

Villalobos, David

From: Janet Blevins [blevins_smith@comcast.net]
Sent: Monday, September 09, 2013 11:38 AM
To: Villalobos, David
Cc: Janet Blevins
Subject: CPC Public Comment Submission

Categories: Purple Category

ITEM #

1

MEETING

DATE

9-11-13

Dear County Planning Commissioners:

I would like to begin by thanking you for your public service. The job you do is very important and often under-appreciated I imagine, but it is of utmost importance. It is because I believe your job is so important that I am writing to oppose the Mosby Project on your agenda for Wednesday. I would come in person to your meeting if possible but must be satisfied with writing this letter instead.

I am appalled that an illegal operation that has gone on for 7 years is only now asking for proper permitting. I don't understand why a property owner who has been flouting the law for years isn't being fined and required to stop operating the illegal recreational facilities. A sign referencing California Government Code section 831.7 is on display at the sight informing users of the illegal facilities, that they are engaging in "hazardous recreational activity" and therefore assume all risk involved. The posting goes on to note that "the City is immune from any liability for any property damage, injury or death resulting from a participation in a HAZARDOUS RECREATIONAL FACILITY." The property owner is therefore determining for himself which laws he gets to use and which to ignore?

Please do not undermine your own authority by allowing the Mosby plan to go forward.

Sincerely,
Janet Blevins
1237 Primrose Ct.
Lompoc CA 93436
805-717-4160

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PLANNING & DEVELOPMENT
HEARING SUPPORT

09/07/2013

AGENDA ITEMS

TO: Chairperson and Members of SBCo Planning Commission

ITEM #: 1

FROM: Art Hibbits, 1251 E. Highway 246, Lompoc 93436

REFERENCE: 11CUP-00000-00032/12RZN-00000-00003

MEETING

HEARING DATE: Sept. 11, 2013

DATE: 9-11-13

BACKGROUND: These Applications are before you to abate multiple, long-standing, unpermitted, commercial recreational uses on APN(s) 099-141-016-017.

The Parcels are located East of the City of Lompoc and the Santa Ynez River. They are in the Rural Area and are contiguous to highly productive agricultural operations on three sides: The Northwest, the North, and across Highway 246 on the East.

Your staff report correctly points out that other non-agricultural uses are nearby, including: (1) A SBCo owned homeless shelter, (2) City-owned River Park, and (3) SBCo Road Yard and Gas station.

However, the predominant historic use of these parcels prior to present ownership and in the surrounding areas has been agriculture.

DISCUSSION: During Environmental Review process, I and others submitted extensive detailed comments, suggestions, and corrections (see attachments to the Proposed Mitigated ND) that the planning department has largely ignored. By opting for a simplistic ND over a more appropriately suited EIR the full impact of this application has not been properly examined. The ND is flawed in the following ways:

- (1) The baseline for environmental review used by your staff is the condition of the premises FOLLOWING THE UNPERMITTED SITE MODIFICATIONS AND USES. This potentially sets a terrible precedent.
- (2) The Agricultural Resource Assessment is seriously flawed because it is based on the above noted incorrect baseline. This leads to conclusions and findings that minimize the loss of potentially productive Ag land.

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- (3) The fact that soils on the premises, despite having Class III designation, possess potential Ag production that easily meets the criteria for a PRIME classification. One only needs to look at the crops grown in the same soils on the neighboring parcels: All high income crops and yields (irrigated vegetables and other row crops, including cut flowers and seed crops).
- (4) In comparing the extensive recreational uses proposed here with the uses currently under discussion for wineries, the former clearly has a potential for many more impacts.
- (5) Staff assert: (see bottom page 7 of the Mitigated ND) "...subject lots would remain open space and have the potential to be easily converted back to cultivation by the current or any future owner." This flies in the face of reality. Experience has shown that conversions of good Ag Lands to other uses, is rarely, if ever reversed. In fact, the precedent set by the conversion leads to more non-agricultural uses on neighboring properties.

