



**UNIFORM RULES
FOR AGRICULTURAL PRESERVES
AND FARMLAND SECURITY ZONES**



FINAL EIR



VOLUME I



SEPTEMBER 2007

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EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed project, the environmental impacts, mitigation measures and residual impacts associated with the proposed project, and proposed alternatives to the project description.

PROJECT OVERVIEW

Project Description

This environmental impact report discusses the potential environmental consequences resulting from updating the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones*. The Uniform Rules are the set of rules by which Santa Barbara County administers its Agricultural Preserve Program under the California Land Conservation Act of 1965, better known as the Williamson Act. The Uniform Rules outline the requirements for land participating in the Agricultural Preserve Program, including eligibility requirements, residential allowances, compatible uses, and administrative provisions for terminating or amending contracts.

The last major update to the Uniform Rules occurred in 1984. Since that time, a host of changes have been made to the Williamson Act, as well as local regulations affecting agriculture. In addition, the local agricultural industry has seen significant changes over the last two decades. For these reasons, and in direct response to a request by representatives of the local agricultural community, the Board of Supervisors in April 2003 directed the Comprehensive Planning Division to work with the Agricultural Preserve Advisory Committee (APAC) and members of the agricultural community to update the Uniform Rules to bring them into conformance with legislative amendments to the Williamson Act and to consider additional changes that would be beneficial to the Agricultural Preserve Program and the long-term viability of agriculture in Santa Barbara County.

The Uniform Rules Update proposes changes to several aspects of the Uniform Rules in order to meet the following objectives: 1) bring the Uniform Rules into conformance with recent legislative amendments to the Williamson Act; 2) address discrepancies in the Uniform Rules that were identified in a 2001 audit by the California Department of Finance (refer to Appendix 10); 3) ensure the integrity of the Agricultural Preserve Program; and 4) increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program. Below is a general description of some of the major changes being proposed as part of the project description. The complete draft of proposed Uniform Rule changes is provided as Appendix 2 and the current Uniform Rules are provided in Appendix 4.

Primary additions to bring the Uniform Rules into conformance with the Williamson Act include incorporating principles of compatibility from the Act that provide guidelines to be considered when evaluating the compatibility of development (Rule 2-1.1) and updating the definition of recreational use to require that land be in its “agricultural or natural state” (Rule 2-5).

In responding to the 2001 DOC audit, the amended Uniform Rules eliminate sanitary fill waste disposal facilities (Uniform Rule 2-7) and golf courses (Uniform Rule 2-5) as compatible uses on contracted land; state the rationale for inclusion of superprime parcels in the Agricultural Preserve Program (Rule 1-2.2); and clarify size eligibility requirements for parcels and preserves (Rule 1-2.2).

In order to ensure the integrity of the Agricultural Preserve Program and minimize its abuse, the amended Uniform Rules propose revised agricultural production and reporting requirements (Rule 1-2.3), primarily on prime and superprime land.

Some of the proposed changes to increase the clarity and flexibility of the Uniform Rules to ensure continued participation in the program include: changes to residential allowances to provide more housing opportunities on contracted land (Rule 1-4); increase in the flexibility of facilities for the preparation and processing of agricultural products (Rule 2-2), including the development of agricultural facilities under an Agricultural Industry Overlay (Rule 2-6); the addition of an allowance for small-scale guest ranches (Rule 2-4) and commercial composting facilities subject to certain requirements (Rule 2-7); and the allowance for temporary filming and special events (Rule 2-11).

Project Location

The Uniform Rules apply to agricultural and open space lands enrolled in the Agricultural Preserve Program throughout the unincorporated areas of Santa Barbara County exclusive of areas under state and federal jurisdiction. Approximately 555,400 acres of agricultural land are enrolled in the Agricultural Preserve Program, which represents roughly 74% of the total private land in the County zoned for agriculture. Parcels zoned for agriculture under Chapter 35 of the Santa Barbara County Code (AG-I and AG-II) are eligible for the Agricultural Preserve Program.

SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table EX-1, at the end of this section, provides a summary of all the residual Class I, II and III environmental impacts associated with the project description, after taking possible mitigation measures into consideration. Class I impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding consideration by the Board of Supervisors per §15093 of the *State CEQA Guidelines* if the project is approved. Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under §15091 of the *State CEQA Guidelines*. Class III impacts are considered adverse but less than significant, requiring no mitigation, and Class IV impacts are considered beneficial.

This environmental document analyzes the impacts of the project description and proposed alternatives on the following resource issue areas:

- ◆ Agricultural Resources/Land Use
- ◆ Visual Resources
- ◆ Noise
- ◆ Transportation/Circulation
- ◆ Air Quality
- ◆ Groundwater Resources

Impacts to other resources, such as biological resources, were considered less than significant and not analyzed in the EIR.

The environmental analysis identified the following impacts associated with the project description:

Class I – Significant and Unavoidable Impacts

- ◆ *Agricultural Resources/Land Use*: loss of productive agricultural land; introduction of incompatible development and uses into agricultural areas.
- ◆ *Visual Resources*: introduction of visually incompatible development in rural areas; introduction of new sources of light and glare associated with large-scale wineries and other agricultural support facilities.
- ◆ *Air Quality*: increased emissions of ozone precursors.
- ◆ *Transportation/Circulation*: generation of substantial additional vehicular movement (daily) in relation to capacity and existing traffic volume of rural roads; increased traffic conflicts; and degradation of rural roads.
- ◆ *Groundwater Resources*: water demand exceeding groundwater basin safe yield thresholds.

Class II – Significant but Mitigable Impacts

- ◆ *Agricultural Resources/Land Use*: growth inducement and population increases in agricultural areas.
- ◆ *Visual Resources*: obstruction or degradation of rural public views; introduction of new sources of light and glare associated with residential and other small-scale development.
- ◆ *Noise*: generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors; short-term noise impacts associated with construction and grading.
- ◆ *Air Quality*: short-term dust and PM₁₀ generation associated with construction and grading.

Class III – Adverse but Less Than Significant Impacts

- ◆ *Agricultural Resources/Land Use*: introduction of incompatible uses associated with smaller-scale development and recreation; dispersed population increases associated with residential development and commercial composting facilities; loss of productive agricultural land

associated with residential development on superprime land, small-scale processing, and the reduction of the requirements for wineries where the cultivation of grapes occurs.

- ◆ *Visual Resources*: visually incompatible residential development in rural areas.

Class IV – Beneficial Impacts

- ◆ *Agricultural Resources/Land Use*: greater production requirements on superprime land; greater housing opportunities to support family farms; increased land use compatibility through removal of sanitary waste landfills and golf courses as compatible uses; inclusion of new Comprehensive Plan and zone districts thus increasing the area eligible for inclusion in Agricultural Preserves; increased viability and longevity of agriculture through provision of a wider array of support facilities and through expansion of facilities and services including commercial composting opportunities.
- ◆ *Visual Resources*: elimination of sanitary waste disposal facilities and transfer stations as compatible uses.

