



**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: February 3, 2015
Placement: Set Hearing on 2/3/2015 for 2/17/2015
Estimated Time: 2.5 hours on 2/17/2015
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 – Adequacy of Environmental Review
3rd Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On February 3, 2015, set a hearing for February 17, 2015 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 the Planning Commission's recommendation that the Board of Supervisors not certify the Environmental Impact Report (10EIR-00000-00005) and require additional environmental review.

In accordance with the discussion below, Planning and Development is recommending that the Board's action on February 17, 2015 include the following:

- A. Follow staff's recommendation and conclude that the EIR prepared for the Las Varas Ranch project is adequate with the addition of minor clarifications in the form of an EIR Revision Letter; and
- B. Direct staff to return to the Planning Commission for a full recommendation on the project pursuant to Government Code Section 65354.

Alternatively, provide other direction to staff and/or the Planning Commission concerning the project.

The applications involve Assessor Parcel 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.

Project Summary:

The proposed project involves a reconfiguration of existing parcels within Las Varas Ranch on the Gaviota Coast, as well as the identification of residential development envelopes within each newly configured lot. 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. In addition to these project elements, the project includes consistency rezones of the inland parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 under the Land Use & Development Code. The entire ranch is composed of 10 parcels totaling approximately 1,802 acres. The project includes nine of these lots comprising 1,784 acres, seven of which are considered residentially developable. The proposed project including mergers, lot line adjustments, and a tentative parcel map would result in a total of seven lots, two lots north of the highway and five lots south of the highway. Therefore, the overall number of lots would decrease by two and the number of developable lots would be unchanged (7) as a result of this project. The project has the effect of shifting one developable lot from the north side of the highway to the south side of the highway.

Review History:

The Las Varas Ranch project was originally presented to the Planning Commission in January/February 2012 for consideration. After two hearings, the Planning Commission voted to request that the Board of Supervisors determine whether the burden imposed by the project applications warrants exaction of a coastal trail alignment south of Highway 101. Consistent with this request, the project was presented to the Board on April 17, 2012. At that hearing, the Board concluded that additional environmental review of potential trail alignment alternatives was required before a determination could be made regarding the appropriateness of an exaction of an alternative coastal trail. In addition, the Board requested additional analysis on several other issue areas, including visual impacts and aesthetics, development footprints and building size, mapping of biological resources, hazardous materials/remediation issues, fire access, agricultural resources and viability of continued agricultural operations, historic and cultural resources, water systems, water availability and growth inducing impacts, and recreation. The Board directed staff to conduct the additional environmental review on trail alternatives, as well as to address these other issue areas in the revised EIR, and to return to the Planning Commission for consideration, deferring any determination as to whether a trail exaction is warranted. Pursuant to this direction, staff prepared a Revised Draft EIR that included an analysis of two trail alternatives as well as revisions to other sections of the document as directed. Upon completion of the Revised Draft EIR, the project returned to the Planning Commission in July and September 2014 for consideration, with a recommendation from staff for approval of a hybrid alternative project (see Planning Commission staff report and staff memorandum included as Attachments 1 and 2).

Discussion:

After two hearings, the Planning Commission concluded that the EIR was inadequate and voted 3-2 to recommend that your Board not certify the EIR and instead require additional environmental review in the areas of Aesthetics/Visual Resources, Agricultural Resources, Biological Resources, Cultural Resources, Land Use, Recreation, and Growth Inducement. P&D staff continues to recommend that the

revised EIR be considered adequate and that any minor changes to the document deemed necessary to clarify or amplify the current analysis could be made in the context of an EIR Revision Letter. Below is a summary of the Planning Commission's comments and conclusions in regards to the analysis of the various resource issues, followed by staff's responses.

Aesthetics/Visual Resources

Planning Commission's Comments:

- Mitigation measures are not fully protective of the significant visual resources present on the ranch, especially since the mitigations would not apply to agricultural development outside of the residential development envelopes, and there is no limit on the extent of agricultural development that could occur outside of the residential development envelopes;
- There is no analysis of the impacts of a proposed Lot 2 beach cabana on visual resources in terms of its impact on the scenic viewshed from the beach and near-shore environment; and
- There is no analysis of the visual impacts of future development in the event that orchards are removed, such as the visibility of the Lot 3 development envelope from the railroad.