SUMMARY: Over many years, the County and LAFCO have consistently voted to maintain the natural buffer that the Santa Ynez River provides between the City to the West and the highly productive uses on the North and East. Granting this request therefore sets a significant precedent.

These proposals should be denied based on the wording and intent of the County's Comprehensive Plan, the Agricultural Element, and the newly adopted buffer policy.

No one argues with the need for more recreational opportunities. The problem here is that this is simply the wrong location. Intensely cultivated agricultural operations are not compatible with extensive recreational uses.

In order to continue our county's long-term commitment to avoid conflicts with, and protection of our valuable Agricultural Resources, I urge you to deny these applications.



AGENDA ITEMS

ITEM #: 1
MEETING
DATE: 9-11-13

September 9, 2013

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

SEP 09 2013

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Re: Proposed Mosby Sports & Outdoor Recreation Facility Project

Dear Chair Hartmann and Honorable Commissioners,

The following comments on the proposed final Mitigated Negative Declaration (MND) and Findings for the Mosby Sports & Outdoor Recreation Facility Project (Project) are submitted by the Environmental Defense Center on behalf of the Santa Barbara County Action Network (SB CAN).

SB CAN works within Santa Barbara County to promote social and economic justice, to preserve environmental and agricultural resources, and to create sustainable communities. EDC is a non-profit public interest law firm that represents community organizations in environmental matters affecting California's south central coast.

Your Commission has been asked to: (1) recommend that the Board of Supervisors make the required findings for approval of the Project, including CEQA findings; (2) recommend that the Board adopt an MND and adopt a mitigation monitoring plan; (3) recommend that the Board approve a zoning map amendment to change the zone district on the subject parcels from 40-AG to AG-II-40; and (4) recommend that the Board approve a Conditional Use Permit (CUP).

We urge you *not* to take the above actions at this time. SB CAN and EDC met with the Project applicant on September 6, 2013, and we are hopeful that a continued dialogue may address some of the concerns we outline below. Consequently, we request that your Commission continue this item from your hearing on September 11 to some future date, in order to allow staff and the applicant time to address our concerns.

In the alternative, should you decide not to continue the hearing, please direct staff to prepare an environmental impact report (EIR) which utilizes the correct

"baseline" under the California Environmental Quality Act (CEQA) and which adequately describes the entirety of the Project's impacts. Specific comments on the proposed Final MND are below.

THE PROJECT

The proposed project is a request to consider Case Nos. 12RZN-00000-00003, and 11CUP-00000-00032 for the approval of: (1) a Consistency Rezone to rezone the property from its current zoning of General Agriculture, 40-acre minimum lot area (40-AG) under Zoning Ordinance No. 661 to Agriculture II, 40-acre minimum lot area (AG-II-40) under the Santa Barbara County Land Use & Development Code (LUDC); and (2) a Conditional Use Permit to attempt to rectify an existing illegal unpermitted zoning violation for outdoor recreational development and activities consisting of a paintball field, athletic fields, and a remote controlled car track.

Consistency Rezone (12RZN-00000-00003): The subject 9.99 and 9.50 gross/acre parcels are legal non-conforming as to size and are currently zoned General Agriculture, 40-acres minimum lot area (40-AG), pursuant to Ordinance 661. Ordinance 661 does not allow outdoor recreational activities to be permitted on parcels with a 40-AG zone designation. In order to permit the subject recreational development and activities, the zoning map is proposed to be amended to Agriculture II, 40-acres minimum gross lot area (AG-II-40), consistent with the current Land Use and Development Code. The subject parcels would remain non-conforming as to size.