PROJECT ALTERNATIVES

As required by CEQA §15126.6, alternatives to the proposed Uniform Rules update are evaluated in Chapter 6 of this EIR. These alternatives include:

- ◆ No Project - the Uniform Rules would remain unchanged.
- ◆ Alternative 1 - Legislative Updates and Codification of Practice – this alternative includes only those changes mandated by legislative amendments to the Williamson Act or derived from the 2001 audit of Santa Barbara County’s Agricultural Preserve Program by the California Department of Conservation, and codifies existing practice.
- ◆ Alternative 2 – Modified Uniform Rules – this alternative is a variation on the project description to reduce environmental impacts stemming from residential, agricultural support facility, and commercial composting facilities.
- ◆ Alternative 3 - Expanded Facility Development – this alternative increases the opportunities for larger site envelopes for preparation and winery processing facilities.

No Project Alternative. §15126.6(e) of the *State CEQA Guidelines* requires evaluation of a “no project” alternative. This alternative assumes the existing Uniform Rules continue to apply. This would result in less development on contracted land in the future. However, this alternative would not meet the project objectives, as the Uniform Rules would remain inconsistent with the Williamson Act and not address the changing needs of the County’s agricultural industry.

Alternative 1. This alternative brings the Uniform Rules into conformance with the Williamson Act and codifies existing practice. Among the more substantive changes, this alternative includes incorporation of the “principles of compatibility” and the codification of one principal dwelling allowed per contracted

premises. This alternative would meet some, but not all, of the project objectives. It would ensure conformance with the Williamson Act and help to improve the compatibility of development on contracted land, but it would not address the changing needs of the County's agricultural industry.

Alternative 2. This alternative combines aspects of both the project description and the no project alternative. It is the equivalent to the project description except that residential development would be the same as the current administrative practice under the existing Uniform Rules, and opportunities for large-scale preparation and processing facilities and commercial composting facilities would be reduced. This alternative addresses many of the needs of the agricultural industry without increasing the amount of land taken out of agricultural production.

Alternative 3. This alternative mimics the project description except that it provides for greater opportunities for more and larger preparation and winery processing facilities by reducing the size of the premises required to be granted additional acreage for a facility envelope. This alternative meets the objectives of the Uniform Rules update by addressing the needs of the agricultural industry, but is less consistent with the purpose and intent of the Williamson Act, which is to preserve the maximum amount of agricultural land in production.

Environmentally Superior Alternative. Based on the analysis contained herein, Alternative 1 was determined to be environmentally superior to the project description and other alternatives considered.

Table EX-1
Summary of Environmental Impacts and Mitigation Measures

Class 1-Significant and Unavoidable		
Agricultural Resource Impact	Mitigation Measure	Residual Impact
<p>Impact AG-1: Conversion of agricultural soils and loss or impairment of agricultural productivity. Expansion of agricultural support facilities allowed under the Proposed Uniform Rules, including commercial composting and AIO facilities would result in the combined conversion of approximately 237 acres of soils used for agriculture or potentially suitable for agriculture and the loss of agricultural productivity (Table 3.1-7). Development of agricultural support facilities 7 acres or larger would constitute a <i>potentially significant impact</i> by permanently eliminating these lands from agricultural production.</p>	<p>Mitigation AG-1: Amend Uniform Rule 2-6 as follows: Uniform Rule 2-6.D. Agricultural facilities developed within an AIO shall only be approved if the Board of Supervisors finds that the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land.</p> <p>Mitigation AG-2: Amend Uniform Rule 2-7 as follows: Uniform Rule 2-7.B.7. The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.</p> <p>Mitigation AG-3: Amend Uniform Rule 2-2.1 as follows: Uniform Rule 2-2.1.A.1. Premises greater than 500 acres are permitted 1 additional acre for a preparation or processing facility site for each additional 100 acres above 500 under contract, not to exceed 20 acres.</p> <p>Mitigation AG-7: Amend Uniform Rule 2-2.1 as follows: Add a new requirement as subsection 2-2.1.A.4 Preparation and Processing, that the parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises.</p>	<p>Significant & unavoidable (Class I)</p>
<p>Impact AG-2: Incompatible land uses and structures. Increased land uses and structures within or adjacent to agriculturally productive areas would result in land use conflicts and could impair the productivity of agricultural lands. These conflicts would increase where large-scale wineries, agricultural support facilities including those developed under an AIO, commercial composting facilities and special events are proposed on or adjacent to agricultural lands actively engaged in cultivation or grazing operations. Such land use conflicts would constitute a <i>potentially significant impact</i> by impairing the ability of agriculturists to fully engage in their</p>	<p>Refer to Mitigation Measures AG-1, AG-2, AG-3, and AG-7 above.</p>	<p>Significant & unavoidable (Class I)</p>

Table EX-1
Summary of Environmental Impacts and Mitigation Measures

agricultural operations, and by introducing types and intensity of uses and structures that are incompatible with the rural character of the area.		
Visual Resource Impacts	Mitigation Measure	Residual Impact
<p>Impact VIS-3: Introduction of new sources of light and/or glare. New sources of night lighting and/or glare associated with increased opportunities for large-scale agricultural support facilities, wineries, residential development, and small -scale guest ranches.</p>	<p>Mitigation Measure VIS-4 (refer to Mitigation Measures AG-2 above) and Mitigation Measure VIS-5 (refer to Mitigation Measure AG-3 above).</p>	<p>Significant & unavoidable (Class I) only for large-scale preparation / processing facilities, wineries & facilities developed under the AIO</p>
<p>Impact VIS-2: Introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development. The proposed Uniform Rules amendments allowing for increased opportunities for large-scale agricultural support facilities, including wineries and those facilities developed under an AIO, commercial composting facilities, & special events would facilitate greater development in the rural areas of the County thereby increasing structural &/or visual intrusion into areas of active agricultural production which contribute to the visual character of the area by providing open vistas.</p>	<p>Mitigation Measures VIS-4 (refer to Mitigation Measure AG-2 above), Mitigation Measure VIS-5 (refer to Mitigation Measures AG-3 above) and</p>	<p>Significant & unavoidable (Class I)</p>

