

County Of Santa Barbara



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July 11, 2014

Ms. Amy Dutschke, Regional Director
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2800 Cottage Way
Sacramento, CA 95825
E-mail: amy.dutschke@bia.gov

Re: Final Environmental Assessment for Proposed Trust Acquisition of Five Parcels Known as the Camp 4 Property

Dear Ms. Dutschke:

Thank you for the opportunity to comment on the *Final Environmental Assessment for Proposed Trust Acquisition of Five Parcels Known as the Camp 4 Property*. Attached are comments reflecting concerns related to the inadequacy of the Final Environmental Assessment (EA) and the need for a complete assessment of all possible impacts via an Environmental Impact Statement (EIS).

As documented in the *County of Santa Barbara's Comments on the May 2014 Final Environmental Assessment for the Santa Ynez Band of Chumash Indians Camp 4 Fee to Trust*, the County of Santa Barbara ("County") requests that the United States Department of the Interior, Bureau of Indian Affairs, ("BIA") prepare a complete Environmental Impact Statement for the Santa Ynez Band of Chumash Mission Indians' Camp 4 Fee-to-Trust Proposed Federal Action ("Camp 4") at a time when relevant environmental impacts can be fully analyzed – at or near the end of the contractual restrictions on the land on December 31, 2022.

Since an Environmental Assessment is appropriate only "where no effect on the environment is possible," the National Environmental Policy Act ("NEPA") requires preparation of an Environmental Impact Statement for Camp 4. (Natural Resources Def. Council v. Duvall 777 F.Supp. 1533, 1538 (E.D. Cal. 1991.))

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If you should have any questions or require additional information, please contact my office at (805)568-3404.

Sincerely,



Mona Miyasato
County Executive Officer

Enclosures: *County of Santa Barbara's Comments on the May 2014 Final Environmental Assessment for the Santa Ynez Band of Chumash Indians Camp 4 Fee to Trust Exhibit to County's Comments on the Final EA for Camp 4*

cc: Santa Barbara County Board of Supervisors
Glenn Russell, Director, Planning and Development Department
Mike Ghizzoni, County Counsel
Sam Cohen, Government and Legal Specialist, Santa Ynez Band of Chumash Indians
Chad Broussard, Environmental Protection Specialist, BIA chad.broussard@bia.gov

**County of Santa Barbara's Comments
on the May 2014 Final Environmental
Assessment for the Santa Ynez Band
of Chumash Indians Camp 4 Fee-to-Trust**

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INTRODUCTION

The Santa Ynez Valley in Santa Barbara County is a distinctively rural area in which the environmental resources of the area have been prized and protected. As described in the community plan for the Valley:

The oak-studded Santa Ynez Valley, nestled between two towering mountain ranges in central Santa Barbara County, boasts an enviable quality of life for its residents. Still-friendly small towns with unique individual character are linked by scenic rural roads featuring bucolic views of farms, ranches and pristine natural areas. The local economy is strong, anchored by thriving agriculture and tourism industries. Residents enjoy an unhurried pace of life, night skies still dark enough for stargazing, clean air, ample recreational opportunities and abundant natural resources. The rural charm, comfort and beauty of the Valley, that has remained relatively unchanged for so long, stands in stark contrast to the “Anytown USA” atmosphere that has engulfed many communities across California and the rest of the country. (Santa Ynez Valley Community Plan at p. Overview.)

Against this backdrop, the Santa Ynez Band of Chumash Mission Indians (“Tribe”) submitted an Application for Transfer of Title for Fee Lands into Trust. The Application proposes significant residential and related development on five parcels of land consisting of 1,433 nearly pristine acres in the Valley (commonly known as “Camp 4”) commencing in 2023. Camp 4 would be the largest and most significant development in the Valley in the last 50 years yet the environmental review for the project, the Final Environmental Assessment (“Final EA”), remains wholly inadequate.

First, the underpinnings of the Final EA are fatally flawed. The Final EA uses a present-day baseline for a development that will not proceed for almost a decade due to existing contractual restrictions on the land. Doing so almost certainly understates many of Camp 4’s impacts on environmental resources. It also underscores the fact that the fee

to trust acquisition is not necessary at this time but could *and should* be delayed until pre-project conditions, including the appropriate baseline, and actual environmental impacts can be determined. This approach would better serve the protective mandates of the National Environmental Policy Act (“NEPA”).

Second, if the environmental review proceeds, the Final EA cannot be used as a substitute for the proper level of environmental review, an Environmental Impact Statement (“EIS”). Under NEPA, an EIS *must* be prepared when a proposed federal action raises substantial questions about whether it will significantly affect the environment. *Natural Res. Def. Council v. Duvall*, 777 F.Supp. 1533, 1537 (E.D. Cal. 1991). Camp 4 undoubtedly does so. It is significant both in the context of its setting and the intensity of the development. The Final EA is inadequate.

Third, in addition to the above, the Final EA still omits key analyses, contains factual misstatements and unsupported assumptions, and inadequately addresses cumulative impacts and project alternatives. These additional deficiencies in the environmental review process must be addressed to comply with NEPA’s “hard look” standard. Accordingly, the County of Santa Barbara (“County”) respectfully requests that the Department of the Interior, Bureau of Indian Affairs (“BIA”) delay the environmental review until pre-project conditions are known or, if it proceeds, prepare an EIS for Camp 4 that resolves the deficiencies in the Final EA as required by NEPA.

PROCEDURAL BACKGROUND

In March 2013, the Tribe submitted a Proposed Tribal Consolidation and Acquisition Plan (“Consolidation Plan”) to the BIA. The Consolidation Plan included

approximately 11,500 acres of the Santa Ynez Valley, including Camp 4. The BIA approved the Consolidation Plan on June 17, 2013. Following this approval, several parties including the County appealed the decision.

In July 2013, the Tribe submitted an Application for Transfer of Title for Fee Lands into Trust for Camp 4. In August 2013, the BIA released an Environmental Assessment on Camp 4 for public review and comment. The County provided comments on that Environmental Assessment on October 7, 2013.¹

On October 11, 2013, the Tribe withdrew its Consolidation Plan and the Interior Board of Indian Appeals dismissed the pending appeals. The Tribe then prepared and submitted a revised Application for Transfer of Title for Fee Lands into Trust for Camp 4 in November 2013 that removed references to the withdrawn Consolidation Plan. In May 2014, the BIA released a Final EA for public review and comment. Comments were due on June 30, 2014. The County requested an extension of the time period to comment and the BIA extended the comment deadline to July 14, 2014.

The Final EA was reviewed by operational County Departments including Planning and Development (“P&D”), Santa Barbara County Fire District (“Fire” or “County Fire”), Santa Barbara County Sheriff (“Sheriff”), Public Works (“PW”), Agricultural Commissioner’s Office, Assessor, and the County Executive Office

¹ The County incorporates by reference its October 7, 2013 comments. The County notes the BIA took issue with some cases cited by the County in its prior comments. The cases cited by the County, however, stood for the black letter proposition for which they were cited. The County did not cite them as analogous situations or for fact-specific holdings.

(“CEO”). The Discussion section below incorporates all of the comments and expertise of those Departments and cites to a primary source department as appropriate.

CAMP 4 AND THE PROPOSED DEVELOPMENTS

Camp 4 is 1,433 acres located in the middle of the Santa Ynez Valley in Santa Barbara County, California, directly off of State Highway 154 between Baseline Avenue and Armour Ranch Road. (EA at 1-5-1-6.) The 1,433 acres includes 21.9 acres of rights-of-way. (*Id.* at 1-1.) The property is zoned exclusively for agriculture. (*Id.* at 3-59.) The project proposes 143 residential dwellings ranging from 3,000 to 5,000 square feet as well as an on-site wastewater treatment plant, roads, and other infrastructure on a largely pristine set of parcels that are home to an intact, self-sustaining oak woodland and active agriculture. (*Id.* at 2-3-2-4.)

Camp 4 is under an existing Williamson Act Contract, which is a 10-year rolling contract. (*Id.* at 4-24.) The property has been preserved for agricultural use by a Williamson Act Contract since at least 1971. (P&D.) In August 2013, the Tribe submitted an application for non-renewal, meaning the Williamson Act contract will expire on December 31, 2022. (EA at 4-24.) On July 1, 2013, the Tribe passed Resolution 931 which requires compliance with the existing Williamson Act contract until the contract expires. (*Id.*)

The Tribe currently has an approximately 138-acre Reservation located on the south side of highway 246 in the Santa Ynez Valley, approximately 1.6 miles west of the intersection of highways 246 and 154. Of the 138 acres, at least 26 acres currently have residential capacity, and 16 acres have economic development capacity. (*Id.* at 1-7.) The

Tribe has 136 tribal members and approximately 1,300 lineal descendants. (*Id.*) The stated purpose of the Camp 4 Fee to Trust Application is to provide housing for current tribal members and anticipated growth because the current Reservation is claimed to be insufficient in size. (*Id.* at 1-6.) Camp 4 is located 1.75 miles from the Tribe's Reservation and does not have any shared boundaries with the Reservation.

The Final EA identifies two development Alternatives for the Camp 4 property. Alternative A consists of 1,433 acres to be converted to 143 five-acre residential lots. (*Id.* at 2-3.) A total of 793 acres would be covered by residential homes and transportation infrastructure. The project site would also include 206 acres of vineyards (a decrease of 50 acres from the existing 256 acres), 300 acres of open space/recreation areas, 98 acres of riparian corridor, 33 acres of oak woodland conservation, and 3 acres of Special Purpose Zone for utilities. (*Id.*)

Alternative B consists of 143 one-acre residential lots for tribal members and 30 acres of Tribal Facilities. (*Id.*) The residential lots and roadways would cover approximately 194 acres of the project site. (*Id.*) The Tribal Facilities would be 12,042 square feet and include a meeting hall, kitchen, breakroom, private office (13 rooms), conference room, general office, training room, and circulation area. (*Id.* at 2-15.) The Tribal Facilities propose 100 special events per year with up to 400 attendees plus vendors at each of the events. (*Id.* at 2-13.) This equates to events two days/nights a week, with an increase of approximately 800 visitors to the Valley each week. The Tribal Facilities also would include office space for up to 40 tribal employees and 250 parking spaces. (*Id.*) In addition, the project site under Alternative B would include 869

acres of open space/recreational use and the same acreages of vineyard, riparian corridor and oak woodland conservation, and utilities as Alternative A. (*Id.* at 2-3.)

DISCUSSION

I. The Final EA Uses an Inappropriate Present-Day Baseline for a Future Development and Should Be Completed Closer in Time to the 2023 Development Date to Ensure an Adequate Environmental Review.

In analyzing the effects of a proposed federal action, NEPA requires an agency to set forth the baseline conditions. *Half Moon Bay Fisherman's' Marketing Ass'n v. Carlucci*, 857 F.2d 505, 510 (9th Cir.1988). The NEPA baseline consists of the pre-project environmental conditions. *Id.* The Final EA uses a present-day baseline to assess Camp 4's impacts on the environment. A present-day baseline, however, does not represent the actual, pre-development conditions in 2023. By failing to use a future baseline, the Final EA understates Camp 4's effect on many of the resources discussed above, and potentially other resources as well.

The Final EA uses present-day conditions as its baseline for determining the environmental effects of Camp 4. (EA at 3-1.) Under Section 3.0, the "Description of the Affected Environment," the various resource areas describe the "existing" condition of the resource. (*See, e.g., id.* at 3-8 ("[t]he following section describes the existing surface water, drainage, flooding, groundwater and water quality conditions in the area surrounding the project site"); 3-59 ("[t]he following describes the existing land use and land use planning considerations, including agriculture").) In addition, the Final EA states that it assumes a construction date of 2014 for purposes of evaluating impacts to certain resources. (*Id.* at 2-9.)

The proposed developments under Alternatives A and B, however, will not commence until 2023, almost a decade after the assumed construction date used for analyzing some resource impacts. (*Id.* at 2-9.) By assuming a construction date of 2014 and using a present-day baseline, the Final EA is incomplete and flawed. Rather than providing a “conservative approach,” it underestimates Camp 4’s potential impacts on numerous resources.

For instance, the impacts to agriculture are based on present day approximations, not on an analysis of the state of agricultural lands in 2023. (*Id.* at § 4.1.8.) Significant changes to agricultural lands may occur irrespective of the project prior to 2023. The same is true of the impact to public services, including impacts to the water supply, solid waste, fire, police and emergency, schools, and parks and recreation. (*Id.* at §§ 4.1.2, 4.1.9.) If the current drought continues, the water supply for the Santa Ynez Valley could be substantially less in 2023 than it is now. Likewise, with basic services, the trend is that they degrade over time irrespective of Camp 4 or the projected Santa Ynez community build-out. (P&D.) Other local, regional, and statewide forces that have not been considered could impact this area by 2023.

Assessing the impacts of a development in 2023 based on a hypothetical 2014 construction date and corresponding baseline does not adequately consider the potential environmental impacts of Camp 4. More importantly, it likely understates the potential impacts in several resource areas. An EIS must be prepared that adequately considers all potential environmental impacts and their significance based on an appropriate baseline.

The construction date of 2023 also calls into question the need for the proposed federal action and the completeness of any environmental review at this time. The stated need of the fee-to-trust transaction is for tribal housing and other facilities. (EA at § 1.3.) Since that need is not immediate, the Tribe has time to pursue development through County land use regulations or at a later date. Further, delaying the proposed federal action would better serve the goals of NEPA – to ensure that “environmental information is available to public officials and citizens *before* decisions are made and *before* actions are taken.” 40 C.F.R. § 1500.1(b) (emphasis added). Also, importantly, it would ensure that an appropriate baseline could be determined and used so that environmental impacts could be determined with some certainty. The environmental review on Camp 4 should be completed closer to the development date when actual pre-project environmental conditions are known and their impacts can be assessed.

II. If the Environmental Review Proceeds, an EIS Must Be Prepared Because the County Raises Substantial Questions About the Significant Effects of Camp 4 on the Environment.

If the BIA does not delay the environmental review for Camp 4, it must prepare an EIS for the project. For all “major Federal actions significantly affecting the . . . human environment,” NEPA requires an agency to prepare an EIS. 42 U.S.C. § 4332(2)(C); 40 C.F.R. § 1502.3; *see also* 43 C.F.R. § 46.400. A party does not have to prove a project will significantly affect the environment but only has to raise substantial questions about “whether the proposed action *may* have a significant effect. . . .” *Duvall*, 777 F.Supp. at 1537 (emphasis added). When such questions are raised, an agency violates NEPA by failing to prepare an EIS. *Anderson v. Evans*, 371 F.3d 475, 494 (9th Cir. 2004).

“Significantly” as used in NEPA requires consideration of both the context and intensity of a project. 40 C.F.R. § 1508.27. Context refers to the setting in which the proposed action takes place and means an action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests and the locality. *Id.* § 1508.27(a). Intensity refers to “the severity of the impact.” *Id.* § 1508.27(b). As discussed fully below, Camp 4 is significant both in context and intensity. Therefore, an EIS must be prepared.

A. Camp 4 Is Significant in Context.

Camp 4 proposes the conversion and development of over 1,400 acres of land zoned AG-II-100 by the County. (EA at 3-59.) The AG-II zone is applied to areas that are appropriate for agricultural land uses on prime and non-prime agricultural lands located within a rural area. (Santa Barbara County Land Use & Development Code § 35.21.020.) The intent of the AG-II zone is to preserve those lands for long-term agricultural use. (*Id.*) The Camp 4 property has been preserved for agricultural use since at least 1971 and has an intact, self-sustaining woodland and active agriculture, including vineyards and cattle grazing. (*See* EA at 1-6, 3-59; P&D.) Agricultural lands such as Camp 4 represent an important statewide, regional, and local interest. These interests would be significantly impacted by the proposed developments.

1. Statewide Importance of Agricultural Lands.

Agriculture is “the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory

and customarily incidental to the marketing of products in their natural form grown on the premises.” (Santa Barbara County Comprehensive Plan, Agricultural Element at p. 5.) Agriculture in California is valued as an economic and environmental benefit to the people of the state, nation, and world. (*Id.* at p. 3; Santa Barbara County Environmental Thresholds and Guideline Manual at p. 7.) It supports one of California’s major industries and helps supply the nation with food. (*Id.*)

Farmland also is an important filter for rain and snowfall runoff, allowing groundwater basins to recharge themselves. (*Id.*) In addition, farms and ranches protect the rural way of life and provide wildlife habitats, valuable open space, and visual relief for urban dwellers. (*Id.*) “Because of these great public benefits, the unnecessary and/or premature conversion of agricultural lands to urban uses [is] discouraged.” (*Id.*)

2. Regional Importance of Agricultural Lands.

Within Santa Barbara County, agricultural lands play a critical economic and environmental role as well. (*Id.*; Santa Barbara County Comprehensive Plan, Agricultural Element.) Agriculture is Santa Barbara’s main producing industry. (Santa Barbara County Environmental Thresholds and Guideline Manual at p. 7.) It helps sustain the rural lifestyle of the County and maintain open spaces. (Santa Ynez Community Plan EIR, Land Use Section at 4.1-1; Agricultural Resources Section at 4.15-2, 4.15-5.) In light of its importance, the County prioritizes its preservation in planning documents and regulations:

- **Agricultural Element Policy I.A:** The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses. (Santa Barbara County Comprehensive Plan, Agricultural Element at p. 6.)

- **Agricultural Element Policy I.D:** The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs. (*Id.* at p. 7.)
- **Agricultural Element Policy I.F:** The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of rural/urban boundary lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices. (*Id.*)
- **Agricultural Element Policy II.D:** Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands. (*Id.* at p. 8.)
- **Agricultural Element Goal I:** Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara Country. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported. (*Id.* at p. 6.)
- **Agricultural Element Goal III:** Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations. (*Id.* at p. 8.)
- **Land Use Element Regional Goal, Agriculture:** In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses. (Santa Barbara County Comprehensive Plan, Land Use Element at p. 67.)

3. Local Importance of Agricultural Lands.

Agriculture is similarly important at the community level. In the Santa Ynez Valley, agriculture is a strong component of community identity and a major contributor to the economy, including cattle grazing and wine production. (Santa

Ynez Community Plan EIR, Land Use Section at 4.1-1; Agricultural Resources Section at 4.15-2, 4.15-5.) The Santa Ynez Valley also specifically identifies preservation of agriculture as a planning and regulatory goal: “Agriculture should be preserved and protected as one of the primary economic bases of the Valley.” (Santa Ynez Valley Community Plan at p. 10.)

4. Current Threats to Agricultural Resources.

Despite the importance of agricultural land to the state, region, and community, the County has seen a deterioration of this valuable resource in the last 30 years. (Santa Barbara County Comprehensive Plan, Agricultural Element at p. 26.) Threats to viable agriculture in the County include increasing urbanization and conversion of agricultural lands. (*Id.*) “The growth of urban development into agricultural areas brings with it land use conflicts” which can increase regulatory measures that lead to additional costs for government agencies and farmers and interfere with productivity of operations. (*Id.*) These conflicts then contribute to the rate of agricultural conversion to other uses in surrounding properties, resulting in a cycle of accelerated loss. (*Id.*)

Additionally, the division of agricultural parcels into smaller sizes threatens agriculture in the County. (*Id.*) Multiple factors determine the economic viability of an agriculture operation, one of which is the amount of acreage required based on the crop type, soil characteristics, etc. (*Id.*) When land is broken up into smaller pieces, the pieces are too small to be economically viable agricultural units. (*Id.*) When agricultural economic viability is lost, there is increased pressure for further division and conversion

to urban uses. (*Id.*) This phenomenon has become a real concern in Santa Barbara County. (*Id.*)

5. The Proposed Development Is Significant In This Context.

Camp 4 proposes to convert large amounts of agricultural land to residential development, utilities, and open/recreation space areas. (EA at 2-3, Table 2-1.) The loss of farm and grazing land totals 1,227 acres under either Alternative. (*Id.*) Of the 1,433 agricultural acres, only 206 are identified for vineyard agriculture, a decrease of 50 acres from the current vineyard operations. (*Id.*)

Specifically, Camp 4 proposes to convert 796 and 197 acres of agricultural land to residential subdivision and utility zones under Alternatives A and B, respectively. (*Id.*) It also proposes to convert significant portions of agriculture lands to open/recreation spaces (300 acres with Alternative A and 869 acres with Alternative B). (*Id.*) Additionally, under Alternative B, Camp 4 would convert 30 acres to tribal facilities. (*Id.*) The remaining 131 acres not used for agriculture in each Alternative would be used as Resource Management Zones for riparian corridors and oak woodland. (*Id.*) All of this development would occur in a rural setting with neighboring agricultural uses.

The Final EA states that Alternative A would impact at least 704 acres of the total 1,041.1 acres of grazing land and 76 acres of farmland of local importance; decrease vineyard production on prime agriculture land by 50 acres; and develop 3 acres of unique farmland with a wastewater treatment facility. (*Id.* at 4-22.) Under Alternative B, the Final EA states that the existing vineyard on prime agricultural land would be reduced by 50 acres, 3 acres of unique farmland would house a wastewater treatment facility, and 10

acres of farmland of local importance would be converted to residential development. (*Id.* at 4-47.) The remaining residential development and open space/recreation areas would occur on grazing land. (*Id.*)

The Final EA understates the loss of agricultural lands by excluding the loss of agriculture to open space/recreation areas and riparian corridors. It suggests that the open space acreage could be used for grazing. (*Id.* at 4-22.) Open space and recreation under Alternative A total a combined 300 acres, and 869 acres under Alternative B. (*Id.* at 2-3.) Recreation development would include passive trails for pedestrians and equestrian trails. (*Id.* at 2-6.) The Final EA does not describe the grazing operations, which typically require a significant amount of land. Due to this lack of detail, there is no way to conclude that any grazing operations could or would continue or whether they would be compatible with open space/recreation areas. (P&D.)

The Final EA further attempts to understate the significant impact on agriculture by arguing that the converted agricultural and grazing land represents a small loss in the overall percentage of those types of agricultural land in the County. (EA at 4-22, 4-47.) The Final EA's dismissal of the importance of Camp 4's impact on agricultural resources is akin to dismissing the impact of a residential development in the middle of a large forest system based on the percentage of remaining forestland in that area. It fails to address the importance of preserving agricultural lands and the character of the community and the state, regional, and community concerns regarding this resource. Camp 4's proposed development of over 1,400 acres of agricultural lands for residential use is significant in the context of its setting and an EIS must be prepared.

B. The Intensity of the Project Raises Substantial Questions About Its Significance.

The Council on Environmental Quality provides ten factors under which the intensity of a project is evaluated: (1) impacts that may be both beneficial and adverse; (2) the degree to which the proposed action affects public health or safety; (3) unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas; (4) the degree to which the effects on the quality of the human environment are likely to be controversial; (5) the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks; (6) the degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration; (7) whether the action is related to other actions with individually insignificant but cumulatively significant impacts; (8) the degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the Register of Historic Places; (9) the degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973; and (10) whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. 40 C.F.R. § 1508.27(b).

Degradation of some factor requires the preparation of an EIS. *See Sierra Club v. U.S. Forest Serv.*, 843 F.2d 1190, 1193 (9th Cir. 1988). Here, the project implicates the degradation of several factors and requires the preparation of an EIS.

1. The Project Threatens Unique Geographical Characteristics.

Agriculture is a unique resource of the State, County, and the Santa Ynez Valley. As discussed above, protecting agriculture, including grazing, in the County is of critical importance to the area due to its economic and environmental benefits. The 2012 Santa Barbara County Agricultural Production Report indicated gross farm production to be \$1.3 billion. (Santa Barbara County Agricultural Production Report at p. 15.) Agriculture is the leading contributor to the County's economy and has a positive local impact to the County through the multiplier effect in excess of \$2.5 billion. (*Id.* at Cover Letter.) Further, farmland and rangeland can conserve important ecosystems, including the delivery of fresh water and maintenance of habitats vital for native flora and fauna. (Santa Barbara County Environmental Thresholds and Guideline Manual at p. 7.) As even the Final EA recognizes, "adverse impacts to land use would result if the implementation of [the alternatives] resulted in the conversion of a significant percentage of county designated prime agricultural lands or other protected agricultural lands." (EA at 4-21.) Camp 4 proposes to convert a significant amount of such lands and is a threat to the viability of neighboring agricultural lands.

Camp 4 is comprised solely of rural, agricultural lands. (*Id.* at 3-59.) Both development alternatives would result in the conversion and urbanization of large amounts of those lands to residential subdivision (197 or 796 acres) and related open space/recreation areas (869 or 300 acres). (*Id.* at 2-3.) In addition, 131 acres would be maintained as riparian corridors. (*Id.*) The loss of agricultural land would total 1,227 acres. (*Id.*) Further, the historical and current cattle grazing operation on the project site

could be totally eliminated. (*Id.*) There is no support in the Final EA establishing grazing would or could continue on the proposed development.

In addition to the direct loss of agricultural land, a high-density residential development and Tribal Facilities would pose problems to preserving neighboring agriculture. The project could cause trespassing, vandalism, nuisance complaints, and decreased farming potential or loss of crop productivity. (Santa Barbara County Land Use & Development Code § 35.30.025; P&D.) Fencing to deter trespassers is costly and may hinder the movement of equipment and crops out of fields. (P&D.) The project also could require special management practices and add additional time, cost, and labor to agricultural production in the area. (*Id.*)

Likewise, the proposed Open Space/Recreation Zone provides a potential segway for the public to access adjacent agricultural areas, which may lead to trespassing, theft, littering, grass fires, and vandalism. Easy access farm equipment that is unlocked may become a target for theft and vandalism. (P&D.) In the past, the high value of recycled metal has resulted in an increase in the number of cases of sprinklers and copper wiring being stolen. (*Id.*) Finally, the increases in traffic, noise, and proximity of attendees at special events at the Tribal Facilities could necessitate changes to the surrounding agricultural operations. All of these factors threaten agriculture in the area and constitute a significant impact on the environment.

2. **The Project Threatens Violations of Local Law and Protective Regulations.**

Camp 4 also threatens land use and regulatory requirements enacted for the protection of the environment and community. The County Comprehensive Plan, including the Santa Ynez Valley Community Plan, and the zoning ordinances and land use regulations govern appropriate land use within the project area. These policies and regulations protect and promote “the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the County.” (Santa Barbara County Land Use & Development Code § 35.10.010.) Further, they:

- Provide standards and guidelines for the continuing orderly growth and development of the County that will assist in protecting the character and stability (social and economic) of agricultural, residential, commercial and industrial uses, as well as the character and identity of communities within the County;
- Conserve and protect the County’s natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- Ensure compatibility between different types of development and land use. (*Id.*)

The violation of these local laws and protective regulations is a significant impact on the environment. “Adverse impacts to land use [] result if an incompatible land use within [the Alternatives] would result in the inability of the County to continue to implement existing land use policies.” (EA at 4-21.) It is clear Camp 4 will significantly

impact land use if the County is unable to apply, due to BIA trust approval, its protective regulations to the site as the proposed development would violate many County plans, codes, and ordinances.

a. The County Comprehensive Plan.

In addition to the policies discussed above regarding the importance and preservation of agriculture, Camp 4 conflicts with at least the following Comprehensive Plan policies:

- **GOAL LUA-SYV:** Protect and Support Agricultural Land Use and Encourage Appropriate Agricultural Expansion.
- **Policy LUA-SYV-2:** Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.
- **Policy LUA-SYV-3:** New development shall be compatible with adjacent agricultural lands.
- **Policy LUG-SYV-3:** The urban boundary line surrounding the townships of Santa Ynez, Los Olivos and Ballard shall distinguish principally urban land uses from rural and/or agricultural uses. These boundaries shall represent the maximum extent of urban area in the Santa Ynez Valley. These boundaries shall not be moved except as part of a County-initiated update of the Plan. (Santa Ynez Community Plan at pp. 22, 73.)