Staff Response:

Regarding agricultural development outside the residential development envelopes, such development could include agricultural barns, horse stables, agricultural employee residences, etc. However, such analysis goes beyond the scope of the EIR because this type of development is not a reasonably foreseeable consequence of the project and it would be speculative to analyze agricultural structures that may be built in the future and where they may be sited. Future agricultural structures are not a result of this project and could be built without this project going forward. Furthermore, any future development south of the highway, with the exception of unenclosed pole barns of less than 500 square feet in size, would be subject to Coastal Development Permits with hearings before the Zoning Administrator. These permits are fully discretionary, subject to review under CEQA, and would be informed by this project's EIR, including the significance of the rural historic landscape constituting the ranch. This process provides the ability to apply additional conditions or mitigation measures to future projects to reduce impacts and ensure policy consistency if necessary based on the specifics of a future project. The administrative process provides for approval of these coastal projects to be appealed up to the California Coastal Commission.

With respect to the analysis of the now proposed cabana on Lot 2, that element of the project was added to the project description by the applicant after circulation of the EIR. This minor revision to the project description will be addressed in the EIR Revision Letter. However, the potential impacts of the proposed cabana have already been fully analyzed in the EIR because the EIR evaluates the impacts of residential development within the originally proposed residential development envelope for Lot 2, which is where the applicant is now proposing the cabana. The EIR included mitigation measures to reduce the potential impacts of future residential development near Edwards Point, including that future residences on Lots 1 and 2 "be set back far enough from the beach and sized appropriately so as to not intrude into the skyline or break the view plane of the Santa Ynez Mountains as viewed by the public... The minimum distance for residential structures from the bluff top or beach edge shall be 200 feet." This same mitigation would appropriately be applied to the beach cabana to ensure that its impacts on visual resources are reduced to a less than significant level. Therefore, the EIR contains sufficient analysis to address the potential impacts of the beach cabana if the Board chooses to approve it as part of the project. Any revisions to the document in regards to the beach cabana would thus be minor and could be accomplished within the context of an EIR Revision Letter.

Lastly, with regards to the visual analysis without the existing orchards, the orchards on-site provide a significant source of revenue to the ranch. Not only are they productive and profitable, but in the case of Lot 3, they would also provide an important visual buffer between any future residential development and the railroad tracks such that their retention would be valuable and of importance to future landowners. Therefore, it is not reasonable as part of the EIR to evaluate the impacts of future development assuming that the orchards are removed since their removal is not reasonably foreseeable. If there is a proposal in the future to replace the orchards with alternative agricultural development requiring permits (e.g. horse stable), the impacts of such change and any potential mitigation would be considered during the processing of the future application for that structure.

Agricultural Resources

Planning Commission's Comments:

- Impacts of the project on agricultural viability should be classified as Class I (significant and unavoidable) instead of Class II (potentially significant but mitigable) due to: 1) the potential for conversion and fragmentation of the agricultural land and land use conflicts with residential activities; 2) the lack of control over the potential conversion of commercial agriculture to non-commercial private activities (e.g. private vineyards, horse stables and riding arenas, etc.); and 3) the lack of enforceability of the mitigation measures/conditions of approval; and
- The project is inconsistent with agricultural protection policies, including Policy 8-4 of the Coastal Land Use Plan, which requires the County to make a finding, precedent to approval of any proposed land division of agricultural land, that the long-term agricultural productivity of the property will not be diminished by the proposed land division; and Coastal Act Policy 30241 which requires that the maximum amount of prime agricultural land be maintained in agricultural production. These inconsistencies support a conclusion of a Class I impact on agricultural resources.