Table EX-1
Summary of Environmental Impacts and Mitigation Measures

Transportation/Circulation Impacts	Mitigation Measure	Residual Impact
<p>Impact CIRC-1: Increased traffic on rural roads. 67% of potential daily trips attributed to large-scale wineries (2,240 ADT), preparation facilities (560 ADT), industrial development in an AIO (5,050 ADT) and commercial composting facilities (60 ADT) expected to locate in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions.</p>	<p>Mitigation Measure CIRC-2 (refer to Mitigation Measure AG-2 above) and Mitigation Measure CIRC-3 (refer to Mitigation Measure AG-3 above).</p>	<p>Significant & unavoidable (Class I)</p>
<p>Impact CIRC-2: Circulation safety hazards. Addition of project and cumulative traffic associated with the proposed Uniform Rules amendments, including potential development of large-scale wineries and preparation/processing facilities and agricultural overlay uses in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions, could result in safety problems on rural roadways with unfavorable design features (e.g. narrow lane-width, sharp curves, limited sight distance, etc.) and/or utilized by bulky and slow agricultural machinery.</p>	<p>Mitigation Measure CIRC-2 (refer to Mitigation Measure AG-2 above) and Mitigation Measure CIRC-3 (refer to Mitigation Measure AG-3 above).</p>	<p>Significant & unavoidable (Class I)</p>
<p>Impact CIRC-3: Roadway degradation. Addition of project and cumulative traffic associated with potential development of large-scale wineries and preparation/processing facilities, agricultural industrial overlay uses, and commercial composting facilities could result in increased levels of truck traffic and repetitive loading from employee and visitor traffic. These impacts would apply to roads in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions where large-scale development is anticipated and where there is a prevalence of rural roads with structural limitations. Without the funding to address additional demand for maintenance or needed improvements, roadway degradation could occur. Pavement failure or other road hazards associated with inadequate maintenance could contribute to potential safety problems</p>	<p>Mitigation Measure CIRC-2 (refer to Mitigation Measure AG-2 above) and Mitigation Measure CIRC-3 (refer to Mitigation Measure AG-3 above).</p>	<p>Significant & unavoidable (Class I)</p>
<p>Impact CIRC-4: Regional traffic increases on Highway 246, Highway 154 & Highway 1. The individual large-scale or cumulative development that could result from the Proposed Rules in the Santa Ynez Valley or Lompoc Valley Regions could increase the existing high traffic volumes on Highways 1, 154 and 246.</p>	<p>Mitigation Measure CIRC-3 (refer to Mitigation Measure AG-3 above).</p>	<p>Significant & unavoidable (Class I)</p>

Table EX-1
Summary of Environmental Impacts and Mitigation Measures

Air Quality Impacts	Mitigation Measure	Residual Impact
Impact AQ-1: Increased emissions of ozone precursors: Large-scale non-grape preparation & AIO facilities are assumed to generate vehicle trips which may exceed project-specific thresholds of Significance (County of Santa Barbara, Environmental Thresholds Guidelines Manual). Potential commercial composting facilities allowed under the amended Uniform Rules will likely generate odors. The potential development of large-scale wineries, non-grape preparation & commercial composting facilities may have the potential to cause significant long-term air quality impacts.	Mitigation Measure AQ-2 (refer to Mitigation Measure AG-2 above) and Mitigation Measure AQ-3 (refer to Mitigation Measure AG-3 above).	Significant & unavoidable (Class I)
Water Resource Impacts	Mitigation Measure	Residual Impact
Impact GW-1: Water demand exceeding groundwater basin safe yield thresholds. Water demand for large-scale preparation facilities proposed to be allowed under Rule 2-2.1 and similar industries located within an AIO allowed under Rule 2-6 could exceed safe yield thresholds for basins in a state of overdraft. The amount of water needed for a commercial composting operation, proposed to be allowed under Rule 2-7 could similarly exceed thresholds for overdrafted groundwater basins. Thus, development of any of these facilities could exceed thresholds for the San Antonio and/or Santa Maria basins.	No feasible mitigation measures have been identified.	Significant & unavoidable (Class I)
Class II –Significant but Mitigable Impacts		
Agricultural Resource Impacts	Mitigation Measure	Residual Impact
Impact AG-3 Growth Inducement and Population Increases. The introduction of uses, activities and facilities on contracted land would likely result in increases in both temporary and permanent populations in the County’s rural agricultural areas & potential growth inducement associated with greater development on contracted land.	Refer to Mitigation Measures AG-1, AG-2, AG-3, and AG-4.	Significant but mitigable (Class II)
Visual Resource Impacts	Mitigation Measure	Residual Impact
Impact VIS-1: Obstruction or degradation of public views and/or the creation of views or conditions that are inconsistent with the rural character of the area. Development resulting from changes to the Uniform Rules would result in potentially significant impacts to visual resources primarily due to the potential for large-scale agricultural support facilities and winery development to be located along travel corridors or adjacent to public & private view sheds, especially if located along a State-designated scenic highway	Mitigation VIS-1: Add Rule 2-1.1.A.4: Agricultural preparation & processing facilities visible from a State-designated scenic highway should be sited, screened and designed to be compatible with the scenic and rural character of the area. Mitigation VIS-2: Add to the criteria in Rule 2-6: E. Will facilities within an Agricultural Industry Overlay (AIOs) on contracted land be visible from a State-designated scenic highway? If so facilities should be sited, screened and designated to be compatible with the scenic and rural character of the area consistent with the intent of Government Code §51220.	Significant but mitigable (Class II)

Table EX-1
Summary of Environmental Impacts and Mitigation Measures

Noise Impacts	Mitigation Measure	Residual Impact
Impact Noise-1: Generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors. Agricultural support facilities, commercial composting facilities, and special events have the potential to impact noise-sensitive receptors by generating noise in excess of 65dB or substantially increasing ambient noise levels depending on their size and location and nature of their operation.	No further mitigation measure is deemed necessary beyond policies, standards and other regulatory requirements currently in place to adequately mitigate potential noise impacts. These regulatory requirements would be applied on a case by case basis as proposed projects are reviewed during the permit process.	Significant but mitigable for Short-term Impacts (Class II)
Impact Noise-2: Short-term noise impacts associated with construction and grading. Greater development opportunities under the amended Uniform Rules would result in <i>potentially significant impacts</i> to noise-sensitive receptors associated with construction and grading activities at project sites.	No further mitigation measure is deemed necessary beyond policies, standards and other regulatory requirements currently in place to adequately mitigate potential noise impacts. These regulatory requirements would be applied on a case by case basis as proposed projects are reviewed during the permit process.	Significant but mitigable (Class II)
Air Quality Impacts	Proposed Mitigation Measure	Residual Impact
Impact AQ-2: Short-term dust and PM₁₀ generation. Site preparation activities involving heavy equipment would generate fugitive dust and PM ₁₀ emissions.	Implementation of APCD standard dust control measures will control dust within acceptable levels.	Significant but mitigable (Class II)
Class III –Adverse but Less Than Significant		
Visual Resource Impacts	Mitigation Measure	Residual Impact
Impact VIS-3: Introduction of new sources of light and/or glare. New sources of night lighting and/or glare associated with increased opportunities for large-scale agricultural support facilities and wineries, residential development and small-scale guest ranches.	No further mitigation required.	Adverse but less than significant for residential & small-scale guest ranches (Class III)
Class IV-Beneficial Impacts		
Impact AG-4: Increased production requirements on superprime land. The amended Uniform Rules increase the requirement for superprime parcels greater than 10 acres, such that parcels in this size category must either have more acres in cultivation or have a higher annual production value. This will achieve a higher standard of commercial agricultural activity.		
Impact AG-5: Agricultural Housing: In spite of the impacts identified under Impacts AG-2 and -3, the additional housing opportunities would have a beneficial impact on the maintenance of family farms by providing more flexible housing opportunities for family members on larger premises without having to separate the premises into individual contracts to facilitate individual housing, and thereby protecting the viability of agricultural operations for future generations.		
Impact AG-6: Compatible Uses. The amended Uniform Rules eliminates solid waste landfills as a compatible use in order to conform to the intent of the Williamson Act. This will eliminate uses and structures that are potentially incompatible with surrounding agricultural uses and conflicts including traffic, dust, odor and the conversion of agricultural soils.		
Impact AG-7: Comprehensive Plan and Zoning Requirements. Adding Mountainous and Resource Management zones as eligible zone districts and Agricultural and Commercial, and Other Open Lands as eligible land use designations expands the opportunities for enrollment in the Program. This will bring more agricultural land into the Program and protect it in the long-term.		
Impact AG-8: Agricultural Support Facility Expansion. The adequacy of agricultural support facilities within a region can have a significant effect upon the viability and long-term sustainability of agriculture. Proposed Uniform Rule 2-2.1 (<i>Preparation and Processing</i>) and Uniform Rule 2-6 (<i>Agricultural Industry Overlay</i>) will result in an <i>indirect beneficial impact</i> to agricultural resources in Santa Barbara County by increasing opportunities for large-scale preparation and processing facilities, cooling and packing facilities,		