Camp 4 proposes significant residential development of a higher density than anticipated by the Comprehensive Plan in a Rural Area. Other nearby small lot subdivisions that

exist outside the urban area were developed prior to the adoption of the Comprehensive Plan. (P&D.) The proposed five-acre and one-acre residential lots contravene rural area policy countywide, including the Santa Ynez Valley Community Plan.

b. County Codes (Zoning, Agricultural Buffer, and Grading).

Camp 4 also is inconsistent with current Agricultural zoning, the County zoning ordinance, and other County Codes such as the Agricultural Buffer and Grading ordinances. The proposed Camp 4 plan greatly exceeds the allowable uses and densities for the area. The land use designation of the property is Agricultural Commercial and the Zone is Agriculture II, 100 acres minimum lot size. (EA at 3-59; Santa Barbara County Land Use & Development Code § 35.21.040.) The maximum theoretical subdivision/development potential for the property, after expiration of the Williamson Act contract, is 14 lots with 14 main residences, which could only be realized if environmental review established such development was appropriate considering the carrying capacity of the land and suitability and productivity of the resultant parcels for sustained agriculture. (P&D.) An increase from 14 lots to the proposed 143 lots is a clear violation of the zoning ordinance.

Camp 4 also is regulated by the Agricultural Buffer ordinance, which creates buffer zones to mitigate complaints about farming operations and the spreading of pests. (*Id.* at § 35.30.025.) Noxious weeds and harmful insects and diseases can spread into adjoining agricultural fields and lead to crop losses or an increased use of pesticides without proper maintenance of buffer zones. (*Id.*; P&D.) The buffer zone ordinance and

the California pesticide regulatory program protect people and the environment from these effects and unsafe pesticide use. (P&D.)

Camp 4's proposed residential uses adjacent to farmland do not include adequate agricultural buffers and are not sited to minimize potential land use conflicts. (*Id.*) The County's Agricultural Buffer ordinance requires a 100 to 300 foot buffer between the incompatible residential or commercial uses and the property line of the agricultural parcel. (County Land Use & Development Code § 35.30.025.) As to this buffer, the Final EA states that "...undeveloped areas would serve the purpose of an agricultural buffer...." (EA at Comment L3-24.) This statement, however, is contradicted by the maps for Alternatives A and B. (*Id.* at Fig. 2-1 and 2-2.) Those maps clearly show residential lot lines directly adjacent to offsite lots to the north, east, and south. (*Id.*) There is no indication of any buffers from offsite properties in these areas.

Additionally, the Santa Ynez Valley Community Plan Area requires minimizing "light pollution, glare and light trespass" in order to preserve the night sky. (County Land Use & Development Code § 35.30.120.) The construction of 143 residences and Tribal Facilities in one area threatens this regulation.

c. The Williamson Act and County Uniform Rules.

The project also is inconsistent with the Williamson Act and the County's Uniform Rules. Under the Williamson Act, the County can enter into a contract to restrict the Property to agricultural use. Cal. Gov. Code § 51200 *et. seq.* In return, the Tribe receives property tax assessments that are much lower than fair market value. Under the County Uniform Rules, all land under contract must be in agricultural

production except for 2 acres. All non-agricultural use, including residential and personal use, must occur within the 2 acres. (Uniform Rule 1-4.1.) These policies serve to preserve agriculture and open spaces in order to protect valuable resources including ecosystems and water resources. (See EA at 3-64; Santa Barbara County Environmental Thresholds and Guideline Manual at p. 7.) Development on lands that have been preserved grazing lands for decades conflicts with the protective mandates of the Williamson Act and County Uniform Rules.

3. The Project Impacts Public Health and Safety Concerns.

The Final EA improperly minimizes impacts to public services and safety issues. It does so by concluding, without a basis, that Camp 4 will not result in a “significant” increase in population. (EA at 4-16-4-17.) The Final EA reasons that tribal members who will occupy the new housing on Camp 4 already live in Santa Ynez Valley and, therefore, will simply change addresses in the Valley. (*Id.*) It is standard practice in regional impact evaluation, however, to assume for purposes of traffic and other public service impacts that any vacated housing will be backfilled with new inhabitants. (PW.)

Despite its attempt to downplay the population increase, the Final EA recognizes that backfill could result in at least 415 new residents to the area. (EA at Response to Comment L3-12.) Additionally, under Alternative B, visitors will frequent the area for up to 100 events a year with 400 attendees each at the Tribal Facilities. (*Id.* at 2-13.) This increase of residents and visitors may significantly impact the demand for public safety services, groundwater and waste resources, and impact air quality and traffic control.

a. Law Enforcement Services.

Generally, the ratio of deputies to residents is .72 deputies for every thousand residents. (Sheriff.) Adding 415 residents and 800 visitors every weekend to the Valley could degrade law enforcement services in the area. An additional one-half to one deputy could be required in the area to respond to the population increase.

The Final EA ignores this impact by focusing on whether calls for service from the project would be “disproportionate” to other residential or commercial development in the County. (EA at 4-26.) This discussion misses the point – whether the project will *increase* the need for law enforcement services. The Final EA further improperly minimizes impacts on law enforcement services by stating: “The SBCSD and the Tribe ha[ve] completed negotiations to provide the SBCSD funding for one patrol vehicle and associated equipment. . .funding for Full Time Equivalent (FTE) position. . .and funding for maintenance on the patrol vehicle. . . .The agreement extends for four years and is for services on the Reservation, existing trust lands, and parcels currently owned in fee by the Tribe that may be conveyed to trust status within the four-year period (e.g. the project site).” (EA at 3-68.)

First, the above terms and agreement were considered and rejected by the County Board of Supervisors on June 3, 2014. (Minutes of the Santa Barbara County Board of Supervisors June 3, 2014 Meeting at p. 33.) Second, the proposed agreement did not include parcels owned in fee by the Tribe, except for a separate 6.9 acres on which the Tribe plans to build a cultural center, museum, park, and gift shop. Third, in considering the proposed agreement, the Board found that the agreement provided insufficient detail

as to its terms and inadequate protections for the County. It also would have included a provision to reduce any payment by the Tribe under the contract by the amount of funding received by the Sheriff through the Special Distribution Fund, which can only be used to mitigate gaming impacts. Finally, if the term of the agreement is for 4 years, it may not be in place when construction begins in 2023 or, more importantly, concludes between 2027 and 2030.

b. Fire and Emergency Services.

The project's increase in population and infrastructure also could impact Fire Department services. The Santa Barbara County Fire Department is an all-hazard emergency response agency and provides fire prevention, fire suppression (including wildland), emergency medical response, rescue response, hazardous material response, and other emergency response to all areas within the Santa Barbara County Fire Protection District. (Fire.) Development of 143 residences of 3,000 to 5,000 square feet and a much larger, potentially multi-story tribal facility could have a significant impact on fire services in the project area. (*Id.*) For example, the response for a residential structure fire in the area is four Type 1 engines (full size fire trucks with large diameter supply hoses and high capacity pumps) and a Battalion Chief. (*Id.*) Thus, 143 new large residences and a meeting hall in the area could significantly impact fire services.

Further, the project could impact fire service due to an increase in emergency responder call load and the possibility that emergency responders will be committed to an incident when another emergency occurs. (*Id.*) In addition to the 143 new residences, Camp 4 proposes hosting special events every weekend with 800 attendees. These

special events would further increase the number of cars in the area, traffic, and likely emergency calls, including for alcohol-related incidents in the area.

Compounding these problems is the fact that County Fire would no longer have jurisdictional or response authority over the project site once it became trust land. (Fire.) There is no agreement, contractual or otherwise, in place giving County Fire permission to full access of tribal trust land for emergency response or prevention purposes. (*Id.*) All of the above factors likely would impact the delivery of emergency fire and medical services provided by the Santa Barbara County Fire Department. (*Id.*)

Additionally, the proposed development poses significant safety concerns from a fire perspective. The Final EA states that the Tribe will adopt the International Fire Code (“IFC”). The IFC is merely a model code and suggested, standard template for jurisdictions to use. (*Id.*) The California State Fire Marshall’s Office adopts certain applicable sections of the IFC along with many other state specific provisions to create the California Fire Code (“CFC”). (*Id.*)

The Santa Barbara County Fire Code consists of the CFC as well as additional requirements designed to address specific local needs, including the prevalence of wildfires. (*Id.*) Examples of more restrictive Santa Barbara County Fire Code requirements include those related to: automatic sprinkler systems; fire protection water supplies; fire apparatus access roads; photovoltaic systems; prohibition of fireworks; and defensible space. (*Id.*) Furthermore, new construction standards in a “High Fire Hazard” area, such as the Santa Ynez Valley, require specific building materials to reduce fire

risk. (*Id.*) If Camp 4 does not utilize the appropriate requirements, the safety of the Valley could be at risk, which is a significant environmental concern.

c. Schools, Parks and Recreation.

An influx of residents in the Valley could also increase the need for schools, parks, and recreation. The Santa Ynez Valley Community Plan provides the following methodology for determining impacts to schools: 0.17 students/residential unit for elementary; 0.11 students/residential unit for middle school; and 0.18 students/residential unit for high school. (Santa Ynez Community Plan EIR, Public Services Section at 4.3-19.) Based on this methodology, projected student growth due to 143 new residences is estimated to be 22.78 elementary students, 15.73 middle school students, and 25.74 high school students.

Per Santa Barbara Environmental Thresholds and Guidelines Manual, school impacts are considered significant when a project generates sufficient students to require an additional classroom (assuming 29 students per classroom for elementary/junior high students, and 28 students per classroom for high school students). (p. 127.) Based on current enrollment, it is likely additional classrooms would be needed in the future. Also, many school playgrounds are used as recreation centers in Santa Ynez and they could be impacted as well. (Santa Ynez Community Plan EIR, Parks and Recreation Section at 4.2-6.) Accordingly, Camp 4 raises questions about its impact on schools, parks, and recreation.

d. Water Impacts.

More residents in the Valley would equate to increased use of and impacts to groundwater resources. Camp 4 anticipates a withdrawal of 348 acre-feet-per-year (“AFY”) under Alternative A and 260 AFY under Alternative B. Alternative A would equal a net increase of 92 AFY and Alternative B would equal a net increase of 4 AFY. (EA at 4-5.) The Santa Barbara County Environmental Thresholds and Guidelines Manual defines the withdrawal of 61 AFY of water or more to be significantly adverse. (Santa Barbara County Environmental Thresholds and Guidelines Manual at Table 2, p. 75.) Alternative A is well over the significance threshold.

The Final EA attempts to discount the groundwater impacts by stating that the significance threshold relies on 20 year-old data and by pointing to an alleged surplus in the Upland Basin. (EA at Response to Comment L3-32.) This argument fails for several reasons. First, the groundwater threshold is a valid significance threshold still used by the County in addressing groundwater impacts.

Second, if anything, that threshold is higher and more favorable than it could be. The current threshold for the Santa Ynez Uplands Basin was adopted during a period when that basin had the greatest remaining life and low water usage. (Santa Barbara County Environmental Thresholds and Guidelines Manual at Table 2, p. 75.) Recent data on water supply, however, does not support the alleged surplus. (PW.) Recent data confirms that the basin is in a state of overdraft. The standing water levels in wells in the project area have fallen considerably from 2009 to 2013. Further, recent data suggests that the supplemental supplies obtained from the State Water Project and the Cachuma

Project, that helped create a surplus in the past, will not constitute a long-term, stable additional water source. (PW.)

In addition, water in the project area recently has required treatment for chromium VI. (*Id.*) This treatment uses a considerable amount of water. (*Id.*) Per the recent groundwater sample completed by the Tribe, the groundwater in the project area has chromium levels of 32 micrograms per liter (ug/l), which exceeds the state mandated 10 ug/l. (EA at Appendix C.) 22 Cal. Code Regs. § 64213 (effective July 1, 2014).

The mitigation measures proposed in the Final EA – that the Tribe will recycle water, emphasize drought-tolerant landscaping, and not water turf grass during drought conditions – do not address the overdraft or long-term water resource issues. (*Id.* at 2-11, 5-2-5-3.) The mitigation measures also do not lessen the impacts on water resources to an insignificant level.

e. Solid Waste.

More residents in the Valley also would lead to increased waste disposal. The Final EA states that the residential development of Alternative A would produce approximately 157 tons of solid waste per year and anticipates processing that solid waste through the Santa Ynez Valley Recycling and Transfer Station and Tajiguas Sanitary Landfill. (*Id.* at 4-25-4-26.) This figure is based on an average of 2.61 persons per household and 2.3 pounds of waste per day. (*Id.* at 4-25.) As to Alternative B, the Final EA states that it would generate 173 tons of solid waste per year for the Tribal Facilities, housing, and related support facilities. (*Id.* at 4-49.)

Additionally, the Final EA states that the special events under Alternative B would generate approximately 976 pounds of waste per event, based on 400 attendees per event. (*Id.*) In every other instance, however, the worst-case scenario is calculated with 1,000 maximum attendees. Calculating special events waste based on 1,000 maximum attendees would result in a waste generation per event of 2,440 pounds compared with the 976 pounds calculated in the Final EA. This would equal 122 tons of waste per year. Therefore, Alternative B would create 295 tons of waste per year in tribal facility and residential use alone. The Final EA does not attempt to quantify the amount of construction waste that will be generated under either Alternative.

Under County standards, 196 tons of solid waste per year is considered a significant project impact. (Santa Barbara County Thresholds Manual at p. 139-40.) Alternative A is close to the significance threshold without addressing construction or other waste besides residential use. Alternative B is well-over the significance threshold.

In addition, the Final EA anticipates residential development will conclude between 2027 and 2030, after the Tajiguas Landfill is expected to reach capacity in the year 2026. (P&D.) The Final EA does not address alternative landfill locations. The solid waste generated by Camp 4 may cause a significant impact on the environment.

f. Traffic Impacts.

It is apparent that the approved project could increase traffic and congestion in the Santa Ynez Valley and pose safety risks due to those increases. The property currently is accessed by County roads at Baseline Road and Armour Ranch Road and State Highways 154 and 246. (EA at 1-6.) Camp 4 proposes to add 143 residences and up to 100 events

with as many as 400 attendees to the rural property accessed by those roads. (*Id.* at 2-3, 2-13.)

For State Highways 154 and 246, many of the highway segments would operate at Level of Service (“LOS”) D with the estimated project traffic. (*Id.* at 4-44-4-46.)

Although the traffic study states that LOS D is within California Department of Transportation’s (“Caltrans”) acceptable range of service, the department submitted a response to the initial EA stating that its LOS standard is LOS C. (*Id.* at Comment Letter S1.) Thus, Alternatives A and B would significantly degrade traffic in the area on those highways.

Further, the Final EA states that implementation of Alternative A or B, combined with regional growth and the Tribe’s hotel expansion project, would result in minor cumulatively considerable impacts to the County roadway segments. (*Id.* at 4-66-4-67.) Cumulative effects also cause several of the key intersections along State Highways 154 and 246 to degrade to LOS D, and LOS E or LOS F, far exceeding the Caltrans LOS C standard. (*Id.* at 4-64-4-68.) Mitigation measures for these impacts consist of funding contributions for roundabouts or signal improvements, which are to be implemented at the determination of Caltrans. (*Id.* at 5-8-5-9.) It is not clear when those improvements would be built, if at all. The funding contributions are not sufficient mitigation. Camp 4 clearly poses a threat to the degradation of traffic and safety on the roads.

4. The Project Threatens Species and Unique Habitats.

The project threatens protected oak trees and critical habitat of the endangered Vernal Pool Fairy Shrimp. Based on an aerial photo, there are estimated to be 333 oak

trees on the project site. (P&D.) “Alternative A would adversely affect oak trees . . . through removal of approximately 70 oak trees within the project site.” (EA at 4-12.) Likewise, “Alternative B would adversely affect oak trees . . . through removal of approximately 50 oak trees within the project site.” (*Id.* at 4-40.) Those proposals account for 21% and 15% of the oak trees on the project site, respectively. Removing that many trees likely would create significant impacts through habitat fragmentation, removal of understory, alteration of drainage patterns, disruption of the canopy, and disruption in animal movement in and through the woodland. (Santa Barbara County Environmental Thresholds and Guidelines Manual at p. 32.)

Further, oak trees “support a diverse wildlife population, and offer abundant resources to wildlife including food sources, shade in summer, shelter in winter, perching, roosting, nesting, and food storage sites.” (*Id.*) A threat to oak trees is a threat to many other species. The Final EA does not address this threat.

The Final EA proposes to mitigate the loss of oak trees by requiring an Arborist Report that requires a no net loss of trees and monitoring of revegetation. (EA at 5-4.) The proposed mitigation measure does not: (1) indicate the priority of avoidance of impacts to native trees; (2) direct future development to design around native trees; or (3) establish any criteria or setbacks for determining when trees are allowed to be removed. In addition, the oak tree replanting plan measure does not establish minimum replacement ratios and success criteria.

For example, the County requires that removed oak trees be compensated at a ratio of 15:1. (County Deciduous Oak Tree Protection & Regeneration Ordinance, Art. IX,

Ch. 35, § 35-911, No. 2.) This replacement ratio helps ensure that that replacement trees will be established successfully. The Final EA only states that the Arborist Report will require a “no net loss” which could mean a 1:1 replacement ratio. That low of a replacement ratio would not mitigate the significant loss of oak trees. Even though a fully developed native tree avoidance and replacement plan would come later, the mitigation measures need to establish basic criteria in order to evaluate mitigation effectiveness in reducing anticipated impacts to native trees and associated habitat.

In addition to protected oak trees, Vernal Pool Fairy Shrimp are assumed to be present within the seasonal wetlands on the property. “VPFS have the potential to occur and are assumed to be present within the seasonal wetlands. Implementation of Alternative A has the potential to remove approximately 0.10 acres of seasonal wetlands and 0.05 acres of wetland swales within the project site.” (*Id.* at 4-13.) Alternative B has the potential to remove 0.01 acres of seasonal wetlands within the project site. (*Id.* at 4-41.) Alternatives A and B also could adversely impact VPFS due to the assumed fill of habitat on the project site. (*Id.* at Response to Comment 3.1.7.) Based on these impacts, Camp 4 threatens species and unique habitats.

5. The Environmental Impacts of the Project Are Controversial.

A federal action is controversial if a substantial dispute exists as to its size, nature or effect. *Sierra Club v. Babbitt*, 69 F.Supp.2d 1202, 1219 (E.D. Cal. 1999). The Final EA relies on certain methodologies and thresholds for assessing the impacts of Camp 4 that the County disputes. One primary source of contention is the use of the Farmland Conversion Impact Rating System (“FCIRS”) to evaluate impacts to agricultural

resources. The FCIRS does not consider all of the important agricultural aspects of the region. (EA at Appendix G.) For example, the Farmland Conversion Impact Rating system does not include grazing land in its assessment because the definition of “Farmland” only includes Prime Farmland, and Farmland of Statewide, Unique or Local Importance. (*Id.* at Appendix G.) Grazing lands are not considered “farmland” according to the model, even though they clearly are. (*Id.*) This flaw is illustrated in Part VI, Percent of Site Being Farmed (Factor #3) of the Form. (*Id.*) Further, only 1 of 20 points was assigned to each of the sites. (*Id.*)

Contrastingly, under County policy, agricultural resources are valued based on nine components which are weighted according to their estimated resource value: (1) parcel size; (2) agricultural suitability; (3) adjacent land uses; (4) soil classification; (5) existing and historic land use; (6) agricultural preserve potential; (7) water availability; (8) comprehensive plan designation; and (9) combined farming operations. (Santa Barbara County Environmental Thresholds and Guideline Manual at pp. 12-16.) A project typically will have a significant effect if it will: (1) conflict with adopted environmental plans and goals of the community where it is located; or (2) convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land. (*Id.* at p. 11.) Camp 4 does both and under the County’s value analysis a significant impact would be found. (P&D.)

Additionally, the Final EA ignores significance thresholds established by the County related to waste and water that indicate substantial impacts, and disputes evidence of impacts to public services such as water, waste, traffic, schools, fire, emergency and

sheriff services, and parks and recreation. Similarly, the Final EA disputes the expertise of Caltrans as to the appropriate level of service for the state highways and the Santa Ynez Valley water districts as to impacts to water resources in the Valley. (*See, e.g.*, EA at Response to Comments S1, L4.) Disagreement among experts and policies shows that the impacts of Camp 4 are controversial and should be fully analyzed in an EIS.

6. The Project Has Adverse Impacts.

As indicated above, the proposed project has numerous adverse impacts, including impacts to agricultural resources, water, waste, traffic, schools, fire, emergency and sheriff services, and parks and recreation. In addition to those discussed above, visual resources may be adversely impacted.

Both Alternatives propose significant residential development in a rural area, not zoned for that use, which are adjacent to scenic roads. In the case of Alternative B, there is no development of an urban density (one-acre parcels) in the area of Camp 4. (EA at Fig. 3-8.) Such an urban development in the middle of rural and inner-rural land holdings will stand out against the much less developed surroundings.

Additionally, both Alternatives may preclude rural views, including ridge lines, hillsides, and vegetation. Conclusory statements or Best Management Practices that the property would be developed to blend in with surrounding uses do not mitigate the potential visual impacts. A rendering of the proposed development that includes prototypical house and facility elevations and shows different public vantage points should be completed to fully analyze the visual impacts. Without such an analysis that

shows no visual impacts, substantial questions remains as to Camp 4's impact on visual resources.

Based on the regulatory standards for significance under NEPA, the County has raised substantial questions regarding the potential, significant environmental effects of Camp 4. Accordingly, the BIA should prepare an EIS for Camp 4 as required by NEPA.

III. The Mitigation Measures Do Not Render Camp 4's Impacts Minor and an EIS Must Be Prepared.

In evaluating the sufficiency of mitigation measures in an environmental assessment, courts "focus on whether the mitigation measures constitute an adequate buffer against the negative impacts that result from the authorized activity to render such impacts so minor as to not warrant an EIS." *Bark v. Northrop*, 2014 WL1414310, at *12-13 (D.Or. 2014); *see also O'Reilly v. U.S. Army Corps of Eng'rs*, 477 F.3d 225, 231 (5th Cir. 2007). The mitigation measures must be "developed to a reasonable degree." *National Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001), *abrogated on other grounds*. "A perfunctory description, or mere listing of mitigation measures, without supporting analytical data, is insufficient to support a finding of no significant impact." *Id.* (quotations omitted).

The Final EA purports to provide minimizing and/or avoidance mitigation measures in the areas of land resources, water resources, air quality, biological resources, transportation and circulation, public services, and visual resources. (EA at § 5.0.) It also purports to provide compensatory mitigation measures related to Vernal Pool Fairy Shrimp and California red-legged frogs. (*Id.* at 5-5-5-6.) The mitigation measures in the

Final EA do not provide the adequate detail and discussion required to support a finding of no significant impact. They also do not provide adequate protection against the significant adverse impacts of Camp 4.² Therefore, an EIS must be prepared for Camp 4.

A. Best Management Practices (“BMPs”) as Mitigation Measures Lack Sufficient Detail.

For many of the resources, the mitigation measures simply refer to BMPs outlined in Section 2.0, Project Alternatives. (*See, e.g., id.* Land Resources at § 5.1; Water Resources at § 5.2; Air Quality at § 5.3; Biological Resources at § 5.4; Public Services at § 5.9; Hazardous Materials at § 5.11; Visual Resources at § 5.12.) The BMPs in Section 2.0 are mere listings of BMPs without any discussion of their effectiveness or ability to reduce a specific adverse impact to an insignificant level. (*Id.* at § 2.2.10 (stating “(BMPs) have been incorporated into the project design to eliminate or substantially reduce environmental impacts from Alternative A” and listing BMPs for various resource areas); *see also id.* at § 2.3.1.) With respect to visual resources, the Final EA only refers to BMPs in Section 2.0 as mitigation. The Final EA does not include any other mitigation measures for visual resources. (*Id.* at 5-11.) A listing of BMPs without a discussion of their effectiveness is insufficient to avoid preparing an EIS.

In *Wilderness Soc. v. Bosworth*, the court addressed the Forest Services’ use of BMPs as mitigation measures without analyzing their effectiveness to combat the adverse impact. The Court found the BMPs inadequate: “Because BMPs have not been assessed

² Even if the mitigation measures had contained the appropriate level of detail, it is impossible to analyze if a particular mitigation measure will make a significant impact minor without knowing how significant the impact will be in 2023.

for their effectiveness against landslide events and because a high risk of landslides is acknowledged in the Fish Bate preferred alternative, the Court finds it is not reasonable for the Defendants to just summarily rely on BMPs to mitigate this environmental impact.” *Wilderness Soc. v. Bosworth*, 118 F.Supp.2d 1082, 1107 (D.Mont. 2000).

Likewise, in *Blackwood* the EA identified a series of BMPs designed in part to reduce the erosion from the project’s logging and road building activities. *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1214 (9th Cir. 1998). The Forest Service’s reliance on the BMPs was based on past observation in unburned areas with similar soil types where BMPs prevented a large increase in erosion. On that record, however, the court found “nothing in the EA to support the Forest Service’s conclusion that the proposed BMPs will be adequate in a severely burned area where increased levels of erosion have already occurred.” *Id.* The Final EA for Camp 4 does not even include the limited level of discussion rejected by courts regarding the proposed BMPs. It simply lists the BMPs without stating how effective the BMPs are in reducing a specific impact. That approach is insufficient.

B. “Protective” Mitigation Measures Lack Sufficient Detail.

The Final EA also includes “protective” mitigation measures, similar to the BMPs, for Land Resources, Water Resources, Biological Resources, Public Services, and Hazardous Materials. (EA at § 5.0.) Again, the “protective” measures provide no data regarding their effectiveness or how they mitigate a particular impact in the resource category. For example, one of the public service protective measures is “Fire extinguishers shall be maintained onsite and inspected on a regular basis.” (*Id.* at § 5.9.)

This statement provides no analytical data upon which to conclude no significant impacts as to fire and emergency services remain. Without some reasoned discussion as to how the mitigation measure actually reduces impacts to an insignificant level, the environmental consequences cannot be evaluated.

C. The Remaining Mitigation Measures Are Inadequate to Minimize or Avoid the Significant Effect.

In addition to the above issues, the mitigation measures identified in Water Resources, Biological Resources, Transportation and Circulation, and Public Services do not minimize the impacts in those areas to an insignificant level. For Water Resources, the identified mitigation measures are insufficient to address the significant impact to the area water supply. In addition to BMPs, the mitigation measures include measures for utilizing recycled water and not watering turf lawn during local drought conditions. (*Id.* at 5-3.) These measures do not address the state of the Upland Basin’s overdraft, long-term water concerns, or the need to decrease water usage below a significance threshold year round in normal weather conditions.

As to the biological resources, the Final EA states that the impact of the removal of oak trees will be compensated by a future Arborist Report which will provide a re-vegetation plan including proposed planting locations to ensure a “no net loss” of oak trees. (*Id.* at 5-4.) The Final EA does not estimate how effective this measure would be to compensate for the biological impacts of habitat fragmentation, the removal of understory, alteration of drainage patterns, disruption of the canopy, or disruption of

animal movement through the woodland. Therefore, there is no analytical data upon which to determine the remaining environmental impact.