Staff Response:

As required under CEQA Guidelines Section 15064(d), the EIR analysis focuses on the “direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” In accordance with this section, “a change which is speculative or unlikely to occur is not reasonably foreseeable.” In the instant case, the direct physical impacts are related primarily to the proposed infrastructure improvements (access road improvements and shared water system) and the identification of designated residential development envelopes within each of the reconfigured lots. The EIR concludes that future residential development within these envelopes would not significantly impact the existing agricultural operation or significantly impair the long-term viability of agriculture on the ranch. No areas of the ranch currently dedicated to orchards would be removed to accommodate residential development, and the relatively small acreage proposed to be removed from agricultural use within each development envelope would not significantly impair the ongoing cattle grazing operation given the large amount of pasture that would remain available for grazing. Non-agricultural development on each lot would be limited to two acres or less, which is generally consistent with the provisions of the County’s Uniform Rules for Agricultural Preserves. This is important because the Uniform Rules specifically address compatibility of residential development with active agriculture and so serve as an example of what is appropriate in this regard.

One of the primary objectives of the project is to maintain long-term continued agricultural productivity of the ranch property and to provide a suitable balance between residential and agricultural use and

development. In support of these objectives, the applicant has proposed CC&Rs that would: 1) provide for the existing grazing lands on the ranch to continue as common grazing lands to be collectively managed through a cooperative grazing agreement (similar to Hollister Ranch); 2) limit perimeter fencing outside of development envelopes so as not to impede the cattle grazing operation; 3) prohibit conversion of existing orchards to non-agricultural uses; 4) require that all land outside the designated owners' development envelopes remain available for agricultural usage; and 5) restrict off-road vehicle and equestrian use within the first-calf heifer calving pastures during the calving season. These CC&Rs would not be able to be terminated or substantially altered for a minimum of 50 years, after which time they would be automatically extended each year unless two-thirds of the landowners vote otherwise. Regardless, these five restrictions would also be included as conditions of approval, which would remain in effect and enforceable by the County for the life of the project, in the same manner that the County enforces other conditions of approval. Specifically, if the project is approved, a mitigation monitoring program would be approved and put in place to enforce the conditions of approval. These provisions also address the concern for the potential for future residential development and residential uses to spill over into the active commercial agricultural areas of the ranch.

The Planning Commission expressed concern that the existing commercial ranching and orchard operations would be replaced with or compete against an introduction of hobby farms (e.g. boutique vineyards, equestrian facilities, etc.) into the agricultural portions of the ranch. However, based on the built-in protections for the continuation of commercial agriculture and the scope of the current project, such an outcome is not reasonably foreseeable. Regardless, non-commercial agriculture is nevertheless considered agriculture and remains consistent with the established purpose and intent of the AG-II-100 zone district. Further, such conversion could occur without the project going forward, in association with development of the lots in their current configuration.

The Planning Commission also identified the potential for additional subdivisions within the Ranch as a basis for concluding that the project would significantly impact the commercial agricultural operation. Future subdivisions within the ranch are not a reasonably foreseeable outcome of the proposed project and future subdivisions, if any, would be subject to discretionary review and approval, including independent analysis under CEQA. The Planning Commission expressed concern that such subsequent review would amount to piecemealing. However, subsequent review of projects that are not proposed and not reasonably foreseeable at the time of the proposed action does not constitute piecemealing.

While the County cannot require existing or future landowners to remain in active agriculture in perpetuity, the proposed project results in no greater impact on the long-term use of the ranch for agricultural purposes than what is feasible under the existing setting. The proposed project does not increase the number of developable lots or provide any greater ability for the Ranch to be developed with estate-style residences than what is currently available based on the existing parcel configuration. The primary change resulting from this project as compared to what could occur under the existing parcel configuration (i.e. No Project Alternative) is that the project shifts development of one lot from north of the highway to south of the highway, such that there would be five developable parcels instead of four between the highway and the ocean. As compared to what could occur under the No Project Alternative, the proposed project is considered to be more protective of the long-term agricultural viability of the Ranch.

For similar reasons as discussed above, the project can be found consistent with Policy 8-4 of the Coastal Land Use Plan and Coastal Act Policy 30241.

Biological Resources

Planning Commission's Comments:

- The analysis of biological resources fails to adequately consider the impacts of development and activities outside of the residential development envelopes, including structural development, non-commercial agricultural activities, and increased human presence, especially in regards to impacts on birds of prey and special status wildlife species.

