

5.0 POLICY CONSISTENCY ANALYSIS

The following is a preliminary analysis of the proposed project against applicable County policies, focusing on those policies which may require conditions or mitigation measures to ensure project consistency. This analysis is preliminary and subject to change prior to taking final action on the project. The decision maker will make the final decision regarding consistency.

Policies applicable to the project are those found in the County's Comprehensive (General) Plan, including the various Plan Elements and, for that portion of the project within the Coastal Zone, the Coastal Land Use Plan (CLUP).

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<p><u>DEVELOPMENT STANDARDS</u></p> <p>CLUP Policy 2-1: In order to obtain approval for a division of land, the applicant shall demonstrate that adequate water is available to serve the newly created parcels except for parcels designated as "Not A Building Site" on the recorded final or parcel map.</p> <p>CLUP Policy 2-6, LUDP 4: Prior to issuance of a development permit, the County shall make the finding, based on information provide by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development.</p>	<p><u>Consistent:</u> The proposed project includes development of a shared water system to serve future residential development within the project site. The source of water for the shared water system would be a combination of private wells, diverted water from Gato Creek, and use of stored water within Edwards Reservoir at the northern end of project site. The water system would include a small treatment plant to treat the water to meet domestic potable water standards. Penfield and Smith has evaluated the water supply and demonstrated that adequate water exists. Septic system feasibility studies (i.e. percolation tests) have been prepared demonstrating that private septic systems are feasible to provide domestic wastewater service for future residential development. Lastly, adequate access to serve future residential development would be provided as part of the project, with road widths and grades meeting County Fire Department standards. Most of the proposed access roads follow existing ranch roads.</p>
<p><u>BLUFF PROTECTION</u></p> <p>CLUP Policy 3-4: In areas of new development, above-ground structures shall be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 75 years, unless such standard will make a lot unbuildable, in which</p>	<p><u>Consistent:</u> No development is proposed within the blufftop setback within the project site. The development envelope on proposed Parcel 1 is approximately 150 feet from the top of the coastal bluff at its closest point, offering nearly three times the minimum setback distance based on a retreat rate of 0.7 feet per year for 75 years. Proposed Parcel 2 is located</p>

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<p>case a standard of 50 years shall be used. The County shall determine the required setback.</p> <p>CLUP Policy 3-5: Within the required blufftop setback, drought-tolerant vegetation shall be maintained. Grading, as may be required to establish proper drainage or to install landscaping, and minor improvements, i.e., patios and fences that do not impact bluff stability, may be permitted. Surface water shall be directed away from the top of the bluff or be handled in a manner satisfactory to prevent damage to the bluff by surface and percolating water.</p> <p>CLUP Policy 3-6: Development and activity of any kind beyond the required blufftop setback shall be constructed to insure that all surface and subsurface drainage shall not contribute to the erosion of the bluff face or the stability of the bluff itself.</p>	<p>adjacent to the mouth of the Gato Creek at a point where the sea cliff recedes and no blufftop exists. Development outside of the required setback would be designed to ensure that surface runoff and subsurface drainage associated with septic leachfields would be directed away from the blufftop so as not to contribute to erosion of the bluff face or stability of the bluff itself.</p>
<p><u>ENVIRONMENTALLY SENSITIVE HABITAT</u></p> <p>Coastal Act Policy 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.</p> <p>CLUP Policy 2-11: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural</p>	<p><u>Consistent:</u> The proposed project does involve development in close proximity to two mapped ESH areas on the project site, which include the lower reaches (south of U.S. Highway 101) of Gato and Las Varas creeks. Future residential development would be setback from the ESH areas in order to protect sensitive resources, and increased surface runoff would be slowed and/or treated before it enters watercourses in order to minimize erosion and control water quality. Native vegetation would remain as part of the proposed project. The proposed bridge over Gato Creek would replace an existing Arizona Crossing, resulting in long-term benefits to the creek corridor in this location. Short-term effects resulting from construction of the bridge and any temporary disturbance to riparian vegetation would be mitigated. Significant disruption or degradation of ESH areas would be avoided as part of the proposed project as the residential development envelopes are located in relatively open areas where minimal</p>