For Public Services, the mitigation measures purport to “ensure that the construction and operation of Alternatives A or B would not have significant adverse impacts on fire and emergency services.” (*Id.* at 5-10.) The mitigation measures, however, contain no analytical data that shows call loads will be reduced sufficiently for emergency and fire services. In addition, they do not address safety concerns related to building codes, water supplies, or emergency access to the property. Rather, the mitigation measures for fire and emergency services focus on reducing the risk of fire during construction and other minor fire protections, such as fire extinguishers and evacuation plans. (*Id.*)

In addition, the mitigation measures discuss funding and contractual mitigation as follows: (a) granting County Fire permission to enter the project area after it is taken into trust and funding that activity through the Gaming Special Distribution Fund; or (b) entering into a new agreement for fire protection and emergency response services for the project area. (*Id.*) As to the former, those distributions may only be released by the Indian Gaming Local Community Benefit Committee for grant applications that “mitigate impacts from casinos on local jurisdictions.” Cal. Gov. Code § 12715(h). The project area does not relate to casino impacts. As to the latter, there is no indication that a new agreement will be reached with County Fire.

In addition, neither provision mitigates the impacts on law enforcement services. As stated above, there is no agreement with the Sheriff’s office for public safety and

general law enforcement services at Camp 4. In fact, on June 3, 2014, the Board considered and rejected a contract for Sheriff services with the Tribe. One of the concerns at that time was the ambiguity of the agreement's scope of coverage. The mitigation measures for public services fail to mitigate the significant impacts on law enforcement, emergency and fire services.

Lastly, as to Traffic and Circulation, the mitigation measures provide that the "Tribe shall contribute its fair share of the funding for the traffic improvements recommended below proportionate to the level of impact associated with the trips added by Alternative A and B." (EA at 5-8.) This mitigation measure is insufficient as it is dependent on approval, construction, and funding by the California Department of Transportation. It is not certain when, if it all, these traffic improvements would be built. Until that time, traffic impacts would be significant.

In summary, the mitigation measures for Water Resources, Biological Resources, Transportation and Circulation, Public Services, and Visual Resources are inadequate and do not render the impacts associated with those resources insignificant. Accordingly, an EIS must be prepared for Camp 4.

IV. The Final EA is Inadequate as it Omits Key Analyses and Contains Inaccuracies and Conclusory Statements.

In addition to the need for an EIS, the Final EA is inadequate under NEPA as it fails to fully analyze several resources and contains numerous factual inaccuracies and unsupported conclusions. NEPA requires a federal agency to take a "hard look" at the impacts of its proposed federal action, whether it is preparing an EA or EIS. *Anderson,*

371 F.3d at 486. Failing to verify the factual accuracy of an EA violates NEPA as it shows the agency did not take a hard look at the actual proposed federal action. *Native Ecosystems Council v. U.S. Forest Service*, 418 F.3d 953, 964 (9th Cir. 2005); *see also* 40 C.F.R. § 1500.1(b). Further, conclusions in an EA must be supported by “some quantified or detailed information.” *Sierra Nev. Forest Protection Campaign v. Weingardt*, 376 F.Supp.2d 984, 991-92 (E.D. Cal. 2005). Pursuant to these standards, the Final EA is inadequate and additional environmental review is required.

A. The Description of the Project Lacks Sufficient Detail.

The BIA is required to provide enough information in its environmental review to allow the public to provide informed comments on the environmental effects of the proposed action. *Weingardt*, 376 F.Supp.2d at 990-92 (E.D. Cal. 2005). The Camp 4 project description is not adequate because it fails to disclose components of Camp 4 that are vital to evaluating its environmental impacts.

1. Residential Development.

Camp 4 proposes 143 new residential lots. The project description, however, still does not identify the potential accessory structures on the lots. Rather, it states: “Accessory structures on the residential lots would be typical of those associated with single-family, rural residences.” (EA at Response to Comment L3-11.) Accessory structures could be significant and include a residential second unit, agricultural structures, residential accessory structures, greenhouses under 300 square feet, or an artist studio or guesthouse. (P&D.) These structures increase the number of new residents that would be accessing the site and in need of public services.

Such an increase could be significant. Depending on what is considered “typical,” each lot could have four to five accessory structures or more. Further, if residential second units are “typical,” there could be twice the number of residents at Camp 4 and twice the impacts on traffic, water, solid waste, public services, and other resources. Without adequate detail of the complete residential development, the BIA and public cannot analyze or fully evaluate the potential impacts of Camp 4.

2. Tribal Facilities.

The Final EA still lacks detail about the special events to be held at the Tribal Facilities. It does not discuss the timing of the events, day or night, how often the events are open to the public, how large each event will be, and what types of events are anticipated. (EA at Response to Comment L3-11.) All of these details impact the evaluation of such things as increases in traffic, need for public services, night lighting, impacts to on-site agricultural uses, impacts to surrounding agricultural and rural residential uses, noise and compatibility with land use plans. While the Final EA may not have to include all of the specifics of the events, general information regarding the “events, functions, and ceremonies” is necessary to fully evaluate potential environmental impacts. (*Id.* at 2-13.)

B. The Analysis of Agriculture Resources is Inadequate.

Although it is clear Camp 4 creates potential significant impacts to agricultural resources, the discussion on agriculture in the Final EA still has glaring gaps. The Final EA fails to sufficiently analyze Camp 4’s compatibility with and impact on adjacent land uses. It also fails to adequately address the grazing operations on the property.

1. Agricultural Operations.

The Final EA fails to analyze whether Camp 4 is compatible with the adjacent properties to the southeast, south, and west. Camp 4's proposed high-density residential development in the middle of an exclusively agricultural community and Tribal Facilities in Alternative B are not compatible with agriculture. (P&D.)

The Final EA does not address impacts to neighboring agricultural production such as trespassing, vandalism, nuisance complaints, decreased farming potential, and pest risks. (*Id.*) Additionally, the Final EA does not analyze the potential impacts to agriculture as a result of the proposed Open Space/Recreation Zone, such as its potential segway for public access to adjacent agricultural areas. (*Id.*)

2. On-Site Grazing Operations.

The Final EA also omits necessary analysis regarding Camp 4's grazing land. Of the 1,433 acres of Camp 4, 704 acres have historic and current primary use as a grazing operation. The project proposes most of the development on this existing grazing land without describing the current cattle grazing operation or analyzing the impact of converting 704 acres of grazing land on a community and regional level. Many farming operations are dependent on neighboring land uses for sustainability, or networks of farming operations. (P&D.) Further, and as stated above, the loss of grazing land affects water resources and ecosystems, which is not addressed by the Final EA.

In addition, the Final EA still relies on the FCIRS (Form AD-1006) even though it recognizes that grazing land is a type of farmland under The Farmland Protection Policy Act. (EA at 3-63.) As discussed above, the FCIRS does not include grazing land in the

assessment because the definition of “Farmland” only includes Prime Farmland, and Farmland of Statewide, Unique or Local Importance. (*Id.* at Appendix G.) Grazing lands are not considered “farmland” according to the model. (*Id.*) This flaw is illustrated in Part VI, Percent of Site Being Farmed (Factor #3) of the Form. (*Id.*) An environmental review of Camp 4 should fully assess impacts to the onsite grazing operation as a result of the project through a rangeland study or other analysis that uses a threshold of significance such as the number of animal units that the land can support.

C. The Analysis of Land Use Compatibilities Is Inadequate.

The Final EA asserts throughout the analysis that the proposed housing developments would be “similar to” or “slightly smaller” than existing low density, rural residential development. (*Id.* at 2-18.) These statements do not provide the necessary analysis to determine similarity with other developments – such as the number of lots with residential homes in each area and the size of those homes and lots. Further, they are inaccurate.

The proposed one-acre lots in Alternative B, as well as the Tribal Facilities are in no way compatible with the existing land uses. Adjacent rural residential lots in the area are 5, 10, 20, 40, and 100 acres in size. (*Id.* at Fig. 3-8.) There are no lots less than 5 acres in the area. One-acre lots are between five and 100 times more dense than any other development. From a land use and planning perspective, a one-acre lot subdivision is treated much differently than larger lots. (P&D.) It is considered an urban division, meaning it requires an urban water system and sewer connections, among other issues.

(*Id.*) Furthermore, a one-acre subdivision has a much greater visual impact than larger lots. (*Id.*)

D. The Analysis of Public Services Is Inadequate.

As with agricultural resources, it is clear that Camp 4 may significantly impact public services in the area and, therefore, an EIS is required. The Final EA, however, also contains many inaccuracies that require clarification and omissions that should be addressed in any subsequent environmental review in the areas of fire protection and emergency medical services, law enforcement, and traffic.

1. Fire Protection and Emergency Medical Services.

The Final EA's analysis of the impact of the project on fire protection services is inadequate because it is incorrect in several important aspects and fails to evaluate a number of issues. First, several sections of the Final EA incorrectly state that County Fire would provide emergency and structural fire protection services to the project area. For example, Section 2.2.4 of the EA reads: "The County Fire Department ... provides structural fire protection services to the project area. The Fire Department protects primarily residential areas, and responds to calls for structural fires as well as medical emergencies." If the project moves forward and Camp 4 is taken into trust, it would no longer be located in the Santa Barbara County Fire Protection District, and County Fire would not have jurisdictional or response authority.

Further, there is no current agreement, contractual or otherwise, in place giving County Fire permission to full access of the Reservation or other tribal trust land for emergency response or prevention purposes. The automatically renewing agreement

referenced in the Final EA was entered into in 2002 and is for emergency, not prevention, response, at and around the Chumash Casino. (EA at Response to Comment L3-27; Fire.) It addresses the Casino area, not the entire reservation or other trust lands. (Fire.) The 2002 agreement certainly does not contemplate Camp 4 or the effects of such a large development on fire and emergency services.

Second, the Final EA incorrectly states that wildland fire protection for the project would be primarily served by County Fire through an existing service agreement with California Department of Forestry and Fire Protection (“CAL FIRE”). (EA at 3.9.6.) Although County Fire contracts with CAL FIRE to protect State Responsibility Areas (“SRA”), the California Master Cooperative Wildland Fire Management and Stafford Act Response Agreement *specifically prohibits* County Fire from assuming CAL FIRE’s role of assisting federal agencies such as the BIA. (Fire.) The Final EA fails to consider that the Tribe would need to establish a separate local agreement with County Fire to provide wildland fire protection to the project site. (*Id.*)

Third, the Final EA acknowledges that the use of the site for residential purposes could create additional demand for fire protection and would require more frequent responses from local firefighters, but makes no attempt to quantify that increase or determine if the increased need is significant. Also, the Final EA implies that one fire truck operated by County Fire in the vicinity of the project site can handle small structural fires such as residential fires. This is inaccurate as the response for a residential structure fire in this area is four Type 1 engines (full size fire trucks with large diameter supply hoses and high capacity pumps) and a Battalion Chief. Further, the

3,000 to 5,000 square foot dwellings and 12,000 square foot Tribal Facilities would not be classified as small. (*Id.*) The Final EA does not address the ability to handle these larger structures.

Fourth, the Final EA makes reference to stored water and a water system meeting residential demand, but does not address the fire protection capabilities of the water supply system or the details of the system. (*Id.*) It also is unclear whether the suppression system meets the fire flow requirements for the Tribal Facilities, the most demanding structure in the development. (*Id.*) Likewise, it is unclear whether the interior roadways will permit adequate access for fires. (*Id.*)

Fifth, the Final EA should, at minimum, require compliance with National Fire Protection Association Standards, fire flow requirements in Appendix BB of the 2013 California Fire Code, fire hydrant flow rates and spacing based on the Santa Barbara County Fire Department Development Standard #2, meet Santa Barbara County Fire Department Development Standard #3 regarding Stored Water Fire Protection Systems, the defensible space/vegetation management requirements of California Public Resources Code 4291, that interior roadways follow Santa Barbara County Fire Department Development Standard #1, and that all fire protection sprinkler systems comply with National Fire Protection Association Standard 13. (*Id.*)

Sixth, the Final EA indicates that the Tribe provides funds to County Fire related to this project area through the Special Distribution Fund. (EA at 3-69.) The Special Distribution Funds have provided a fourth paramedic position at Fire Station 32 and were specifically implemented to offset the 25 to 30 percent increase in Station 32 emergency

responses related to the construction and operation of the casino. (Fire.) Funds from the Special Distribution Fund must be used only to offset the impacts on gambling on the local community. Cal. Gov. Code § 12715(h). These funds cannot be used for Camp 4 trust land.

Finally, under mitigation measures, the Final EA indicates that one potential mitigation measure is to grant permission to County Fire to enter the project site after it has been taken into trust pursuant to the current agreement and through existing funding. (EA at 5-10.) The existing funding is meant to offset the impacts on emergency services related to gambling, which could not include Camp 4. Further, the current agreement does not include trust lands other than the Casino area or contemplate service of a large area such as Camp 4.

2. Law Enforcement.

The initial EA included a mitigation measure requiring that the Tribe contract with CHP for speed enforcement, lane closures, traffic breaks, and queuing control to ensure that events do not interfere with roadway operations. The County pointed out that the mitigation measure lacked consideration of the potential need for additional law enforcement services to serve the needs of the event itself and that law enforcement services for events at the Banquet Hall/Exhibition Facility would need to be provided through a specific contract for services for each event. (Sheriff.)

The Final EA responds to these comments by stating “the Tribe has revised the tribal facilities proposed under Alternative B to exclude the banquet/exhibition hall. . . . [T]he primary events at the tribal facilities would include for tribal events, functions, and

ceremoniesThese facilities would be open to tribal members and their guests and would accommodate up to 400 attendees. Additional law enforcement staff would not be necessary to promote an orderly event or ensure the safety of attendees.” (EA at Response to Comment L3-28.) An event of up to 400 people is still a large event that could require law enforcement and traffic services. The Final EA does not explain or analyze why these events would not require such services.

V. The Final EA Does Not Adequately Address the Cumulative Impacts of Camp 4.

An EA must fully assess the cumulative impacts of a project. *Te-Moak Tribe of Western Shoshone of Nev. v. U.S. Dept. of Interior*, 608 F.3d 592, 603 (9th Cir. 2010). A cumulative impact is “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 40 C.F.R. § 1508.7. In assessing cumulative impacts, “some quantified or detailed information is required. Without such information, neither the courts nor the public ... can be assured that the [agency] provided the hard look that it is required to provide.” *Te-Moak Tribe*, 608 F.3d at 603 (citation omitted).

As previously explained by the County, the EA’s discussion of cumulative impacts unlawfully consists of perfunctory general statements about possible effects. Further, it does not include all reasonably foreseeable development in the area.

A. The Cumulative Impacts Analysis Does Not Consider All Reasonably Foreseeable Future Actions.

The Final EA states that “[n]ear-Term cumulative conditions were established by reviewing the cumulative project database maintained by the County for projects within the Santa Ynez Valley” and considering the Casino’s expansion of its hotel and casino area. (EA at 4-57.) “Long-term (2030) cumulative conditions were established using the 20-year build out forecasts contained in the Santa Ynez Valley Community Plan.” (*Id.*) This 20-year build out includes 55 residential units; 1.14 acres of agricultural development other than wineries; .54 acres of winery development; and 35,493 square feet of facilities. (*Id.* at 4-58.)

First, this cumulative impact analysis does not include the 6.9 acres of land in the Valley approved by the BIA to be taken into trust for the Tribe. The 6.9 acres is directly across highway 246 from the Casino. The BIA approved the trust acquisition in 2005. *Preservation of Los Olivos and Preservation of Santa Ynez v. Pacific Regional Director, Bureau of Indian Affairs*, 58 IBIA 278 at 1 (IBIA 2014). The Interior Board of Indian Appeals upheld that decision on June 3, 2014. *Id.* The Tribe plans to develop a cultural center, museum, and park on the land, as well as a gift shop and support offices. This development would bring more visitors and workers to the area. Therefore, it could affect numerous resources in the area, including at least public services, waste and water

resources, traffic, and air quality. These reasonably foreseeable impacts need to be addressed in the cumulative impacts analysis.³

B. The Cumulative Impacts Analysis Does Not Contain Sufficient Detail.

A cumulative impacts analysis must contain enough quantified or detailed information to assure the public that the cumulative impacts have in fact been analyzed. The Final EA's cumulative impacts analysis does not do so. It does not quantify any of the impacts or provide enough detail from which the public can be assured the cumulative impacts were sufficiently studied.

For example, in almost every subsection, the Final EA states that compliance with codes, standards, or ordinances means that no potential cumulative impacts would occur. (*See, e.g.*, EA at 4.4.1 and 4.4.2.) The Final EA, however, does not analyze the incremental impacts of past, present, and reasonably foreseeable future actions even with such compliance.

Further, the cumulative impacts on several resources are summarily dismissed. For example, the Public Services subsection summarily concludes that “the combined need for public services may create a cumulative impact.” (*Id.* at 4-72.) It does not quantify or detail how an increase of 55 residential units in the area and additional hotel patrons at the casino, along with the 143 residential units proposed for Camp 4, would impact fire and emergency services, law enforcement services, or schools and parks.

³ The cumulative impacts analysis also does not address all future actions that are reasonably foreseeable in 2023. Since the Camp 4 development will not commence for another decade, the long-term conditions may be significantly different at that time and those additional impacts are presently unknown.

Conclusory statements lack the appropriate detailed analysis required for the cumulative impacts analysis.

Further, the cumulative impacts analysis incorrectly looks at the project in isolation in many areas. For instance, the Air Quality subsection only discusses that this project would not result in adverse effects to the regional air quality environment or California's GHG reduction goals. (*Id.* at 4-60, 4-63.) Also, in the Public Services subsection, the BIA concludes that "*Alternatives A or B* would not result in significant cumulative impacts to public services." (*Id.* at 4-72.) This conclusory and isolated analysis is improper under NEPA.

VI. The Final EA Does Not Adequately Address Project Alternatives.

NEPA requires agencies to study, develop and describe appropriate alternatives to the proposed federal action. 42 U.S.C. § 4332(2)(E); 40 C.F.R. § 1508.9; *see also* 43 C.F.R. § 46.310. The range of alternatives is essential to "sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public." 40 C.F.R. § 1502.14. An agency must "rigorously explore and objectively evaluate all reasonable alternatives." *Id.* "The existence of a viable but unexamined alternative renders an [EA] inadequate." *Friends of Yosemite Valley v. Kempthorne*, 520 F.3d 1024, 1038 (9th Cir. 2008). As stated in prior comments, the Final EA fails to adequately analyze the "No Action" Alternative and other reasonable project alternatives. The Final EA does not correct those deficiencies.

The Final EA identifies the No-Action Alternative as an expansion of the vineyard by 50 acres. The No-Action Alternative, however, does not analyze the residential

development that is reasonably foreseeable if the proposed project does not go forward. (EA at 2-16.) Under current County regulations, some residential development is possible. (P&D.) The Final EA does not disclose that such alternative would be consistent with County policies and decrease costs and environmental impacts. (*Id.*; EA at 2-16.)

Additionally, the purpose of the proposed federal action is to provide housing to accommodate the Chumash Tribe's current members and anticipated growth. (EA at 1-6.) As pointed out in the County's prior comments, when the purpose of a project "is not, by its own terms, tied to a specific parcel of land," off-site alternatives are reasonable and should be considered as part of the analysis. *See 'Ilio'ulaokalani Coalition v. Rumsfeld*, 464 F.3d 1083, 1098 (9th Cir. 2006).

The Final EA dismisses off-site alternatives claiming: "there are no other available comparable lands that would provide a sufficient land base to support the proposed land uses to meet the purpose and need of the Proposed Action that are within the immediate area of the existing Reservation." (EA at 2-1.) The Final EA does not discuss why the lands need to be within the "immediate" area of the Reservation or what distance of lands was considered.

As to taking less land into trust, the Final EA claims: "all requested parcels are integral to meeting the purpose and need as fewer parcels would not provide acreage for housing assignments; circulation; multiple access and egress points for residential safety; agriculture operations to diversify tribally-governed commercial enterprises; open space, recreation, and conservation in accordance with tribal environmental ordinances; and

associated utility infrastructure to support each of the designated land uses.” (*Id.*) There is no analysis as to why all lands are needed for circulation, egress, open space, and other areas. With one-acre sites, the needed acreage is only 143 acres, with perhaps a few more acres to accommodate circulation.

Housing needs could be met by far more limited development on the project site itself, and/or in conjunction with nearby residential development consistent with local general plans and zoning. Such development could avoid land use conflicts, the removal of oaks and productive agriculture, the need for a site-specific wastewater treatment plant, and other significant adverse impacts.

Finally, the Final EA does not explain why a re-build of the existing Reservation is not a reasonable alternative. Redeveloping the existing residential area on the Reservation with a mixed-use, higher density 143 unit housing development would limit environmental impacts and address housing needs. Under the No Project Alternative, the Final EA states that such development could be considered if Camp 4 is not taken into trust. (*Id.* at 2-16.) Thus, it is a viable alternative. By eliminating a detailed analysis of feasible alternatives, the BIA violated NEPA.

CONCLUSION

Based on the foregoing, an Environmental Impact Statement for Camp 4 must be prepared to fully analyze the potential environmental impacts of the project.

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EXHIBIT A



LAND USE ELEMENT

ADOPTED 1980
AMENDED FEBRUARY 2011

SANTA BARBARA COUNTY
COMPREHENSIVE PLAN



County of Santa Barbara
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

The electronic version of the Santa Barbara County Comprehensive Plan can be found at: <http://longrange.sbcountyplanning.org>

LAND USE ELEMENT



Former Land Use Element Cover – Replaced March 2009

IV. GOALS AND POLICIES

REGIONAL

This plan is designed to encourage the qualities that make this County unique, by encouraging a balanced and diverse economy, promoting local self-sufficiency, by encouraging a balance in housing with jobs, stressing long-term productivity, living within our means in so far as availability of resources and services, providing moderate, orderly growth in harmony with our surroundings, and to provide for protection of the historical heritage which has enriched the lives of residents and visitors throughout the years.

In order to accomplish these objectives, this plan has four fundamental goals.

Environment: Environmental constraints on development^{vii 12 13} shall be respected. Economic and population growth shall proceed at a rate that can be sustained by available resources.

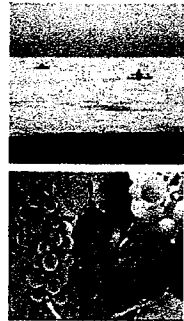
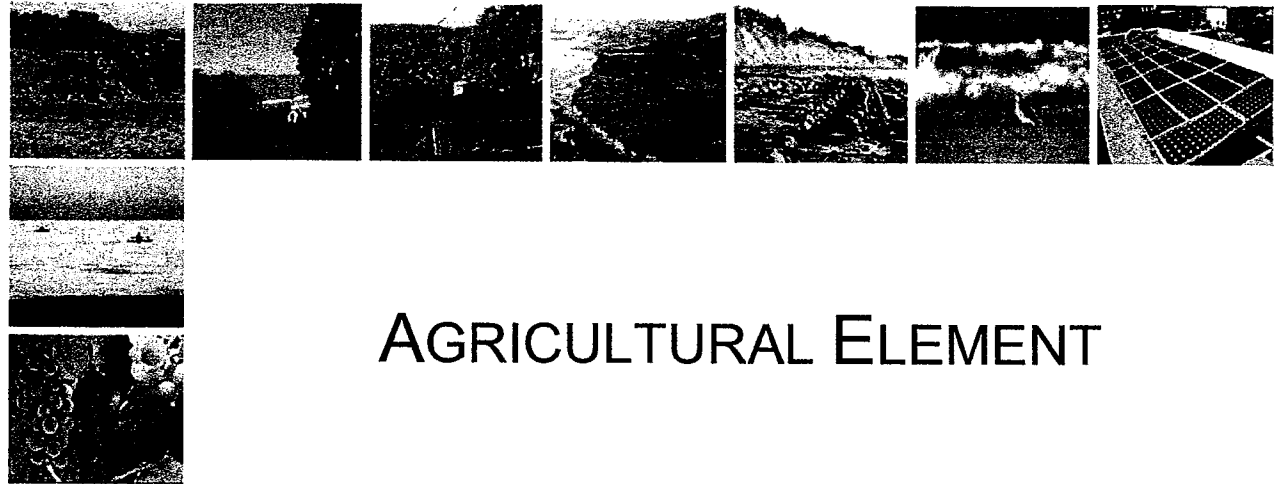
Urbanization: In order for the County to sustain a healthy economy in the urbanized areas and to allow for growth within its resources and within its ability to pay for necessary services, the County shall encourage infill, prevent scattered urban development, and encourage a balance between housing and jobs.

Agriculture: In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.

Open Lands: Certain areas may be unsuited for agricultural uses due to poor or unstable soil conditions, steep slopes, flooding or lack of adequate water. These open lands have importance as grazing, watershed, wildlife habitat, mineral resources, recreation, and scenic qualities. These lands are usually so located that they are not

^{vii} " Development" means any man-made change to improved or unimproved real property including but not limited to buildings or structures, mining, dredging, filling, grading, excavation, or drilling operations. Sand and gravel operations may be allowed in the same sense as flood control operations are allowed. Neither agricultural improvements nor oak tree removal are development within the meaning of this Element.

EXHIBIT B



SANTA BARBARA COUNTY
COMPREHENSIVE PLAN

AGRICULTURAL ELEMENT

ADOPTED 1991

REPUBLISHED MAY 2009

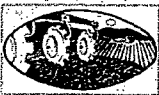


County of Santa Barbara
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

Agricultural Element
Republished May 2009

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can be found at: <http://longrange.sbcountyplanning.org>

Santa Barbara County
Comprehensive Plan



Agricultural Element

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State of California Department of Planning and Research
Santa Barbara County Planning Department

Former Agricultural Element Cover – Replaced March 2009

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The Agricultural Element was processed under Resource Management Department Case No. 81-GP-3, and first was adopted on September 3, 1991 by Resolution No. 91-537 of the Santa Barbara County Board of Supervisors. ¹

PREAMBLE

Agriculture is vital to the needs of the nation and the world. Agriculture is the largest production industry in Santa Barbara County and contributes a very large inflow of money into the county's economy. The County, therefore, recognizes the need to protect and maintain a healthy economy and to provide for the conservation of its agriculture. The uniqueness and importance of agriculture in Santa Barbara County requires a specific planning document to guide the county government in addressing the future use of agricultural lands and resources.

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DEFINITIONS

AGRICULTURE: The production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises.

AGRICULTURAL IMPROVEMENT: Agricultural activities or structures on agriculturally designated land which are not subject to building, grading, or brush-clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or special agricultural brush-clearing permits.

AGRICULTURAL DEVELOPMENT: Any agricultural building, structure, practice, or operation that a) requires a building, grading, or brush-clearing permit on land designated for agriculture; and/or b) is located on land which has had no history of cultivation; and/or c) is on land not designated for agriculture. A permit solely for plumbing or electricity shall not constitute a standard building permit.

AGRICULTURAL SUPPORT USE: Uses such as the sorting and processing of local fruits and vegetables, wineries, or feed distribution; that are a necessary and integral part of maintaining on-premise production and marketing, and that are directly associated with onsite agricultural or ornamental crop, or animal raising operations. Other uses permitted by Conditional Use Permit in an agricultural district such as oil drilling are not to be construed as an agricultural support use.

FEED DISTRIBUTION: The temporary storage and dispersal of animal feed for the purpose of supporting the primary onsite animal raising activities. The use may include, for secondary purposes, the offsite dispersal of feed on an incidental basis, when not for the purpose of profit resale or of providing a regional service.