Staff Response:

The County's adopted thresholds of significance for impacts to wildlife and wildlife habitats specify that a project needs to *substantially* affect wildlife or wildlife habitat for the impact to be considered significant. The EIR evaluates impacts associated with development within the residential development envelopes and identifies mitigation measures to ensure that direct impacts from future residential development (and associated fuel management requirements) avoids impacts to sensitive native plant communities. For example, the EIR analysis drove the relocation of the development envelope on Lot 2 away from Gato Creek to avoid impacts to sensitive wildlife species and habitat along the creek. Mitigation was also identified to require pre-construction surveys in all cases for nesting birds within 500 feet of construction limits and the designation of requisite buffer zones in the event that any nesting birds are identified. In the case of structural development occurring outside of the development envelopes, such as horse stables and riding arenas, such development would require a Coastal Development Permit with Hearing that is fully discretionary and subject to environmental review. In the case of non-commercial agriculture being expanded in the future and degrading wildlife habitat, such impact on biological resources would be no greater than for expansion of commercial agriculture. Future expansion of agriculture could occur without this project going forward and expansion of agriculture is not a reasonably foreseeable outcome of the proposed project.

The EIR acknowledges that residential uses and human activities could result in a potentially significant effect on the continued use of wildlife habitat and open space outside of the development envelopes for roosting, nesting, and/or foraging habitat. However, the EIR concludes that impacts would be less than significant, as there is insufficient evidence to indicate that such activities would *substantially* reduce or eliminate species diversity or abundance, *substantially* reduce or eliminate quantity or quality of nesting areas, and/or *substantially* fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources, as provided for in the adopted CEQA thresholds. As discussed in the EIR, the majority of the ranch would remain available for wildlife foraging and nesting even under future buildout of each lot. Even with increased human activities spilling over into open pastures, woodlands, and other existing habitat, the EIR concludes that there would be more than ample opportunity for wildlife to nest and forage in areas of the ranch that are undisturbed or experience little human activity. The population that would be potentially introduced as part of this project is extremely low density, consisting of five residences (and associated residential uses) on over 500 acres south of the highway and two residences (and associated residential uses) on nearly 1,300 acres north of the highway. Moreover, most wildlife can tolerate certain levels of disturbance without substantially altering their behavior, especially where there are numerous areas to seek cover. For example, white-tailed kite (a fully protected species) and other birds of prey nest and forage in areas that experience significant human presence, such as More Mesa where public recreational use of the open space is extensive (including unleashed dogs) and abuts dense residential development. The habitat present on Las Varas Ranch already experiences a baseline level of disturbance associated with cattle grazing, ranch vehicles, ranchers on horseback, existing residential use, orchard operations, domestic animals, etc. The EIR concludes that the incremental increase in human-related disturbance to wildlife and wildlife habitat outside of the residential

development envelopes would not be substantial, especially given the limited number of new home sites, the low population density, and the retention of extensive portions of the 1800-acre ranch in undeveloped open space/agricultural development.

Cultural Resources

Planning Commission's Comments:

- The analysis of cultural resources fails to consider the impacts of development and activities outside of the residential development envelopes on the Rural Historic Landscape; and
- Agricultural structures outside of the residential development envelopes should be subject to the same historical mitigation as applied to development within the envelopes, including requiring review by an architectural historian to ensure that new structures are compatible in size, bulk, scale, height and style with the Las Varas Ranch's existing historic buildings and that future development does not compromise the integrity of the rural setting and adheres to the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

Staff Response:

The EIR identifies the entire ranch area south of the highway as a Rural Historic Landscape and evaluates the impacts of future residential development within each of the designated development envelopes on the Rural Historic Landscape. It is unknown what type and level of future agricultural development may occur outside of the development envelopes and are thus not reasonably foreseeable. However, with the exception of small (less than 500 square feet) unenclosed pole shelters, any future development within the portion of the ranch eligible as a Rural Historic Landscape would require discretionary approval by the County (CDPs with Hearings) and would be subject to subsequent review under CEQA. Such environmental review would be informed by the Las Varas Ranch EIR and appropriate mitigation measures and conditions of approval would be applied to ensure that the Rural Historic Landscape is protected into the future.