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<p>vegetation, and control of runoff.</p> <p>CLUP Policy 9-1: Prior to issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies or the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.</p>	<p>vegetation removal would be necessary to accommodate future development.</p>
<p><u>GEOLOGIC HAZARDS</u></p> <p>CLUP Policy 3-8: Applications for grading and building permits, and applications for subdivision shall be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report shall be required. Mitigation measures shall be required where necessary.</p>	<p><u>Consistent:</u> The project site is in an area that is subject to certain geologic hazards, including beach erosion, landslides, slope instability, expansive soils, etc. The proposed project, including the development envelopes and access roads, has been sited to avoid exposure to these various hazards where feasible. Geologic reports have been prepared as part of the proposed project and mitigation measures will be required, as identified in the reports and in Section 4.7 of the EIR, in order to ensure the proposed project does not exacerbate existing geologic hazards or result in exposing structures, residents, or members of the public to geologic hazards.</p>
<p><u>GRADING AND EROSION</u></p> <p>CLUP Policy 3-15, Land Use Element Hillside and Watershed Protection Policy 3: For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing</p>	<p><u>Consistent:</u> The proposed project would involve limited grading activities on hillsides, primarily associated with the proposed access road serving proposed Parcel 7. Additional grading would be required to construct the access roads through the rest of the project site, and future development would require limited grading as well, though it would likely be minimal since the development envelopes are located within relatively level areas of the project site. It is not known at this time how</p>

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<p>sediments and stabilizing slopes should be in place before the beginning of the rainy season.</p> <p>CLUP Policy 3-16, Land Use Element Hillside and Watershed Protection Policy 4: Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained onsite unless removed to an appropriate dumping location.</p> <p>CLUP Policy 3-17, Land Use Element Hillside and Watershed Protection Policy 5: Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.</p>	<p>these grading activities would occur in terms of their scheduling. However, mitigation measures applied to the project to reduce erosion and sedimentation from ground disturbances, including preparation and implementation of an erosion and sediment control plan, would ensure consistency with these policies.</p>
<p><u>FLOOD HAZARDS</u></p> <p>CLUP Policy 3-11, Land Use Element Flood Hazard Area Policy 1: All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</p> <p>CLUP Policy 3-12, Land Use Element Flood Hazard Area Policy 2: Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood</p>	<p><u>Consistent:</u> The proposed project involves the replacement of an existing Arizona crossing on Gato Creek with a span bridge. The bridge abutments would be located outside of the creek banks, within the floodway fringe. The bridge would be raised approximately three feet above the 100-year flood level (base flood elevation) of Gato Creek, consistent with CLUP Policy 3-11. The proposed shared water system would also cross Gato Creek north of U.S. Highway 101. The water line would be raised over the base flood elevation of the creek using minor pipeline support structures. No other development is proposed within the floodway or floodway fringe, consistent with these policies. No stream channelization or other flood control projects are proposed and, as discussed in Section 4.13, the project would not cause or contribute to flood hazards within or downstream of the project site.</p>

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control work, i.e., dams, stream channelizations, etc.	
<p><u>HILLSIDE/WATERSHED PROTECTION</u></p> <p>CLUP Policy 3-13, Land Use Element Hillside and Watershed Protection Policy 1: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</p> <p>CLUP Policy 3-14, Land Use Element Hillside and Watershed Protection Policy 2: All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</p>	<p><u>Consistent:</u> Most of the proposed development, including the access roads and future development envelopes, are in relatively level areas of the site, including within the coastal terrace south of the highway and on ridge tops on the north side of the highway. Access roads to serve future development would utilize existing ranch roads where feasible in an effort to minimize grading, site alteration, and create new areas of disturbance. Proposed development envelopes are located in relatively open areas where the removal of native vegetation and trees would be minimal. Future residential development of the site avoids areas of the site with known hazards, such as landslides, steep slopes in excess of 30%, and within flood zones.</p>
<p><u>STREAMS AND CREEKS</u></p> <p>CLUP Policy 9-41, Land Use Element Streams and Creeks Policy 1: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</p> <p>CLUP Policy 9-42: The following activities shall be prohibited within stream corridors: cultivated agriculture, pesticide applications, except by a mosquito abatement or flood control district, and installation of septic tanks.</p> <p>CLUP Policy 3-18, Land Use Element Hillside and Watershed Protection Policy 6: Provisions shall be made to conduct surface</p>	<p><u>Consistent:</u> The majority of the project is located outside of stream corridors. With the exception of the development envelope on proposed Parcel 5, which already includes an existing residence, development envelopes are set back at least 100 feet from the top of banks of adjacent drainages in order to protect water quality and minimize disturbance of riparian habitat. The major element of the project within a stream corridor is the proposed access road and bridge over Gato Creek, which would replace the existing Arizona Crossing. In addition, the proposed water system would include a water line crossing Gato Creek in between parcels 6 and 7. The line would be raised above the 100-year flood level of the creek and would be sited and constructed so as to minimize disturbance to riparian vegetation and water quality. Best</p>