GOALS AND POLICIES

GOAL I. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

Policy IA. The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

Imposition of any condition requiring an offer of dedication of a recreational trail or other recreational easement shall be discretionary (determined on a case-by-case basis), and in exercising its discretion, the County shall consider the impact of such an easement upon agricultural production of all lands affected by and adjacent to said trail or other easement.

1. On lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, provisions for recreational trails or other recreational easements defined in the Comprehensive Plan may be imposed by the County as a condition for a discretionary permit or land division only in the following circumstances:
 - a. The area in which the trail is proposed to be located is land which is not under cultivation or being grazed or is not part of a rotation program, or is not an integral part of the agricultural operations on the parcel; or,
 - b. The land use permit requested is not for a use which is compatible with agricultural production on the property, as defined in the County Agricultural Preserve Uniform Rules. In this instance, the recreational trail or other recreational use shall be required to be located only on the portion of the property taken out of agricultural production for the permit; or,
 - c. The land division requested requires a rezoning of the property to a more intensive zone district than that applied to the property prior to the application.
2. A recreational trail or other recreational use shall not be required as a condition for a discretionary permit (except a land division or a rezone which permits a smaller minimum parcel size than that permitted on the property at the time of the application) on lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, in the following circumstances:

- a. The permit requested is for a lot line adjustment or Minor Conditional Use Permit only; or,
 - b. The discretionary permit requested is compatible with the agricultural use of the land, as defined in the County Agricultural Preserve Uniform Rules.
3. The following trails shall not be subject to paragraphs 1 and 2 above due to their historic and recreational significance:
- Franklin Trail
 - Arroyo Burro Trail
 - Fremont Trail
 - San Antonio Canyon Trail
4. Where trails are required, they shall be sited to minimize the impacts to prime soils, agricultural operations, public safety, and environmentally sensitive areas.

Policy I.B. The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.

Policy I.C. To increase agricultural productivity, the County shall encourage land improvement programs.

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

Policy I.E. The County shall recognize that the generation of noise, smoke, odor, and dust is a natural consequence of the normal agricultural practices provided that agriculturalists exercise reasonable measures to minimize such effects.

Policy I.F. The quality and availability of water, air, and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary Lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.

Policy I.G. Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil.

GOAL II. Agricultural lands shall be protected from adverse urban influence.

Policy II.A. Santa Barbara County shall require measures designed for the prevention of flooding and silting from urbanization, especially as such damage relates to approved development.

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

Policy II.C. Santa Barbara County shall discourage the extension by the Local Agency Formation Commission (LAFCO) of urban spheres of influence into productive agricultural lands designated Agriculture II (A-II) or Commercial Agriculture (AC) under the Comprehensive Plan.

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

GOAL III. Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.

Policy III.A. Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.

Policy III.B. It is a County priority to retain blocks of productive agriculture within Urban Areas where reasonable, to continue to explore programs to support that use, and to recognize the importance of the objectives of the County's Right to Farm Ordinance.

GOAL IV. Recognizing that agriculture can enhance and protect natural resources, agricultural operations should be encouraged to incorporate such techniques as soil conservation and sound fire risk reduction practices.

Policy IV.A. Major wildfires cause severe erosion, property damage, and safety hazards. The County shall encourage range improvement and fire hazard reduction programs, including prescribed burning of brush and alternative non-burning techniques. Such programs shall be designed and conducted to avoid excessive erosion and other significant adverse effects on the environment for the purpose of increasing water yields, improving wildlife habitat, wildlife protection, and increasing agricultural productivity.

Policy IV.B. Because of fire-risk reduction or soil instability, the use of certain slopes for agricultural production may be preferable to leaving the land in its natural state, or allowing non-agricultural development provided that adverse effects are minimized.

Policy IV.C. Grading and brush clearing for new agricultural improvements on hillsides shall not cause excessive erosion or downslope damage.

GOAL V. Santa Barbara County shall allow areas and installations for those supportive activities needed as an integral part of the production and marketing process on and/or off the farm.

Policy V.A. Santa Barbara County shall permit on-farm supportive installations for product handling and selling as prescribed in the Uniform Rules of the County's Agricultural Preserve Program.

Policy V.B. Santa Barbara County should allow areas for supportive agricultural services within reasonable distance and access to the farm user.

GOAL VI: The County should make effective-provision for access to agricultural areas and for the necessary movement of agricultural crops and equipment.

Policy VI.A. To the maximum extent feasible, the County Public Works Department shall design roads with the type and size of vehicles and/or equipment in mind which are used in the agricultural operations of the area.

AGRICULTURAL LAND USE DEFINITIONS²

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals.

For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, and the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including appropriate related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted.

The following designations provide a description of agricultural lands that identify the more essential and productive agricultural areas as well as the average, and marginally productive lands. These land use designations have the following priority ranking for the identification of agricultural value:

1. AC Agriculture Commercial
2. A-II Agriculture - II
3. A-I Agriculture - I

Agriculture-Commercial (AC) (40 - 320 or more acre minimum parcel size)

This category is for commercially farmed, privately owned land located within either Rural, Inner-Rural, Existing Developed Rural Neighborhoods or Urban Areas which meets the following criteria:

1. The land is subject to a Williamson Act Contract, including contracts that have been non-renewed, or
2. Parcels forty (40) acres or greater, whether or not currently being used for agriculture but otherwise eligible for Williamson Act Contract, may be included if they meet requirements of Uniform Rule No. 6.

This category includes compatible land uses and land uses that are necessary and a part of the agricultural operations. All types of crops and livestock are included. Both

“prime” and “non-prime” soils (as defined in the Williamson Act and the County’s Uniform Rule No. 6) and irrigated and non-irrigated lands are included.

Parcels which are smaller than forty (40) acres in size at the time of adoption of this Element, may be eligible for the AC designation if they are “prime” or “super-prime” as defined by the County Uniform Rules and are eligible for agricultural preserve status.

Agriculture I (A-I) (5 or more acres minimum parcel size)

This designation applies to acreages of prime and non-prime farm lands and agricultural uses which are located within Urban, Inner Rural, and Rural Neighborhood areas.

Agriculture II (A-II) (40 or more acres minimum parcel size)

This designation applies to acreages of farm lands and agricultural uses located outside Urban, Inner Rural and Rural Neighborhood areas. General agriculture is permitted, including but not limited to livestock operations, grazing, and beef production as well as more intensive agriculture uses.

Agricultural Industry Overlay

The purpose of this overlay designation is, notwithstanding other provisions of this Plan, to provide for agriculturally related commercial and industrial uses in Rural Areas where appropriate. Development Plans and Conditional Use Permits shall be required pursuant to applicable zoning ordinances.

1. The request for the designation must be accompanied by a Development Plan and Conditional Use Permit, information outlining the reasons why it is necessary to put this overlay in the Rural Area, and must satisfy the following criteria:
 - a. The- use must be directly related to agriculture.
 - b. Special circumstances require that the project be located within the Rural Area.
 - c. The placement of the designation will provide particular and specific benefits which will advance the purposes and policies of this Plan.
 - d. The proposed site is currently designated as “A-II Agriculture-II” and is located within the Rural Area.
 - e. The use is not otherwise permitted under the agricultural land use designations of the Land Use Element and Zoning Ordinances.
 - f. The project site should not include prime soils, or environmentally sensitive areas where development would result in significant adverse impacts.

- g. The overlay shall not be applied where it would have a significant adverse impact on adjacent residential areas.
- h. The placement of the designation will not represent a significant cumulative loss of agricultural land in the planning area.

The criteria set forth under Number 1 above, do not have to be met with respect to uses on lands designated with the "Agricultural Industry Overlay" prior to the date of the adoption of this Plan.

- 2. The following uses may be allowed with a Conditional Use Permit and Development Plan as required pursuant to applicable Zoning Ordinances: processing, packaging, treatment, and/or sale of agricultural commodities, transportation facilities required to support agriculture; and fertilizer manufacturing.

BACKGROUND ON AGRICULTURE IN SANTA BARBARA COUNTY

The Agricultural Element acknowledges that agriculture is a significant and important resource within Santa Barbara County; therefore, the Element has been created to enhance and protect that resource. To provide a context for understanding and analyzing the proposed Agricultural Element, this section will provide general information on agriculture in Santa Barbara County and will briefly discuss current problems and issues concerning agriculture.

1. OVERVIEW OF THE COUNTY

There are approximately 1,756,000 total acres in Santa Barbara County, including the Los Padres National Forest, Vandenberg Air Force Base, and the Channel Islands. According to data compiled by the State Department of Conservation for the Important Farmlands Map for Santa Barbara County, these lands can be classified as follows: (October 28, 1985)

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Prime Farmland	70,180 acres	Land which has the best combination of physical and chemical characteristics for the production of crops
Farmland of Statewide Importance	5,750 acres	Land which has a good combination of physical and chemical characteristics for production of crops
Unique Farmland	29,130 acres	Land that is used for the production of specific high economic value crops
Farmland of Local Importance	30,410 acres	Land that is currently producing crops, or has the capability of production.
Grazing Land	1,201,810 acres	Land that is suitable for grazing; includes lands within the Los Padres Forest
Urban and Built-up Land	51,400 acres	Lands in urban use.
Other Lands	367,900 acres	Lands not included in any of the other categories, plus Santa Cruz, Santa Rosa, San Miguel, and Santa Barbara Islands.
TOTAL	1,756,000 acres	

These acreage figures indicate that there are some 105,060 acres of irrigated farmland in the County (prime Farmland, Farmland of Statewide Importance, and Unique Farmlands). In addition, there are 1,337,280 acres of grazing and dry-farmed land (Local Farmlands and Grazing). The total irrigated and non-irrigated agricultural acreage in 1985 was 1,442,340 acres. It should be noted that the grazing category includes lands within the Los Padres National Forest that are leased for grazing operations.

Santa Barbara County is considered a major agricultural producer. Of the 58 counties in the State of California, Santa Barbara County ranks 16th in gross agricultural value and 28th nationally among the over 3,000 counties.

Historically, agriculture has been the #1 industry in Santa Barbara County. In 1990, gross income from agricultural production was \$515,590,385 million (source: 1990 Agricultural Production Report). This exceeds the gross agricultural income from any previous year.

Unlike many areas, the County is not dependent on a few major crops for the majority of the County's agricultural income. Table 1-1 contains information from the 1990 Agricultural Production Report on the 1990 value of and the acreage devoted to various crops or products produced within Santa Barbara County. The table includes only those commodities which generated at least a million dollars in 1990. As Table 1-1 indicates, in 1990, the County had 37 different commodities that generate in excess of \$1 million in income.

Much of the success of agriculture in this county can be attributed to the area's climate. The Farm Advisor's Office estimates that about one-half of the County's production is made possible by the uniqueness of the climate. Crops such as flower seeds, avocados, lemons, orchids, garbanzo beans and lima beans are grown competitively in the area because of the climate.

TABLE 1-1
MILLION DOLLAR AGRICULTURAL COMMODITIES 1989
1989

<u>1989</u> <u>Ranking</u>	<u>Crop/Product</u>	<u>Acreage</u>	<u>Value</u>
1	Strawberries	2,611	\$ 60,761,746
2	Broccoli	17,385	40,119,411
3	Lettuce	7,573	31,281,249
4	Cattle & Calves	n.a	29,770,911
5	Cauliflower	7,466	22,999,674
6	Avocados	10,422	21,804,828
7	Celery	2,792	15,124,970
8	Grapes, wine	9,000	14,021,760
9	Chrysanthemums	n.a	13,605,972
10	Flowering Plants	n.a	7,883,756
11	Miscellaneous Flowers	n.a	7,729,122
12	Ornamentals & Ground Cover	n.a	6,383,070
13	Milk & Milk Products	n.a	5,889,097
14	Lemons	1,652	5,624,313
15	Flower Seeds	1,053	5,620,800
16	Orchid Plants	n.a	5,559,990

Source: 1989 Agricultural Production Report, Santa Barbara County.

Table 1-2 contains historical information on agricultural income in the County by major crop group. Table 1-3 shows the income generated by the major crop groups as a percentage of total agricultural income for the given year. Examples of products produced within Santa Barbara County which make up these five crops groups are as follows:

Vegetable Crops

Broccoli
Lettuce
Cauliflower
Celery
Cabbage

Flowers & Ornamentals

Chrysanthemums
Flowering Plants
Orchid Plants & Flowers
Gypsophila
Flower seeds

Fruit & Nut Crops

Strawberries
Avocados
Grapes, wine
Lemons

Field Crops

Dry Beans
Alfalfa Hay
Grain
Bean Seeds

Animal Industries

Cattle & Calves
Milk & Milk Products

As indicated by the historical data provided in Tables 1-2 and 1-3, agriculture in Santa Barbara County has moved away from animal industries and dry farming to more intensive types of farming. Where animal industries were once the leader in terms of their contribution to County agricultural income, these industries have been succeeded by the more intensive agriculture represented by vegetables, fruits & nuts and flowers & ornamentals. Field crops have been surpassed in annual income by the growing of flowers and ornamentals.

TABLE 1-2
AGRICULTURAL INCOME
(in millions of dollars)

Crop Groups	1953	1963	1973	1983	1989
Vegetable Crops	15.8	14.8	54.3	131.2	181.2
Fruits & Nuts	9.1	12.9	26.5	57.8	162.9
Flowers & Ornament.	2.7	5.1	15.2	50.9	77.1
Animal Industries	19.5	21.9	39.2	50.6	46.2
Field Crops	6.8	12.1	16.9	28.2	13.8
Totals	53.9	66.8	152.2	318.8	481.2

Source: Agricultural Commissioner's Annual Crop Reports.

TABLE 1-3

INCOME OF MAJOR AGRICULTURAL CROP GROUPS AS A PERCENT OF TOTAL
AGRICULTURAL INCOME

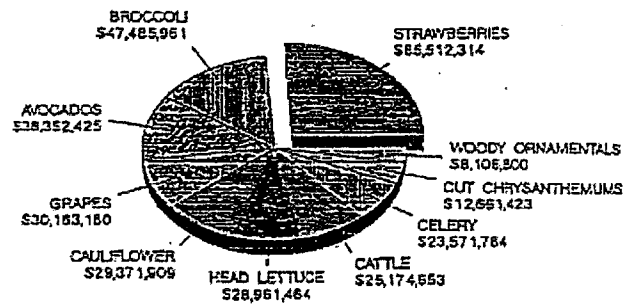
(in millions of dollars)

Crop Groups	1953	1963	1973	1983	1989
Vegetable Crops	29%	22%	36%	41%	37%
Fruits & Nuts	17%	19%	17%	18%	34%
Flowers & Ornament.	5%	8%	10%	16%	16%
Animal Industries	36%	33%	26%	16%	10%
Field Crops	13%	18%	11%	9%	3%
Totals	100%	100%	100%	100%	100%

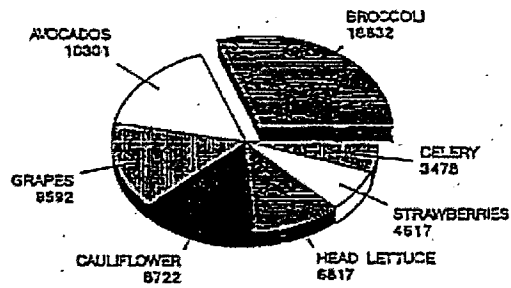
Source: Agricultural Commissioner's Annual Crop Reports.

FIGURE 1

SANTA BARBARA COUNTY
THE TOP TEN PRODUCTS

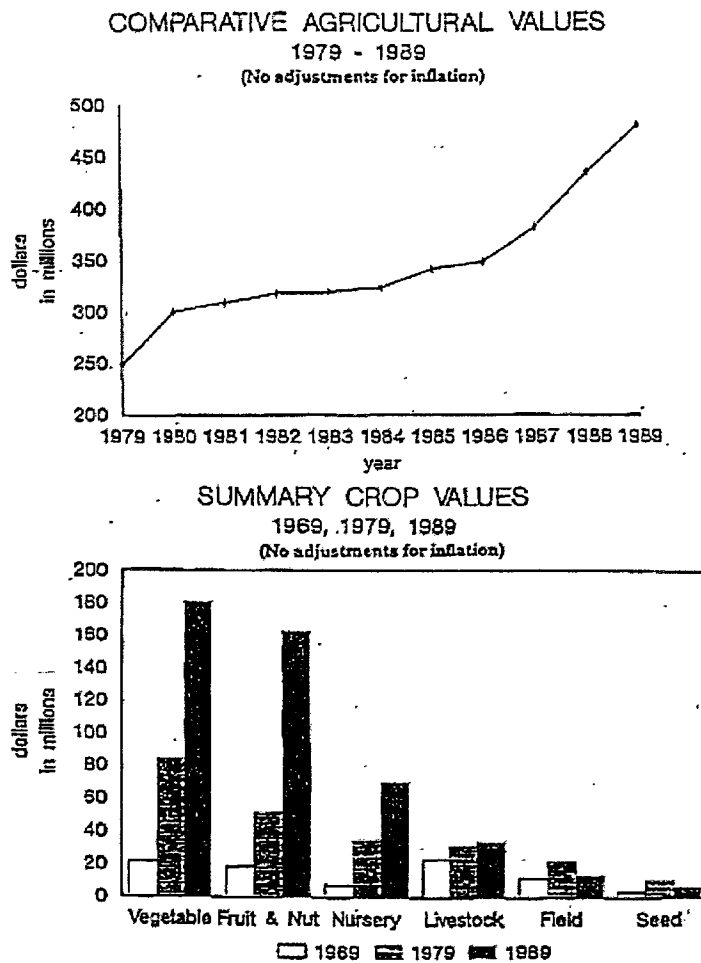


LEADING CROP ACREAGES
1989



Source: Agricultural Commissioner's Annual Crop Reports.

FIGURE 2

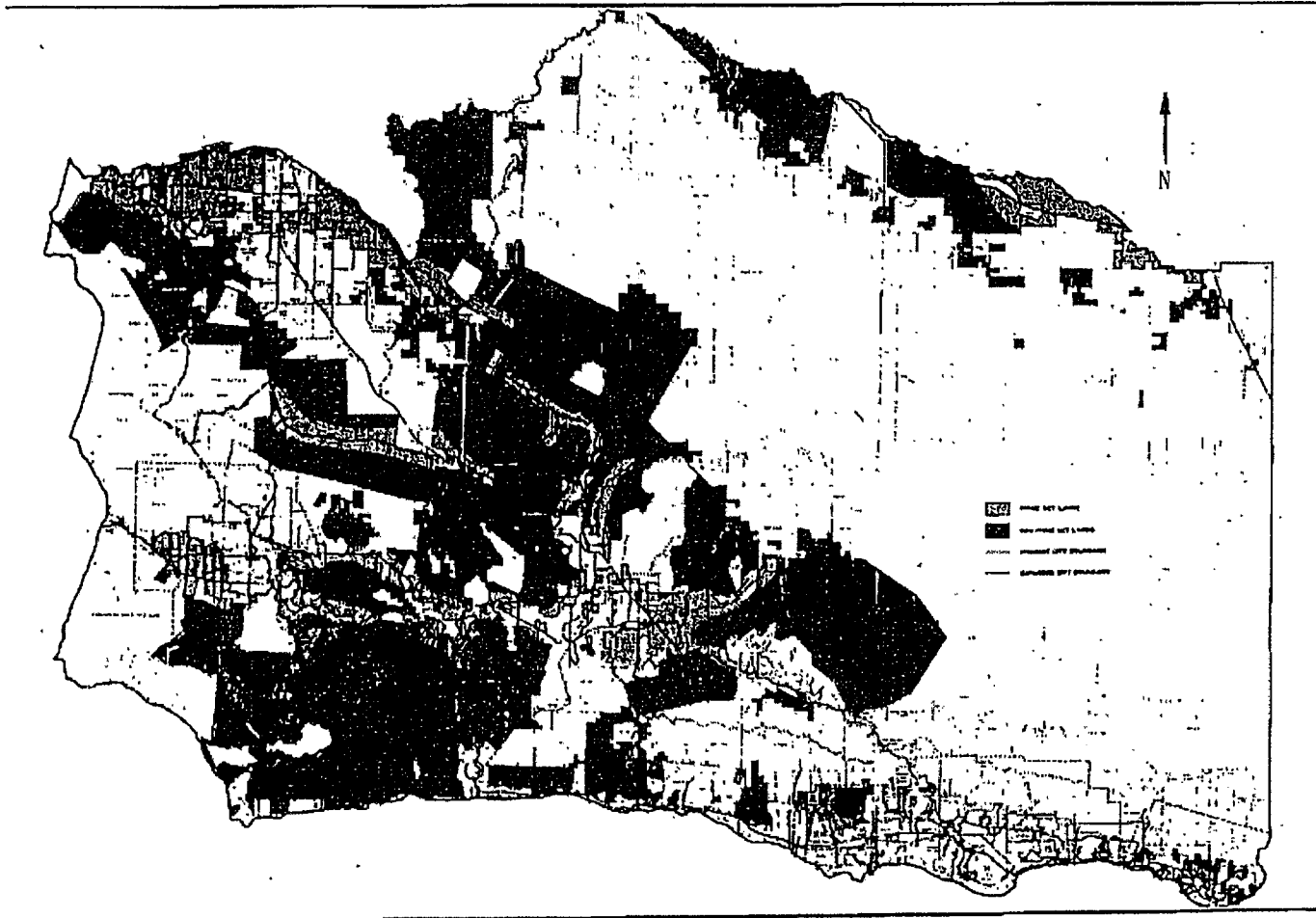


Source: Agricultural Commissioner's Annual Crop Reports.

As Table 1-1 illustrates, the income producing potential of an acre of some of the fruits and vegetables is staggering in comparison to that of some of the field crops and irrigated pasture land. For instance, in 1989 an acre of strawberries produced income of \$18,521 while an acre of alfalfa produced \$895. Celery yields \$6,777 per acre while dry beans produce \$858 per acre. This data may provide an explanation of the shift to more intensive types of agriculture within the County.

The County's commitment to the preservation of agriculture is demonstrated by strength of its Agriculture Preserve program. Currently, there are 950 agricultural preserve contracts in the County. These contracts now cover 2,001 parcels which contain a total of 531,400 acres. Figure 3 displays the location of the existing preserves throughout the County. While the majority of agricultural preserves were created during the 1960s and 1970s, a number of new preserves have been established over the past ten years. Since 1977, additional lands have been enrolled in the Cuyama area, Los Alamos, and along the Gaviota Coast, including some lands just west of Goleta. In recent years, approximately ten new preserves have been created annually. The 531,400 acres currently enrolled in the program represent 78 percent of the approximately 680,000 acres of producing agricultural lands that are in private ownership and, therefore, would be eligible for agricultural preserve status. This is verification of the success of Santa Barbara County's program.

FIGURE 3



Although the Agricultural Preserve Program is the strongest in the rural areas of the county, over 20,000 acres of prime agricultural lands located within one mile of City limits are enrolled in the program. This occurs mostly in the North County.

2. TYPES OF AGRICULTURE BY SUBAREA

Santa Barbara County is roughly rectangular in shape. There are approximately 50 miles between the northern tip of the County and the south coast and an east-west distance of about 65 miles. Elevations range from sea level to 6,800 feet. Within this vast area are various micro-climates which have naturally lead to distinct agricultural sub-regions within the County. This section describes the predominate types of agriculture within each subregion.

2.1 South Coast

The principal areas where agriculture production takes place within the South Coast are the Carpinteria Valley and the area from Goleta to the western extent of this sub-region.

The Carpinteria Valley has been host to intensive agriculture since the 1870s. Currently, greenhouses occupy part of the valley floor. The production of chrysanthemums, orchids, other cut flowers and bedding plants within these greenhouses generates a significant amount of agricultural income. Avocados are planted on the valley floor and on hillsides to the extent that irrigation water is available.

The principal agricultural operations of the western portion of this sub-region include avocados, lemons, flowers and ornamentals, grazing and some vegetable production for sale at local roadside stands. Avocado and lemon production occurs mainly in, the canyons and the hillsides above the Goleta Valley and along the Gaviota Coast. Growth of avocados and lemons in this region is limited to its current acreage by a water moratorium and the nearly complete utilization of the groundwater. The flower and ornamental industries and the areas for the production of vegetables lie either within or adjacent to the Goleta Valley. As a result of this location, these operations face a potential for conflict with the surrounding urban uses.

2.2 Santa Ynez

The Santa Ynez Valley has historically been a major cattle grazing region. However, in recent years, agricultural development has produced a number of commercial horse breeding farms and estate wineries and vineyards. In addition to cattle, wine grapes and horse breeding, the Santa Ynez Valley is also host to the growing of field crops, vegetables, and flower seeds.

There are many potential land use conflicts in this region with the expanding residential, ranchette and tourist land uses. The Valley's cattlemen are deeply concerned about the parcelization of non-prime lands into inefficient sizes.

2.3 Lompoc

The prime soils and climate of the Lompoc Valley make this area ideal for production of a variety of agricultural crops. Intensive agriculture began here in 1875. Apples, cherries and potatoes were the principal crops grown in this region at that time. With the introduction of irrigated agriculture, flower seed, vegetables and beans became the major agriculture commodities of this valley. Lompoc is world renowned for its flower seed industry. Outside of the valley floor, the foothills surrounding Lompoc support productive cattle grazing operations. These operations have been weakening in recent years. As a result, the cattlemen are calling for larger minimum parcel sizes so as to prevent the creation of parcel sizes too small for efficient grazing use.

2.4 Santa Maria Valley

The Santa Maria Valley is the agricultural trade center of the County. This intensive vegetable production region contains the largest area of prime agricultural lands in the County. This area is unique in that many of the farmers' residences, agricultural processing plants and dealerships are located within the City of Santa Maria. The area is well protected from urban encroachment by nearly complete coverage by agricultural preserve contracts. However, the City of Santa Maria is currently engaged in a Sphere of Influence Boundary Study that could potentially affect some 1,500 acres of lands currently enrolled in the County's Agricultural Preserve Program. (City of Santa Maria, Request for Proposal, Sphere of Influence Boundary Study and EIR, November 8, 1988) These agricultural lands are located adjacent to the City's existing east and west boundaries and would be candidates for annexation if included within the City's sphere of influence. Altogether, a total of 2,246 acres of agricultural lands could be affected by this change, representing 6 percent of the area's estimated 40,000 acres of irrigated agriculture. While the area possesses water quality problems, it will continue to be one of the County's most productive agricultural regions.

Vegetables and strawberries account for almost one-half of the area's irrigated acres and together they generate more than half of the county's farm income. In addition to vegetables and strawberries, field crops are grown on fallowed vegetable land and on non-irrigated prime land. Many of the foothills in the Casmalia and Tepusquet areas are used for the growing of wine grapes which are transported out of the Santa Maria Valley for processing. Beef cattle are grazed on the surrounding hillsides.

2.5 Cuyama

The Cuyama Valley is the most distinct region in all of Santa Barbara County. An interior valley at high elevations, the winters are cold and the summers are hot and dry. Rainfall in this region is sparse, averaging only about 5.5 inches per year. The area has grown mainly alfalfa. Given that the groundwater basin is seriously overdrafted, the future of irrigated crops in this area is questionable. The region has experimented with

alternate low water using crops but these have met with limited success. Cattle grazing continues to occupy the hillsides of the Cuyama Valley.

3. ISSUES AND CONCERNS

Agriculture is California's leading industry. With 31 million acres of agricultural land, California is the nation's leading agricultural state. However, in the last 30 years we have witnessed the constant whittling away of this valuable resource. Many of the problems that threaten the viability of agriculture are caused not only by the forces of nature but by humans. Some of the major problems that confront agriculturalists include increasing urbanization and conversion of agricultural lands, water supply problems, water quality problems and soil erosion.