Table EX-1

Summary of Environmental Impacts and Mitigation Measures

and other facilities which make agriculture more efficient, economic and profitable; allowing local farms to complete more successfully in the marketplace.

Allowing additional opportunities for facilities for preparation of raw products will increase the productivity of the premises and increase the long-term sustainability of the agricultural operation. Locating these facilities closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to packing & cooling facilities. Increased efficiency in farming reduces overall costs of farming and in turn, the consumer enjoys increased freshness of produce.

As noted in Sec. 2.4.3.B, there is an estimated shortage of local wine processing capacity of approximately 2.85 billion cases of wine county-wide. In addition to contributing to the sustainability and viability of individual agricultural operations by allowing for increased local wine processing through increased employment opportunities, income stream and capital investment will contribute in a broader sense to agricultural sustainability at a regional level. This would also be true for processing of non-grape crops in AJO facilities on contracted land.

Impact AG-9 Commercial Composting. Proposed Uniform Rule 2-7 will allow commercial composting facilities as a compatible use. This change will result in a *beneficial impact* to agricultural resources by allowing for central locations for the commercial composting of agricultural waste with the output of soil amendments enhancing soils' productivity.

Impact VIS-4: Rule changes eliminating potentially incompatible uses. Elimination of sanitary waste disposal facilities and transfer stations as compatible uses on contracted land and eliminating golf courses as compatible uses, will have a *beneficial impact* on the visual resources of the County's rural areas by eliminating potentially incompatible uses.

1. INTRODUCTION

1.1 PURPOSE

This environmental impact report discusses the potential environmental consequences resulting from updating the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules), which is the set of rules by which Santa Barbara County administers its Agricultural Preserve Program under the California Land Conservation Act of 1965 (better known as the Williamson Act). Santa Barbara County Planning and Development Department is the Lead Agency under the California Environmental Quality Act (CEQA) for preparation and approval of the proposed updated Uniform Rules. Consistent with the CEQA Statutes and Guidelines, and in accordance with the *County of Santa Barbara CEQA Guidelines*¹, this environmental impact report (EIR) has been prepared in order to accomplish the following:

- ◆ Inform the decision-makers and the public of the potential environmental impacts of the proposed program;
- ◆ Identify measures that can mitigate or avoid potential impacts; and
- ◆ Identify feasible alternatives to the program that can reduce potentially significant environmental impacts.

While CEQA requires that major consideration be given to avoiding potential environmental impacts, the lead agency must balance adverse environmental effects against other public objectives, including economic, social, and political goals in determining whether and in what form a program should be approved.

In meeting the requirements under CEQA, Santa Barbara County, Planning and Development Department, acting as the lead agency issued a Notice of Preparation (NOP) and *Project Overview and Issue Summary*, (dated August 24, 2004, see Appendix 1), to interested parties and other agencies to inform them of the environmental review process and to solicit comments on the scope and content of the environmental analysis.

1.2 ADEQUACY OF AN EIR

With respect to the level of detail and standards for adequacy, CEQA Guidelines §15151 states:

An EIR should be prepared with sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR

¹ Adopted by the Board of Supervisors in 1988, last amended in 1999.

inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

A “Program EIR” (CEQA Guidelines §15168) is prepared for projects consisting of a series of actions characterized as one large project and which are related either geographically; as logical parts in the chain of contemplated actions; in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of the continuing program; or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. Under such circumstances, CEQA Guidelines §15146 directs the lead agency to “focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction that might follow.” Therefore, this EIR focuses on the overall effects of buildout that could generally be expected to occur as a result of implementation of the updated Uniform Rules.

1.3 SCOPE

CEQA §15125 mandates that an EIR evaluate potential impacts on the physical environment as it exists at the time the NOP is published. The environmental setting serves as the baseline physical conditions against which the lead agency determines whether an impact is significant. As a result, this EIR evaluates the effects that new activities and development provided for under the amended Uniform Rules could have on the environment. The EIR evaluates these potential effects on the following environmental resources:

- ◆ Agricultural Resources and Land Use
- ◆ Visual/Aesthetic Resources
- ◆ Transportation/Circulation
- ◆ Noise
- ◆ Air Quality
- ◆ Groundwater Resources

A discussion of each resource is provided in Chapter 3, organized into the following sections:

- ◆ *Existing Setting* – describes the existing physical conditions for each environmental resource evaluated in the EIR. This provides the context for assessing potential environmental impacts resulting from implementation of the updated Uniform Rules.
- ◆ *Thresholds of Significance* – criteria used to evaluate the intensity or degree of significance of each impact. These criteria may include the adopted County thresholds listed in the *County of Santa Barbara Environmental Thresholds and Guidelines Manual* (last updated in 2003), thresholds drawn from the *Santa Barbara County Initial Study Checklist*, as well as any state CEQA thresholds (Appendix G of the CEQA Guidelines Appendices) that may apply.

- ◆ *Program and Cumulative Impacts* – describes potential consequences to each resource that may result from implementation of the updated Uniform Rules, both individually and cumulatively (e.g. impacts in combination with reasonably foreseeable development projects in the study area).
- ◆ *Mitigation Measures* – measures designed to reduce the potential environmental impacts to a less significant level.
- ◆ *Residual Impact* – identifies the significance level of impacts which remain after all available mitigation measures have been applied.