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<p>water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</p> <p>CLUP Policy 3-19, Land Use Element Hillside and Watershed Protection Policy 7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</p> <p>CLUP Policy 9-37: The minimum buffer strip for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control Board in order to protect the biological productivity and water quality of streams:</p> <ul style="list-style-type: none"> a. soil type and stability of stream corridors b. how surface water filters into the ground c. slope of the land on either side of the stream d. location of the 100-year flood plain boundary <p>Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.</p> <p>CLUP Policy 9-38: No structures shall be located within the stream corridor except:</p>	<p>management practices applied to construction within stream corridors would ensure short-term impacts to stream corridors are minimized during grading and construction. In addition, mitigation would ensure that any temporary damage to riparian vegetation as part of the bridge or pipeline construction is restored. The proposed beach access trail would utilize the stream corridor at the mouth of Las Varas Creek, at a point where the creek crosses under the railroad through a culvert. No vegetation removal would be necessary to accommodate public access through the culvert in this location. Development would likely include a raised platform along the side of the culvert to allow for safe pedestrian travel through the culvert without disrupting stream flows.</p> <p>As conditioned, future development would be required to treat storm water runoff and convey it to appropriate drainage courses in a non-erosive manner. Surface runoff in areas not proposed for development would continue historical patterns of sheet flow to nearby drainages, facilitating groundwater recharge where possible. Septic systems required to support future residential development would be sited away from stream corridors to ensure wastewater is not accidentally discharged into nearby streams.</p>

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<p>public trails, dams for necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines, and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible.</p> <p>CLUP Policy 9-40: All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, revegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking, and equestrian trails shall be permitted.</p>	
<p><u>HISTORICAL AND ARCHAEOLOGICAL RESOURCES</u></p> <p>Coastal Act Policy 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p> <p>CLUP Policy 10-1, Land Use Element Historical and Archaeological Sites Policy 1: All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.</p> <p>CLUP Policy 10-2, Land Use Element Historical and Archaeological Sites Policy 2: When developments are proposed for parcels</p>	<p><u>Consistent:</u> The proposed project has been designed to avoid or minimize impacts to archaeological resources associated with future residential development and infrastructure improvements. The project includes the identification of residential development envelopes on each proposed parcel. The envelope on proposed Parcel 3 would potentially result in development affecting a significant archaeological resource. In addition, the entire coastal portion of the ranch (south of U.S. Highway 101) has been identified as historically significant as a Rural Historic Landscape. Consistent with CLUP Policy 10-1, measures have been explored to avoid development on significant cultural sites. However, there are no County programs or funds in place to grant tax relief or facilitate the purchase of portions of the ranch affecting</p>

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<p>where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</p> <p>CLUP Policy 10-3, Land Use Element Historical and Archaeological Sites Policy 3: When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.</p> <p>CLUP Policy 10-5, Land Use Element Historical and Archaeological Sites Policy 5: Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.</p>	<p>cultural sites. One of the project alternatives (Alternative 2, Clustered Development) analyzed in the EIR involves the transfer of development from the coastal portion of the ranch to the inland portion of the ranch, which would have the effect of avoiding development on proposed Parcel 3 and within the Rural Historic Landscape. Given the nature and extent of the Rural Historic Landscape, complete avoidance of development in this area would not be possible absent a transfer of development to the inland portion of the ranch or an off-site location. However, impacts on the Rural Historic Landscape and individually significant historic buildings are reduced through mitigation designed in accordance with CEQA Guidelines and guidelines of the State Office of Historic Preservation, including development consistent with the Secretary of the Interior’s standards for the treatment of historic properties.</p> <p>Relocation of the development envelope on proposed Parcel 3 to another suitable area of the parcel in order to avoid development in the area of a known archaeological site would result in significant impacts to other resource areas. Specifically, relocating the envelope further west in the open grassland (as contemplated under Alternative 4B) would result in a significant impact to coastal views, which are given high priority as a protected resource in the Coastal Zone. Thus, in lieu of complete avoidance, the project has been mitigated to reduce the development envelope on proposed Parcel 3 in order to avoid development in areas of the known archaeological site that contribute to the site’s significance. This and other mitigation is designed in accordance with CEQA guidelines and those of the State Office of Historic Preservation and Native American Heritage Commission.</p> <p>The development envelope on proposed</p>