Conditional Use Permit (11CUP-00000-00032): Applicant requests approval of a Conditional Use Permit to permit existing illegal unpermitted outdoor development and recreational activities consisting of a paintball field, athletic fields, and a remote controlled car track on the subject parcels (APN(s) 099-141-016, -017). These activities received a zoning violation since their use is not permitted under the existing Ordinance 661 zoning. Existing *illegal* development consists of a paintball field of approximately 0.40-acres, two (2) athletic fields of approximately 5.2-acres, and remote control car track of approximately 2-acres. One hundred and fifty parking spaces composed of compacted base and screened with a landscaped berm planted with pine trees would be provided on APN 099-141-017, which apparently contains some prime soils.

CEQA BASELINE

The MND/EIR must both include and utilize an accurate description of the environmental setting as it existed prior to the Project, including a complete and meaningful evaluation of the Project site sans unpermitted paintball facility, soccer fields and race car track.

Accordingly, the following statement should *not* be deleted from the MND (or a subsequent EIR): "staff has determined that the past on-site agricultural practices can be considered a reasonable CEQA baseline." (Proposed Final MND, p. 17.) This baseline

(pre-project, using past agricultural practices) must be uniformly applied throughout the entire environmental analysis. Consequently, the MND/EIR should not include "existing structures" such as the paintball field, athletic fields and remote control car track as part of the environmental setting. Similarly, the environmental setting should not be described as follows: "The majority of the subject parcel has been cleared of native vegetation due to *ongoing recreational* and agricultural uses." (*Id.*, p. 2.) The MND also incorrectly states that only minor land alterations (less than 50 cubic yards) have occurred for the project site. In fact, *major grading* clearly visible from Hwy 246 was the original reason that the property was reported and investigated for a zoning violation.

The MND astoundingly states that there is no new proposed development, when the environmental review must in fact address the numerous major physical changes to the site with the unpermitted use(s). It is crucial that the Project's impacts be evaluated in comparison to the physical conditions that existed prior to the construction of unpermitted development, in order to provide an accurate assessment of the Project's impacts and benefits.

CEQA requires that an EIR shall include a detailed analysis setting forth "[a]ll significant effects on the environment of the proposed action."¹ *Normally*, the environmental setting against which project impacts are evaluated is comprised of the "physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published".² If, however, reliance on existing physical conditions will preclude an accurate evaluation, the environmental setting should be adjusted to allow for meaningful analysis and disclosure of project impacts.

As the California Supreme Court held in *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 328, "[n]either CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the existing conditions baseline. Rather, an agency enjoys the discretion to decide, in the first instance, exactly how the existing physical conditions without the project can most realistically be measured, subject to review, as with all CEQA factual determinations, for support by substantial evidence." In that case, the Court noted the importance of ensuring that environmental analysis under CEQA "employ a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the project's likely impacts."³

The Supreme Court recently confirmed this approach in *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority*, ruling that "CEQA imposes no 'uniform, inflexible rule for determination of the existing conditions baseline,' instead

¹ Pub. Res. Code (hereinafter "PRC") § 21100(b)(1); see also CEQA Guidelines § 15126.2(a) ("An EIR shall identify and focus on the significant environmental effects of the proposed project"); *No Oil, Inc.*, 13 Cal.3d 68; *People ex rel. Department of Public Works v. Bosio* (1975) 47 Cal.App.3d 495).

² CEQA Guidelines § 15125(a).

³ *Communities for a Better Environment*, *supra*, 48 Cal.4th at pp. 322, 325, 328.

leaving to a sound exercise of agency discretion the exact method of measuring the existing environmental conditions upon which the project will operate.”⁴ As the Court noted, “[t]o the extent a departure from the ‘norm’ of an existing conditions baseline (Guidelines, § 15125(a)) promotes public participation and more informed decisionmaking by providing a more accurate picture of a proposed project’s likely impacts, CEQA permits the departure.”⁵ In fact, not only does CEQA *permit* such departure, CEQA *demand*s such departure if analysis based on existing physical conditions “would be uninformative or misleading to decision makers and the public.”⁶ In the current case, it would be “uninformative and misleading” to *not* include an evaluation of the impacts of the unpermitted development which has never been subject to environmental review; impacts associated with the Project’s construction and ongoing operations have not been previously studied or disclosed to decision-makers and the public.