The following categories for impact significance are used in this analysis:

- ◆ **Class I** – Significant adverse impacts that cannot be feasibly mitigated or avoided. If the proposed program is approved with Class I impacts, decision-makers are required to adopt a statement of overriding considerations pursuant to CEQA §15093 explaining why benefits of the program outweigh the potential damage caused by these significant environmental impacts.
- ◆ **Class II** – Significant adverse impacts that can be feasibly mitigated or avoided. If the proposed program is approved with Class II impacts, decision-makers are required to make findings pursuant to CEQA §15091, stating that impacts have been mitigated to the maximum extent feasible by implementation of mitigations.
- ◆ **Class III** – Adverse impacts that are less than significant. These impacts do not require mitigation, nor do they require that findings be made. Mitigation measures may still be recommended to improve consistency with Comprehensive Plan policies.
- ◆ **Class IV** – Beneficial impacts resulting from the program.

The Uniform Rules update must demonstrate consistency with all applicable Comprehensive Plan policies. A program that is found to be inconsistent with County policies would not be approved. However, a program that is consistent with County policies may be approved even if it would result in Class I impacts, as long as a statement of overriding considerations is issued by the Board of Supervisors. In addition, the Uniform Rules update must be consistent with the Williamson Act, as these Uniform Rules are the local implementation of the statewide Agricultural Preserve Program set forth under the Williamson Act. While local Uniform Rules may be more restrictive than what is required under the Williamson Act, they may not be more lenient. As required by CEQA §15126.6, alternatives to the proposed Uniform Rules update are evaluated in Chapter 6 of this EIR. These alternatives include:

- ◆ No Project – the Rules would remain unchanged.
- ◆ Alternative 1 – Legislative updates and codification of practice – this alternative would include only those changes mandated by legislative amendments to the Williamson Act or derived from

the 2001 audit of Santa Barbara County's Agricultural Preserve Program by the Department of Conservation, and would codify existing practice.

- ◆ Alternative 2 – Modified Uniform Rules – this alternative would be a variation on the project description to reduce environmental impacts stemming from residential, agricultural support uses and agriculturally related commercial and industrial uses located in the Agricultural Industry Overlay (AIO).
- ◆ Alternative 3 – Expanded Facility Development – this alternative would increase the opportunities for larger site envelopes for preparation facilities and wineries.

2. PROJECT DESCRIPTION

2.1 BACKGROUND

The Uniform Rules are the set of rules by which Santa Barbara County administers its Agricultural Preserve Program under the Williamson Act. The goals of the Williamson Act program are the protection of agricultural resources, preservation of open space and promotion of efficient urban growth patterns. The program, administered and implemented by cities and counties, enables landowners to enter into voluntary contractual agricultural preserve agreements for the purpose of long-term protection of agricultural land. The Uniform Rules outline the requirements for land participating in the Agricultural Preserve Program, including eligibility requirements, residential allowances, compatible uses, and administrative provisions for terminating or amending contracts.

The last major update to the Uniform Rules occurred in 1984, with a more recent focused amendment in 1999 which added provisions for Farmland Security Zones (per the Williamson Act) and Residential Agricultural Units. It has been twenty years since the Uniform Rules were last comprehensively updated, during which time a host of changes have been made to the Williamson Act including legislative changes regarding the definition and range of “compatible uses”, public acquisition of contracted lands, provisions for rescission and reentry and lot-line adjustments as well as the definition and contractual provisions of an additional category of contracted lands called a “Farmland Security Zone”. In addition, there have been local regulatory changes which affect agriculture. Finally, the local agricultural industry has seen significant changes in cultivation and industrial development over the last two decades.

For these reasons, and in direct response to a request by representatives of the local agricultural community, the Board of Supervisors in April 2003 directed Planning and Development to work with the Agricultural Preserve Advisory Committee (APAC) and members of the public to update the Uniform Rules to bring them into conformance with legislative amendments to the Williamson Act and to consider additional changes that would be beneficial to the Agricultural Preserve Program and the long-term viability of agriculture in Santa Barbara County. The APAC held a series of 29 special meetings between May 2003 and August 2004 at which the Committee and interested members of the public discussed and developed proposed amendments to the Uniform Rules. The product of these meetings is the *Draft Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Appendix 2) which is the project description analyzed in this EIR.

2.2 PROJECT LOCATION

The Uniform Rules apply to agricultural and open space lands enrolled in the Agricultural Preserve Program throughout the unincorporated areas of Santa Barbara County exclusive of areas under state and federal jurisdiction, such as the University of California campus, Vandenberg Air Force Base, and federally-owned land within the Los Padres National Forest. Approximately 555,400 acres of agricultural land is enrolled in

the Agricultural Preserve Program, which represents roughly 74% of the total private land in the County zoned for agriculture. Figure 1 identifies contracted land and other land zoned for Agriculture or Mountainous or Resource Management that could become eligible for contracts. The agriculturally zoned lands also include land zoned for agriculture under Ordinance 661.

Table 2-1 provides an overview of agricultural land currently enrolled in the Agricultural Preserve Program, broken down by agricultural region within the County and demonstrates that the Santa Maria and Santa Ynez valleys have the most land enrolled in the Program. Roughly two-thirds of the contracts within the County are preserves of 100 acres or greater in size.

Table 2-1
Summary of Agricultural Lands and Lands Enrolled in the Agricultural Preserve Program.

Rural Region	Total No. of Contracts	Contracts < 100 acres	Contracts ≥ 100 acres	Total No. of Parcels	Total Contracted Acreage	Total Land Zoned Agriculture
South Coast	166	149	17	301	11,035	24,186
Gaviota Coast	195	17	178	279	56,108	68,143
Santa Ynez Valley	238	54	184	459	141,426	173,868
Lompoc Valley	230	66	164	382	89,048	116,814
San Antonio Creek	82	16	66	128	63,723	77,637
Santa Maria Valley	255	83	172	485	134,584	186,094
Cuyama Valley	52	11	41	161	58,671	102,323
Los Padres (private)	4	0	4	5	800	1,453
Total	1,222	396	826	2,200	555,394	750,521

Source: Agricultural Preserve Program Statistics from County Assessor's Office, as of September 2005; zoning statistics provided by Santa Barbara County Planning & Development.

2.3 PROJECT OBJECTIVES AND OVERVIEW

The Uniform Rules Update proposes changes to several aspects of the Uniform Rules in order to meet the following objectives: 1) bring the Uniform Rules into conformance with recent legislative amendments to the Williamson Act; 2) address discrepancies in the Uniform Rules that were identified in a 2001 audit of the County's Agricultural Preserve Program by the California Department of Conservation (refer to Appendix 10); 3) ensure the continued integrity of the Agricultural Preserve Program; and 4) increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the County's Agricultural Preserve Program. Additionally, the Update proposes reformatting the Uniform Rules to make them more user-friendly. Below is a general description of some of the major changes being proposed as part of the project description. The complete draft of proposed Uniform Rule changes is provided as Appendix 2.