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	<p>Parcel 7 has been reduced in order to avoid development within another known archaeological site, consistent with these policies. The project has been designed to similarly avoid other archaeological resources within the project site.</p> <p>Consistent with these policies, the Native American community has been consulted as part of this project, as outlined in Section 4.5 of the EIR. This includes contacting and seeking input from members of the local Native American community identified by the California Native American Heritage Commission.</p>
<p><u>VISUAL RESOURCES</u></p> <p>Coastal Act Policy 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p> <p>CLUP Policy 4-3, Land Use Element Visual Resources Policy 2: In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</p>	<p><u>Consistent:</u> No residential development is proposed as part of this project, which makes it difficult to clearly analyze the project's consistency with these policies. However, development envelopes are being established, which identify the areas of the site where future residential development would potentially occur. Visual impacts potentially resulting from development within these envelopes have been mitigated by requiring review of future residences by the Central Board of Architectural Review, whose responsibility is to ensure the scale and design of development is compatible with surrounding development and the visual character of the area. Additionally, the project has been mitigated to require that future development be compatible with the design and size of existing historic buildings on the site, helping to preserve the existing visual character. New development within the coastal portion of the site would be restricted to 15 feet in height where visible from public viewing places. Most of the development envelopes are not readily visible from U.S. Highway 101, the main public viewing area offering scenic views of the coastline, except for in relatively short sections. Given the size of the development envelopes, there are</p>

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<p>CLUP Policy 4-5: In addition to that required for safety (see Policy 3-4), further bluff setbacks may be required for oceanfront structures to minimize or avoid impacts on public views from the beach. Blufftop structure shall be set back from the bluff edge sufficiently far to insure that the structure does not infringe on views from the beach except in areas where existing structures on both sides of the proposed structure already impact public views from the beach. In such cases, the new structure shall be located no closer to the bluff's edge than the adjacent structures.</p>	<p>opportunities to site future residences in the least conspicuous portions of the envelopes, away from the edges of ridge tops or bluff tops where development may be more visible. The development envelope on proposed Parcel 1 is approximately 150 feet from the bluff top, providing ample setback to ensure that residential development within that envelope does not infringe on public views from the beach. There is the potential for residential development on proposed Parcel 2 to infringe on public views from the beach at Edward's Point and intrude into the skyline if it is located at the front end of the envelope, However, a combination of mitigations addressing building height restrictions and setting future development further back from the beach would minimize visual impacts and ensure consistency with these policies.</p>
<p><u>VIEW CORRIDOR OVERLAY</u></p> <p>All development in areas of the County where there are views from Highway 101 to the ocean shall be reviewed by the County Board of Architectural Review for conformance to the following policies:</p> <p>CLUP Policy 4-9: Structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway #101, and shall be clustered to the maximum extent feasible.</p> <p>CLUP Policy 4-10: A landscaping plan shall be submitted to the County for approval. Landscaping when mature, shall not impede public views.</p> <p>CLUP Policy 4-11: Building height shall not exceed one story or 15 feet above average finished grade, unless an increase in height would facilitate clustering of development and result in greater view protection, or a height in excess of 15 feet would not impact public views to the ocean.</p>	<p><u>Consistent:</u> The project site south of U.S. Highway 101 is located within the View Corridor Overlay, and thus future development within these five proposed parcels would need to be consistent with these policies. With the exception of proposed Parcel 4, the development envelopes within these parcels are located in areas that would preserve the expansive views of the ocean from the highway, consistent with these policies. Any future development would be subject to review by the Board of Architectural Review, which would help to ensure consistency with these policies. Future development on proposed Parcel 4 would be sited amongst an existing cluster of historic buildings, consistent with Policy 4-9. This would help to preserve currently unobstructed views of the ocean available elsewhere on the parcel (i.e. east of the existing buildings), since future development on this parcel would be in an area with an already-obstructed view of the ocean from the highway. Mitigation has been applied restricting building heights to 15 feet consistent with Policy 4-11. Additionally, any</p>

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	<p>future development within these parcels would be required to construct story poles as part of the design review process to ensure the proposed structures do not impede or degrade public views of the ocean.</p>
<p><u>RECREATION AND ACCESS</u></p> <p>Coastal Act Policy 30211: Development shall not interfere with the public's right of access to the sea where acquired through use, custom, or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.</p> <p>Coastal Act Policy 30212: Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection or fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</p> <p>Coastal Act Policy 30212.5: Wherever appropriate and feasible, public facilities, including parking areas of facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public or any single area.</p> <p>Coastal Act Policy 30214: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of</p>	<p>Consistent: The proposed project includes the dedication of an easement to the County for the purposes of establishing a public beach access trail within the project site. This trail would provide public access from U.S. Highway 101 to the Pacific Ocean and would include an area for a public parking lot next to the highway. The trail would be fenced to protect the adjacent agricultural operation from theft and vandalism. In addition, the trail and parking lot would only be open during daylight hours in order to protect the privacy of the site's residents, ensure public safety, as well as to protect the adjacent agricultural operation from damage and trespass.</p> <p>Future residential development on the two oceanfront parcels would not restrict public access to and along the shoreline and use of the beach area for recreation.</p> <p>Consistent with CLUP Policy 7-13, development of the public coastal access trail and public parking area would not impede views between U.S. Highway 101 and the ocean, and would not involve significant grading or disturbance of native vegetation. The parking area and access trail would be unpaved and the recreational facilities would be compatible with the rural character of the area.</p> <p>In addition to the coastal access trail, the project also includes dedication of an easement to the County for the purposes of establishing a public trail along U.S. Highway 101, forming a segment of the California Coastal Trail. This is consistent with the policies encouraging the improvement and expansion of public recreational opportunities along the Gaviota</p>