This approach is consistent with the longstanding principle that CEQA is to “be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”⁷ The purpose of an EIR is to allow “the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision.”⁸ The fact that development has evaded environmental review in the past does not excuse the omission of such analysis now.

Accordingly, the baseline for purposes of environmental review should be set prior to installation of the unpermitted sports and outdoor recreation facilities, because they were never subject to environmental review.

PROJECT IMPACTS

There is substantial evidence which supports a “fair argument” that significant impacts have been and/or will be caused by the Project. Because the Project “may have a significant effect on the environment, the [County] shall prepare a draft EIR.”⁹

⁴ 2013 WL 3970107 (Opinion at 6) (August 5, 2013).

⁵ *Id.* at 7. See also *Cherry Valley Pass Acres & Neighbors v. City of Beaumont*, 190 Cal. App. 4th 316, 336 (2010) (“In using the word ‘normally,’ ... the Guidelines necessarily contemplates that physical conditions at other points in time may constitute the appropriate baseline or environmental setting.”) (emphasis in original); *Fat v. County of Sacramento*, 97 Cal. App. 4th 1270, 1277-1278 (2002) (“use of the term ‘normally’ gives the agency discretion to deviate from the time-of-review baseline.”).

⁶ *Id.*

⁷ *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 86 (quoting *Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal. 3d 247).

⁸ *Karlson v. City of Camarillo* (1980) 100 Cal. App. 3d 789, 804.

⁹ CEQA Guidelines § 15064(a)(1); *No Oil Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68; *Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988.

As described above, the MND's failure to analyze impacts in comparison to the correct environmental setting, or baseline, thoroughly skewed the environmental review process.

4.1 Aesthetics/Visual Resources

The Project is located on the north side Highway 246 approximately 0.5 miles northeast of the City of Lompoc and the intersection of Highway 1 and Highway 246, in a designated rural area bounded by a park and rural residential uses. The subject parcel is visible to travelers on Highway 246. The overall visual characteristics of the neighborhood include scattered residential and agricultural buildings amongst an area that supports a public passive-use park (Riverpark), the County's road yard, vineyards, orchards, grazing land and residential ranchettes, and the Santa Ynez River.

The County's Visual Aesthetics Impact Guidelines classify coastal and mountainous areas, the urban fringe and *travel corridors* as "especially important" visual resources. A project may have the potential to create a significantly adverse aesthetic impact if (among other potential effects) it would impact important visual resources, *obstruct public views, remove significant amounts of vegetation, substantially alter the natural character of the landscape, or involve extensive grading visible from public areas.* (Proposed Final MND, p. 4, emphasis added).

If the correct, pre-project baseline is used to analyze the Project, it is clear that it has created significant visual impacts. The zoning violation was originally reported due to the public's clear observation of major, non-agricultural extensive grading along Hwy 246. The erection of fencing and numerous other structures for the paintball operation and other aspects of the active recreational use are also extensive and change the views of the site from the public, passive park adjacent to the site, at Riverpark. Additionally, the natural character of the site has been substantially altered. The addition of at least 150 parked cars on a daily basis that would be visible from Highway 246 is a significant impact.

Given the lack of analysis in the MND of pre-zoning violation conditions, the entire section must be re-done to acknowledge the significant impacts to public views that have been affected in the immediate area. The proposed mitigation (a landscaped berm with no performance bond attached to it) is simply inadequate to begin to address the scale of aesthetic impacts that have occurred at the site.

4.2 Agricultural Resources

The County's thresholds require an analysis of the site using the points system for agriculture. These points have been incorrectly assigned to the Project as noted below. Additionally, the project converts prime and non-prime agricultural land into a non-agricultural active recreation use that has dramatically altered the onsite soils from compaction due to parking, new structures and paintball detritus. An EIR must show a

map of the various soil types and describe the exact amount of prime/non-prime soils that would be affected. The historic cultivation of the site must be carefully evaluated. The MND mischaracterizes the current site condition as "open space", when clearly this is no longer the case.

