areas of the site not subject to development. In addition, increased land values and expansion of infrastructure (improved access roads and utilities) to the far northern and western ends of the ranch, which abut other large cattle ranches, is growth inducing because it would remove these impediments to growth (access roads and utilities) and may lead to increased land speculation of nearby agricultural land based on its perceived subdivided value. The introduction of 30 new residential lots and the associated residents would also interfere with adjacent agricultural operations by increasing the incidence of poaching, trespass, roaming dogs (especially due to the proposed location of trails along adjacent property fence lines), and through the increased potential for wildfires and nuisance complaints due to the location of residential uses throughout the entire ranch and adjacent to other existing large, undeveloped cattle ranches. This conclusion is supported by evidence in the record, including, but not limited to, testimony and letters from two adjacent ranchers from Rancho El Roblar and Rancho Redrock. In addition to affecting agricultural operations on-site, the combination of increased urban influences and related conflicts and the increased value of agricultural lands if subdivided certainly will affect neighboring agricultural operations. The project's contribution to a reduction in the number of cattle operations in the region further reduces the viability of the industry as a whole by reducing the use of the support facilities necessary to sustain a grazing operation.

f. Santa Ynez Valley Community Land Use Goal #1: Future residential development should not be located on prime food-producing or pasture land, but close to existing public services. The beauty of the land should be preserved by limiting urban sprawl and creating buffer zones to maintain the individual character of each town.

Finding: The site has supported cattle ranching operations for over 100 years; it has adequate onsite water supplies to continue to support such operations; it can support more than a minimally viable number of animal units (25-30 AU is considered to be the minimum productivity necessary for a viable operation and the site can support at least twice this amount); and it is currently enrolled in and consistent with the County's Agricultural Preserve Program. The proposed A and B Areas (development areas) would potentially remove up to 100 acres of the two highest forage value grazing land from cattle ranch operations, with additional forage areas removed and/or interrupted by new driveway access roads. Development would be interspersed throughout the ranch. The location of future structures primarily on ridge tops and the widening and paving of existing roads and new driveways to the far ends of the ranch would visually extend the "existing developed rural neighborhood" boundary (created before adoption of the General Plan in 1980) outward to the north, contrary to the goals of creating buffer zones to maintain the individual character of each town. The project site is not located close to existing public services, further stretching and increasing existing demands on public services such as police, ambulance, fire, etc. Extension of roads and utilities to the farthest ends of the ranch, particularly to the north and to the west, would also remove impediments to subdivision of adjacent large undeveloped acreages. This ability to provide access to adjacent large undeveloped acreages to the north and west and to reduce the cost of extending utilities to these areas, combined with increased land values (due to their perceived subdivision potential) is growth inducing.

g. Santa Ynez Community Land Use Goal #2: Parcel sizes should progressively increase from urban centers to suburban belts, to ranches, to rural farming and grazing.

Finding: The parcels would range in size from 100 to 224 acres. The existing property is surrounded to the north and west by cattle ranches of substantial acreage (922 acres, 3700 acres, 1300 acres). To the south is the existing developed rural neighborhood (EDRN) of Bobcat Springs which includes AG-I-20, 1-E-1, A-I-5 and highway commercial designations (see vicinity map, attached). EDRNs are composed of parcels with lot sizes less than the minimum allowable size in the surrounding area. Parcels within these areas were approved or created prior to adoption of the County's Comprehensive Plan. The purpose of the EDRN boundary is to keep pockets of rural residential development from expanding onto adjacent agricultural lands. No expansion of EDRNs outside the designated areas are to occur. Also located to the south, but west of the EDRN, are agricultural parcels with cultivation and grazing. These parcels are 370 to 620 acres in size. Separating the Bobcat Springs development from the City of Buellton are additional agricultural parcels of approximately 450 and 550 acres. Given that there are still over 3000 acres between the City of Buellton and Mission Oaks Ranch with parcels sizes of 370 to 600 acres, implementation of the proposed subdivision to 100-224 acre parcels would be inconsistent with this goal of increasing parcel sizes away from urban centers. Compliance with this goal

would avoid premature subdivision of rural agricultural lands. The increasing parcel sizes in the more rural areas would also have the effect of providing buffers between residential and agricultural uses, which is an important component of preserving long-term productivity on agricultural properties.

h. Santa Ynez Valley Agriculture Community Goal #1: Agriculture should be preserved and protected as one of the primary economic bases of the Valley.