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<p>intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.</p> <p>Coastal Act Policy 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.</p> <p>CLUP Policy 7-1: The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:</p> <p>(a) Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.</p>	<p>Coast, including establishment of segments of the Coastal Trail as identified on the Board-adopted PRT maps.</p> <p>As shown on the Coastal Land Use Plan maps, the coastal portion of the ranch in between the railroad tracks and the Pacific Ocean has a Proposed Public or Private Park/Recreational Facility Overlay designation. This overlay designation is reserved for sites that are appropriate and prioritized for recreational development. Policy 7-18 of the Coastal Land Use Plan identifies sites and implementing actions for expanding recreational opportunities and access along the Gaviota Coast. The project site is designated for acquisition by the County for the establishment of low-intensity camping, parking, restrooms, bike racks, picnic tables, and a store. The proposed project and future residential development within this overlay area would preclude the establishment of at least some of these facilities.</p> <p>The applicant's dedication of easements to the County for the parking area and beach access trail (and construction of the parking area concurrent with future residential development south of the highway) would be consistent with the intent of these Coastal Act and Coastal Land Use Plan policies to provide for coastal access.</p>

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<p>(b) Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County's ability to assume liability and maintenance costs.</p> <p>(c) Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.</p> <p>CLUP Policy 7-2: For all development between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:</p> <p>(a) Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline, or</p> <p>(b) Access at the site would result in unmitigable adverse impacts on areas designated as "Habitat Areas" by the land use plan, or</p> <p>(c) Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or</p> <p>(d) The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public's right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.</p> <p>The County may also require the applicant to improve the access corridor and provide bike</p>	

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<p>racks, signs, parking, etc.</p> <p>CLUP Policy 7-3: For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated. In coastal areas where the bluffs are less than five feet, the area to be dedicated shall be determined by the County, based on findings reflecting historic use, existing and future public recreational needs, and coastal resource protection. At a minimum, the dedicated easement shall be adequate to allow for lateral access during periods of high tide. In no case shall the dedicated easement be required to be closer than 10 feet to a residential structure. In addition, all fences, no trespassing signs, and other obstructions that may limit public lateral access shall be removed as a condition of development approval.</p> <p>CLUP Policy 7-13: In order to protect natural and visual resources of the coastal zone between Ellwood and Gaviota, development of recreational facilities shall not impede views between U.S. 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species.</p> <p>CLUP Policy 7-14: Campgrounds and ancillary facilities sited south of U.S. 101 between Ellwood and Gaviota shall be set back as far as feasible from the beach in order to reserve near-shore areas for day use. Where feasible, new recreational facility development, particularly campgrounds and parking lots, shall be located north of U.S. 101.</p> <p>CLUP Policy 7-18: Expanded opportunities for</p>	

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<p>access and recreation shall be provided in the Gaviota coast planning area.</p> <p><u>Implementing Actions:</u></p> <p>a. In order to maximize access to the beaches, vertical easements connecting the proposed coastal bicycle trail (linking Santa Barbara and Gaviota) to the beach shall be acquired by a public agency at the following locations: (3) Edwards (near Gato Canyon). The trails connecting the bicycle path to the beach shall be well-marked and bicycle racks shall be provided. Where necessary, stairways from the top of the bluffs shall be provided. Public parking and other facility development, other than staircases, fences, improved trails, bicycle racks, and picnic tables, shall not be permitted at these accessways except as specified in section b.</p> <p>b. In order to increase opportunities for coastal dependent and related recreational uses, the following areas, which have recreational potential, should be acquired by a public agency: Edwards - Parking, restrooms, picnic tables, bike racks, store, low-intensity camping.</p> <p><u>For Adopted PRT Trails:</u></p> <p>CLUP Policy 7-25: Easements of trails shall be required as a condition of project approval for that portion of the trail crossing the parcel upon which the project is proposed.</p> <p>CLUP Policy 7-26: All proposed trails for the coastal zone shall be incorporated into the County's Master Plans (PRT Maps) for hiking, biking, and equestrian trails.</p> <p>Land Use Element Parks/Recreation Policy 4: Opportunities for hiking and equestrian trails should be preserved, improved, and expanded</p>	