Land Use/Recreation

Planning Commission's Comments:

- The project is inconsistent with various recreation and access policies, including Coastal Land Use Plan Policies 7-18 and 7-3, resulting in a Class I impact;
- There is no analysis of the land use impact associated with the loss of Edwards Point as a potential future public park;
- The analysis of impacts to historic public access is inadequate and impacts to recreation should be considered Class I;
- The EIR does not adequately address the unique quality of the recreational experience at Edwards Point and does not adequately review the scope of the historic and ongoing recreational use of Edwards Point; and
- The proposed lateral beach access along the sandy beach is not an adequate substitute for the loss of historic access to Edwards Point.

Staff Response:

Coastal Land Use Plan Policy 7-18 states: "Expanded opportunities for access and recreation shall be provided in the Gaviota coast planning area." The project is consistent with this policy as it improves

public access and recreation to and along the coast through a provision of vertical and lateral public access easements across the Ranch. An Implementing Action of CLUP Policy 7-18 indicates that Edwards Point should be acquired by a public agency for development as a public park, including parking, restrooms, picnic tables, bike racks, store, and low-intensity camping. This implementing action represents an aspirational vision for the County as opposed to a requirement that can be imposed on private landowners. To wit, Policy 1-5 of the Coastal Plan states that “land use plan policies calling for further studies, initiation of new programs, or *acquisition of land* (emphasis added) or easements will be implemented as staff and funding become available.” As such, because the County is not in a position to acquire the property for public purposes at this time, it would be inappropriate to identify a significant impact in association with the Las Varas Ranch project or deny the project due to inconsistency with this Implementing Action. In regards to the project’s consistency with Coastal Land Use Plan Policy 7-3, Policy 7-3 does not require lateral shoreline access easements be designed to provide access along the shoreline during all tidal conditions. The policy specifically states that where the bluffs exceed five feet in height, as they do along the vast majority of Las Varas Ranch, that “all beach seaward of the base of the bluff shall be dedicated.” The applicant has proposed to dedicate an easement in accordance with this policy. Therefore, the project, as conditioned, is consistent with this policy.

Public testimony at the Planning Commission hearing chronicled historic and existing use of Edwards Point, including by hikers, beach goers, and fishermen in addition to surfers. The Santa Barbara Trails Council submitted a survey report at the hearing indicating that an average of 2-3 cars were present at the El Capitan Ranch Road interchange on more than 50% of the days on which the surveys were conducted, thereby documenting instances of the public accessing Edwards Point. This survey (included in Attachment 4) was conducted on a total of 12 days during the spring and early summer of 2013 and was referenced by the Planning Commission in making its comments. The information submitted by the Trails Council is not in conflict with the EIR in respect to the level of use of Edwards Point, i.e., that the level of use is generally relatively low and sporadic. This low level of use is dictated largely by an infrequent swell and limited access, unlike other areas along the coast, such as Naples or Tajiguas Beach, which have more reliable surf (in the case of Naples) and where public access and recreational use is more established and more regular. While during approximately two dozen site visits to the ranch over the course of processing this project, spread over all seasons, staff did not observe members of the public accessing or attempting to access Edwards Point. The EIR accurately reflects the relatively low level of use of Edwards Point and adequately analyzed this issue. Even if more information is added in the EIR Revision Letter about the diversity of recreational use of Edwards Point, this would not change the analysis or conclusions of the EIR in terms of the impacts of the project on public access or recreation.

The Planning Commission expressed concern that the unique quality of the recreational experience at Edwards Point was not adequately addressed in the EIR. The Planning Commission indicated that Edwards Point is unlike any other surf break in the County, with the possible exception of Rincon, in terms of its quality. However, similar to other points along the coast (e.g. El Capitan), the Edwards Point break relies on infrequent, large winter swells and cannot accommodate a large number of surfers. The Surfer Magazine’s *Guide to Southern California Surf Spots* (2006) does not appear to apply substantially greater value to this surf spot than others in the vicinity and the Point experiences relatively low levels of use. Edwards Point may indeed offer a high quality surfing experience with the right swell due to the potential for long rides and small crowds. However, the infrequency of the surf break combined with the difficult access to Edwards Point limit its value as a public recreational resource. As noted above, even if more information is added in the EIR Revision Letter about the unique quality of recreation at Edwards Point, this would not change the analysis or conclusions of the EIR in terms of the impacts of the project on public access or recreation.