The soils classification has not been correctly assigned, as both parcels contain some prime soil (one with 40% prime), and should be increased respectively to 10 points for APN 099-141-017 and 12 points for APN 099-141-016. This increase must reflect the actual percentages of soils classifications as they relate to prime/non-prime acreage.

Water availability points should be increased to 15 for APN 099-141-017. The MND's assertion that onsite the well on APN 099-141-017 does not provide enough water to support irrigated crops is illogical and unsupported, given the site's proximity to the Santa Ynez River. For example, periodic water releases pursuant to Water Order 89018 are used to recharge the aquifer. Low-producing current well(s) may be old, poorly sited, inadequately drilled or provided with inadequate pumps.

Agricultural suitability points should also be increased given the success of surrounding growers and the quality of the on-site soils.

The agricultural preserve potential of the site should be increased, as the site could qualify for at least a non-prime agricultural preserve with adjacent parcels, to which 3 points should be assigned.

While it is recognized that that assignment of points for each of the categories can be somewhat subjective, those challenged herein deal with physical conditions that cannot be disputed. The increase in points triggers the threshold for a significant impact to agricultural resources that cannot be mitigated, and an EIR must be prepared for the project. Additionally, the precedent-setting nature of conversion of viable agricultural land into a non-agricultural, active recreation use that has the potential to permanently impact the quality of on-site soils due to compaction, use of imported road base materials such as gravel and sand, the use of paintball materials and associated solid waste, and the placement of structures, parking of cars, etc. would have a direct impact on the future potential for the land to be utilized for agriculture. The conversion of land out of agriculture is one that the County has always carefully considered, and allowing this illegal use to continue and potentially receive permits is a very bad precedent for our agricultural lands in the entire county. This project, if approved, would encourage other agricultural landowners to convert land into other uses, and ask for approval after the impacts have already been realized. This is simply unheard of in the history of Santa Barbara County.

4.3 Air Quality

We note that the proposed Final MND analyzes "Greenhouse Gas Emissions/Global Climate Change" using an "interim" threshold of 1,100 MT/yr for non-

stationary sources and 10,000 MT/yr for stationary sources. Instead, the EIR should use a "zero emissions" threshold. The concentration of GHGs in our Earth's atmosphere recently crossed the 400 parts-per-million (ppm) threshold; experts predict that current trends will cause global temperatures to rise at least two degrees, causing potentially catastrophic changes.¹⁰ In other words, GHG emissions must be reduced from their current global levels, and *any* new input of GHG emissions exacerbates that global problem. The Project must be consistent with CEQA's requirement that *all* potentially significant impacts be evaluated and mitigated or avoided where feasible.

4.4 Biological Resources

As noted above, the MND describes the baseline as the project site in its existing condition as already altered by the project. For example, the MND finds that existing (post-project construction) site conditions are dominated by non-native plants. (Proposed Final MND, p. 17.) To the extent it uses a post-project baseline, the MND's Biological Resources section fails to identify the project's impacts to habitats and species that may have been present before project construction.

The subject parcels have been put under cultivation several times over the past 50 years. However, their close proximity to important Santa Ynez River riverine and riparian habitats means that, when left fallow for extended periods of time and allowed to support native/non-native vegetation, they provide potential foraging habitat for one or more special-status wildlife species. Prior to construction of the Project, the parcels likely provided foraging, nesting and/or cover habitat for numerous special-status species. These species are known from the vicinity of the Project, such as in Santa Ynez River riparian and aquatic habitats. Historic aerial photographs show that the subject parcels contained grassland and shrubland vegetation, and sandy soils that could have been used by one or more of the following:

- Western pond turtle (*Actinemys marmorata*) – California Species of Special Concern (potential overwintering and/or nesting)
- Two-striped garter snake (*Thamnophis hammondi*) – California Species of Special Concern (foraging and cover habitat)
- Cooper's hawk (*Accipiter cooperii*) – Watch List (foraging habitat)
- Northern harrier (*Circus cyaneus*) – California Species of Special Concern (foraging habitat)
- White-tailed kite (*Elanus leucurus*) – Fully Protected (foraging habitat)
- Long-billed curlew (*Numenius americanus*) – California Species of Special Concern (foraging habitat)
- Burrowing owl (*Athene cunicularia*) – California Species of Special Concern (foraging and possible nesting habitat)

¹⁰ See, e.g., Neela Banerjee, "Carbon Dioxide in the Atmosphere Crosses Historic Threshold," *L.A. Times*, May 10, 2013, available at <http://articles.latimes.com/2013/may/10/science/la-sci-sn-carbon-atmosphere-440-ppm-20130510>.

- Long-eared owl (*Asio otus*) - California Species of Special Concern (foraging habitat)
- Loggerhead shrike (*Lanius ludovicianus*) - California Species of Special Concern (foraging and possible nesting habitat)
- California horned lark (*Eremophila alpestris actia*) - California Species of Special Concern (foraging habitat)
- Bell's sage sparrow (*Amphispiza belli belli*) – Watch List (foraging and possible nesting habitat)
- Tricolored blackbird (*Agelaius tricolor*) - California Species of Special Concern (foraging habitat)
- Lawrence's goldfinch (*Carduelis lawrencei*) - California Species of Special Concern (foraging habitat)
- Pallid bat (*Antrozous pallidus*) - California Species of Special Concern (foraging habitat)
- Townsend's big-eared bat (*Corynorhinus townsendii*) - California Species of Special Concern (foraging habitat)
- Western red bat (*Lasiurus blossevillii*) - California Species of Special Concern (foraging habitat)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) - California Species of Special Concern (foraging and cover habitat).¹¹

Removal of all vegetation and grading of the parcels for the Project likely eradicated habitat for one or more of the aforementioned animals. The greatest impacts at that time would have occurred to species with limited dispersal ability, such as pond turtles and garter snakes, and to nesting birds if clearing occurred during the breeding season (nest abandonment and loss).

Similarly, conversion of the parcels from fallow field to recreational uses removed grasses, herbaceous vegetation, and shrubs and probably pocket gophers and ground squirrels that are common in such fallow fields. This activity potentially affected the foraging habits of the following special-status species: Cooper's hawk, northern harrier, white-tailed kite, long-billed curlew, burrowing owl, long-eared owl, loggerhead shrike, pallid bat, big-eared bat, and red bat.

In order to properly identify and disclose the project's construction and operational impacts on biological resources, the MND's analysis must be redone using a prior baseline which is supported by evidence (e.g., biologists' assessment of prior existing reports, aerial photographs, etc.) – not speculation. Only then can the document reveal the adverse effects of the built project's extensive grading, vegetation removal, construction and operation on biological resources.

¹¹ Personal communications with Lawrence E. Hunt, Hunt & Associates Biological Consulting Services, Sept. 6, 2013.

4.14 Recreation

While recreational uses are often a benefit to the community, it is imperative they are appropriately sited. The project's active uses, which required structural changes to the site, have changed the passive enjoyment of users at Riverpark. The erection of fencing and other structures for the paintball operation change the views of open space from the Riverpark. Further, the noise that is generated from active uses affects surrounding passive recreational uses (such as hiking, bird watching, picnicking) and the ability of those users to enjoy the peace and quiet of camping. This must be analyzed in the EIR, as it is a significant impact.

4.16 Water Resources/Flooding

The MND states that "no new development or impervious surfaces are proposed" and then specifically includes existing unpermitted development in the baseline determination. Consequently, the MND states that the Project "would not result in impacts on surface water quality." (Proposed Final MND, p. 37.)