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<p>wherever compatible with surrounding uses.</p>	
<p><u>AGRICULTURAL PRESERVATION</u></p> <p>Coastal Act Policy 30242: All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</p> <p>CLUP Policy 8-2: If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.</p> <p>CLUP Policy 8-4: As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall make the finding that the long-term agricultural productivity of the property will not be diminished by the proposed division.</p> <p>Agricultural Element Policy IA: The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</p> <p>Agricultural Element 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.</p>	<p>Consistent: The proposed project would not convert the project site to non-agricultural uses. Single family dwellings are principally permitted uses within agriculturally zoned land and are incidental to ongoing agricultural operations. The ranch would continue to run its existing cattle ranching operation as a collective unit and the future landowners within the ranch would be required to maintain the existing agricultural orchards (though flexibility would be provided for crop changes) through CC&Rs. The project would not result in the conversion of any orchard areas currently in production to non-agricultural uses. According to the impact analysis in Section 4.2, the project as conditioned would not substantially reduce the viability of the existing ranching and orchard operations. Proposed recreational trails through the project site would be sited in locations so as not to interfere with the existing agricultural operations; fencing along the trails would help to reduce opportunities for trespassing and vandalism which could otherwise impact the ongoing agricultural operations. With the exception of the two proposed oceanfront parcels, each proposed parcel under the project would meet minimum parcel sizes for agriculturally zoned and designated land. The two oceanfront parcels do not currently meet minimum parcel size requirements; therefore the Lot Line Adjustment would not result in diminishing the agricultural viability of these lots.</p>

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<p>Agricultural Element 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.</p>	
<p><u>MARINE RESOURCES</u></p> <p>Coastal Act Policy 30230: Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.</p> <p>Coastal Act Policy 30231: The biological productivity and the quality of coastal water, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p><u>Consistent:</u> The proposed project is not expected to significantly affect marine resources. As discussed elsewhere in this analysis, increased runoff from the proposed project and development of future residences would be treated and conveyed in a non-erosive manner consistent with historic drainage patterns or detained and allowed to infiltrate and recharge groundwater through the use of vegetated swales, small scale detention basins, or other drainage features. Future development would not result in the removal of native vegetation within stream corridors or result in the alteration of natural stream channels. These features would help to ensure that water quality of coastal streams is protected as part of the project. Increased recreational use of the beach that would occur with dedication of the beach access trail would not be expected to significantly degrade the biological productivity and quality of the marine environment, as use levels would likely be moderated by the length of the trail to the beach (approximately ¾ of a mile) and the distance of the trailhead from the urban centers, which would help to ensure that marine species and other sensitive resources are maintained and not displaced by large numbers of beachgoers.</p>
<p><u>WHITE-TAILED KITE</u></p> <p>Coastal Plan Policy 9-26: There shall be no development including agricultural development, i.e., structures, roads, within the area used for roosting and nesting.</p> <p>Coastal Plan Policy 9-27: Recreational use of the roosting and nesting area shall be minimal, i.e.,</p>	<p><u>Consistent:</u> The project site provides foraging habitat for White-tailed kite and the potential for nesting, breeding, and/or roosting within the site is relatively high given surrounding conditions and the nature and extent of suitable habitat within the project site. However, the biological surveys conducted on the project site did not identify any roosting or nesting sites. Therefore, no development is</p>