Finding: The project has many aspects which taken together would diminish or eliminate long-term agricultural use of the property. These include the site's physical setting (steep topography, limited and discontinuous areas of good forage for grazing, limited and discontinuous arable soils) combined with the proposed project design. Disbursing 31 development areas and paved access roads throughout the ranch would increase the effort involved in managing a cattle operation on the ranch's scattered forage areas and steep slopes and would expose the greatest number of residents to nuisances associated with the cattle operation (dust, flies, odor, manure, damage to landscaping, etc.,). Maximizing the interface between the agricultural and residential uses onsite would increase the likelihood of related conflicts between residential and agricultural aspects of the project. Extending roads, utilities, trails, and development areas to the far ends of the ranch and adjacent to other large, undeveloped parcels with ongoing commercial agricultural operations increases the potential for trespass, poaching, off-road vehicle use, fires, damage to fences as well as removing impediments to growth, thereby affecting long-term agricultural use on adjacent properties (see also adjacent neighbors' letters L and R in project EIR). The unequal distribution of prime soils and good forage areas between the parcels and the related taxing under the Williamson Act will result in those parcels with the best forage being exposed to the greatest nuisances associated with the cattle, but also being subject to the greatest taxes. This unequal assessment of taxes would potentially create additional conflicts in the HOA and another impetus to remove or modify the easement area and/or its restrictions.

The proposal for the easement area ("C" Area) would be impractical and unenforceable given the following: the inclusion of extensive restrictions on uses within each of the proposed lots (limitation of all private structures, uses, dogs and livestock to designated development areas as small as .8 acres and averaging approximately 4-5 acres), the difficulty of enforcing restrictions and requirements due to irregularly shaped development areas (making identification of transgressions into the common easement area difficult to identify), difficulty of enforcing the proposed extensive restrictions over the long-term on each of the individual parcels when an owner will be purchasing the entirety of their parcel's acreage, but will only have private use of a small percentage of that acreage, reliance on neighbors for identification of violations of CC&Rs (as many violations may only be visible to immediate neighbors given the location of development areas and site topography), reliance on the HOA within the development, composed of individual lot owners, to enforce the restrictions on each other, where a majority of these same owners may desire greater flexibility in the use of their own property ("C" Area included) and may find restrictions to be unnecessary given their primary residential interest in the lots, and the fact that the agricultural enterprise may lose money in some years requiring the HOA to contribute

additional fees to cover losses and to maintain agricultural infrastructure which they may be reluctant to fund.

The Mission Oaks Ranch project would rely on measures more restrictive than have historically been placed on similar subdivisions. The County has had recent experience where applicants have expressed dissatisfaction with complex conditioning. Such extensive conditioning has been found to either keep people from buying into a project or in disregarding the restrictions and requirements when it comes to actual implementation.

The applicant has pointed to two other large agricultural subdivisions to support their project. Neither the Hollister Ranch (with 54 homes out of the 136 parcels) or the Santa Barbara Thoroughbred Farm (6-8 homes out of 30 parcels) subdivisions have been built out to date. Therefore, although cattle grazing activities are continuing on these ranches, there is no guarantee that the opportunity for continuation of this use will be present under buildout of these ranches. In addition, both of these projects were subdivided prior to adoption of the County's Agricultural Element and therefore were not subject to the policies and goals of this element of the Comprehensive Plan).

The Hollister Ranch has however already experienced the withdrawal of acreage on individual parcels from the cattle operation and has experienced some land use conflicts between the cattle operation and residential uses including loose dogs, horses, and damage to private landscaping (according to the applicants' Agricultural Management Plan and the experiences of the Cattle Coop Manager at the Hollister Ranch). The Hollister Ranch HOA has also been embroiled in litigation involving the CC&Rs and related restrictions, which are less restrictive than those proposed for the Mission Oaks Ranch project. Both the litigation and maintenance of the extensive roadway infrastructure have resulted in a considerable level of effort both in time and expense to the HOA. Important differences between the Hollister Ranch and Mission Oaks are that 1) the Hollister Ranch includes 14,000 acres, providing greater flexibility in the number, movement, and rotation of cattle on the ranch. The substantially greater size of the Hollister Ranch reduces the adverse effects on continued grazing operations when individual lots are developed and acreage is removed for the residential development. Another important difference between the two ranches and related development is that the primary attraction of the Hollister Ranch (for lot owners) is the coastline and the related beach and water oriented recreational opportunities that this coastline provides. Because the primary interest of owning property at the Hollister Ranch for many of its owners is to take advantage of the ranch's beaches and surf, many parcels are either undeveloped or do not have full-time residents. The combination of temporal use of existing residences and the focus of owner activities at the beach greatly reduce the interface between residential uses and activities and the on-going agricultural activities of the cattle operation.