As a coastal county, Santa Barbara County is particularly susceptible to the urban pressures created by an increasing resident population in the State. The growth of urban development into agricultural areas brings with it land use conflicts. As these land use conflicts arise, there is often pressure on local agencies to mediate the concerns through regulatory measures such as permit requirements and conditions on operations. Regulatory measures which are imposed can become costly for agriculturalists and may even interfere with the productivity of their operations. This contributes to the rate of agricultural conversions to other uses, resulting in a vicious cycle which accelerates the loss of agricultural lands.

In addition to the conversion of agricultural lands to urban uses, there is another phenomenon taking place which also threatens the future of agriculture. It is the division of agricultural parcels down to smaller parcel sizes. There are many factors which when taken together determine the economic viability of an agriculture operation. One very important factor is acreage which varies in the amount required depending on many of the other factors such as crop type, soil characteristics, etc. With many agricultural land divisions, although the land is not being converted to urban uses, it is broken up into pieces that are too small to be economically viable agricultural units. Once the economic viability of the land is lost, there is inherently increased pressure for further division of the property and ultimate conversion of the agricultural land to urban uses. Within the State, this phenomenon has become quite prolific. In Santa Barbara County, 113 agriculturally zoned parcels (30,168 total acres) were subdivided into a total of 432 parcels within the five year period from October 1, 1979 to September 30, 1984. Of these, 44 parcels which contained over 100 acres were divided into 233 parcels of which over 50 percent were below 100 acres in size.

The main physical resources of agriculture are land, climate and water. Each of these is essential. Of these, water presents the most difficult challenges in Santa Barbara County. In this County, agriculture depends mainly on groundwater. About 94 percent of agriculture's water supply is derived from this source. Since, six of the eight major groundwater basins within the County are currently overdrafted, adequate water for long-term agriculture is a major issue. Overall, agricultural water demand accounts for approximately 75 percent of the County's total water demand. Alternative sources of

water may come at a price that is quite high which could affect the economic viability of county agricultural operations.

According to a report published by the American Farmland Trust, in 12 of California's 20 coastal counties, more than half of the dry-farmed land is losing excessive amounts of soil to erosion. In this county, they have observed gullies four feet deep in some avocado orchards. Because erosion degrades the physical, chemical and biological characteristics of the soil, fertility is reduced. Although erosion is a natural process, cultivated agriculture and overgrazing can accelerate this process. As the erosion process proceeds, a soil's capacity to absorb and retain water diminishes which in turn increases runoff and erosion.

A very large issue concerning agriculture is profitability and economics. The typical squeeze put on farmers between rising costs and diminishing prices causes an apparent downturn in the agricultural economy which we have witnessed in recent years. In turn, this economic downturn has widespread effects on the banking systems, equipment manufacturers and the prosperity of rural communities. The roots of this situation are broad in scope, lying in macroeconomic factors on an international scale, and depend on such influences as foreign trade, unstable monetary conditions, foreign competition, and ineffective and contradictory federal farm policies.

Santa Barbara County is less affected by these gloomy conditions than many other agricultural areas because it produces so many specialty commodities. Each commodity has its own outlook which goes through cycles. Therefore, for some the outlook and profits are bright, while others are being phased out. For example, while all growers were adversely affected by high interest rates and fluctuating dollars seen during the 1980s, flower growers felt severe competition from cheap blooms imported from South America. A short crop of avocados has brought prices back to some of the highest ever experienced. Low rainfall reduced rangeland forage so that incomes were reduced in spite of rising national beef prices.

Given the importance of agriculture to our local economy and the need to provide for its economic viability and stability, the Agricultural Element can serve as a useful tool for the County to:

- assist farmers to continue farming,
- be supportive of a stable agricultural economy,
- protect natural resources and the environment,
- provide for orderly planning in the County.

Agricultural Element

Implementation Measures

(81-GP-3, 86-0A-21 & 22)

(88-FEIR-17)

1. Recreational Trails

It is recommended that the Recreation portion of the Land Use Element of the Comprehensive Plan be updated. As part of that update, a trails acquisition program should be prepared. This program should determine the priority of the trails in the County based on the need for access into the Los Padres National Forest. The program should include acquisition options and a possible schedule for acquisition and ultimate opening of the trail. Impacts on the agricultural lands would be analyzed in the course of preparing this program, and mitigation measures would be recommended. Where trails would necessarily cross productive agricultural lands, mitigating measures would be required to void conflicts.

2. Water Conservation

- 1) The County shall attempt to work with the Resource Conservation Districts (RCD's) and appropriate water districts in the developing water conservation plans. The County should, in concert with the RCD's, request that the Soil Conservation Service conduct a study to determine effective measures. Such plans should include water use evaluation programs and other specific measures for achieving irrigation efficiency.
- 2) The County shall encourage voluntary and appropriate water conservation activities and provide for financial and technical incentives for agricultural water conservation.

3. Grading and Brush Clearing

Implement the County Grading Ordinance including the amendments adopted by the Board of Supervisors on August 13, 1991 and amend the County Brush-clearing Ordinance in a manner consistent with the intent of the FEIR Mitigation Measure (identified as M-9).

4. Controlled burns and other non burning methods of fire risk reduction

It is suggested that the County take the lead in requesting the range Improvement Associations, in concert with the Soil Conservation Service, Cooperative Extension, Agricultural Commissioner, Fire Department, State Department of Fish and Game, and U.S. Forest Service to work together to (1) identify the additional information that is needed concerning beneficial and adverse effects of prescribed and controlled burns and alternative non-burning methods for fire hazard reduction on biological resources for the County, (2) determine the most cost-effective way of obtaining such information, (3) designate a lead agency in the County for collecting and processing the information, and (4) recommend guidelines for prescribed and controlled burns and alternative non-burning methods for accomplishing fire reduction that would minimize adverse impacts on the long term protection of botanical and biological resources, increase water yields, protect and/or improve wildlife habitat, provide wildlife protection, and increase agricultural productivity. To assure that adverse impacts on biological resources are minimized, a professional plant ecologist shall also be included on the team.

5. Areas for Agricultural Support Use

The County needs to work with the Cities of Santa Maria, Guadalupe, Lompoc, and Carpinteria to identify areas for future agricultural support and industry. In some cases, it may be necessary to consider extension of existing urban boundaries and annexation of unincorporated lands for this purpose; in other cases unincorporated areas adjacent to urban boundaries might be appropriate for designation as agricultural industry. In identification of sufficient land areas for agricultural support and agricultural industry a necessary and specific part of the update of the Land Use Element for each planning area of the County. These updates should include an analysis of possibly redesignating existing vacant lands now designation for commercial or industrial use for agricultural support services.

6. Minimum parcel sizes

The County shall re-evaluate the existing 100-acre minimum parcel size for grazing and other non-prime lands by considering standards including but not limited to, the substitution of existing minimum parcel sizes with a performance or carrying capacity method of establishing appropriate minimum acreage requirements. At the same time, the County should conduct additional studies to evaluate alternatives for allowing these non-prime lands to realize some portion of their non-agricultural value.³

CITATIONS

¹ Resolution No. 91-537 (Case No. 81-GP-3) Amended September 3, 1991 (Adopting Resolution of Agricultural Element).

² For a complete listing of all Land Use Definitions, including all nonagricultural definitions, see Land Use Element text.

³ Resolution No. 91-542 (Case No. 81-GP-3) (88-FEIR-17) Amended September 3, 1991 (Adopted Agricultural Element Implementation Measures 1 through 6; the Implementation Measures are contained within the County Board of Supervisor certified Agricultural Element Final Environmental Impact Report 88-FEIR-17 for the purpose of substantially lessening potential significant impacts or reducing impacts to a level of insignificance.)

EXHIBIT C



COUNTY OF SANTA BARBARA
DECIDUOUS OAK TREE PROTECTION
AND REGENERATION

ARTICLE IX OF CHAPTER 35
SANTA BARBARA COUNTY CODE

Published: June 2003

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Commissioner to require a permit pursuant to Article IX of Chapter 35 of the Santa Barbara County Code shall be considered to have arisen under this article and be a violation of this article.

Sec. 35-910. Oak Tree Removals Not to Count Toward Thresholds.

Where a public utility or other public entity has an easement over a portion of a lot, and if a public utility or other public entity removes protected oak trees within a utility or other public easement located over a portion of a lot, those protected oak tree removals shall not be counted toward the thresholds set out in Sec. 35-908 or in Sec. 35-909 for the remainder of the lot.

Sec. 35-911. Standards for Oak Tree Replacement.

Where deciduous oak tree removal requires a permit under this ordinance, the following standards shall be adhered to:

1. The preparation and implementation of an Oak Tree Management Plan for the lot on which the oak tree removal will take place and any lot used for off-site replacement shall be required. The Management Plan shall be prepared or endorsed by the Oak Tree Specialist. The plan shall:
 - a. Demonstrate how the mix of deciduous oak tree savannas, woodlands, and forests on the lot will be preserved, created, enhanced, restored, and maintained, so that:
 - (1) The removal of protected oak trees does not divide the remaining savanna, woodland, and forest habitats into small, isolated fragments.
 - (2) Protection, maintenance, restoration, and enhancement of large blocks of savanna, woodland, and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches.
 - (3) Valley and blue oak trees that link on- or off-site oak tree savannas, woodlands, forests, or other existing, proximate habitats are retained to the maximum extent feasible.
 - (4) On-site replacement is given priority over off-site replacement except where no suitable on-site locations exist, or reasonable use of the lot would be precluded as determined by Planning and Development along

Regulations

with the Oak Tree Specialist. In such cases the replacement oak trees may be planted in an off-site location acceptable to the applicant, the landowner and the Oak Tree Specialist. For off-site replacement planting locations priority shall be given to nearby sites and to sites adjoining existing deciduous oak woodlands or providing links between deciduous oak woodlands.

- (5) There is avoidance of removal of actively used granary trees, raptor roosting or nesting trees, and trees in riparian and other wildlife corridors.
 - b. Comply with the following requirement, when applicable.
 - (1) When required by the Oak Tree Specialist on a case-by-case basis, a buffer area protecting the critical root zone shall be maintained around identified valley and blue oak trees retained on the lot.
 - c. Identify valley and blue oak tree replanting, restoration, conservation and enhancement sites on a plan or aerial photograph to facilitate mitigation monitoring and tracking; and identify the species, location, and size of all oak trees that are planted or protected as mitigation or to fulfill a condition on the permit.
 - d. Provide the deciduous oak tree replanting schedule and nurturing regime.
2. Protected oak trees that are removed shall be compensated at a 15:1 ratio by replacement planting, or protection of naturally occurring oak trees between six (6) inches and six (6) feet tall on the lot.
 3. Naturally occurring valley and blue oak seedlings/saplings, growing on the lot and between six (6) inches and six (6) feet in height that are protected and nurtured for five (5) years, may be counted as replacement (mitigation) trees under the Program.
 4. Any combination of acorns, planted seedlings/saplings, or naturally occurring valley and blue oaks between six (6) inches and six (6) feet tall, if established according to the requirements herein, may be used to achieve the required number of replacement trees.
 5. Replacement deciduous oak trees that are planted must come from nursery stock grown from locally-sourced acorns, or use acorns gathered locally, preferably from the same watershed in which they are planted. If planting is done using acorns, the ratio of acorns to protected oak trees removed shall be a minimum of forty-five (45) acorns for every

- protected valley oak tree removed. Up to three (3) acorns may be planted in the same hole.
6. Replacement deciduous oak trees shall be established in a location suitable for their growth and survival as determined by the Oak Tree Specialist, no closer than twenty (20) feet from each other or from existing oak trees and no farther than 165-180 feet from each other or existing oak trees unless otherwise approved by the Oak Tree Specialist.
 7. Valley oaks shall replace valley oaks removed and blue oaks shall replace blue oaks removed.
 8. The replacement deciduous oak trees shall be nurtured for five (5) years, the last two without supplemental watering, using techniques consistent with the most current version of the University of California publication "How to Grow California Oaks." At the end of the five years, ten trees for every protected tree removed must be alive, in good health as determined by the Oak Tree Specialist, and capable of surviving without nurturing and protection.
 9. Each replacement deciduous oak tree must be protected against damaging ground disturbance, soil compaction, or over-irrigation within the dripline. It must be fenced to protect it from grazing or browsing by animals both below and above ground until it has reached a minimum of eight (8) feet in height.
 10. Where conditions warrant and where agreed to by the landowner and Oak Tree Specialist, tree planting designs and nurturing practices (e.g. protective structures, watering schedules) may be adjusted to improve the probability that replacement trees will be established successfully.
 11. Valley oak tree removal encompassing an area of five (5) acres or greater shall require valley oak replanting of an area of comparable size in accordance with the requirements of this section, in an area of existing or historic valley oak habitat. This area shall be protected in the long-term where feasible.
 12. For the purposes of this ordinance, all replacement trees are considered protected oak trees regardless of size.

EXHIBIT D

Uniform Rules for Agricultural Preserves and Farmland Security Zones



Santa Barbara County

September 2007

1-4.1. PRINCIPAL DWELLING

- A. A single principal dwelling shall be allowed on the premises.

- B. Premises made up of parcels less than 100 acres in size
 - 1. For premises with parcels between 20 acres and less than 100 acres, the principal dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.
 - 2. In the case of superprime contracts (premises with parcels between 5 acres and less than 20 acres in size), the principal dwelling and all accessory structures, landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 10,000 square feet or such larger area as is provided for under subsection D below.
 - 3. Farm buildings, corrals, and permitted agricultural employee housing shall not be subject to the above site limitation, except in the case of superprime contracts as described in subsection D below.

- C. Premises containing parcels greater than or equal to 100 acres in size
 - 1. For premises with multiple parcels with a zoning minimum parcel size of 100 acres or greater, a maximum of three principal dwellings may be allowed provided each dwelling is located on a separate legal parcel at least 100 acres in size. As a condition of a land use permit, the additional principal dwelling(s) shall be occupied by an immediate family member as defined herein, and the property owner shall provide evidence of a written agreement that all lands within the agricultural preserve contract shall be managed principally for agricultural purposes, subject to the terms and conditions of the Williamson Act and Uniform Rules, for the duration of the contract.
 - 2. Where premises contain parcels both less than 100 acres and equal to or greater than 100 acres in size, and an existing principal dwelling is located on a parcel less than 100 acres in size, no further principal dwellings are allowed.
 - 3. In the case of a single principal dwelling on the premises, the dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.
 - 4. In the case of two or three principal dwellings on the premises, the total area occupied by all of the dwellings and all accessory structures (including Residential Agricultural Unit), landscaping, and non-agricultural roads serving the dwellings shall be no more

than 3 acres. Farm buildings, corrals, and permitted agricultural employee housing shall not be subject to the above site limitation.

- D. Notwithstanding the commercial production requirements set forth in section 1-2.3.B, Superprime Land, superprime parcels greater than 10 acres (but less than 20 acres) may increase their development envelope allocation by planting additional land to commercial production. For each acre (or portion thereof) in size beyond a 10-acre parcel an additional 1,000 square feet may be added to the development envelope if 1 additional acre beyond the required minimum productive acreage is fully planted (as herein defined) in commercial agricultural production. Table 1-4 describes the increased allowances and planting requirements that are available for each parcel size. For example, a 15-acre parcel could increase its development envelope to a maximum of 15,000 square feet if at least 12 acres (5 acres above the minimum) are fully planted in commercial agricultural production. If a 15-acre parcel only wishes to add 2,000 square feet to its development envelope, then it would only need to plant 2 additional acres beyond its minimum productive acreage requirement of 7 acres. However, the maximum amount of square feet that a 15-acre parcel could add to its development envelope is 5,000, even if 6 or more acres above the minimum were planted.

This development envelope shall include the principal dwelling, landscaping, driveways, and accessory structures. Roads used for agricultural purposes are not included within the development envelope. Horse and other animal facilities (e.g. stables and corrals), new agricultural employee housing, and other similar agriculturally-related structures on superprime land may be remotely sited from the principal dwelling, as long as the total area occupied by these structures, when added to the area occupied by the principal dwelling and residential accessory structures, does not exceed the permitted envelope allowance as set forth in this section.

Table 1-4. Development Envelope Allowances on Superprime Land

Parcel Size (acres)	Maximum Development Envelope Allowance (square feet)	Planting Requirement to Receive Allowance (acres)	Minimum Productive Acreage (from Table 1-2)
for: 5 – 10	up to: 10,000	If: 4.75	4.75
> 10 – 11	11,000	6.00	5.00
> 11 – 12	12,000	7.50	5.50
> 12 – 13	13,000	9.00	6.00
> 13 – 14	14,000	10.5	6.50
> 14 – 15	15,000	12.0	7.00
> 15 – 16	16,000	13.5	7.50
> 16 – 17	17,000	15.0	8.00
> 17 – 18	18,000	16.5	8.50
> 18 – 19	19,000	18.0	9.00
> 19 – < 20	20,000	19.5	9.50

- E. In order to preserve productive agricultural land to the maximum extent feasible, the development envelope shall minimize intrusion into agricultural areas and minimize 'barbell', 'peninsula', and 'finger' type configurations. A guest house or RSU, where allowed under the zoning ordinance, shall be included in the development envelope and must be clustered with the principal dwelling.

1-4.2. RESIDENTIAL AGRICULTURAL UNIT

The purpose of a Residential Agricultural Unit (RAU) is to protect, promote and enhance an agricultural operation by providing either an additional housing opportunity for the agriculturist and his/her family or a potential additional income source that is incidental and supportive of the principal agricultural use of the land, while preserving the integrity of the agricultural area. The RAU may be occupied by the owner, a family member, an employee of the agricultural operation or a renter. RAUs are subject to the following provisions:

- A. In addition to the principal dwelling, one RAU may be permitted on the premises in AG-I-40, AG-II-40, AG-II-100, and AG-II-320 zone districts, in accordance with the RAU Program in the Santa Barbara County Code Chapter 35, Zoning. The RAU may be remotely sited in AG-II-100 and AG-II-320 zone districts, otherwise the RAU must be clustered with the principal dwelling.
- B. Whether the RAU is clustered or remotely sited, the combined area dedicated to residential uses (including the principal dwelling, RAU, and all accessory structures and improvements, e.g. non-agricultural driveways) shall not exceed 3% of the total parcel size or 2 acres, whichever is smaller. If remotely sited, the RAU shall be limited to a 1-acre building site.
- C. A RAU shall be located on the same parcel as the existing principal dwelling in compliance with the size, siting and other restrictions set forth in the Santa Barbara County Code Chapter 35, Zoning.

Nothing in this section affects an owner's ability to build agricultural employee housing pursuant to section 1-4.3 below.

1-4.3. AGRICULTURAL EMPLOYEE HOUSING

All requests for agricultural employee housing units subject to a Williamson Act contract, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed on the premises shall be reviewed by the Agricultural Preserve Advisory Committee for a determination of need. Along with the agricultural employee, his or her family may occupy the agricultural employee housing.

EXHIBIT E



COUNTY OF SANTA BARBARA

Planning and Development

Environmental Thresholds and Guidelines Manual

Revised January 1995

Revised October 2001

Revised October 2002

Replacement Pages July 2003

Interim Revision to Air Quality Subsection October 2006

Revised January 2008

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4. AGRICULTURAL RESOURCE GUIDELINES *(Approved by the Board of Supervisors August 1993)*

A. Introduction.

The State: California's 36,000,000 acres of agricultural land produce important economic and environmental benefits to the people of the state, nation, and world. Covering one-third of the state, agricultural land supports one of California's major industries and is responsible for the production of an important portion of the nation's food and fiber. The state is also a major exporter of produce to the rest of the world. A unique combination of geography, climate and soils enables California agriculture to produce many crops that are produced nowhere else in the United States.

The state's agricultural land also plays a critical environmental role. Farmland is an important filter for rain and snowfall runoff, allowing groundwater basins to recharge themselves. Farms and ranches are wildlife habitats for many common game and endangered species. Agricultural land provides valuable open space, giving visual relief for urban dwellers, and protecting the rural way of life important to farmers, ranchers, and small-town residents. Because of these great public benefits, the unnecessary and/or premature conversion of agricultural lands to urban uses should be discouraged.

Achieving the goal of agricultural land conservation requires wise and efficient land use, and a strong commitment to that goal by local officials. A California appeals court in Cleary vs. County of Stanislaus (1981) 118 Section App. 3d 348, has indicated that the conversion of agricultural land to nonagricultural uses may in itself be considered a significant environmental impact. To assure that the impacts of agricultural land conversion are considered in project decisions, environmental documents should contain information about the impacts of projects on agricultural land. Government officials can make better decisions affecting agricultural land when they have complete data about the land and its relationship to the agricultural economy.

The County: Agriculture continues to be Santa Barbara County's major producing industry with a gross production value for 1991 of more than \$500 million. This is an increase of nearly two hundred million dollars from the 1981 total. Santa Barbara County's agricultural industry includes vegetable, field, fruit and nut, and seed crops, nursery products, livestock, poultry, and aviary products. (Santa Barbara County 1991 Agricultural Report)

The diversity of our agriculture continues to provide a strong economic base through its multiplier effect on our local economy. With thirty-seven different commodities exceeding a million dollars in value, our local agricultural diversity provides stability against the cyclic nature of weather, pests, and especially market fluctuations which currently are plaguing agriculture in other parts of the nation. (Op cit)

Agricultural preservation in the County has been extremely successful to date in placing lands adjacent to urban areas, as well as more remote lands, under Williamson Act agreement which provides for taxation according to agricultural rather than market value of the land.

Qualifications for lands to be designated as agricultural preserves are found in "Criteria for Agricultural Preserves", adopted by the Santa Barbara County Board of Supervisors. The land must either be in a Class I or II Soil Capability classification, as prescribed by the U.S. Soil Conservation Service, or qualify for an 80 to 100 rating in the Storie Index System to be designated prime land, in which case the minimum size of a preserve is 40 acres. Land also can qualify as prime if it fulfills one of the following: it supports livestock at a density of one animal per acre; is in orchard use that can return at least \$200 per acre; or is devoted to other agricultural production that generally would return \$200 per acre. Farm

land not meeting these qualifications is classified as non-prime, and the minimum size for an agricultural preserve is 100 acres. However, in certain instances, super prime land of at least 5 acres in a separate ownership may be combined with adjacent prime land to meet the 40 acre minimum requirements.

B. Determination of Significant Effect.

CEQA Section 15064 states that:

- “(b) The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data. An ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.
- (d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider both primary or direct and secondary or indirect consequences.
 - (1) Primary consequences are immediately related to the project such as the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.
 - (2) Secondary consequences are related more to effects of the primary consequences than the project itself and may be several steps removed from the project in a chain of cause and effect. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.”

CEQA Appendix G states that a project will normally have a significant impact on the environment if it will:

1. Conflict with adopted environmental plans and goals of the community where it is located.
2. Convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land.

C. Comprehensive Plan Policies and Goals.

The following agricultural goals and policies are taken from the County's Comprehensive Plan Land Use Element, the Environmental Resources Management Element (ERME), the Local Coastal Plan, the Agricultural Element, and adopted Community Plans.

Land Use Element

Agriculture: In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soil shall be reserved for agricultural uses.

Carpinteria - Summerland Area Goal: The agricultural economy and the semi-rural qualities of the area should be preserved. Every effort should be made to preserve fertile lands for agriculture.

Santa Ynez Valley Area Goal: Agriculture should be preserved and protected as one of the primary economic bases of the Valley.

Goleta Area Goal: Existing orchards and groves should be preserved, and expansion of agricultural land use, particularly orchards and grazing, should be encouraged.

Lompoc Area Goal: Prime agricultural lands should be preserved for agricultural use only. Preservation

Policy LUA-S-2: New development adjacent to agricultural zoned property shall include buffers to protect the viability of agricultural operations adjacent to the community.

Montecito Community Plan

Policy LUG-M-2.1: Agricultural activities on residential parcel that are consistent with the provisions of the applicable residential zone district shall be supported and encouraged by the County.

D. Methodology in Determining Agricultural Suitability and Productivity

The County Initial Study form contains two questions pertaining to impacts on agricultural resources. The first is as follows:

“10.d. Will the proposal result in the conversion of prime agricultural land to non-agricultural use, impairment of agricultural land productivity (whether prime or non-prime), or conflict with agricultural preserve programs?”

The following weighting system is provided to perform a preliminary screening of a project's agricultural impacts during the initial study process. The initial study screening looks at the value of a site's agricultural suitability and productivity, to determine whether the project's impact on loss or impairment of agricultural resources would be a potentially significant impact. These are guidelines, to be used with flexibility in application to specific sites, taking into account specific circumstances and specific agricultural uses.

The weighted point system is utilized to assign relative values to particular characteristics of a site's agricultural productivity (e.g., soil type, water supply, etc.). Where the points from the following formula total 60 or more, the following types of projects will be considered to have a potentially significant impact:

- A division of land (including Parcel and Final Maps, etc.) which is currently considered viable but would result in parcels which would not be considered viable using the weighting system.
- A Development Plan, Conditional Use Permit, or other discretionary act which would result in the conversion from agricultural use of a parcel qualifying as viable using the weighting system.
- Discretionary projects which may result in substantial disruption of surrounding agricultural operations.

If a potentially significant impact is identified using these criteria, further more detailed, site-specific evaluation of agricultural impacts is completed in an EIR. This analysis should focus upon the factors and criteria, but not the points, in the weighting system of these guidelines, and any other relevant factors such as the history of agricultural use on the site, land use trends, etc. Final determination of the project's level of impact will be based on this analysis.

As a general guideline, an agricultural parcel of land should be considered to be viable if it is of sufficient size and capability to support an agricultural enterprise independent of any other parcel. To qualify as agriculturally viable, the area of land in question need only be of sufficient size and/or productive capability to be economically attractive to an agricultural lessee. This productivity standard should take into consideration the cultural practices and leasehold production units in the area, as well as soil type and water availability. For dry land farming and grazing operations the production or carrying capacity should be based upon normal rainfall years only, not periods of drought or heavy rainfall. It should be noted that the Santa Barbara County Cattlemen's Association has stated that an appropriate threshold for impacts to grazing land in the County is the displacement or division of land capable of sustaining between 25 to 30 animal units per year. This "threshold" utilizes a carrying

capacity threshold similar to the weighting system below. Because of this, on grazing projects, detailed information of the number of animal units supportable on a particular parcel should also be considered in the project's environmental document.

The Agricultural Threshold is weighted toward physical environmental resources rather than economics. This emphasis is in keeping with CEQAs emphasis on physical environmental impacts and not social or economic impacts (State CEQA Guidelines Section 15131). Given high land values in the County and the subdivision and turnover of agricultural lands in some areas of the County, agricultural production on some lands may be economically marginal. Because of these factors, economics is considered primarily a planning issue and will not be addressed in environmental documents.

The following determination of agricultural land value is divided into nine components which are weighted according to their estimated resource value. These nine areas are:

Parcel size	Agricultural Suitability	Adjacent Land Uses
Soil Classification	Existing & Historic Land Use	Agricultural Preserve Potential
Water Availability	Comprehensive Plan Designation	Combined Farming Operations

1. **Parcel Size.** Large parcel size is, in general, an important indicator of potential agricultural suitability and productivity. However, because of the wide variability in the value of various agricultural products, suitable and productive parcel sizes also vary. Smaller parcels may be viable for high value crops, while significant acreage is necessary for viable grazing operations.

Project Parcel Size	Points Assigned
less than 5 acres	0 - 3
5 acres to less than 10 acres	4 - 6
10 acres to less than 40 acres	7 - 8
40 acres to less than 100 acres	9 - 10
100 acres to less than 500 acres	11 - 12
500 acres to less than 1000 acres	13 - 14
1000 acres or greater	15

2. **Soil Classification.** Points in this category are based primarily upon soil capability classes from the US Soil Conservation Services Soil Surveys.