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<p>walking, bird watching. Protective measures for this area should include fencing and posting so as to restrict, but not exclude, use by people.</p> <p>Coastal Plan Policy 9-28: Any development around the nesting and roosting area shall be set back sufficiently far as to minimize impacts on the habitat area.</p>	<p>proposed within identified roosting or nesting habitat. In order to minimize impacts to this species and be consistent with these policies, the project has been conditioned to require preconstruction surveys within 500 feet of any future development site prior to any grading or construction during the roosting and nesting season.</p>
<p><u>NATIVE PLANT COMMUNITIES</u></p> <p>CLUP Policy 9-35: Oak trees, because they are particularly sensitive to environmental conditions, shall be protected. All land use activities, including cultivated agriculture and grazing, should be carried out in such a manner as to avoid damage to native oak trees. Regeneration of oak trees on grazing lands should be encouraged.</p> <p>CLUP Policy 9-36: When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation. In particular, grading and paving shall not adversely affect root zone aeration and stability of native trees.</p>	<p><u>Consistent:</u> No oak trees are proposed to be removed as part of the proposed project. Proposed access roads primarily follow existing ranch roads or are located in open areas where no tree removal would be required. Similarly, proposed development envelopes are located in generally open areas and no oak trees would need to be removed to accommodate future development. The development envelopes have been sited to avoid or minimize direct impacts to native vegetation, including native grasslands, coastal sage scrub, and oak and riparian woodlands. Native riparian vegetation that may be temporarily impacted by the proposed new bridge and/or water line across Gato Creek would be restored and the scope of these project elements would be minimal (less than one acre) so as to limit impacts to native vegetation. While small patches of native grassland are located within some of the development envelopes, site design and layout of future residential development can be tailored to avoid or minimize impacts to this plant community as necessary, consistent with Policy 9-36.</p>
<p><u>MONARCH BUTTERFLIES</u></p> <p>CLUP Policy 9-22: Butterfly trees shall not be removed except where they pose a serious threat to life or property, and shall not be pruned during roosting and nesting season.</p> <p>CLUP Policy 9-23: Adjacent development shall be set back a minimum of 50 feet from the trees.</p>	<p><u>Consistent:</u> The proposed project would not remove any known butterfly roosting trees. The development envelope on proposed Parcel 5 is located adjacent to a grove of eucalyptus trees serving as a monarch butterfly overwintering site. An existing residence is already located within this envelope. Any future development within this envelope would be sited a minimum of 50</p>

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	feet from these trees, consistent with these policies, and would be sited so as to avoid the need to remove any butterfly trees for fire clearance purposes.
<p><u>VERNAL POOLS</u></p> <p>CLUP Policy 9-20: Grass cutting for fire prevention shall be conducted in such a manner as to protect vernal pools. No grass cutting shall be allowed within the vernal pool area or within a buffer zone of five feet or greater.</p> <p>CLUP Policy 9-21: Development shall be sited and designed to avoid vernal pool sites as depicted on the resource maps.</p>	<p><u>Consistent:</u> No vernal pools have been identified within or in close proximity to the proposed development envelopes on the project site. Thus, future development of the site within these envelopes and along existing and future access roads would avoid damage to any vernal pools, consistent with these policies.</p>
<p><u>NATIVE GRASSLANDS</u></p> <p>CLUP Policy 9-17: Grazing shall be managed to protect native grassland habitat.</p> <p>CLUP Policy 9-18: Development shall be sited and designed to protect native grassland areas.</p>	<p><u>Consistent:</u> There are several small pockets of native grassland areas within the project site. The development envelopes and access roads have been sited to protect these native grassland areas, consistent with these policies. The existing grazing operation moves the cattle around the ranch throughout the year in order to avoid over-grazing. This is expected to continue and would help to protect native grassland habitat from overgrazing. While small patches of native grassland are located within some of the development envelopes, site design and layout of future residential development can be tailored to ensure protection of this plant community, consistent with Policy 9-18.</p>
<p><u>WETLANDS</u></p> <p>CLUP Policy 9-9: A buffer strip, a minimum of 100 feet in width, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within the wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10. The upland limit of a wetland shall be defined as: 1) the boundary between land with predominantly hydrophytic cover and</p>	<p><u>Consistent:</u> With the exception of Parcel 5, proposed development envelopes have been sited to avoid disturbance to any wetlands within the project site. With the exception of the envelope on Parcel 5, which already includes a residence, the development envelopes are set back at least 100 feet from the top of banks of adjacent drainages and riverine wetlands in order to protect water quality and minimize disturbance of riparian habitat. Additional development within Parcel 5 would be limited to the northern portion of</p>

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<p>land with predominantly mesophytic or xerophytic cover; or 2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation and land that is not.</p> <p>Where feasible, the outer boundary of the wetland buffer zone should be established at prominent and essentially permanent topographic or man-made features (such as bluffs, roads, etc.). In no case, however, shall such a boundary be closer than 100 feet from the upland extent of the wetland area, nor provide for a lesser degree of environmental protection than that otherwise required by the plan. The boundary definition shall not be construed to prohibit public trails within 100 feet of a wetland.</p> <p>CLUP Policy 9-10: Light recreation such as birdwatching or nature study and scientific and educational uses shall be permitted with appropriate controls to prevent adverse impacts.</p> <p>CLUP Policy 9-11: Wastewater shall not be discharged into any wetland without a permit from the Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water.</p> <p>CLUP Policy 9-13: No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses.</p> <p>CLUP Policy 9-14: New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal</p>	<p>the envelope in order to provide the minimum 100-foot buffer from the edge of pocket wetlands located within the envelope. With the exception of the proposed bridge and waterline over Gato Creek, no permanent structures are proposed within wetlands or buffer areas. These structures would not degrade the water quality or quality of the aquatic habitat in these areas. In the case of the proposed bridge, it would replace an existing Arizona Crossing and result in a long-term beneficial impact to the riverine wetland habitat. Consistent with these policies, a public beach access trail would be located adjacent to Las Varas Creek and would utilize the same culvert as the creek under the railroad to access the beach. This area of the creek is already degraded by the existing culvert. No wetland vegetation would be removed to accommodate the public trail and wetland functions and habitat quality would be unaffected.</p>