Primary additions to bring the Rules into conformance with the Williamson Act include incorporating principles of compatibility from the Act (Gov. Code §51238.1) that provide criteria to be considered when evaluating the compatibility of uses such as dwelling units or agricultural support uses including AIO, preparation and processing facilities and wineries (Rule 2-1.1); updating the definition of recreational use to require that land be in its "agricultural or natural state" (Rule 2-5); incorporating the

required findings to allow a lot line adjustment on contracted land (Rule1-3); and adding the appropriate findings and procedures required for contract cancellations (Rule 6-1.2).

Agricultural Lands and Lands Enrolled in the Agricultural Preserve Program

- Areas Enrolled in Agricultural Preserve
- Zoned Agricultural (Not in Agricultural Preserve)
- Zoned as Mountainous Area or Resource Mgmt. (Proposed for Agricultural Preserve Eligibility)
- Rural Region Boundary
- Incorporated City
- Unincorporated Urban Area
- Los Padres N.F.

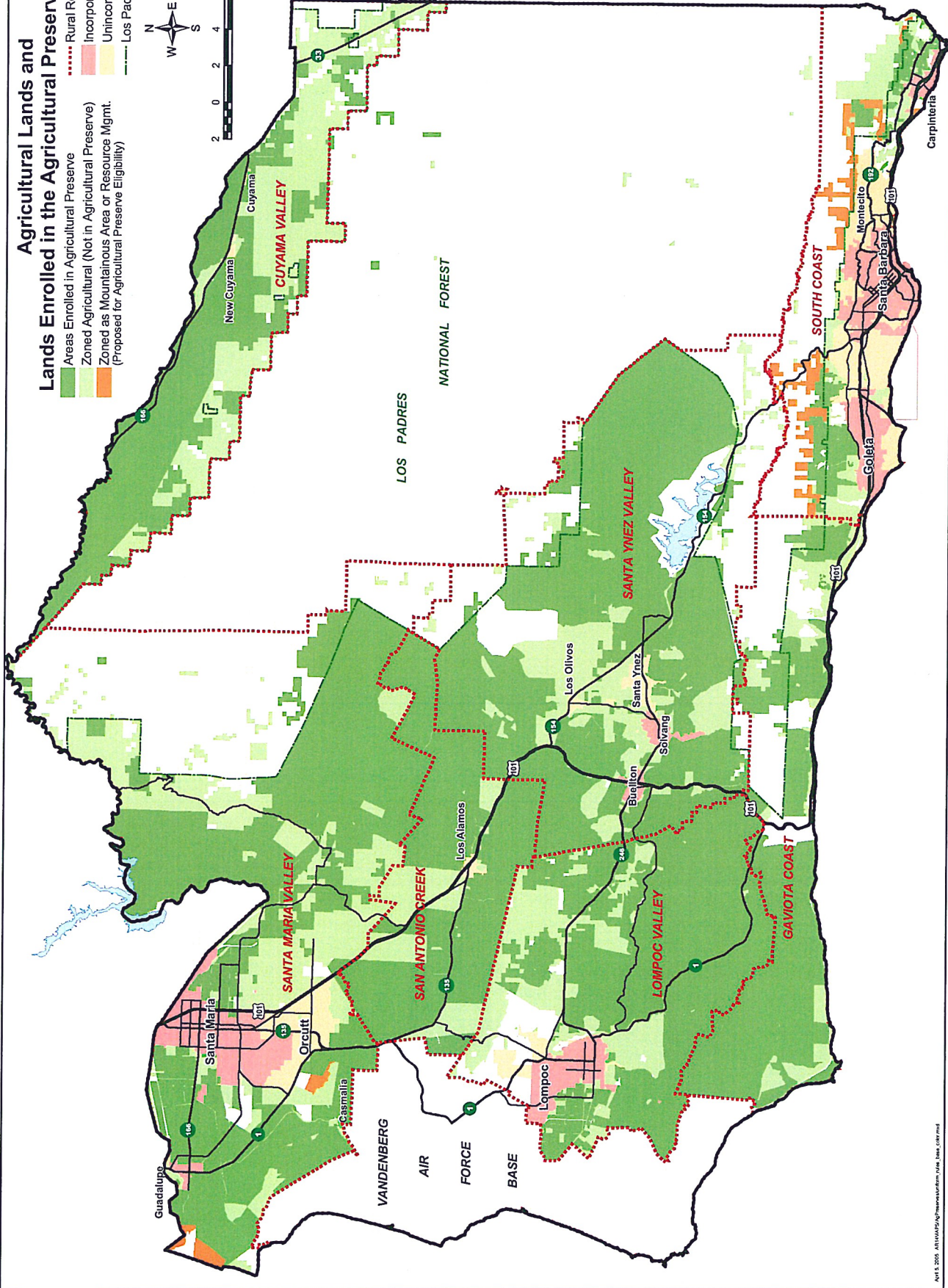


Figure 1

April 2005 <http://www.dfw.state.ca.gov/land/land.htm>

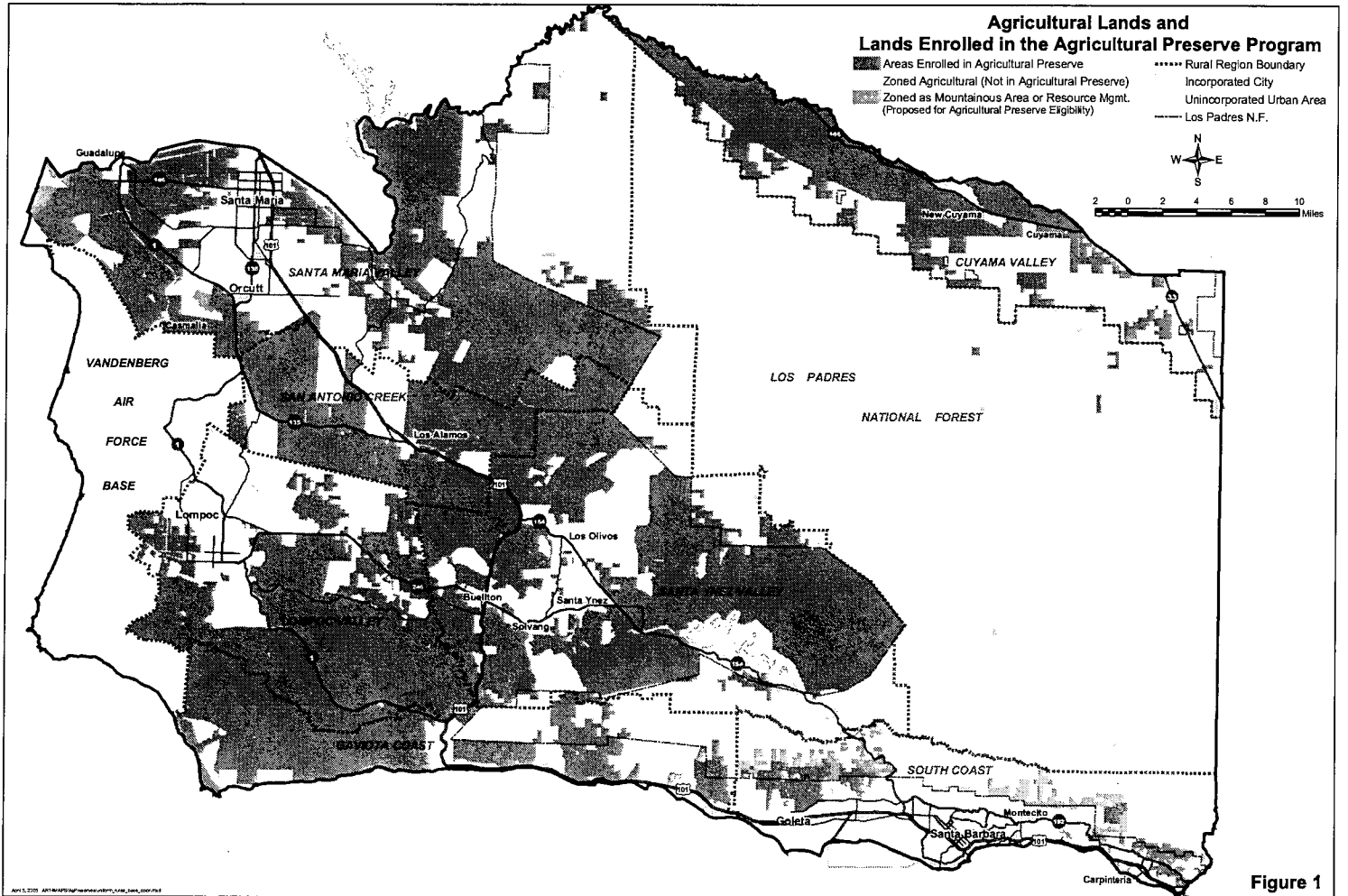


Figure 1

In responding to the 2001 DOC audit, the amended Uniform Rules eliminate sanitary fill waste disposal facilities (Rule 2-7) as a compatible use on contracted land; state the rationale for inclusion of superprime parcels in the Agricultural Preserve Program (Rule 1-2.2); and clarify size eligibility requirements for parcels and preserves (Rule 1-2.2).

In order to ensure the integrity of the Agricultural Preserve Program and minimize its abuse, the amended Uniform Rules propose revised agricultural production and reporting requirements (Rule 1-2.3), primarily on prime and superprime land. These changes would help to limit participation in the Agricultural Preserve Program to bonafide farmers and ranchers actively involved in commercial agricultural operations.

Many of the other proposed amendments are intended to increase the clarity and flexibility of the Uniform Rules to ensure continued participation in the program. Notable proposed changes include:

- additional land use designations and zoning districts that are eligible for enrollment in the Agricultural Preserve Program (Rule 1-2.1, see Table 2-2 below);
- addition of lot line adjustments as a means to add parcels smaller than the allowable minimum size to existing contracts (Rule 1-2.4);
- changes to residential allowances to provide more housing opportunities (Rule 1-4.1);
- allowance for increased development envelopes on superprime land if more land is devoted to agricultural production (Rule 1-4.1);
- increase in the flexibility of facilities preparing and processing agricultural products (Rule 2-2.1);
- clarification of the restrictions and requirements associated with animal boarding and breeding (Rule 2-3);
- the addition of an allowance for small-scale guest ranches subject to certain requirements (Rule 2-4);