The Soil Conservation Service has defined eight soil capability classes. Classes I and II are considered to be prime agricultural soils because they impose few limitations on agricultural production, and almost all crops can be grown successfully on these soils. More limited agricultural soils are grouped into Classes III and IV either because fewer crops can be grown on these soils, special conservation and production measures are required, or both these conditions exist. Classes V, VI, and VII include soils that are suited primarily for rangeland. (Class V is not found in the County.) Finally, soils and landforms that are unsuited for agricultural use are placed in Class VIII.

Where a variety of soil types are present on a site, weight should depend upon extent of useable prime/non-prime acreage. As appropriate, points may be assigned according to approximate percentages of site area containing various soil classifications.

Application of points within the ranges should be based on area and site-specific

considerations. For grazing land, the SCS survey should be checked for opinion on soil suitability, and site vegetation should be inspected for forage value. Sites with soils which can support good forage should be assigned higher points within the range. Similarly, sites with soils classified as non-prime, but which can support specialized high cash crops (e.g., strawberries, avocados and specialty crops) should be assigned higher points within the ranges.

In addition, initial studies should note whenever a site contains large, contiguous areas of prime soil, as this may constitute a separate significant impact.

Soil Classification	Points Assigned
Class I (prime)	14 - 15
Class II (prime)	11 - 13
Class III	8 - 10
Class IV	6 - 7
Class V	1 - 5
Class VI	1 - 5
Class VII	1 - 5
Class VIII	0

- Water Availability.** Availability of water of suitable quantity and quality is a critical component of agricultural suitability and productivity. Assignments of points within the ranges should take into account suitability of water resources for the type of agriculture practiced (i.e. crops or grazing).

Water Availability	Points Assigned
Land has an adequate water supply from on/offsite sources suitable for crops or grazing	12 - 15
Land has water, but may be marginal in quantity or quality suitable for crops or grazing	8 - 11
Land does not have developed water supply but an adequate supply is potentially available	3 - 7
Land does not have developed water and potential sources are of poor quality/quantity	0 - 2

- Agricultural Suitability.** Based upon the Conservation Element of the Comprehensive Plan (p. 195) County lands were assessed and mapped for agricultural suitability classifications based on a computer model which applied weighted factors, including soil classification, water availability, slope, and environmental constraints (flood hazard, local water resources, biological tolerance-intensity, and high groundwater).

Because the Conservation Element does not fully account for the effects of weather on crop suitability, the assessment of suitability should account for the approximate frequency and intensity of frosts and other climactic factors in applying points within the ranges. Parcels which are relatively frost free and may accommodate multiple croppings may be considered more suitable than those which can support only a single crop or limited crop types due to climactic factors.

Agricultural Suitability	Points Assigned
CROPS	
Highly suitable for irrigated grain, truck and field, orchard, or vineyard crops	8 - 10
Highly suitable for irrigated ornamentals, pasture, alfalfa, or dry farming	6 - 8
Moderately suitable for irrigated crops, orchard, ornamentals or dry farming	4 - 5
Low suitability for irrigated crops, orchard, ornamentals or dry farming	1 - 3
Unsuitable for crop production because of soil capabilities, environmental constraints, etc.	0
GRAZING	
Highly suitable for pasture or range	6 - 10
Moderately suitable for pasture or range	3 - 5
Low suitability for pasture or range	1 - 2
Unsuitable for pasture or range	0

5. **Existing and Historic Land Use.** Current or previous use of a property for agriculture can provide a practical measure of its suitability for agriculture, while urban development generally indicates a lack of suitability.

Existing and Historic Land Use	Points Assigned
In active agricultural production	5
In maintained range/pasture	5
Unmaintained, but productive within last ten years	3 - 5
Vacant land: fallow or never planted with range of suitabilities of agricultural potential	1 - 3
Substantial urban or agricultural industrial development onsite	0

6. **Comprehensive Plan Designation.** The County general plan land use maps designate property for long-range uses. Agricultural and open space designations generally provide an indicator of agricultural suitability. However, some older land use designations provide for smaller agricultural parcel sizes than are suitable or viable for sustaining agriculture today. Designations applied more recently by the County as part of community plan updates establish agricultural designations with more realistic parcel sizes. This should be taken into account in assessing suitability with this factor.

Comprehensive Plan Designation	Points Assigned
A - II	5
A-I	4
MA	3 - 4
Existing public/private open space or recreation	3 - 4
Proposed public/private open space or recreation	3 - 4
Open lands	3 - 4
Rural residential 40 - 100 acres	3 - 4
Residential Ranchette 5 - 20 acres	2
Residential less than 5 acres	0
Commercial, Industrial, Community Facility	0

7. **Adjacent Land Uses (existing).** Adjacent land uses can play an important role in the continuing suitability and productivity of a property for agricultural uses. In general, being surrounded by agricultural or open space is conducive to continued agricultural use, while encroachment of urban uses may be problematic. However, applying points within the ranges should be based on specific circumstances and uses, recognizing that some urban uses are more compatible with agricultural, (e.g., industrial, public facilities), while others conflict (e.g., residential). In addition, the existence or ability to create buffers between incompatible uses should be considered in assessing agricultural suitability with this factor. The adequacy of agricultural support in the vicinity may be another factor affecting agricultural suitability.

Adjacent Land Uses	Points Assigned
Surrounded by agricultural operations or open space in a region with adequate support uses	9 - 10
Surrounded by agricultural operations or open space in a region without adequate agricultural support uses	7 - 8
Partially surrounded by agriculture/open space with some urban uses adjacent, in a region with adequate agricultural support uses ^{1,2}	7 - 8
Partially surrounded by agriculture/open space with some urban uses adjacent, in a region without adequate agricultural support uses ^{1,2}	3 - 6
Immediately surrounded by urban uses, no buffers	0 - 2

Notes:

1. Various types of urban uses create more potential conflicts than others (e.g., residential could create more spraying problems than light industrial).
2. If project is well buffered, it may be agriculturally viable even with adjacent urban uses (e.g., stream, roadway).

8. **Agricultural Preserve Potential.** Qualifying for agricultural preserve designation under State Williamson Act agreement for prime and non-prime preserves entails meeting criteria for soil type, parcel size [individually or jointly with adjacent parcel(s)], and/or productivity/value on return. Agricultural preserves have constituted one of the most successful means of sustaining and preserving land in agriculture in California.

Agricultural Preserve Potential	Points Assigned
Can qualify for prime agricultural preserve by itself, or is in a preserve	5 - 7
Can qualify for non-prime agricultural preserve by itself	2 - 4
Can qualify for prime agricultural preserve with adjacent parcels	3 - 4
Can qualify for non-prime agricultural preserve with adjacent parcels	1 - 3
Cannot qualify	0

9. **Combined Farming Operations¹.** This section is designed to award bonus points to parcels which provide a component of a combined farming operation. The reason these points are assigned as a bonus is to address cumulative impacts and to recognize the importance of combined farming operations in Santa Barbara County.

¹ Combined farming operation refers to more than one separate parcel managed as a single agricultural operation.

Bonus Points for Combined Farming Operations	Points Assigned
Provides a significant component of a combined farming operation	5
Provides an important component of a combined farming operation	3
Provides a small component of a combined farming operation	1
No combined operation	0
Cannot qualify	0

E. Use of State Important Farmlands Map

A second question on agricultural land resources is included in the Initial Study under Land Use:

“e. Will the proposal result in any effect [potentially significant adverse effect] upon any unique or other farmland of State or Local Importance?”

The State Important Farmlands Map is used in answering this question. The map is also considered in applying points under the "Agricultural Suitability" category.

The map identifies lands in the following categories:

Prime Farmland - (Land with the best combination of physical and chemical features for the production of agricultural crops)

Farmland of Statewide Importance - (Land with a good combination of physical and chemical features for the production of agricultural crops)

Unique Farmland - (Land of lesser quality soils used for the production of the State's leading agricultural cash crops)

Farmland of Local Importance - (All dry land farming area and permanent pasture)

Grazing Land - (Land on which the existing vegetation is suited to the grazing of livestock)

Urban and Built-up Land - (Land occupied by structures or infrastructure to accommodate a building density of at least one unit to one and one-half acres, or approximately six structures to ten acres)

Other Land - (Land which does not meet the criteria of any other category)

4. Oak Woodlands and Forests.

- a. **Description.** There are three primary types of oak woodlands in Santa Barbara County: Valley Oak, Coast Live Oak, and Blue Oak woodlands. The number, type, and density of oak trees, and the relationship between trees and understory are principal characteristics which define the various types of woodlands. Oak habitats support a diverse wildlife population, and offer abundant resources to wildlife including food sources, shade in summer, shelter in winter, perching, roosting, nesting, and food storage sites.
- b. **Impact Assessment Guidelines for Woodlands and Forest Habitat Areas.**⁶ Project-created impacts may be considered significant due to changes in habitat value and species composition such as the following:
 - (1) Habitat fragmentation.
 - (2) Removal of understory.
 - (3) Alteration to drainage patterns.
 - (4) Disruption of the canopy
 - (5) Removal of a significant number of trees that would cause a break in the canopy or disruption in animal movement in and through the woodland

5. Impact Assessment for Individual Native Trees.⁶

- a. **Description.** Native specimen trees, regardless of size, are potentially significant, and rare native trees, which are very low in number or isolated in distribution (such as Island Oak) may be particularly significant. This significance evaluation is done on a case-by-case basis and considers tree size, numbers, location, relationship to habitat, etc.
- b. **Definition.** Specimen trees are defined, for biological assessment purposes, as mature trees that are healthy and structurally sound and have grown into the natural stature particular to the species.
- c. **Native Tree Impact Assessment.** In general, the loss of 10 percent or more of the trees of biological value on a project site is considered potentially significant.⁷

E. General Mitigation Guidelines for Biological Impacts.

- 1. **Mitigation Hierarchy.** The following general approaches to reducing biological impacts are presented in the order of their effectiveness.
 - a. **Avoidance.**
Avoid direct or indirect impacts to significant biological resources through project design.

⁶ The impact assessment guidelines for oak trees, woodlands and forest habitat do not apply to non-discretionary level oak tree removal of protected and unprotected size under the Grading Ordinance Guidelines for Native Oak Tree Removal that are incorporated as Appendix A in County Code, Chapter 14. Non-discretionary-level oak tree removal of protected and unprotected size that is subject to and in compliance with these Guidelines has been previously analyzed in the program EIR, 00-EIR-07 RV1.

⁷ The number of trees present onsite from which the 10 percent is measured may be calculated either by counting individual trees or by measuring the area of the tree canopy with a planimeter.

Groundwater Thresholds Manual for Environmental Review of Water Resources in Santa Barbara County

TABLE 2 - GROUNDWATER THRESHOLDS 1992 UPDATE

Revised Methodology for Determining Threshold of Significance

By Brian R. Baca, 6/92 (File "thresh2b.wk3") Revised 8/20/92

METHODOLOGY

An idealized reference basin having overdraft and storage characteristics similar to the overdraft basin with the greatest remaining life (Santa Ynez uplands) was chosen as a standard. The Threshold of Significance for this reference basin was set at an amount (61.9 AFY) that if added to the assumed overdraft would result in the loss of three percent of the remaining life of the Available Storage. The Threshold values for the actual basins are proportional to the Threshold for the reference basin based on the relative length of remaining life and the relative size of the basin. Remaining life is weighted at 75 percent; size at 25 percent. Threshold values are rounded to the nearest 1 AFY for use in project environmental review.

STANDARD REFERENCE BASIN

Net Overdraft (AFY)	Available Storage (AF)	Remaining life of Av. Strg. (Years)	Threshold of Significance Based on 3.000% Loss of Remaining Life of Avail. Stor.	Formula for Calculation of Reference Basin Threshold of Significance (x) in AFY. (3% loss of remaining life)
2000.000	900000.000	450.000	61.856 AFY	$\frac{900000 \text{ AF}}{2000 \text{ AFY} + (x)} = 450 \text{ years} * .97$
a	b	c	d	

OVERDRAFTED/OVERCOMMITTED BASINS

Basin	Net Overdraft (AFY)	Available Storage (AF)	Remaining Life of Av. Strg. (Years)	Ratio to Standard Reference Basin		Combined Ratio (1) @ 75% (2) @ 25%	Calculated Threshold of Significance (Combined Ratio x 61.856)	Applied Threshold of Significance (AFY)
				Remaining Life (R.L./c)	Available Storage (A.S./b)			
Santa Ynez Uplands	2028.00	900000.000	443.787	0.986	1.000	0.990	61.215	61
Buellton Uplands	833.000	153,800.000	184.634	0.410	0.171	0.350	21.677	22
San Antonio	8931.000	800,000.000	89.576	0.199	0.889	0.372	22.980	23
Lompoc	1918.000	170,000.000	88.634	0.197	0.189	0.195	12.058	12
Santa Maria	20,000.000	1,100,000.000	55.000	0.122	1.222	0.397	24.570	25
Cuyama	28,525.000	1,500,000.000	52.585	0.117	1.667	0.504	31.194	31
Montecito	426.000	16,000.000	37.559	0.083	0.018	0.067	4.147	4
Foothill	135.000	5000.000	37.037	0.082	0.006	0.063	3.904	4
Goleta North/Central	1488.000	18,000.000	12.097	0.027	0.020	0.025	1.556	2

BASINS IN SURPLUS (No Threshold of Significance Applies)

Basin	Net Overdraft (AFY)	Available Storage (AF)
Carpinteria	0.000	50,000.000
City of Santa Barbara	0.000	10,000.000
Toro Canyon	0.000	650.000
More Ranch	0.000	1200.000

15. SCHOOLS THRESHOLDS (INTERIM) *(Approved by the Board of Supervisors, August 1 1993)*

A. Issue Summary.

The issue of existing and potential overcrowding of school facilities is of concern both locally and State-wide given the overall fiscal situation throughout the State of California and given the legal constraints regarding collection of funds and other mitigation on a project specific level. Several of the school districts in the County are currently experiencing overcrowding, including the Orcutt Union School District, Santa Maria Joint Union High School, and Hope School District, among others. Increased enrollment is difficult for the districts to deal with for a number of reasons which vary by district, including lack of existing facilities, lack of funding to construct new facilities and fund additional teachers, and lack of land to accommodate expanding campuses.

Under existing state law, a local jurisdiction cannot require mitigations or apply conditions which exceed the fees as allowed by state law for a development project which is consistent with its General Plan Designation. In many instances, this creates a situation where overcrowding may result from a project without the opportunity for mitigation through project conditions attached to a County permit. However, there are other measures, beyond the authority of the County, which may be used by the State and the school districts to address school facility impacts. These may include the use of temporary/portable classrooms, intra- or inter-district student transfers to less crowded schools, double session or year-round school schedules, and combination of classes of students on several grade levels. In the situation where the County is not able to recommend project specific mitigation which may reduce impacts to school facilities, the focus of CEQA is to disclose the impacts and to discuss the options which the school districts may use to address the overcrowding issue.

B. Determination of Significant Impact.

A significant level of school impacts is generally considered to occur when a project would generate sufficient students to require an additional classroom. This assumes 29 students per classroom for elementary/junior high students, and 28 students per classroom for high school students, based on the lowest student per classroom loading standards of the State school building program. This threshold is to be applied in those school districts which are currently approaching, at, or exceeding their current capacity.

A project's contribution to cumulative schools impacts will be considered significant if the project specific impact as described above is considered significant.

C. Methodology for Determining Significance.

At the present time, the Planning and Development Department has very little countywide information regarding school capacity status. Until we have compiled information on the various school districts in the County, the project planner should individually contact districts which may be affected by their project. A form has been developed which includes relevant questions to ask the affected districts regarding capacity, enrollment projections, and facility information. This form should be used to ensure that adequate information is received from the districts to determine if a significant impact would occur from the project.

D. Context of Analysis.

Based upon Corona-Norco USD v. City of Corona, an ND rather than an EIR may be prepared for development projects having Class I impacts only on schools (schools impacts are the only cause for preparation of an EIR) for which mitigation is limited by law to payment of standard fees.

Solid Waste Thresholds

Office	sq. ft. x 0.0013
Educational Institutions	sq. ft. x 0.0010
Transportation, Communications and Utilities	sq. ft. x 0.0026
Manufacturing	sq. ft. x 0.0026

(Figures are based on Industry & National Standards as discussed in the Ventura County Solid Waste Thresholds)

For project types that are indicated above, the estimated waste stream can be determined by surveying similar uses, ideally within Santa Barbara County. If possible, three such uses should be used in the survey.

Residual Impact Calculation: Waste Generation (tons per year) x 0.50 (% of waste reduction) = tons per year.

C. Thresholds of Significance.

- 1. Construction and demolition.** Construction and demolition waste accounts for 31 percent of all waste generated by residents of Santa Barbara County. In order to comply with AB939 requiring a minimum of 50 percent of all waste to be diverted from landfills, the particular source of waste has been targeted.

Any construction, demolition or remodeling project of a commercial, industrial or residential development that is projected to create more than 350 tons of construction and demolition debris is considered to have a significant impact on public services.

Although amounts of waste generated vary project to project we have the following estimates of projects that will reach the threshold of significance:

- a. Remodeling projects over 7,000 square feet for residential projects and 17,500 square feet for commercial/industrial projects.
- b. Demolition projects over 11,600 square feet for residential buildings and 7,000 square feet for commercial/industrial buildings.
- c. New construction projects over 47,000 square feet for residential buildings and 28,000 square feet for commercial/industrial buildings.

These estimates are based on the US Environmental Protection Agency's 1998 construction and demolition study (Document: EPA530-R-98-010; June 1998) and data gathered by the San Luis Obispo Integrated Waste Management Authority in 2005 and 2006.

- 2. Operations/occupancy.**

- a. **Project specific.** The following thresholds are based on the projected average solid waste generation for Santa Barbara County from 1990 - 2005. The goals outlined in the Source Reduction and Recycling Element (SRRE) assume a 1.2 percent annual increase, which equates to approximately 4,000 tons per year increase in solid waste generation over the 15 year period. A project is considered to result in a significant impact to landfill capacity if it would generate five percent or more of the expected annual increase in waste generation thereby using a significant portion of the remaining landfill capacity. Based on the analysis conducted (as illustrated in Table 1), the numerical value associated with the five percent increase is 196 tons per year. As indicated above, source reduction, recycling and composting can reduce a project's waste stream (generated during operations) by as much as 50 percent. If a proposed project generates 196 or more tons per year after reduction and recycling efforts, impacts would be considered significant and unavoidable (Class I). Project approval

would then require the adoption of overriding considerations. A typical single family residential project of 68 units or less would not trigger the threshold of significance.

- b. Cumulative thresholds.** Projects with a specific impact as identified above (196 tons/year or more) would also be considered cumulatively significant, as the project specific threshold of significance is based on a cumulative growth scenario. However, as landfill space is already extremely limited, any increase of one percent or more of the estimated increase accounted for in the SRRE, mitigation would be considered an adverse contribution (Class III) to regional cumulative solid waste impacts. One percent of the SRRE projected increase in solid waste equates to 40 tons per year (in operational impacts). To reduce adverse cumulative impacts, and to be consistent with the SRRE, mitigation should be recommended for projects which generate between 40 and 196 tons of solid waste per year. Projects which generate less than 40 tons per year of solid waste would not be considered to have an adverse effect due to the small amount of solid waste generated by these projects and the existing waste reduction provisions in the SRRE. A typical single family residential project of 14 units or less would not trigger this adverse impact level.

D. Mitigation Measures.

The following mitigation measures are suggested for projects which would exceed County solid waste thresholds. This is a partial list of measures and does not preclude measures which may be applicable on a project specific basis.

The applicant shall develop and implement a solid waste management plan to be reviewed and approved by Public Works Department Resource Recovery and Waste Management Division and the Planning and Development Department and shall include one or more of the following measures:

- Provision of space and/or bins for storage of recyclable materials within the site.
- Establishment of a recyclable material pickup area.
- Implementation of a curbside recycling program to serve new development.
- Development of a plan for accessible collection of materials on a regular basis (may require establishment of private pick-up depending on availability of County sponsored programs).
- Implementation of a monitoring program (quarterly, bi-annually) to ensure a 35 - 50 percent minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.
- Development of Source Reduction Measures, indicating method and amount of expected reduction.
- Implementation of a program to purchase recycled materials used in association with the proposed project (paper, newsprint etc.). This could include requesting suppliers to show recycled material content.
- Implementation of a backyard composting yard waste reduction program.

One or more of the above measures may apply to a specific project. County waste characterization studies estimate that implementation of the measures described can reduce waste generation by 50 percent. The expected reduction in waste generation from mitigation measures for a specific project should be developed in consultation with the Public Works Department Resource Recovery and Waste Management Division.

EXHIBIT F

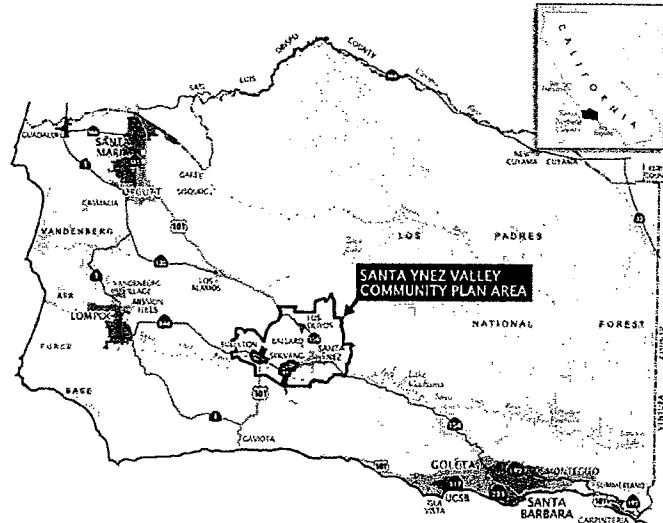
Final

Santa Ynez Valley Community Plan EIR



*Vol. 1 of 2: EIR Analysis
September 2009*

SCH# 2007071093



Prepared by:
**County of Santa Barbara
Office of Long Range Planning**

With the assistance of:
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Environmental Scientists Planners Engineers

4.1 LAND USE

4.1.1 Setting

This section analyzes potential short-term and long-term impacts relating to land use compatibility. The land use policies included in the proposed Community Plan are specifically intended to preserve and enhance the quality of the Plan Area through appropriate land use planning.

Santa Ynez Valley Setting

The Santa Ynez Valley Community Plan Area (Plan Area) is located in central Santa Barbara County, extending north from the Santa Ynez River to the Woodstock Ranch and Oak Trails subdivisions, and east from the western outskirts of the City of Buellton to the Rancho Estates neighborhood (refer to Figure 2-2 in Section 2.0 *Project Description*). The Plan Area is approximately 72 square miles (46,933 acres) and includes three unincorporated townships: Santa Ynez, Ballard, and Los Olivos. The incorporated cities of Buellton and Solvang are not part of the Plan Area.

The Plan Area contains 3,901 parcels, an area of approximately 45,380 acres. This is a net area determined by summing the acreage of all the Assessor's Parcels within the Plan Area. The "gross" acreage within the Plan Boundary, which includes areas such as public roads and right-of-ways, is approximately 46,933 acres, as mentioned above. Primary land uses in the Plan Area include agriculture, ranch-style residential, and visitor-serving commercial. Agriculture is the predominant land use designation with 43,441 acres, followed by residential at 1,580 acres, commercial at 110 acres, and very limited industrial at 51 acres. Agriculture is a strong component of community identity and a major contributor to the Santa Ynez Valley's economy. Vineyards are an increasingly important use throughout much of the Santa Ynez Valley. According to the 2000 Census, the total population within the Plan Area (not including the incorporated cities) is 9,850 residents. Approximately 56% of residents reside in the three townships. Correspondingly, the majority of the residential and commercial land within the Plan Area is found in or adjacent to the three townships. These communities range from small towns to rural in character and offer a wide range of services. They offer low to medium density residential development with community and tourist-serving commercial uses. Higher urban densities can be found in the nearby cities of Buellton and Solvang along with more intensive commercial and industrial development.

The Santa Ynez Valley Community Plan (SYVCP) separates the planning area into three distinct units that share many of the same characteristics and planning issues. They are: 1) the Urban Townships of Santa Ynez, Los Olivos and Ballard, 2) the Inner-Rural Area, and 3) the Rural Area. The townships or urban areas are home to most of the residents and almost all of the commercial and industrial development in the planning area. The Inner-Rural area surrounds the townships and incorporated cities and serves as a buffer between urban and rural uses. Development within the Inner-Rural area is limited to agricultural, recreational, and ranchette-style residential uses. Parcel sizes in the Inner-Rural area generally range from 5 to 40 acres. The Rural Area is characterized by larger parcels (40 to several hundreds of acres), low development densities, and larger-scale agricultural uses. While most higher-density residential development



In addition to these City and County owned parks, many joint use agreements exist between areas schools, youth and adult sports leagues, and the incorporated cities. These agreements provide the majority of the facilities and playing fields for these organizations year round and are supported by Comprehensive Plan Land Use Element Parks/Recreation Policy 5: "Schools and other public-owned lands should be utilized for joint use recreational activities whenever possible". The County contributed a share of Quimby Act fees (described below) to area schools to assist in the development of joint-use recreational facilities, and their acreage is included in calculations of parkland to population standards. College School in Santa Ynez provides baseball and softball fields for youth little league teams as well as a soccer field complex for American Youth Soccer Organization (AYSO) games. Santa Ynez High School has a track and tennis courts that are open to the public during hours when students are not using the facilities. The high school also provides a baseball field for adult leagues on weekends. Los Olivos School provides a softball field and turf area. No soccer fields are specifically designated at the Los Olivos School facilities; however, soccer use is allowed on most ball fields or turf areas where agreements exist. School facilities within the two cities are also jointly used by youth and adult organizations. Table 4.2-2 summarizes school recreational facilities in the Santa Ynez Valley.

Table 4.2-2 School Recreational Facilities

Schools with Joint Use Agreements	Facilities at School	Location	Acreage
Santa Ynez High School	One baseball diamond, two softball fields, tennis courts, track	2975 E. Hwy 246, Santa Ynez	10.3
College Elementary	One Pony League baseball diamond, three little league diamonds, turf area	3525 Pine St, Santa Ynez	7.2
Los Olivos School	One softball diamond and turf area	2540 Alamo Pintado Ave, Los Olivos	2.8
Jonata School	Two softball diamonds and turf area	301 Second St, Buellton	3.7
Oak Valley Elementary	Turf area and softball fields	595 Second St Buellton	3.5
Total			27.5

Trails Setting

The Santa Ynez Valley contains many miles of recreational trail opportunities for Valley residents. Both on- and off-road trails exist, with the majority of on-road trails in the Plan Area being located near the townships and cities. The majority of off-road trails are located in the Los Padres National Forest, just outside of the Plan Area, but still accessible to residents in the Valley.

The Comprehensive Plan provides a Parks, Recreation, and Trails Map (PRT-4) that was last revised in 1988. Comprehensive Plan policy PRT-4 identified both existing and proposed trail corridors throughout the Santa Ynez Valley. Figure 4.2-1 illustrates a revised trails map to reflect the current conditions and status of existing trails in the Valley. As shown in this figure, there are two existing off-road trails within the Plan Area: one linking the residents of Calzada Avenue to Numancia Avenue and one aligned with the Class I bike path following Highway



Significance After Mitigation: Programmatic Impacts of the Plan

With the incorporation of the proposed policies and actions, mutual aid agreements with other law enforcement agencies, County Sheriff Department standards and payment of developer fees, potential impacts to police protection services would be mitigated to the extent feasible. Residual programmatic impacts of the Plan would be less than significant.