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<p>pollution, or other disturbances.</p> <p>CLUP Policy 9-16a: No grazing or other agricultural uses shall be permitted in coastal wetlands.</p>	
<p><u>CIRCULATION</u></p> <p>Circulation Element Roadway Standards: The policy capacities provided in this Element shall be used as guidelines for evaluating consistency with this section of this Element. A project's consistency with this section shall be determined as follows:</p> <ol style="list-style-type: none"> a. A project that would contribute ADTs to a roadway where the Estimated Future Volume does not exceed the policy capacity would be considered consistent with this section of this Element. b. For roadways where the Estimated Future Volume exceeds the policy capacity but does not exceed the Acceptable Capacity, a project would be considered consistent with this section of this Element only if the number of ADTs contributed by the project to the roadway was less than or equal to 2 percent of the remaining capacity of that roadway or 40 ADT, whichever is greater. c. For roadways where the Estimated Future Volume exceeds the acceptable capacity but does not exceed Design Capacity, a project would be considered consistent with this section of this Element only if the number of ADTs contributed by the project to the roadway does not exceed 25 ADT. d. For roadways where the Estimated Future Volume exceeds the design capacity, a project would be consistent with this section of this Element only if the number of ADTS contributed by the project to the roadway does not exceed 10 ADT. <p>Intersection Standards:</p> <ol style="list-style-type: none"> a. Projects contributing PHTs (peak hour trips) to intersections that operate at an Estimated 	<p><u>Consistent:</u> <i>Roadways:</i> Existing ADT counts on roadways in the vicinity of the project site indicate that all of the roadways are currently operating within acceptable levels of service and below the policy capacities assigned to those segments. The contribution of ADTs from the proposed project to these roadways would not result in the Estimated Future Volumes for any of these segments exceeding their policy capacities. As such, the proposed project would be consistent with this policy with respect to roadways.</p> <p><i>Intersections:</i> Besides the Las Varas Ranch Road and El Capitan Ranch interchanges on U.S. Highway 101, there are no intersections in the vicinity of the project that would be significantly affected by the proposed project. The site is accessed directly off U.S. Highway 101 approximately four miles west of the City of Goleta. These interchanges currently operate at LOS B or better and estimated future volumes would be unchanged given the nature of vehicle trips using these interchanges. The peak hour trips generated by the project would not result in a change in volume to capacity (V/C) ratios at these interchanges above 0.15 and the interchanges would continue to operate within acceptable levels. As such, the project would be consistent with this policy.</p>

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<p>Future Level of Service that is better than LOS C shall be found consistent with this section of this Element unless the project results in a change in V/C (volume/capacity) ratio greater than 0.20 for an intersection operating at LOS A or 0.15 for an intersection operating at LOS B.</p> <p>b. For intersections operating at an Estimated Future Level of Service that is less than or equal to LOS "C", a project must meet the following criteria in order to be found consistent with this section of this Element.</p> <ol style="list-style-type: none"> 1) For intersections operating at an Estimated Future Level of Service C, no project must result in a change of V/C ratio greater than 0.10. 2) For intersections operating at an estimated future Level of Service D, no project shall contribute 15 or more Peak Hour Trips. 3) For intersections operating at an Estimated Future level of Service E, no project shall contribute 10 or more Peak Hour Trips. 4) For intersections operating at an Estimated Future Level of Service F, no project shall contribute 5 or more Peak Hour Trips. <p>c. Where a project's traffic contribution does not result in a measurable change in the V/C ratio at an intersection but does result in a finding of inconsistency with Intersection Standard 2 above, intersection improvements that are acceptable to the Public Works Department shall be required in order to make a finding of consistency with these intersection standards. A measurable change in V/C ratio shall be defined as a change greater than or equal to 0.01.</p> <p>d. Where a project's traffic contribution does result in a measurable change in V/C ratio and also results in a finding of inconsistency with Intersection Standards 1 or 2, above, intersection improvements that are</p>	

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<p>sufficient to fully offset the change in V/C ratio associated with the project shall be required in order to make a finding of consistency with these intersection standards.</p> <p>e. The above intersection standards shall also apply to all projects which generate Peak Hour Trips to intersections within incorporated cities that are operating at levels of service worse than those permitted by the city's Circulation Element.</p>	

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