



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: April 3, 2012
Placement: Set Hearing on 4/3/12
for 4/17/12
Estimated Tme: 2 hrs. on 4/17/12
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D. 568-2085
Director(s)
Contact Info: Alice McCurdy, 568-2518

SUBJECT: Las Varas Ranch Project

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On April 3, 2012, set a hearing for April 17, 2012 regarding the Las Varas Ranch Project (Case Nos. 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006, 07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078) and consider:

A. The Planning Commission's recommendation:

1. Determine whether the burden imposed by the project applications warrants exaction of an east west coastal trail alignment south of Highway 101;
2. If the exaction is warranted, direct staff to prepare additional environmental review of potential trail alignments, recirculate the document as necessary, and return to the Planning Commission for a full recommendation on the project applications;
3. If the exaction is not warranted, refer the project back to the Planning Commission for a full recommendation on the project applications.

B. Provide other direction to staff and/or the Planning Commission concerning the project.

The applications involve AP Nos. 079-080-001, -002, -009, -012, -013, -014, -022, and 081-240-003 and -014 (retired to 081-240-049) [total of 1,784 acres] located at 10045 Calle Real in the Gaviota area, Third Supervisorial District.

Summary Text:

After two public hearings on this project, on February 8, 2012, the County Planning Commission voted 5 to 0 to seek your Board's determination as to whether a coastal trail south of the highway through the project site should be exacted given the burden imposed by the project. The Planning Commission took no further action on the project with the understanding that your Board's determination on this matter will frame their further discussion and action. To that end, the Planning Commission recommends that your Board refer the project back to them for further review with or without additional environmental analysis of additional potential trail alignments. A copy of the Planning Commission's action letter is included as Attachment 1 to this board letter for reference. The legal standard to require an exaction is that there is an essential nexus between the burden imposed by the development and the exaction, and that the exaction is roughly proportional to the impact.

Background:

The proposed project primarily involves a reconfiguration of existing parcels within 1,784 acres of Las Varas Ranch via two Lot Line Adjustments (one north of the highway and one in between the railroad tracks and the Pacific Ocean) and one Tentative Parcel Map (in between the railroad tracks and the highway), as well as the identification of residential development envelopes within each newly created lot in order to confine future residential development. No residential development is currently proposed, though infrastructure including development of a private shared water system and access road improvements would be constructed as part of the current proposed project.

The 1,784 acres consists of nine lots, five south of the highway and four north of the highway. (See the site plans and project summary table included in Attachment 4 to this Board letter for further reference). North of the highway, a Lot Line Adjustment is proposed that would merge four lots of 740 acres, 381 acres, 242 acres and 1 acre into two lots of 1,115 acres and 150 acres. A Tentative Parcel Map is proposed for the area of the ranch in between the highway and the railroad tracks, which would divide two parcels of 239 and 165 acres into three parcels of 100 acres, 147 acres, and 157 acres. In between the railroad and the Pacific Ocean, a Lot Line Adjustment is proposed that would adjust three lots of 11 acres, 94 acres and 8 acres into two lots of 55 acres and 58 acres. The 94-acre middle lot was illegally created in 1960 by a previous owner. The applicant is requesting a Conditional Certificate of Compliance as part of this project to legalize this lot. Approval of the COC would be necessary to facilitate the creation of the two parcels on the coastal bluff. The 11-acre lot is not currently developable as it consists of a narrow strip of land in between the railroad tracks and coastal bluff edge, so the Lot Line Adjustment would result in the same number of developable lots as currently exist.

The end result of the two Lot Line Adjustments and one Tentative Parcel map would be a total of seven lots, two north of the highway and five south of the highway. Therefore, the overall number of lots would not increase as a result of this project. However, the project would have the effect of shifting one developable lot from the north side of the highway to the south side of the highway.