However, the soils on the site will be changed by the continued use of the site as active recreation, not only from compaction, but also from oils and dirt from parked cars, and runoff/debris from paintball detritus (see previous correspondence from EDC for additional information). One soil type present, Mocho loam, has moderate permeability and slow surface runoff;¹² while Metz loamy sand has rapid permeability, and very slow surface runoff. It is quite likely that soil compaction for a parking lot for 150 cars and recreational activities can result in a change in percolation rates, drainage patterns, and/or rate and amount of surface runoff. This is a potentially significant impact that must be analyzed. Further, the site's close proximity to the Santa Ynez River has not been assessed with regard to the aforementioned issues.

Again, as with other sections of the MND, the incorrect baseline was utilized for analysis. The lack of analysis of changes to the site resulting from the premise that "No new development or impervious surfaces are proposed" must be rectified in an EIR.

COMPREHENSIVE PLAN CONSISTENCY

The Staff Report dated August 22, 2013, includes section 6.2 "Comprehensive Plan Consistency". This analysis must be revised to incorporate the proper environmental setting, or baseline, as described above.

For example, under "Lompoc Area Community Goals: Environment" on pages 11 and 12, the Staff Report states that the "existing recreational facility is located approximately 250 feet east of the Santa Ynez River. . . . The project is not proposing to

¹² MND, at page 15.

intensify the existing operation." In fact, the Project *is* the existing operation – CUPs are proposed to allow recreational activities on lands zoned for agriculture – and it certainly intensified the use of the subject parcels as compared to their pre-existing agricultural state.

Similarly, on page 12, the Staff Report states that "no grading is proposed or required as part of the proposed project." In fact, the Project entailed significant illegal grading over the course of multiple years. The impacts of said grading must be assessed in an EIR.

CONCLUSION

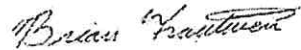
The MND is based on an inaccurate description of the environmental setting and inadequately analyzes many project impacts. An EIR must be prepared because of the Project's potentially significant impacts related to visual resources, agriculture, biology, recreation and water.

Thank you for considering this request, and we look forward to reviewing an EIR which comprehensively assesses the Project's potential impacts.

Sincerely,



Nathan G. Alley, Staff Attorney



Brian Trautwein, Environmental Analyst / Watershed Program Coordinator



CITY OF LOMPOC

August 8, 2013

Honorable Planning Commission Chair and Members
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

Subject: Mosby Rezone and Recreational Fields Application
River Park Road

Honorable Chair and Commission Members:

This letter is in regards to Case Nos. 12RZN-00000-00003, and 11CUP-00000-00032 pending before the County Planning Commission at the request of Jim Mosby (Project). The City of Lompoc owns the property locally know as "River Park Road" adjacent to the Project. River Park Road is also referred to in documents prepared by the County in support of the application. The Project Description relies on River Park Road to provide access. (See site plan attached.)

Be advised that River Park Road is property owned in fee by the City of Lompoc and not a public road as described in the Project. The City of Lompoc is willing to grant temporary right of entry to support the Project and is in negotiations with the owner to that end.

The City of Lompoc continues to support the Project and believes it will be an asset to the community as it enhances recreational opportunities. Mr. Mosby is to be commended for his initiative to facilitate this community benefit.