The Planning Commission and the public pointed to the effect of tides as evidence that the shoreline easement along the beach is inadequate for providing access to Edwards Point. The Santa Barbara Trails Council submitted a document investigating the effect of tides on shoreline access along the beach fronting Las Varas Ranch, which the Planning Commission referred to in its comments (included in Attachment 4 to this Board letter). They correctly assert that access to the Point is not provided during high tides and certain medium tides during the winter when less sand is present. These same tidal conditions limit current access to and recreational use of Edwards Point, as use and enjoyment of the beach on either side of the point for activities other than surfing (e.g. fishing) is limited during periods of high tides. The information presented by the Trails Council on recreational use of Edwards Point indicates that some users access Edwards Point from the east along an existing blufftop trail system that links Las Varas beaches with Dos Pueblos Canyon. Beach users also access Edwards Point from the west along the beach from El Capitan State Beach. The proposed project would not interrupt these existing points of access, so members of the public could continue to access Edwards Point during favorable tidal conditions. For those accessing Edwards Point for reasons other than surfing, it is likely that they would be visiting during favorable tides regardless of whether they were traveling overland or along the beach, since use and enjoyment of the beach and rocky point itself would depend on low to moderate tides.

The Trails Council also submitted photographs of members of the public walking along the bluffs overlooking Edwards Point from the east. The project proposes no development or changes to this portion of the Ranch. The EIR evaluates the impacts that future residential development on proposed Parcels 1 and 2 would have on continued access to and recreational use of Edwards Point. The EIR concludes that future development would hinder such use due to the increase in human presence and heightened security regarding trespass associated with the placement of two home sites on the bluffs above and west of Edwards Point. However, the two homes would not physically block continued unauthorized access along the railroad, and there are multiple options for leaving the railroad corridor and accessing Edwards Point that would not be physically blocked by the location of the two home sites. Intrepid surfers and other members of the public who currently access the Point from along nearly a mile of railroad tracks and through an active agricultural operation may choose to continue to do so regardless of the presence of future residential development on the two proposed bluff-top lots. Moreover, this same heightened security could occur with development of the lots in their current configuration.

The Planning Commission also commented that tidal influence on beach access could be worsened by sea level rise and further bluff erosion and that the EIR fails to evaluate such impacts. However, the effect of sea level rise on beach access is not an impact of the project, as such effects would occur independent of the project. The project would improve access along the beach by formalizing lateral beach access through the granting of an easement to the County. The only relevance of sea level rise in the environmental analysis of the proposed project is the degree to which the potential for reduced beach widths due to sea level rise could diminish the ability for the public to use the lateral shoreline access along the beach as a means of accessing Edwards Point. The general tendency is for beaches to migrate landward in response to bluff retreat and sea level rise. Given the uncertainties with regards to the pace of future sea level rise and its impacts on bluff erosion vis-à-vis various influencing climatic factors (e.g. El Ninos), impacts from sea level rise on beach widths fronting Las Varas Ranch are difficult to forecast with any precision. Information on tides and beach widths fronting Las Varas Ranch submitted by the Trails Council at the Planning Commission hearing indicate that existing access between the vertical beach access point at Las Varas Creek and Edwards Point is generally passable during tides below +3 feet, with access between Las Varas Creek and the cove below Edwards Point passable during tides of

up to +4 feet. The cove is located approximately 1,000 feet east of the point and could potentially be used as an entry point for surfers. Given this, the proposed project would provide for legally established public access to Edwards Point during a significant percentage of tidal conditions (i.e. low and moderate tides). This is no different than most of the Santa Barbara coastline, where beachgoers need to time their walks and other beach outings to coincide with lower tides due to the narrowness of beaches backed by steep bluffs.