In addition to the parcel reconfiguration, the project includes the offer of three easements to be dedicated to the County for public access, including: 1) an interrupted vertical trail easement and public parking

area along Las Varas Creek that would provide public access from the highway towards the beach along an unpaved trail of approximately 0.75 miles in length (completion of the trail and access to the beach would require the County to obtain an access easement from the railroad through the existing culvert that separates the ranch property from the beach); 2) a continuous lateral shoreline easement along the sandy beach above the mean high tide line to the base of the bluff along the entire southern boundary of the property (nearly two miles in length); and 3) a continuous lateral easement along the north side of the highway that could serve as a link for the California Coastal Trail. Once established, the vertical trail would provide the only beach access available between the Bacara Resort three miles to the east and El Capitan State Beach three miles to the west. Exhibits depicting these trail easements, along with alternative trail routes and the Board-adopted PRT alignments, as discussed below, are provided in Attachment 5 to this Board letter.

The California Coastal Trail is a state-designated non-motorized trail system that is envisioned to link coastal communities throughout California. It is intended to provide a continuous network of trails and pathways that will extend 1,200 miles along the coast from Oregon to Mexico. Proposition 20, passed in 1972, provides that “a hiking, bicycle, and equestrian trails system shall be established along or near the coast” and that “ideally the trails system should be continuous and located near the shoreline.” The Coastal Act of 1976 required local jurisdictions to identify an alignment for the California Coastal Trail in their Local Coastal Programs. In 2001, State Senate Bill 908 (Chesbro) provided funding for the California Coastal Conservancy to develop an implementation plan for this trail, which will ultimately require the participation by and cooperation of private landowners who would provide trail easements through their properties in order to construct the trail. Six objectives of the California Coastal Trail have been articulated, including among them: 1) providing a continuous trail as close to the ocean as possible with connections to the shoreline at appropriate intervals; and 2) assuring that the location and design are consistent with the California Coastal Act and Local Coastal Program and respectful of the rights of private landowners.

The easements offered as part of the proposed project would expand the network of recreational opportunities on the Gaviota Coast by providing dedicated public trail segments and opportunities for connections with other existing recreational facilities nearby. However, numerous comments on the Draft EIR by members of the public and interested parties express concern that the lateral trail easement which is intended to be a segment of the California Coastal Trail is located north of the highway away from the shoreline and lacks any connection with the vertical beach access trail on the south side of the highway. The commenters assert that the lateral trail easement should be sited south of the highway and as close to the shoreline as possible in order to be consistent with the Board-adopted Parks, Recreation and Trails (PRT) Map and with the goals and objectives of the California Coastal Trail. County staff held a meeting on December 15, 2011 with interested trails and community groups and the applicant to further discuss this issue and to provide the groups an opportunity to share with the County their vision for the coastal trail. The representatives at the meeting reiterated their assertion that the only way to find the project consistent with the Coastal Trail policies and County policies contained in the Coastal Land Use Plan related to public access to and along the shoreline is to provide a trail easement south of the highway and along the coastal bluffs. Community representatives reiterated this position at the two Planning Commission hearings, and asserted that a bluff top trail is physically feasible to construct and its impacts to the agricultural operation could be mitigated.

While one key goal of the California Coastal Trail is to establish a trail as close to the coastline as possible, another key goal is “to provide a continuous trail.” Locating the trail on the north side of the

highway, while more distant from the ocean, provides expansive views of the ocean and creates a connection to an existing segment of the Coastal Trail located north of the highway and to the west of the project site between Las Varas Ranch and El Capitan State Park. This linkage would establish a nearly six mile continuous segment between Las Varas Ranch and Refugio State Beach of the California Coastal Trail. A trail along this alignment could accommodate both hikers and cyclists.

The Countywide Parks, Recreation, and Trails Map (PRT 1) is drawn at a scale of 1 inch to 8000 feet. As such, the scale provided on this map is coarse and the map therefore depicts general corridors and alignments, rather than specific locations for future trails. The PRT 1 Map depicts a trail following the shoreline along the Gaviota Coast from just west of the City of Goleta to beyond Gaviota State Park and along Hollister Ranch. This map does not reflect on-the-ground conditions and site constraints that would affect trail location, such as resource constraints, steep canyons and drainages, or lack of space in between the highway or railroad and the ocean. While north of the highway, the proposed lateral trail easement included as part of the Las Varas project is consistent with this general corridor in that it follows the coastline, affords users views to the ocean, and provides a connection with other segments of the Coastal Trail in this area of the coast.