- the allowance for an agricultural industry overlay to be applied on contracted land (Rule 2-6);
- the allowance for commercial composting facilities subject to certain requirements (Rule 2-7); and
- the allowance for temporary filming and special events (Rule 2-11).

Table 2-2
Comprehensive Plan and Zoning Requirements*

Contract Type	Comprehensive Plan Designation	Zone District
Agriculture & Recreation	Agricultural Commercial, Agriculture I, Agriculture II, Mountainous Area; Agricultural Industry Overlay necessary for large-scale agricultural processing facilities	Agriculture & Mountainous
Open Space	Agricultural Commercial, Agriculture I, Agriculture II, Mountainous Area, and Other Open Lands	Agriculture, Mountainous & Resource Management

*Parcels zoned for agriculture under the Land Use and Development Code of Chapter 35 of the Santa Barbara County Code (AG I and AG II) are currently eligible for the Agricultural Preserve Program. Uniform Rule 1-2.1 would allow land zoned Mountainous, (e.g. MT-GOL and MT-TORO) and Resource Management (RES) to potentially enroll in the Agricultural Preserve Program. Land designate Other Open Land and zoned Resource Management where no agriculture is taking place, would be eligible only for an Open Space contract.

2.4 PROJECT ASSUMPTIONS

The buildout assumptions presented in this section pertain to Uniform Rule amendments addressing residential and compatible uses, and agricultural support facilities. These assumptions provide the basis for the assessment of environmental impacts presented in Chapter 3.0. Development currently allowed by Uniform Rules for which no changes are proposed is not evaluated in this Environmental Impact Report.

2.4.1 Residential Use

The current administrative practice for implementing the Uniform Rules is to allow only one principal dwelling per premises (all land under a single contract), regardless of the number of parcels that make up the premises. The residential development envelope, which includes the principal dwelling, accessory residential structures, driveways and landscaping, is limited to 3% of the parcel or 2 acres in size, whichever is less. In the case of superprime contracts (contracts south of the Santa Ynez Mountains and east of Gaviota Pass with parcels less than 20 acres in size), the residential development envelope is limited to 10,000 square feet. Uniform Rule 1-4.1.B.2, would expand the opportunities for principal residential dwellings from the current limit of one per premises to a maximum of three principal dwellings per premises if certain criteria are met. Contracted premises with multiple parcels that are 100 acres or greater and zoned AG-II-100 or greater would be permitted one principal dwelling on each qualifying parcel, up to a maximum of three units. For premises qualifying for multiple principal dwelling units, the cumulative residential building envelope would be limited to 3 acres (one net new acre), not to exceed 2 acres on a single parcel.