There is no quantitative threshold for determining when an impact to recreation is significant; these determinations are made on a case by case basis based on the evidence in the record. The EIR concludes that on balance, the proposed project and the public access easements that are currently proposed would result in less than significant impacts to recreation. This is based on the fact that: 1) the proposed public parking lot and vertical beach access easement would create an established, safe, and legal beach access that would be available to and likely used by a greater segment of the population as compared to those who are currently deterred by the existing access difficulties, improving the overall recreational value of this area to the general public; 2) use of and access to Edwards Point would still be provided during favorable tides; 3) surfers could theoretically continue to access Edwards Point overland as they do currently by walking along the railroad tracks despite the presence of two future home sites on the bluffs above the beach; and 4) current access to and recreational use of Edwards Point is not substantial when compared to other more heavily used areas along the Gaviota Coast such as Naples and Tajiguas Beach. As such, the EIR classifies both Land Use and Recreational Impacts as less than significant.

Growth Inducement

Planning Commission's Comments:

- The EIR does not adequately discuss the proposed shared water system and whether it could be expanded in the future to accommodate additional development;
- The proposed water system is growth-inducing and could be retrofitted in the future to support further subdivision of the ranch or greater development of agricultural employee dwellings than the 14 connections it is currently designed to serve; and
- The EIR does not include any discussion of the effects of the current drought on the water demand of the project and design of the shared water system.

Staff Response:

The threshold of significance for determining whether a project would result in significant growth-inducing impacts is whether the project would “induce substantial growth or concentration of population, for example, by constructing infrastructure with capacity to serve new development beyond the project” (EIR, Land Use Section, page 4.9-6).

As discussed in the EIR, the private water system proposed to serve future development on the Ranch has been sized and designed to serve up to 14 connections, based on an assumption of the potential for up to two connections per lot (e.g. single family dwelling and agricultural employee dwelling). Water demand calculations performed for the project by Penfield and Smith (2005) estimated an annual demand associated with the 14 connections of approximately 18.1 AFY. The water supply for the new system must be capable of meeting the peak day demand of approximately 43,000 gallons. The minimum supply flow capacity would therefore need to be approximately 40 gallons per minute (gpm). The water source, which includes up to 20 gpm from a recently drilled well and up to 45 gpm in water diversion from Gato Creek, could generate up to 65 gpm. However, the treatment facility being

proposed is only designed with a production rate of 50 gpm. Thus, there is only a small amount of excess capacity in the proposed treatment facility to support additional connections. A larger treatment facility would require discretionary review and approval and the landowner would need to revise their Conditional Use Permit to increase the number of residential connections. The development of the proposed shared water system does not induce substantial growth or concentration of population because the proposed infrastructure does not have significant excess capacity to serve new development beyond the project. Therefore, growth inducing impacts of the project are considered adverse but less than significant.

The proposed project includes construction of the shared water system. However, each application for residential development on any of the lots within the ranch would need to demonstrate adequate water service at the time of application in order to be approved. Existence of the shared water system alone does not guarantee that 14 residential connections can be served in the future. For example, if drought conditions continue and reduce the available supply of water, then it is possible that the shared water system and treatment facility would operate below its design capacity and be unable to serve all of the future connections. Therefore, the fact that the County is currently experiencing drought conditions does not have a bearing on the adequacy of the water supply or the appropriateness of the proposed shared water system for the purposes of the scope of the current project.

In Summary, P&D staff continues to recommend that the revised EIR be considered adequate and that any minor changes to the document deemed necessary to clarify or amplify the current analysis could be made in the context of an EIR Revision Letter.

Fiscal Analysis:

County costs for processing this application are fully reimbursed by the applicant in conformance with the current Board-adopted fee schedule. Permit revenues are budgeted in Departmental Revenues of the Development Review Division on page D-212 of the adopted 2014-2015 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on February 17, 2015. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed noticed 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: Planning Commission Action Letter dated 9/25/2014

Attachment 2: Planning Commission Staff Report dated 7/10/2014

Attachment 3: Planning Commission Staff Memorandum dated 9/16/2014

Attachment 4: Santa Barbara Trails Council Letter to PC (full set of PC public comment letters can be viewed at http://www.sbcountyplanning.org/boards/pc/cpc_documents_archive.cfm?DocID=14676 and http://www.sbcountyplanning.org/boards/pc/cpc_documents_archive.cfm?DocID=14374)

Attachment 5: Proposed Revised Final EIR (<http://www.sbcountyplanning.org/projects/05TPM-00002/index.cfm>)

Authored by:

Alex Tuttle, 884-6844