Respectfully Submitted,

Laurel M. Barcelona
City Administrator

Attach: Site Plan

C: Lompoc City Council
Joseph W. Pannone, City Attorney
Dana Carmichael, Project Planner
Douglas K. Anthony, Planning Deputy Director
Jim Mosby

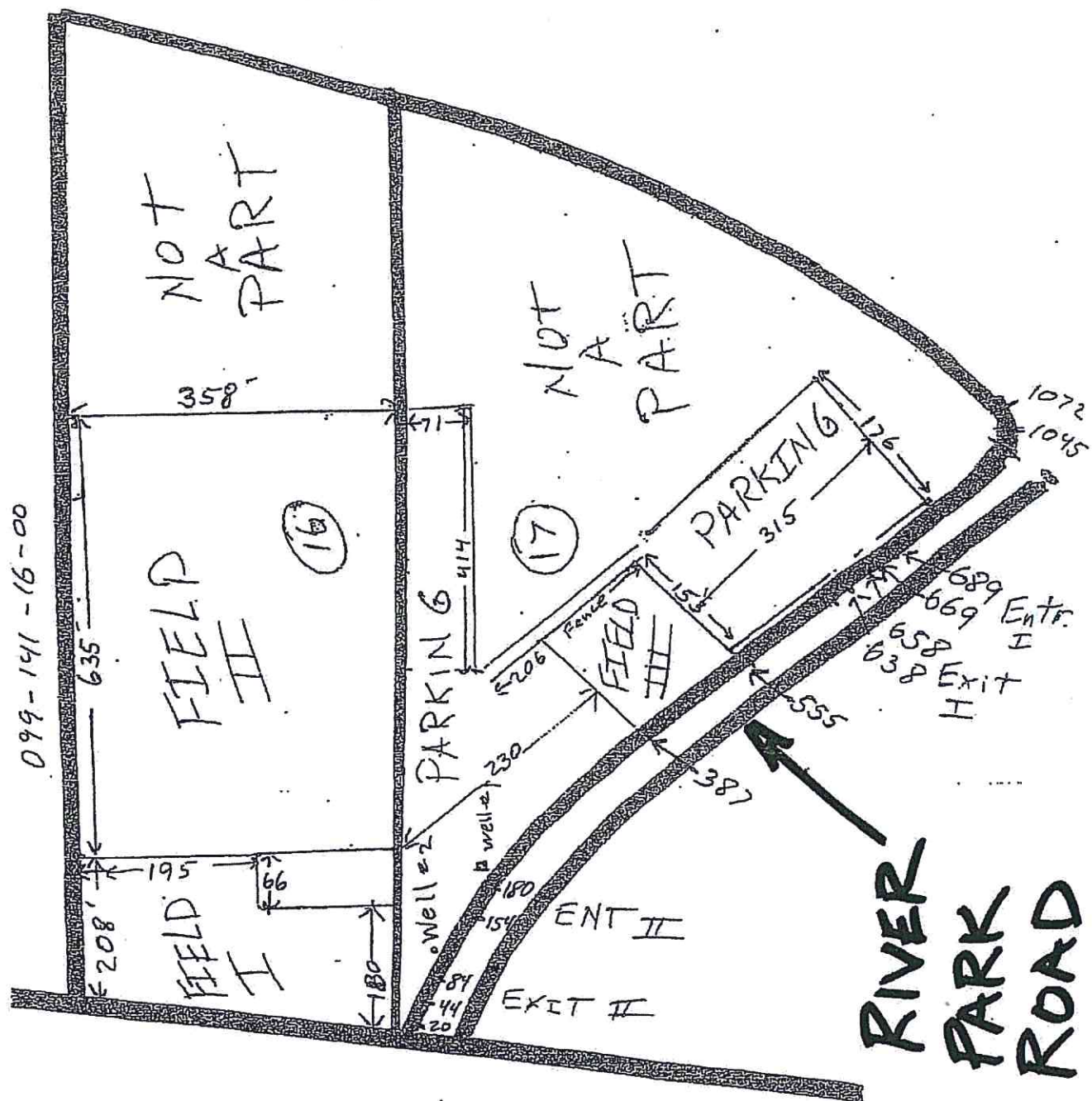
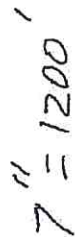
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AUG 14 2013
S.B. COUNTY
PLANNING & DEVELOPMENT

AGENDA ITEMS

ITEM #: 1

MEETING
DATE: 9-11-13



Public Restroom