The other concern expressed by members of the public is that the applicant has indicated that the construction of the lateral trail north of the highway would be contingent upon the placement of a pedestrian bridge over the existing underpass used by cattle to cross under U.S. Highway 101 at Gato Creek. Also, the vertical beach access requires obtaining an access easement from the railroad company and constructing a raised walkway within the culvert underneath the railroad tracks in order to provide safe public access outside of the flow line of Las Varas Creek. As the applicant is not proposing to fund or construct these improvements or obtain the railroad easement on behalf of the County, there is a concern that the establishment of these trails could be delayed well into the future. However, the proposed vertical trail easement would overcome a significant obstacle in establishing the only beach access proposed between the Bacara Resort and El Capitan State Beach, despite the fact that additional improvements would be required to open the trail. The landowner currently has crossing rights through the culvert that allow access under the railroad. In addition to the easement from the railroad, formal authorization from the California Public Utilities Commission (CPUC) is also required before the trail can be opened to the public, as they have jurisdiction over the safety of highway and rail crossings. In discussions with CPUC staff, they indicated support for approval of the formal access as it would provide an alternative to the informal access across the tracks that currently exists and which presents a significant public safety hazard. CPUC staff also indicated that they would expect that the railroad company would similarly be incentivized to grant an access easement to the County in order to establish formal access under the tracks and reduce the public's unauthorized use of the railroad tracks for accessing Edwards Point.

At the Planning Commission hearing on January 18, 2012, several trails representatives spoke in favor of relocating the lateral coastal trail to the south side of the highway and closer to the shoreline, objecting to the proposed coastal trail route following old Calle Real north of the highway. The Planning Commission requested that staff review the proposed reconfigured trail route and provide a discussion of the issues at the next hearing. To aid in this effort, P&D staff walked the proposed alternative trail route on January 26, 2012 along with representatives from the trail coalition, Community Services Department staff, the ranch manager and consulting biologist, and two members of the Planning Commission. See Attachment 3 for a description of this alternative trail route.

The site visit provided a general understanding of issues involved with development of this alternative trail. The alternative coastal trail route does bring trail users closer to the ocean and provides the sounds of the ocean and views of the breaking waves. However, due to the nature of the trail and its intended minimalist design, the alternative trail route would be designed only for able-bodied walkers, and possibly for mountain bikers and equestrian use. This option would require further environmental study and policy consistency analysis to evaluate impacts to biological resources and agricultural resources.

In addition, the EIR discussed an alternative trail route that would follow the existing agricultural road immediately south of the highway and then connect to the north side of the highway through the existing Gato Creek undercrossing. It would then follow the old Calle Real route to the western property boundary. The EIR concluded that this alternative trail route is infeasible due to conflicts with the agricultural operation. See Section 6.2.3.1 of the Final EIR for further discussion of this alternative route.

At the hearing of February 8, 2012, the Planning Commission received testimony and public comment and discussed the public access and trails issues at length. The majority of the Planning Commission determined that additional environmental analysis of the alternative trail routes was necessary in order to evaluate the impacts of an alternative trail on agricultural and biological resources. However, the Planning Commission did not reach consensus as to whether there was sufficient nexus and rough proportionality to require an alternative trail as part of the project. Without this determination, the need for additional environmental review could not be resolved. As a result, the Planning Commission voted to forward the project to your Board for a determination as to the ability of the County to exact a trail closer to the shoreline given the scope of the project.

Fiscal and Facilities Impacts:

Costs to process this application are fully reimbursed by the applicant per the department's adopted fee schedule. Permit revenues are budgeted in the Permitting & Compliance Program of the Development Review, South Division on Page D-314 of the adopted 2011-2012 fiscal year budget. There are no facilities impacts.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on April 17, 2012. The notice shall appear in the Santa Barbara Daily Sound. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed notices are attached. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

Attachments:

- Attachment 1: County Planning Commission Action Letter
- Attachment 2: County Planning Commission Staff Report, dated December 22, 2011
- Attachment 3: County Planning Commission Staff Memorandum, dated January 27, 2012
- Attachment 4: Site Plan and Project Summary Table
- Attachment 5: Recreational Trails Exhibits
- Attachment 6: Proposed Final Environmental Impact Report

Authored by: Alex Tuttle, 884-6844

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