Significance After Mitigation: Impacts Related to Development of AHOD Sites

With the incorporation of the proposed policies and actions, mutual aid agreements with other law enforcement agencies, County Sheriff Department standards and payment of developer fees, potential impacts to police protection services would be mitigated to the extent feasible. Residual impacts related to the development of the AHOD sites would be less than significant.

Impact PS-3	Public Schools
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Programmatic Impacts of the Plan

Plan Buildout and Rezones

The 20-year build-out under the proposed Community Plan would result in 821 additional primary and secondary residential units throughout the Plan Area. Further, the development of AHOD sites could result in an additional 115 residential units⁵. Using student generation rates of 0.17 students/residential unit for elementary, 0.11 students/residential unit for middle school, and 0.18 students/residential unit for high school⁶, the development of 821 new residential units could potentially generate approximately 221 K-8 students and 147 high school students at 20-year buildout. Of this total student growth, primary residential development would generate approximately 141 new K-8 students and 93 new high school students, while residential secondary units (RSU) would generate 84 K-8 students and 54 high school students.

As shown by Table 4.3-2, several school districts within the plan area have seen a declining student enrollment rate in recent years and thus may be able to accommodate the additional students generated by residential development under the Community Plan. However, depending upon the rate of development over the next 20 years, it is possible that as residential development occurs under the Community Plan, student enrollment rates could increase to levels that exceed capacity of schools within the Plan Area. If it is the case that schools become over-capacitated in future due to Community Plan residential development, as discussed in *Methodology and Significance Thresholds*, the collection of state-mandated fees (pursuant to Section 65995 (3)(h) of the California Government Code) is considered full and complete mitigation for impacts to public schools.

⁵ As the AHOD site development would result in impacts to specific school districts, the effect on public schools of those sites are discussed separately under the *Impacts Related to Development of AHOD Sites* subheading below.

⁶ Student generation rates are derived from Solvang and Santa Ynez Valley Union High School District's fee justification studies.



Santa Ynez Valley Agricultural Resources

The Santa Ynez Valley is the County’s second largest agricultural region with 231,000 acres in production. Wine grapes and row crops are produced along the Santa Ynez River in upper Santa Ynez Valley. While the hills along the valley edges are used for cattle grazing and vineyards, the valley’s floor supports orchards, grains, hay and alfalfa (AREA Study, November 2007).

Within the Santa Ynez Valley Community Plan Area (Plan Area), approximately 43,441 acres (96% of the Plan Area) are zoned for agriculture, with existing minimum parcel sizes ranging from 5 to 40 acres in the Inner-Rural Area and from 40 to 100 acres in the Rural Area. Productive agricultural land accounts for approximately 31,270 acres of this agriculturally zoned area (refer to Figure 4.15-1).

The Santa Ynez Valley produces a wide variety of crops, including wine grapes, grains, hay and alfalfa, row crops, and deciduous fruits and nuts (e.g. apples, walnuts). Many of these crops are grown in the prime soils of the Santa Ynez River floodplain and along the Alamo Pintado Road and Highway 154 corridors. Cattle grazing occurs over much of the non-prime land, particularly on the hillsides that surround the Valley. The Valley is also a major equestrian center, supporting both large, world-class operations and small ranches. Wine grapes are particularly well suited to the soil and climate throughout the Valley, and vineyards have expanded rapidly over the last 10 years. Currently there are approximately 1,954 acres planted in wine grapes in the Plan Area, out of the approximately 20,829 acres countywide (or approximately 9.4% of the County’s wine grapes).

Table 4.15-3 Plan Area Agriculture

Crop Types	Harvested Acres
Field Crops	3,860
Fruit and Nut Crops (Including Wine Grapes)	2,135
Grazing	22,333
Vegetable Crops	202
Nursery Products	142
Miscellaneous*	2,020
Total	30,692

Sources: Agricultural Commissioner’s Crop Layer, 2006. Categories determined using Santa Barbara County’s 2006 Agricultural Production Report (April 2007). Grazing total from 2004 Important Farmlands Map by the Department of Conservation.

** Crop layers that did not fit into a crop type category from 2006 Agricultural Production Report; includes: Christmas tree, interplanted, uncultivated, and vertebrate control.*

Over the last 20 years, the general trend has been toward conversion of grazing, dry-farmed or open land to more intensive agricultural production such as orchards, irrigated row crops and vineyards, which generally have higher production values per acre. A number of factors have led to agricultural intensification, including high land values when compared to the relatively low economic yield of the cattle business, advances in water delivery technology, the emergence of vineyards as a profitable alternative to grazing on non-prime soils, and the availability of large capital investment. In addition, the infrastructure need to support small- and medium-scale cattle producers has disappeared (AREA Study, November 2007). The Plan Area’s agricultural lands provide numerous environmental benefits including enhancing biodiversity,



improving habitat for endangered species, sequestering carbon, improving soil and water quality, suppressing fires, and providing valuable open space, giving visual relief from the more urbanized township and inner rural areas, and contributing to the rural way of life important to farmers, ranchers, and small-town residents.

Agricultural Preserve Lands. Approximately 47% (20,291 acres) of the Planning Area's agriculturally zoned lands are enrolled in the Williamson Act Program (California Land Conservation Act of 1965). In addition, a recent update to the Uniform Rules allows mountainous zoned land to be eligible for the Williamson Act Program, which may increase enrollment acreage in the Plan Area in the future [Uniform Rule 1-2 (Eligibility Requirements)]. The Williamson Act is a mechanism that provides tax incentives to preserve land in agricultural production or open space. Under this voluntary program, the landowner agrees to keep the land in agricultural production or open space for a 10-year contract period (renewed annually with the County). In return, the property tax is assessed on the agricultural or open space value rather than the unrestricted market value. Longer-term contracts (20 years) can be negotiated under the farmland Security Zones, an option passed by the California Legislature in 1998. An agricultural preserve must consist of no less than 40 acres (if prime) and 100 acres (if non-prime), although two or more parcels may be combined if they are contiguous or in common ownership. Smaller agricultural preserves may be established if a board or council determines that the unique characteristic of the agricultural enterprise in the area calls for smaller agricultural units, and if the establishment of the preserve is consistent with the General Plan.

AHOD Sites Agricultural Resources

As described in greater detail under "Methodology and Significance Thresholds" in Section 4.15.2, the County of Santa Barbara uses a weighted point system to assign relative values to particular factors of a site's agricultural productivity in order to determine the potential for a project to have a significant impact on agricultural land and/or productivity. Each site's score is referenced herein. Refer to Impact AG-1 and Tables 4.15-4 through 4.15-6 for a more detailed discussion.

AHOD Site A. This site is located at 3145 Highway 246 in Santa Ynez and encompasses approximately 2.27 acres. Surrounding uses include primarily single-family residences to the north and east, and primarily commercial uses to the south and west. There is an area of Unique Farmland to the southwest across Highway 246 [as designated by the State Farmland Mapping and Monitoring Program (FMMP, 2004)], although this area is currently vacant with no agricultural production (Figure 4.15-3). Site A is currently developed with commercial and residential uses, including Caesar's Auto Detailing, a car wash, and a single-family residence. Development is located on approximately 1/3 of the property, in the southeastern portion. The remainder (majority) of the site is undeveloped.

Several soil types are located on-site, including Ballard fine sandy loam (0-2% slopes), Positas fine sandy loam (2-9% slopes), and Santa Ynez gravelly fine sandy loam (2-9% slopes). Although Ballard fine sandy loam (0-2% slopes) is prime with an irrigated Capability Class 1, this soil accounts for less than 0.2 acres (or 8.8%) of the site. Remaining on-site soil types are non-prime with an irrigated Capability Class 3. In addition, the FMMP designates the entire site as Urban (FMMP, 2004). Refer to Figure 4.15-2 for soils located on the site and Figure 4.15-3 for FMMP designations in the vicinity.



EXHIBIT G

Santa Ynez Valley Community Plan



**County of Santa Barbara
Planning & Development Department
Office of Long Range Planning
Board of Supervisors Adopted
October 6, 2009**

BACKSIDE OF COVER

Santa Ynez Valley Community Plan OVERVIEW

The Valley

The oak-studded Santa Ynez Valley, nestled between two towering mountain ranges in central Santa Barbara County, boasts an enviable quality of life for its residents. Still-friendly small towns with unique individual character are linked by scenic rural roads featuring bucolic views of farms, ranches and pristine natural areas. The local economy is strong, anchored by thriving agriculture and tourism industries. Residents enjoy an unhurried pace of life, night skies still dark enough for stargazing, clean air, ample recreational opportunities and abundant natural resources. The rural charm, comfort and beauty of the Valley, that has remained relatively unchanged for so long, stands in stark contrast to the "Anytown USA" atmosphere that has engulfed many communities across California and the rest of the country.

The History

The Valley's present day character has been shaped by its rich and varied history and the diversity of peoples that have called it home: from its original settlement by the Inezeno Chumash people who inhabited 19 villages in the area, to the Spanish mission era that gave the Valley its name, to the Mexican land-grant rancho period that established agriculture as a dominant industry, to its role as terminus and transfer point of rail and stagecoach lines, to the establishment of the Danish colony of Solvang. Each period has left its mark on the Valley and is reflected in its buildings, people, customs, and rural lifestyle.



The Valley Blueprint

In 2000, a diverse group of local residents came together with the goal of preserving the special qualities of the Valley and painting a picture of its future. They produced a visionary document entitled "The Valley Blueprint" which outlined consensus-based goals for development, public services, agriculture and infrastructure.

The Santa Ynez Valley Community Plan

The Santa Ynez Valley Community Plan picks up where the Valley Blueprint left off and is intended to implement the Blueprint by translating "the vision" into formal policy that will preserve the character while enhancing its unique qualities. The Plan was developed over the course of 50+ community meetings with the involvement of hundreds of Valley citizens. The Plan process has not been easy, quick nor without controversy — but one might argue that few worthwhile civic efforts ever are.



Santa Ynez Valley Community Plan

Land Use Area/Community Goals

The Land Use Element also contains Area/Community Goals specific to the Santa Ynez Valley. These goals address the rate, location, and character of future growth, respect for environmental factors and constraints, maintenance of the agricultural economy and rural qualities of the area, the preservation of open space and the prevention of urban sprawl. The plan takes these existing goals into account and serves to implement them, particularly with regard to environmental constraints (e.g., steep slopes, fire hazards, geology, sensitive habitats, aesthetics, and agricultural resources).

Population Growth

"Planning for the Valley should be geared to the concept of living with the resources available locally."

Agriculture

"Agriculture should be preserved and protected as one of the primary economic bases of the Valley."

Land Use

"Future residential development should not be located on prime food producing or pasture land, but close to existing public services. The beauty of the land should be preserved by limiting urban sprawl and creating buffer zones to maintain the individual character of each town.

Parcel sizes should progressively increase from urban centers to suburban belts, to ranches, to rural farming and grazing.

Density standards should be set to meet the needs of communities.

Medium and heavy industrial uses are not considered compatible with the Valley's unique life style.

Tourism should be encouraged as a use consistent with preservation of open space.

Housing supply should not be allowed to overtax present available resources

Open space should be used as settings for unique and historic areas. The rural view to the east of Mission Santa Ynez should be preserved in open space, and in agricultural use wherever possible."

2. HOUSING ELEMENT

The Housing Element is a comprehensive assessment of projected housing needs for all segments of the jurisdiction and all economic groups. In addition, it embodies policies for providing adequate housing and includes programs for that purpose.

2. LAND USE GENERAL – GOALS, POLICIES, ACTIONS AND DEVELOPMENT STANDARDS

GOAL LUG-SYV: Maintain the Santa Ynez Valley’s rural character and agricultural tradition while accommodating some well-planned growth within township boundaries that is compatible with surrounding uses.

Policy LUG-SYV-1: All existing Countywide Comprehensive Plan Elements and policies apply to the Santa Ynez Valley Planning Area in addition to those specific policies, development standards and action items identified in this plan.

Policy LUG-SYV-2: The Development Standards contained within this plan shall be used to implement the policies of the Plan. Where appropriate, these standards shall be applied to projects under review, unless a standard is inapplicable or ineffective and/or other standards have been required that more effectively implement the policies of the Plan.

Policy LUG-SYV-3: The urban boundary line surrounding the townships of Santa Ynez, Los Olivos and Ballard shall distinguish principally urban land uses from rural and/or agricultural uses. These boundaries shall represent the maximum extent of urban area in the Santa Ynez Valley. These boundaries shall not be moved except as part of a County-initiated update of the Plan.

Policy LUG-SYV-4: Land Use and Zoning designations shall provide for reasonable use and development of property within given site constraints.

Action LUG-SYV-4.1: The County of Santa Barbara shall consider planning policies, development standards, and/or permit requirements that address alcohol establishments in the planning area.

Policy LUG-SYV-5: The Policies and Development Standards of this Plan shall be implemented in a manner that does not take private property for public use without just compensation as required by applicable law.

Policy LUG-SYV-6: The County shall oppose the loss of jurisdictional authority over land within the Plan area where the intended use is inconsistent with the goals, policies and development standards of the Plan or in the absence of a satisfactory legally enforceable agreement.

Action LUG-SYV-6.1: The County shall pursue legally enforceable government-to-government agreements with entities seeking to obtain jurisdiction

3. AGRICULTURE AND RURAL LANDS GOALS, POLICIES, ACTIONS AND DEVELOPMENT STANDARDS

- GOAL LUA-SYV:** **Protect and Support Agricultural Land Use and Encourage Appropriate Agricultural Expansion.**
- Policy LUA-SYV-1:** **The County shall develop and promote programs to preserve agriculture in the Santa Ynez Valley Planning Area.**
- Policy LUA-SYV-2:** **Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.**
- Policy LUA-SYV-3:** **New development shall be compatible with adjacent agricultural lands.**
- DevStd LUA-SYV-3.1:** **New non-agricultural development adjacent to agriculturally zoned property shall include appropriate buffers, such as trees, shrubs, walls, and fences, to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel-specific review on a case-by-case basis.**
- Action LUA-SYV-3.2:** **The County should consider approval of Agricultural Industrial Overlay areas on a case-by-case basis to ensure that adequate facilities for processing, packaging, treatment and transportation of agricultural commodities exist in the Valley.**
- Policy LUA-SYV-4:** **Opportunities for agricultural tourism shall be supported where such activities will promote and support the primary use of the land as agriculture without creating conflicts with on-site or adjacent agricultural production or impacts to the environment.**
- Action LUA-SYV-4.1:** **The County shall consider an ordinance allowing agricultural farmstays in the Santa Ynez Valley in accordance with Health and Safety code Section 113870 where compatible with on-site and neighboring agricultural production.**
- Action LUA-SYV-4.2:** **Planning and Development and the Agricultural Commissioner shall coordinate with other County departments (e.g. Economic Development Agency) and local and statewide organizations to promote agricultural tourism activities that are available in the County (e.g., Farmers' Markets, U-pick, harvest festivals, wineries, farmstays, etc.).**
- Action LUA-SYV-4.3:** **Planning and Development shall work with the Agricultural Advisory Committee to create a new policy(ies) that provide land**

EXHIBIT H



COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Land Use & Development Code



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CHAPTER 35.10 - PURPOSE AND APPLICABILITY OF DEVELOPMENT CODE

Sections:

- 35.10.010 - Purpose of Development Code
- 35.10.020 - Authority, Relationship to Comprehensive Plan and Local Coastal Program
- 35.10.030 - Responsibility for Administration
- 35.10.040 - Applicability of the Development Code
- 35.10.050 - Validity

35.10.010 - Purpose of Development Code

The Santa Barbara County Land Use and Development Code, hereafter referred to as the "Development Code," constitutes a portion of Chapter 35 of the Santa Barbara County Code. This Development Code carries out the policies of the Santa Barbara County Comprehensive Plan and Local Coastal Program by classifying and regulating the uses of land and structures within the County, consistent with the Comprehensive Plan and the Local Coastal Program. This Development Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the County. More specifically, the purposes of this Development Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the County that will assist in protecting the character and stability (social and economic) of agricultural, residential, commercial and industrial uses, as well as the character and identity of communities within the County;
- B. Conserve and protect the County's natural beauty and setting, including waterways, hills and trees, scenic vistas, and historic and environmental resources;
- C. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage, energy, and other public facilities and utilities;
- D. Encourage the most appropriate uses of land in order to prevent overcrowding of land and avoid undue concentration of population, and maintain and protect the value of property; and
- E. Ensure compatibility between different types of development and land use.

35.10.020 - Authority, Relationship to Comprehensive Plan and Local Coastal Program

- A. **Authority.** The regulations within this Development Code are enacted based on the authority vested in the Santa Barbara County by the State of California, including: the California Constitution; the Planning and Zoning Law (Government Code Section 65000 et seq.); the California Coastal Act (Public Resources Code Section 30000 et seq.); the Subdivision Map Act (Government Code Section 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)
- B. **Consistency with Comprehensive Plan, Community, Specific and Area Plans, and Local Coastal Program.** This Development Code is a primary tool used by the County to carry out the goals, objectives, and policies of the Santa Barbara County Comprehensive Plan, including any applicable community, specific or area plan and Local Coastal Program. The Santa Barbara County Board of Supervisors intends that all provisions of this Development Code be consistent with the Comprehensive Plan, including any applicable community, specific or area plan and Local Coastal Program, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the Comprehensive Plan, including any applicable community, specific or area plan and Local Coastal Program.
- C. **Local Coastal Program provisions.** The provisions of this Development Code identified as applicable within the Coastal Zone constitute, in conjunction with Chapter 9A (Brush Removal Southeasterly Coastal Area and Coastal Zone) and Chapter 14 (Grading), the County's ordinances for the implementation of the Local Coastal Program, in compliance with the California Coastal Act.

CHAPTER 35.21 - AGRICULTURAL ZONES

Sections:

- 35.21.010 - Purpose
- 35.21.020 - Purposes of the Agricultural Zones
- 35.21.030 - Agricultural Zones Allowable Land Uses
- 35.21.040 - Agricultural Zones Lot Standards
- 35.21.050 - Agricultural Zones Development Standards

35.21.010 - Purpose

This Chapter lists the land uses that may be allowed within the Agricultural zones established by Section 35.14.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use and provides basic standards for site layout and building size.

35.21.020 - Purposes of the Agricultural Zones

The purposes of the individual Agricultural zones and the manner in which they are applied are as follows.

A. AG-I (Agricultural I) zone.

1. The AG-I zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, Rural (Coastal Zone only), and Existing Developed Rural Neighborhood areas, as designated on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.
2. Within the Coastal Zone, the AG-I zone is intended to designate and protect lands appropriate for long term agricultural use within or adjacent to urbanized areas and to preserve prime agricultural soils.

B. AG-II (Agricultural II) zone.

1. The AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. The intent is to preserve these lands for long-term agricultural use.
2. Within the Coastal Zone, the AG-II zone is intended to provide for agricultural land uses on large properties (a minimum of 40- to 320-acre lots) with prime and non-prime agricultural soils in the rural areas of the County, and to preserve prime and non-prime soils for long-term agricultural use.

35.21.030 - Agricultural Zones Allowable Land Uses

- A. **General permit requirements.** Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) identifies the uses of land allowed by this Development Code in each Agricultural zone, and the planning permit required to establish each use, in compliance with Section 35.20.030 (Allowable Development and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column ("Specific Use Regulations") in Table 2-1 (Allowed Land Uses and Permit Requirements for the Agricultural Zones) includes a section number, the referenced Section may affect whether the use requires a Coastal Development Permit or a Land Use Permit, Development Plan, Minor Conditional Use Permit, or Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.
- C. **Development Plan approval required, Coastal Zone.** Within the Coastal Zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required concurrent with the approval of a Coastal Development Permit for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed-use, no permit required (Exempt)			
	P	Permitted-use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (4)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	

WATER SUPPLY & WASTEWATER FACILITIES

Bulk water importation facilities	—	CUP	—	CUP
Desalination facility, less than 15 connections	—	MCUP	—	MCUP
Desalination facility, 15 to less than 200 connections	—	CUP	—	CUP
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P(3)	P	P(3)	P
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	P(3)	MCUP	P(3)	MCUP
Reservoir, less than 20,000 sf of total development	P	P	P	P
Reservoir, 20,000 sf to less than 50,000 sf of total development	P	MCUP	P	MCUP
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	MCUP	MCUP
Wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP
Wastewater treatment system, individual	E	P	E	P
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP
Water diversion project	P	MCUP	P	MCUP
Water extraction, commercial	CUP	CUP	CUP	CUP
Water or sewer system pump or lift station (4)	—	P	—	P
Water system with 1 connection	E	P	E	P
Water system with 2 to less than 5 connections	P	MCUP	P	MCUP
Water system with 5 or more connections (5)	MCUP	MCUP	MCUP	MCUP
Water well, agricultural	E	P	E	P

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) Limited to wastewater pipelines; see Article 35.5 for development standards.
- (4) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) In the Coastal Zone, limited to less than 200 connections.

35.21.040 - Agricultural Zones Lot Standards

Each subdivision and residential development shall comply with the following minimum lot area and building site requirements for the applicable zone.

- A. Minimum lot area.** Each lot in a proposed subdivision shall comply with the minimum gross lot area requirements in Table 2-2 (Minimum Lot Area/Building Site Area).
- B. Minimum building site area for residential use.** Each primary dwelling shall be located on a lot with the minimum gross area shown in Table 2-2 (Minimum Lot Area/Building Site Area). A dwelling and its accessory structures and uses may also be located on a smaller existing legal lot unless it is a fraction lot.

Table 2-2 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
AG-I-5	5 acres
AG-I-10	10 acres
AG-I-20	20 acres
AG-I-40	40 acres
AG-II-40	40 acres
AG-II-100	100 acres
AG-II-320	320 acres

35.21.050 - Agricultural Zones Development Standards

- A. **General development standards.** Development within the Agricultural zones shall be designed, constructed, and established in compliance with the requirements in Table 2-3 (AG-I and AG-II Zones Development Standards) below, and all applicable standards in Article 35.3 through Article 35.7 of this Development Code. These standards apply within the Coastal Zone and Inland area, except where noted.
- B. **Community Plan overlay requirements.** Section 35.28.210 (Community Plan Overlays) establishes additional requirements and standards that apply to development and uses located in an applicable community or area plan as specified in Section 35.28.210 (Community Plan Overlays).

Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I & AG-I (CZ) Agriculture I	AG-II & AG-II (CZ) Agriculture II
Residential density Maximum density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i> 1 one-family dwelling per lot; plus agricultural employee housing, residential agricultural units, and second units, where allowed by Table 2-1 and applicable standards provided that the lot complies with Section 35.21.040 (Agricultural Zones Lot Standards).	
Setbacks	<i>Minimum setbacks required. See Section 35.30.150 (Setback Requirements and Exceptions) for exceptions. Required building separation is between buildings on the same site.</i>	
	Front	50 ft from road centerline and 20 ft from edge of right-of-way.
	Side	20 ft; 10% of lot width on a lot of less than 1 acre, with no less than 5 ft or more than 10 ft required.
	Rear	20 ft; 25 ft on a lot of less than 1 acre.
Building separation	None, except as required by Building Code.	
Height limit Maximum height	<i>Maximum allowable height of structures. See Section 35.30.090 (Height Measurement, Exceptions and Limitations) for height measurement requirements, and height limit exceptions.</i>	
	35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.	Coastal - No limit; Inland - 35 ft for a residential structure, no limit otherwise; Toro Canyon Plan area - 25 ft for a residential structure.
Landscaping	See Chapter 35.34 (Landscaping Standards).	
Parking	See Chapter 35.36 (Parking and Loading Standards).	
Signs	See Chapter 35.38 (Sign Standards).	

- C. **Development standards for agricultural structural development that does not require the approval of a Final Development Plan.** In addition to the development standards listed in Subsections 35.21.050.A, above, all development associated with the construction of agricultural structural

CHAPTER 35.30 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

- 35.30.010 - Purpose
- 35.30.020 - Applicability
- 35.30.025 - Agricultural Buffers
- 35.30.030 - Bikeways
- 35.30.040 - Coastal Trails
- 35.30.050 - Density
- 35.30.060 - Design Compatibility Standards
- 35.30.070 - Fences and Walls
- 35.30.080 - Flood Hazard Development Standards
- 35.30.090 - Height Measurement, Exceptions and Limitations
- 35.30.100 - Infrastructure, Services, Utilities and Related Facilities
- 35.30.110 - Lot Line Adjustments
- 35.30.120 - Outdoor Lighting
- 35.30.130 - Performance Standards
- 35.30.140 - Recreation and Visitor Serving Uses
- 35.30.150 - Setback Requirements and Exceptions
- 35.30.160 - Solar Energy Systems
- 35.30.170 - Solid Waste and Recycling Storage Facilities
- 35.30.180 - Storm Water Runoff Requirements
- 35.30.190 - Subdivisions, Lot Size

35.30.010 - Purpose

This Article expands upon the standards of Article 35.2 (Zones and Allowable Land Uses) by addressing the details of site planning and project design. These standards are intended to ensure that all development:

- A. Produces an environment of stable and desirable character;
- B. Is compatible with existing and future development; and
- C. Protects the use and enjoyment of neighboring properties, consistent with the Comprehensive Plan.

35.30.020 - Applicability

The requirements of this Article shall apply to all proposed development and new land uses, except as specified in Chapter 35.101 (Nonconforming Uses, Structures, and Lots) and shall be considered in combination with the standards for the applicable zone in Article 35.2 (Zones and Allowable Land Uses) and those in Article 35.4 (Standards for Specific Land Uses). If there is a conflict, the standards in Article 35.4 (Standards for Specific Land Uses) shall control.

35.30.025 - Agricultural Buffers

- A. **Purpose and intent.** The purpose of agricultural buffers is to implement adopted Comprehensive Plan policies that assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County through establishing development standards that provide for the creation of buffers between agricultural uses and new non-agricultural development and uses. The intent of agricultural buffers is to minimize potential conflicts between agricultural and adjacent land uses that result from noise, dust, light, and odor incidental to normal agricultural operations as well as potential conflicts originating from residential and other non-agricultural uses (e.g., domestic pets, insect pests and invasive weeds).

- B. Applicability.** This Section applies to all discretionary applications for non-agricultural development and uses (project) which satisfy all of the following criteria:
1. The project site is located within an Urban or Inner-Rural Area, or an Existing Developed Rural Neighborhood, as designated on the Comprehensive Plan maps; or located on property zoned industrial that is located in the Rural Areas as designated on the Comprehensive Plan maps.
 2. The project site is located immediately adjacent to land that is:
 - a. Located in a Rural Area as designated on the Comprehensive Plan maps, and
 - (1) Has an agricultural zone designation as identified in Section 35.014.020 (Zoning Map and Zones) or Section 35-52 (Zoning District Designations and Applicability) of Article II, the Santa Barbara Coastal Zoning Ordinance or Article V of Ordinance No. 661, excluding state or federally owned land, or
 - (2) Is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.
- C. Exceptions.** This Section does not apply to the following:
1. Single-family dwelling, residential second units and residential accessory structures.
 2. Farm employee dwellings and farm labor camps.
 3. Non-agricultural, discretionary development approved prior to May 9, 2013.
 4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.84.040 C or D the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
 5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
 6. State and County roadway projects.
 7. Lot line adjustments and modifications to lot line adjustments that:
 - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
 - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.30.110.B.3.c.
- D. Agricultural buffer requirements.** All applications subject to this Section shall designate and maintain an agricultural buffer on the project site in compliance with this Section.
1. **Agricultural buffer width.** The width of the agricultural buffer shall be in compliance with the range of agricultural buffer widths as shown in the following Table 3-1 (Range of Agricultural Buffer Widths). Ranges are provided because unique circumstances may require the buffer width to be adjusted; however, the agricultural buffer width as adjusted shall neither be less than the minimum buffer width nor greater than the maximum buffer width shown in the following Table 3-1 (Range of Agricultural Buffer Widths). If the proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, then the most protective buffer:
 - a. Shall be applied adjacent to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is immediately adjacent; and

- b. May be applied to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is not immediately adjacent, if Production Agriculture is located on the adjacent lot within the distance, as measured from the common lot line, that is equal to the width of the required buffer that would otherwise be applicable to the project site.