Of the six to eight new homes at the Santa Barbara Thoroughbred Farm, only two parcels are utilized by full-time residents (see applicants' Agricultural Management Plan). Therefore it is inconclusive to determine whether agricultural uses will continue upon buildout of all of the lots. The Mission Oaks Ranch proposal anticipates income for the HOA from the cattle

operation. The grazing arrangement at the Santa Barbara Thoroughbred Farm does not provide any income to the property owners. In exchange for grazing cattle, the lessee maintains the water system and fencing.

The Varian Ranch in San Luis Obispo County has been pointed to as an operating cattle ranch, where homes are surrounded by grazing areas with minimal conflicts experienced. It should be noted that these residences are clustered in a 680 acre corner of the ranch. Although residences are located within one of the cattle grazing areas, the cattle graze throughout the 3200 acre ranch on a rotational basis. The cattle are only in the residential areas on a periodic basis, such as during calving season, according to Mr. Varian. In addition Mr. Varian, the original rancher/owner, has continued to run the cattle operation onsite and is integrally involved in the project development.

Maintenance of the agricultural viability or the option for productive commercial agricultural uses on the property cannot be assured with the proposed subdivision. Diminishing or eliminating the long-term agricultural productivity onsite would contribute to the cumulative loss of cattle operations in the region, thereby weakening the support for the cattle industry as a whole in the county. In addition, subdivision of this property would likely increase the challenges for other neighboring agricultural operations to continue operating as indicated above and given the increase in land values which are expected to result from this subdivision. It is therefore, reasonable to assume that both the direct and indirect effects of project buildout and implementation would subjugate the current and historic agricultural use of the property to other uses or create obstacles to its long-term viability and continuance.

i. Land Use Development Policy #2 - The densities specified in the Land Use Plan are maximums and may be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas, or steep slopes. However, density may be increased under programs of the Housing Element.

Finding: The minimum allowable parcel size based on the site's zoning and general plan land use designation is 100 acres. The 3877 acre project site is proposed to be divided into 31 parcels. Parcel sizes would range between 100 and 224 acres, with 84% of the lots less than 150 acres in size. The site is highly constrained with very steep slopes, geologic hazards, including landslide potential, non-continuous agricultural grazing and soil resources, and valuable wildlife habitat. In the same way that the project design would serve to interrupt and maximize the interface between agricultural and residential uses, the proposed project design and location of development areas would substantially reduce the habitat values onsite. As noted in the discussion of the agricultural policies in these findings, the site's topography combined with the proposed development area locations and easement area management plan would reduce the long-term viability of the property's agricultural productivity. The proposed project design combined with site constraints warrant a reduction in the number of lots as proposed.

j. Land Use Development Policy #4: *Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.*

The County Water Agency is currently re-evaluating the status of the Buellton Uplands Basin in coordination with an advisory committee to the Santa Ynez River Water Conservation District. The applicant and his hydrologist have been involved in this process. At this time, neither the County Water Agency nor the Santa Ynez River Water Conservation District has reached a final determination or consensus regarding the status of this basin. Regardless of whether the status of the basin is determined to be in surplus or in overdraft (to the extent suggested in the EIR), the project would be consistent with LUDP#4 with regard to water, based on the new interpretive guidelines approved by the Board of Supervisors. These guidelines identify a project as being consistent with LUDP#4 if the basin would continue to have at least a 75-year life with both existing plus project water demand. Therefore, even if the basin is assumed to be in overdraft as indicated in the EIR, the project would remain consistent with this policy. There are no findings for denial which are based on the proposed water supply or the status of the Buellton Uplands Basin.

k. Hillside/Watershed Protection Policy #1: *Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.*

Finding: Project grading would require substantial cutting and filling particularly for improvement of existing roads and installation of new roads, individual driveways, and utility extensions throughout the entire ranch as well as for on-going maintenance. Development options exist which would require less grading, including a reduced density project or a more clustered project, such as, but not limited to alternatives discussed in the project EIR. Therefore, the project is inconsistent with this policy.