Refer to Section II.C. (Agricultural Buffer Width Adjustment) of the Agricultural Buffer Implementation Guidelines (Appendix I) for guidance.

Table 3-1 - Range of Agricultural Buffer Widths

Project Land Use or Zoning	Project Location	Minimum Buffer Width (feet)	Maximum Buffer Width (feet)
Commercial or Industrial	Adjacent to production agriculture	100	300
	Adjacent to rangeland or pastureland	100	150
Residential, not located on a Small Lot located within an Urban Area	Adjacent to production agriculture	200	300
	Adjacent to rangeland or pastureland	100	150
Residential, located on a Small Lot located within an Urban Area	Adjacent to production agriculture	100	200
	Adjacent to rangeland or pastureland	100	150
Sensitive Non-agricultural Uses	Adjacent to production agriculture	300	400
	Adjacent to rangeland or pastureland	100	150

- 2. **Agricultural buffer location.** The agricultural buffer shall be located:
 - a. On the lot on which the non-agricultural project is proposed.
 - b. Adjacent to the common lot line between the project site and the adjacent agriculturally zoned lot.
- 3. **Agricultural buffer width measurement.** The agricultural buffer width shall be measured from the common lot line between the project site and the adjacent agriculturally zoned lot. The agricultural buffer shall be coterminous with the length of said common lot line.
- 4. **Agricultural buffer width adjustment.** The following factors shall be considered when determining the agricultural buffer width in compliance with Subsection D.1 (Agricultural buffer width), above. See the Agricultural Buffer Implementation Guidelines (Appendix I) for guidance in determining the appropriate agricultural buffer width.
 - a. **Site specific factors.** The following factors shall be considered when determining the agricultural buffer width:
 - (1) Crop type/agricultural practices.
 - (2) Elevation differences and topography.
 - (3) Extent and location of existing non-agricultural development.
 - (4) Location of existing roads or naturally occurring barriers.
 - (5) Historical land use on the agricultural lot.
 - (6) Future farming potential of the agricultural lot.
 - (7) Site design of the non-agricultural proposal.
 - (8) Non-agricultural lot size/configuration.
 - (9) Prevailing wind direction.
 - b. **Vegetative screening adjacent to production agriculture.** Vegetative screening may be used to offset an increase in the buffer width for projects adjacent to Production Agriculture, as it

may be adjusted in compliance with Subsection D.4.a (Site-specific factors). See Subsection F.3 for vegetative screening criteria and the Agricultural Buffer Implementation Guidelines (Appendix I) for guidance.

- c. **Constrained agricultural areas.** If the adjacent lot is used for production agriculture and contains land areas that are constrained by physical features or easements such that those land areas cannot be used for agriculture, then the agricultural buffer width may be reduced on the project site by an amount equal to the width of the constrained land area located on the adjacent agricultural lot, provided:
 - (1) The physical feature is permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping); and
 - (2) The physical feature or easement precludes any kind of agricultural use and be located adjacent to the non-agricultural project site.
- 5. **Comprehensive Plan consistency.** Where Comprehensive Plan policies and this Section both address agricultural buffer requirements, the most protective agricultural buffer requirement shall prevail.
- 6. **Reasonable use.** This Section is not intended, and shall not be construed as authorizing the review authority acting in compliance with this Section to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States or under this Development Code.
- 7. **Buffer recordation.**
 - a. **Notice to Property Owner required.** Prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this Section 35.30.025. Said Notice shall include:
 - (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
 - (2) The uses that are allowed within the agricultural buffer in compliance with Section 35.30.025.E (Allowable uses within agricultural buffers).
 - (3) The Landscape, Lighting and Irrigation Plan in compliance with Section 35.30.025.F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements).
 - (4) The Maintenance Plan in compliance with Section 35.30.025.G (Agricultural buffer maintenance requirements).
 - b. The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.
- E. **Allowable uses within agricultural buffers.** The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the Agricultural Buffer Implementation Guidelines (Appendix I) for information on the purpose and intent of restricting uses within agricultural buffers and how to incorporate site design and other features that are compatible with agriculture.
 - 1. **Unrestricted uses within agricultural buffers.** Subject to other provisions of this Section, or other

provisions of the County Code, the following uses may be allowed within a designated agricultural buffer:

- a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
 - b. Fences and walls.
 - c. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
 - d. Oil and gas, wind energy and cogeneration facilities that are:
 - (1) Permitted in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities), or
 - (2) Operated in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
 - e. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
 - f. Signs.
 - g. Solar energy systems permitted in compliance with Section 35.30.160 (Solar Energy Systems).
 - h. Telecommunication facilities permitted in compliance with Chapter 35.44 (Telecommunication Facilities).
 - i. Utility lines and facilities.
 - j. Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
 - k. Modifications or additions to structures legally existing as of May 10, 2013 provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.
2. **Restricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the review authority when it is determined that strict compliance with this section is not required to minimize conflicts with adjacent agriculture.
- a. Industrial or commercial loading docks and rear service areas.
 - b. Landscaping and vegetative screening.
 - c. Lighting.
 - d. Non-habitable structures such as those used for storage.
 - e. Parking areas including carports and garages.
 - f. Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths.
 - g. Roads and transportation infrastructure.
3. **Prohibited uses within agricultural buffers.** Recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.
4. **Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and the Development Code.

5. The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.

F. Agricultural buffer Landscape, Lighting and Irrigation Plan requirements.

1. A Landscape, Lighting and Irrigation Plan (Plan) shall be required for all agricultural buffers. The Plan shall:
 - a. Graphically depict and label the agricultural buffer.
 - b. Graphically depict and label the following elements within the agricultural buffer:
 - (1) Erosion control measures.
 - (2) Hardscape.
 - (3) Irrigation systems.
 - (4) Landscaping, vegetation, and materials.
 - (5) Lighting.
 - c. Incorporate Low Impact Development (LID) measures to maximize runoff retention and groundwater infiltration on-site.
 - d. Incorporate a fence or other barrier that complies with the Development Code, with a minimum height of six feet, that discourages trespassing and domestic animals from crossing the common lot boundary between the project site and the adjacent agricultural land.
 - e. Prohibit the planting or installation of turf within 50 feet of the adjacent agricultural land unless required by County, State or Federal regulations.
 - f. Be compatible with the surrounding land uses and rural character of the agricultural area.
2. Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant palette shall meet the following requirements:
 - a. The plants shall be compatible with agriculture.
 - b. Shading of adjacent agricultural crops shall be minimized.
 - c. To the maximum extent feasible, the plants shall be fire resistant and drought- tolerant or low water use.
 - d. The plants shall not be considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).
3. If a vegetative screen is used to offset an agricultural buffer width increase for production agriculture as described in Subsection D.4.b (Vegetative screening adjacent to production agriculture), the vegetative screen shall be consistent with the requirements in this Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements) and shall be in compliance with the following additional criteria:
 - a. The vegetative screen shall consist of two staggered rows of vegetation consisting of a layered canopy with evergreen trees and shrubs with foliage extending from the base to the crown.
 - b. The plants shall thoroughly screen the agricultural use from the non-agricultural use within five years from time of installation.
 - c. The minimum height of trees at maturity shall be 15 feet.
 - d. The vegetative screen shall be at least 25 feet deep.
4. The Landscape, Lighting and Irrigation Plan shall be compatible with the requirements in Subsection E (Allowable uses within agricultural buffers).
5. The applicant shall provide a signed and notarized agreement and a performance security acceptable

to the Director that guarantees the installation of landscaping, lighting and irrigation and provides for the successful establishment of the agricultural buffer for a minimum of five years. The performance security shall be released upon approval by the Director.

G. Agricultural buffer maintenance requirements.

1. A Maintenance Plan shall be required that provides for the maintenance of the agricultural buffer for the life of the project. The Maintenance Plan shall:
 - a. Include provisions for managing agricultural pests such as vertebrate pests, invasive weeds, and crop threatening insects. Integrated Pest Management practices shall be used to the extent feasible.
 - b. Include provisions for removing weeds, trash and debris.
 - c. Provide for regular fuel management and removal of accumulated plant matter within the agricultural buffer so as to minimize fire risk.
 - d. Be consistent with the requirements in Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement).
 - e. Provide for the regular maintenance of the elements as described in Subsection F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements).

H. Future conversion of adjacent agricultural land. If the underlying purpose for the agricultural buffer no longer exists, the review authority, upon application for permit revision in compliance with Division 35.8, (Planning Permit Procedures), may remove agricultural buffer requirements originally required in compliance with this Section.

I. Findings. In addition to other findings that may be required, the review authority shall not approve or conditionally approve any application subject to the requirements of this Section for which an agricultural buffer is required unless it first makes all of the following findings:

1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

35.30.030 - Bikeways

Within the Inland area, bikeways shall be provided where determined by the review authority to be appropriate and feasible for recreational and commuting use.

35.30.040 - Coastal Trails

Within the Coastal Zone, easements for trails shown on the Comprehensive Plan maps shall be required as a condition of project approval for the portion of the trail crossing the lot upon which a project is proposed.

35.30.050 - Density

- A. The densities specified in the Comprehensive Plan are maximums and may be reduced through discretionary project review if the review authority determines that a reduction is warranted by conditions specifically applicable to a site, including topography, geologic or flood hazards, habitat areas, or steep slopes.
- B. Density may be increased for an affordable housing project in compliance with Housing Element policies, provided that any project in the Coastal Zone is found consistent with all applicable provisions of the Local Coastal Program.

violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.
- C. Additional required findings for Lot Line Adjustments within an agricultural preserve.** In addition to the findings required under Subsection B. (Required findings for approval) above, the approval of a Lot Line Adjustment proposed on agriculturally zoned lots that are subject to an Agricultural Preserve Contract in compliance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones shall require that the review authority also make the following findings:
1. The new contract or contracts will enforceably restrict the adjusted boundaries of the lot for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
 2. There is no net decrease in the amount of the acreage restricted. In cases where two lots involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
 5. The lot line adjustment would not compromise the long-term agricultural productivity of the lot or other agricultural lands subject to a contract or contracts.
 6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 7. The lot line adjustment does not result in a greater number of developable lots than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

35.30.120 - Outdoor Lighting

- A. All exterior lighting shall be hooded and no unobstructed beam of exterior light shall be directed toward any area zoned or developed residential.
- B. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.
- C. **Mission Canyon, Santa Ynez Valley and Summerland Community Plan areas.**
 1. **General.** The regulations contained in this Subsection C. shall be known and referred to as the "Outdoor Lighting Regulations for the Mission Canyon, Santa Ynez Valley and Summerland Community Plan Areas."
 2. **Purpose.** The purpose of this Subsection C. is to create standards for outdoor lighting that minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures. These standards conserve energy and preserve the nighttime sky while maintaining night-time safety, utility, security and productivity. The County of Santa Barbara recognizes that the unique development patterns and environments of Mission Canyon, Santa Ynez Valley and Summerland make them ideal areas for astronomical observation and enjoyment of the nighttime sky. Additionally, resources in the plan areas warrant the protection of nighttime viewsheds and wildlife corridors from light trespass. The County, through the provisions contained herein, intends to preserve and protect the nighttime environment of Mission Canyon, Santa Ynez and Summerland by regulating unnecessary and excessive outdoor lighting.

- See "Lighting" within Article 35.11 (Glossary) for definitions related to outdoor lighting used within this Chapter.
3. **Approved materials and methods of installation.** The provisions of this Subsection are not intended to prevent the use of any design, material or method of installation not specifically proscribed by this Subsection provided any such alternate has been approved by the County. The Department may approve any such alternate provided that the proposed design, material or method:
 - a. Provides approximate equivalence to the specific requirements of this Subsection C.
 - b. Is otherwise satisfactory and complies with the intent of this Subsection C.
 4. **Prohibited lights and lighting.**
 - a. All illuminated advertising signs shall be off between 11:00 p.m. and sunrise the following day, except that on-premises signs may be illuminated while the business is open to the public.
 - b. All outside illumination for aesthetic and decorative purposes that is not fully shielded (full cutoff) shall be prohibited between 9:00 p.m. and sunrise the following day.
 - c. Except for fully shielded (full cut off) lights, lighting associated with an outdoor recreational facility may only be illuminated between 9:00 p.m. and sunrise the following day to complete a specific organized recreational event, in progress and under illumination in conformance with this Subsection C.
 - d. Search lights, laser source lights, or similar high intensity lights shall not be permitted except in emergencies, by police and/or fire personnel, or for the purposes of gathering meteorological data.
 - e. Mercury vapor lights.
 5. **Exemptions.** The following are exempt from the provision of this Subsection C.
 - a. All outdoor lighting fixtures lawfully installed prior to the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)), are exempt from the shielding requirements of this Subsection C, however, they shall be subject to the remaining requirements of this Subsection C.5 except that fully shielded (full cutoff) lights are not subject to a time restriction.
 - b. Fossil fuel lights.
 - c. Traffic control signs and devices.
 - d. Street lights installed prior to the effective date of this ordinance.
 - e. Temporary emergency lighting (e.g., fire, police, public works).
 - f. Moving vehicle lights.
 - g. Navigation lights (e.g., airports, heliports, radio/television towers).
 - h. Seasonal decorations with individual lights in place no longer than 60 days.
 - i. Lighting for special events as provided by Subsection C.8 (Temporary exemption).
 - j. Temporary lighting for agricultural activities of a limited duration, not including unshielded arena lights.
 - k. Except as provided below, security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than 10 to 12 minutes after activation.
 - (1) Security lights shall be required to be fully shielded in order to be exempt in compliance with this Subsection.

- l. Light fixtures shown on construction plans associated with building permits approved prior to the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) are excluded from compliance with this Subsection for the initial installation only.
 - m. Solar walkway lights.
- 6. General requirements.** All light fixtures that require a County permit prior to installation shall be subject to the following general requirements:
- a. All outdoor light fixtures installed after the effective date of this Subsection C (see Subsection C.9 (Effective date of Subsection C)) and thereafter maintained upon private property, public property, or within the public right-of way shall be fully shielded (full cutoff).
 - (1) Within the Summerland Community Plan Area, sign illumination shall only illuminate the signage and shall not spill into adjacent areas.
 - b. All replaced or repaired lighting fixtures requiring a permit shall be subject to the requirements of this Subsection C.
 - c. Light trespass and glare shall be reduced to the maximum extent feasible through downward directional lighting methods.
 - d. Externally illuminated signs, advertising displays and building identification shall use top mounted light fixtures which shine downward and are fully shielded (full cutoff).
 - e. Outdoor light fixtures used for outdoor recreational facilities shall be fully shielded (full cutoff) except when such shielding would cause impairment to the visibility required in the intended recreational activity. In such cases, partially shielded fixtures and downward lighting methods shall be utilized to limit light pollution, glare, and light trespass to a reasonable level as determined by the Director.
 - f. Illumination from recreational facility light fixtures shall be shielded to minimize glare extending towards roadways where impairment of motorist vision might cause a hazard.
- 7. Submittal of plans and evidence of compliance.** Any application for a permit that includes outdoor light fixtures (except for exempt fixtures in compliance with Subsection C.5) shall include evidence that the proposed outdoor lighting will comply with this Subsection C. The application shall include:
- a. Plans showing the locations of all outdoor lighting fixtures.
 - b. Description of the outdoor lighting fixtures including manufacturers catalog cuts and drawings. Descriptions and drawings should include lamp or bulb type, wattage, lumen output, beam angle, and shielding.
- The above plans and descriptions shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this Subsection C have been met.
- 8. Temporary exemption.** The following temporary exemptions shall not be allowed within the Mission Canyon Community Plan area.
- a. The Director may grant a temporary exemption, as defined herein, for such activities, including, but not limited to circuses, fairs, carnivals, sporting events, and promotional activities, only if all of the following findings are first made:
 - (1) The purpose for which the lighting is proposed is not intended to extend beyond 30 days.
 - (2) The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible.
 - (3) The proposed lighting will comply with the general intent of this article.

- b. The application for a temporary exemption shall at a minimum include all of the following information:
 - (1) Name and address of applicant and property owner.
 - (2) Location of proposed fixtures.
 - (3) Type, wattage and lumen output of lamp(s).
 - (4) Type and shielding of proposed features.
 - (5) Intended use of lighting.
 - (6) Duration of time for requested exemption.
 - (7) The nature of the exemption.
 - (8) Such other information as the Department may request.
- 9. **Effective date of Subsection C.**
 - a. **Mission Canyon Community Plan area.** The effective date of Subsection C for the Mission Canyon Community Plan area is May 2, 2014.
 - b. **Santa Ynez Community Plan area.** The effective date of Subsection C for the Santa Ynez Community Plan area is November 5, 2009.
 - c. **Summerland Community Plan area.** The effective date of Subsection C for the Summerland Community Plan area is June 6, 2014.

35.30.130 - Performance Standards

- A. **Inland area standards.** The following standards apply within all Inland areas.
 - 1. **Location of development.** No urban development shall be permitted beyond the boundaries of land designated on the Comprehensive Plan maps for urban uses, except in Existing Developed Rural Neighborhoods.
 - 2. **Environmental resource management.** The standards in this Section are from the Environmental Resource Management Element, and serve to implement policies and key recommendations contained in other elements of the Comprehensive Plan (e.g., the Seismic Safety and Safety, Conservation, and Open Space Elements).
 - a. Urbanization should be prohibited in all cases on lands subject to one or more of the following environmental factors:
 - (1) Geologic Problems Index V (see Seismic Safety and Safety Element);
 - (2) Reservoirs and areas tributary to existing and proposed reservoirs;
 - (3) Slopes of 30 percent or greater;
 - (4) Existing croplands with a high agricultural suitability rating (see Environmental Resource Management Element) or a Class I or II soil capability classification. However, urban uses may be permitted within urban areas on lots of 10 acres or less;
 - (5) Mineral resource sites;
 - (6) Existing parks and recreation sites, historic sites, and archaeological sites; and
 - (7) Proposed scientific preserves.
 - b. Urbanization should be prohibited except in a relatively few special instances on lands subject to one or more of the following environmental factors:
 - (1) Geologic Problems Index IV (see Seismic Safety and Safety Element);

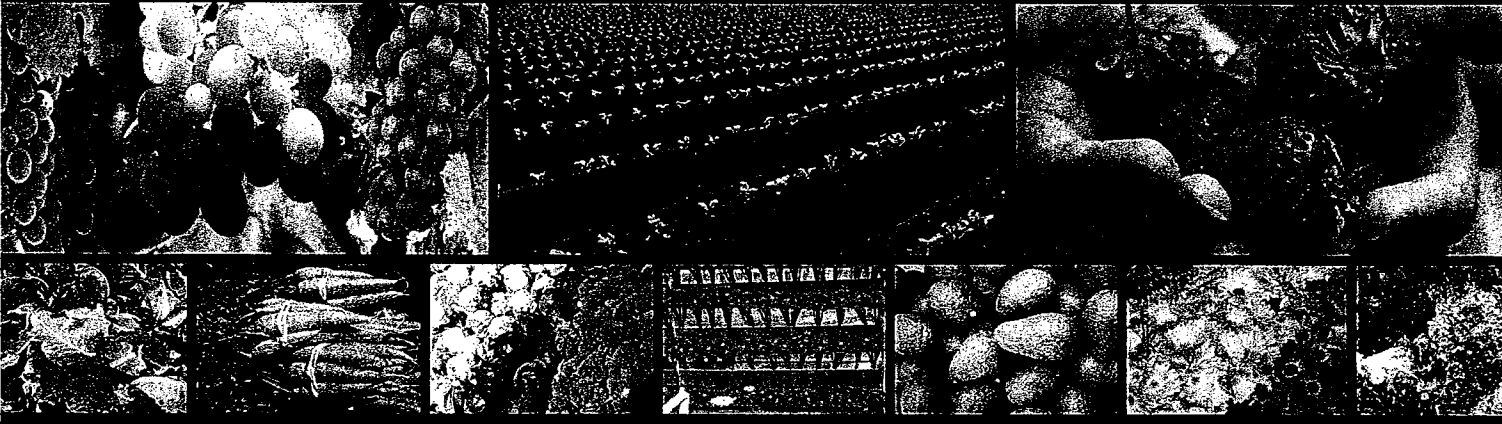
EXHIBIT I

Agricultural Production Report

2012



Santa Barbara County



The cover.....

*...depicts the wide variety of commodities
grown in Santa Barbara County.*

The cover and graphics were designed by Gus Maio .The world map base image on pages 7-8 was authorized for use by Creative Copy from Merced County. Special thanks to Stephanie Kennedy for heading up the production team for this year's crop report.



Agricultural Commissioner's Office
Weights & Measures ■ County of Santa Barbara

Cathleen M. Fisher
Commissioner / Director

April 15, 2013

The Honorable Board of Supervisors
Santa Barbara County
and
Karen Ross, Secretary
California Department of Food and Agriculture

I am pleased to submit the 2012 Santa Barbara County Agricultural Production Report. This annual report presents statistical information on the acreage, yield, and value of Santa Barbara County's agricultural products.

Agriculture continues to be the County's major producing industry. The 2012 gross production was valued at \$1,291,008,000. This is a \$96.6 million (8.1 %) increase in gross value when compared with the 2011 figure. 2012 is the seventh year in a row that agriculture surpassed the one billion dollar benchmark.

Santa Barbara County's diversified agriculture continues to provide a strong base for our local economy. Through the multiplier effect, it has a local impact in excess of 2.5 billion dollars.

It must be emphasized that the values in this report are gross values and in no way reflect net income. All of the various costs of production must be subtracted to determine net income.

I wish to express my appreciation for the cooperation of all the growers, organizations and individuals who provided the information necessary for this report and special thanks to the members of my staff who worked so hard at compiling it.

Respectfully submitted,

Cathleen M. Fisher

Cathleen M. Fisher
Agricultural Commissioner

Summary

		ACREAGE	FOB VALUE
Vegetable Crops	2012	66,460	\$437,426,911
	2011	66,510	\$437,149,140
Fruit & Nut Crops	2012	38,963	\$606,460,368
	2011	38,527	\$519,664,230
Nursery Products	2012	1,885	\$183,203,596
	2011	2,072	\$179,288,684
Field Crops	2012	599,742	\$11,980,820
	2011	600,414	\$11,890,527
Seed Crops	2012	2,008	\$9,331,951
	2011	2,094	\$9,635,385
Livestock and Poultry	2012		\$34,143,804
	2011		\$28,662,090
Livestock, Poultry & Apiary Products	2012		\$8,460,550
	2011		\$8,089,000
Total	2012	709,058	\$1,291,008,000
	2011	709,617	\$1,194,379,056

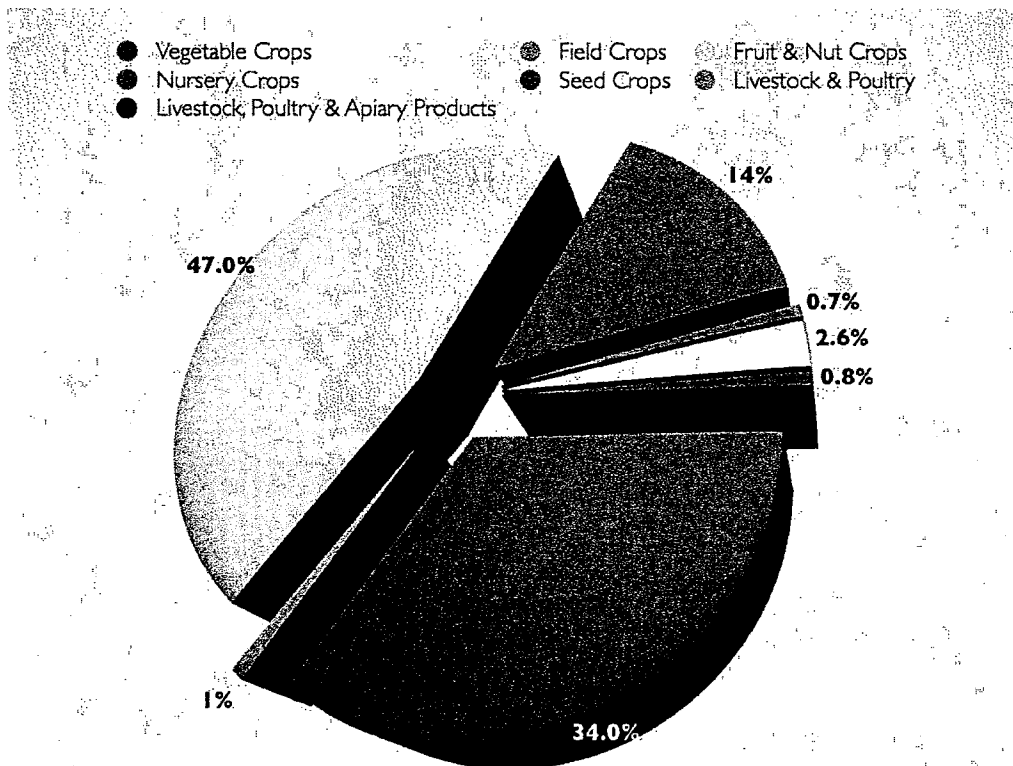


EXHIBIT J

County of Santa Barbara
BOARD OF SUPERVISORS



First District - Salud Carbajal
Second District - Janet Wolf, Vice Chair
Third District - Doreen Farr
Fourth District - Peter Adam
Fifth District - Steve Lavagnino, Chair

Mona Miyasato, County Executive Officer

Action Summary

Tuesday, June 3, 2014

9:00 AM

**COUNTY ADMINISTRATION BUILDING
BOARD HEARING ROOM, FOURTH FLOOR
105 EAST ANAPAMU STREET, SANTA BARBARA**

The Board of Supervisors meets concurrently as the Board of Directors of the Flood Control & Water Conservation District, Water Agency, the Santa Barbara Fund for Public and Educational Access and other Special Districts.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: www.countyofsb.org.

2) SHERIFF14-00410

HEARING - Consider recommendations regarding a Contract for Law Enforcement Services on the Chumash Reservation, as follows: (EST. TIME: 45 MIN.)

a) Approve and authorize the Chair to execute a Contract for Law Enforcement Services with the Santa Ynez Band of Chumash Indians effective July 1, 2014; and

b) Determine the action is exempt from the California Environmental Quality Act pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3).

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY

HEARING TIME: 10:15 AM - 11:15 AM (1 HR)

Received and filed staff presentation and conducted public hearing.

A motion was made by Supervisor Farr, seconded by Supervisor Adam, that this matter be Acted on as follows:

a) and b) No action taken.

Requested that the parties negotiate an amended agreement taking into consideration the concerns expressed by the Board at the hearing of June 3, 2014 and to return to the Board as appropriate.

The motion carried by the following vote:

Ayes: 3 - Supervisor Wolf, Supervisor Farr, and Supervisor Adam

Noes: 2 - Supervisor Carbajal, and Supervisor Lavagnino