l. Hillside/Watershed Protection Policy #2: *All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other existing preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soils, geologic, flood, erosion or other hazards shall remain in open space.*

Finding: The project design does not maximize preservation of natural features or native vegetation. The direct loss and fragmentation of native vegetation due to the proposed location of development areas and infrastructure disbursed to the far ends of the 3877 acres

could be reduced. Grading of new driveways throughout the site, many in fairly steep terrain and extending to the perimeters of the ranch, would also not preserve natural features and landforms to the maximum extent feasible. Development options exist which would require less alteration of terrain and less removal of native vegetation. Options include, but would not be limited to, reduced density and more clustered alternatives such as, but not limited to those discussed in the project EIR, 94-EIR-1a. Other alternatives which provide for greater clustering of building areas and/or redesign of development areas and access roads exist which would serve to minimize grading and other preparation and to maximize preservation of natural features, landforms, and native vegetation to a greater extent than the proposed project design. To the extent that grading and other site preparation activities can be minimized, the costs of initial installation and long-term maintenance would also be substantially reduced. (Also see discussion 11. immediately above regarding grading).

m. Historical/Archaeological Policy #2: *When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.*

n. Historical/Archaeological Policy #3: *When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.*

o. Historical/Archaeological Policy #4: *Off-road vehicle use, unauthorized collection of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.*

Combined Finding: The project locates three building areas, driveways, and particularly a main access road in close proximity to the most sensitive archaeological areas on the project site. Locating a main access road and three residences in close proximity to the most sensitive cultural resource areas on site will increase the challenge of protecting this area from residents who are curious about potential artifacts, excavating/digging for landscaping purposes, etc. Planning flexibility exists to allow for other options for development including, but not limited to, reduced density, relocation of "A" areas, and/or relocation of at least one roadway segment from the most sensitive resource, and/or more clustered design of development areas which avoids or minimizes effects, particularly on the most sensitive on-site archaeological resource. Relocation of the main access road in particular would greatly reduce the immediate accessibility to and potential for unauthorized collection of artifacts.

2. State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map:

a. The proposed map is not consistent with applicable general and specific plans as specified in §65451.

Finding: See discussion of State Government Code Section 66473.5 above.

b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Finding: The design and improvements set forth in TM 14,315 are inconsistent with the County's Comprehensive Plan for the reasons discussed in findings 1a - 1p above, and as further discussed in sections 3.0 and 5.1 of the October 12, 1994 Planning Commission staff report, and in public, staff, Planning Commission, and Board testimony and submittals at the Planning Commission and Board of Supervisors hearings.

c. The site is not physically suitable for the type of development proposed.

Finding: The site topography, agricultural resources, biological resources, and archaeological constraints onsite make the site physically unsuitable for the specific type of development proposed. The project would result in creation of 30 private residential building sites scattered throughout a 3877 acre active cattle ranch. The proposal places development in areas which would result in fragmenting the best forage areas for grazing onsite as well as sensitive wildlife habitats and loss of native vegetation. The development would essentially be a rural residential development with secondary agricultural uses as the new owners would be purchasing individual lots for the primary purpose of a residential homesite. Impacts stemming from conflicts between residential and agricultural use of the property as well as indirect impacts of human intrusion into undeveloped rural areas are exacerbated by scattering development throughout the 3877 acre ranch.

d. The site is not physically suited for the proposed density of development.

Finding: The density of development may be accommodated onsite, but not with the proposed interspersed configuration of development. The unsuitability of the site for the proposed project is affected more by the project design, particularly the lot and development area layout, than by the proposed density.

e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Finding: The project would likely result in substantial environmental damage to wildlife and their habitat. In addition to direct removal of vegetation from development of infrastructure and building areas, the location of development throughout the site would fragment habitats and impact wildlife corridors. The project design is expected to have direct and indirect affects both on-site and off-site due to the proposed residential development and related residential and recreational uses.

Attachments:

A - Vicinity Map with Surrounding Parcel Sizes
B - Consulting Team Agricultural Experience
C - Planning Commission Partial Transcript
D - Department of Conservation Letter
E - Farm Bureau Letter
F - Envicom Response to Agland Investment Letter

14315\BSACTION.LTR