Table 2-3

Premises Potentially Qualifying for One or Two Additional Principal Dwellings by Rural Region

Rural Region	Premises allowed 1 additional dwelling	Premises allowed 2 additional dwellings	Total No. of additional dwelling units	Development envelope acreage (net increase)
South Coast	3	2	7	5
Gaviota Coast	9	5	19	14
Santa Ynez Valley	23	22	67	45
Lompoc Valley	19	14	47	33
San Antonio Creek	11	6	23	17
Santa Maria Valley	10	15	40	25
Cuyama Valley	8	11	30	19
Total	83	75	233**	158*

Source: Santa Barbara County Assessor's Office, 2003.

*83 premises + 75 premises = 158 premises allowed one additional acre of land for the combined residential development envelope

** (83 premises x 1 additional residential dwelling = 83) + (75 premises x 2 additional residential dwellings = 150) = 233 additional residential dwellings

Table 2-3 indicates that 83 existing contracts would qualify under the proposed new rule for a maximum of two principal dwellings (i.e. the premises has 2 parcels that are both 100 acres or greater and zoned

AG-II-100 or greater) and 75 contracts would qualify for a maximum of three principal dwellings (i.e. the premises has 3 or more parcels that are 100 acres or greater and zoned AG-II-100 or greater). These 158 premises could contribute a total of 233 additional principal dwellings under the amended Uniform Rules as compared to what is currently allowed. Since the amendment allows one additional acre for the residential envelope, it could result in up to 158 additional acres being taken out of agricultural production and devoted to the residential development envelope. For purposes of this environmental impact analysis, it is assumed that maximum buildout under this provision is a reasonable scenario given interest by agricultural landowners for additional housing opportunities. Premises that are eligible for additional residential dwellings are distributed evenly throughout the agricultural regions of the County with the exception of the South Coast region between Goleta and Carpinteria, which is made up mostly of smaller parcels and premises that do not qualify for this provision.

Although more land would be eligible for enrollment into the Agricultural Preserve Program under the amended Uniform Rules (e.g. the addition of Mountainous and Resource Management zone districts), this would not result in any additional residential development in the rural areas of the County beyond what is already allowed under the County’s zoning ordinances.

2.4.2 Small-Scale Guest Ranches

Uniform Rule 2-4 would allow small-scale guest ranches for up to fifteen guests accommodated in no more than six rooms. The guest ranch facility must be incidental to the agricultural use on the premises. Parcels 100 acres or greater would be eligible to construct additional lodging within the residential development envelope to be used for guest accommodations, while smaller parcels would need to accommodate guests within the existing principal dwelling. Table 2-4 indicates that 980 out of a total of 1,222 premises enrolled in the Agricultural Preserve Program could potentially take advantage of this provision, with 794 of the 980 premises able to build additional structures besides the principal dwelling in order to accommodate guests, as they have parcels at least 100 acres in size.

Table 2-4
Premises Potentially Qualifying for a Small-Scale Guest Ranch
(i.e. Parcels ≥ 40 Acres Zoned ≥ AG-II-40)

Rural Region	No. of Premises with Parcels 40 – < 100 acres	No. of Premises with Parcels ≥ 100 acres	Total Premises
South Coast	17	9	26
Gaviota Coast	8	174	182
Santa Ynez Valley	39	173	212
Lompoc Valley	29	164	193
San Antonio Creek	11	66	77
Santa Maria Valley	75	164	239
Cuyama Valley	7	41	48
Los Padres	0	3	3
Sub-Total	186	794	980

Opportunities for a small-scale guest ranch would primarily be concentrated in the Gaviota Coast, Lompoc Valley, Santa Ynez Valley, and Santa Maria Valley rural regions. Not every eligible contract holder will develop a small-scale guest ranch. For analysis purposes, the impact assessment assumes the

development of small-scale guest ranches on 2.5% of the eligible contracts, resulting in the potential development of 25 small-scale guest ranches (Table 2-5). This is believed to represent a conservative estimate of the number of contract holders likely to avail themselves of this opportunity.

Table 2-5
Total Number of Potential Small-Scale Guest Ranches Assuming 2.5% Participation

Parcel Size	No. of Premises	No. of Guest Ranches	Average No. of Guests weekdays	Average # of Guests weekend
≥ 40 - < 100 acres	186	5	20	35
≥ 100 acres	794	20	108	240
Total	980	25	128	275

Further, it is estimated that the larger guest ranches would average 12 guests during the weekend and 9 guests during the week and the smaller establishments would average 7 guests during the weekend and 4 guests during the week, resulting in a total average guest population of 128 guests during the week and 275 guests during the weekend.

2.4.3 Agricultural Support Facilities

A. Expanded Envelope for Crop Preparation Facilities and Wineries

The existing Uniform Rules allow 10% of premises or 5 acres, whichever is less, to be used for a facility to prepare crops grown primarily on the premises for shipment and sale or, in the case of vineyards, to produce wine. Proposed Uniform Rule 2-2.1 would increase the development envelope allowance for larger premises (i.e. premises at least 600 acres in size). For every 100 acres above 500 acres, the premises can add one additional acre to their site envelope for a crop preparation facility or winery processing facility, up to a maximum of 20 acres total. The increased acreage allowances are maximums and will only be permitted upon demonstrated need to support the agricultural operation. While this provision applies to all facilities that prepare crops for market, it is primarily meant to address the needs of the County's wine industry.

The wine industry is somewhat unique in its processing needs and the acreage requirements associated with those needs, in terms of relatively prompt processing of the grapes once they are harvested, barrel storage, tasting rooms (which play an important role in marketing and sales for the winery), and associated development. Farmers producing non-wine grape crops are expected to take advantage of this provision to a lesser degree. Therefore, for the purposes of assessing the impacts of this provision, the emphasis is placed on the impacts resulting from winery development. In order to appropriately analyze the environmental impacts associated with this provision, several assumptions were made regarding how this provision would translate on the ground with respect to winery facilities.

B. Winery Development Assumptions

Approximately 11,850 acres of vineyards are planted on contracted land (County Assessor’s Office 2003). This represents about 63% of the approximate 18,800 acres planted countywide on both contracted and non-contracted land (Alan Hancock College, 2004). According to a study by the Wine Industry Task Force Winery Subcommittee, permitted case capacity of wineries in the County was approximately 20% of the capacity needed to process the 18,800 acres of local wine grapes. While this study did not take into account processing of imported wine grapes from neighboring counties, the EIR analysis assumes imports are balanced by exports. Thus, the net case production is considered to be derived from 18,800 acres of vineyards. A commonly accepted case production standard used in Santa Barbara County is 300 cases of wine for every acre of vineyards. Therefore, 18,800 acres of vineyards equates to 5.64 million cases of wine. Since current permitted capacity is estimated at approximately 20% of the demand, there is a production capacity shortage of approximately 4.51 million cases countywide, or 15,040 acres of grapes (Table 2-6).

Table 2-6
Summary of Assumptions made for Winery Development

Production Figures	Countywide¹	Contracted Land
Vineyard Acreage (existing planted acres)	18,800	11,850 ²
Potential Case Production (cases)³	5.64 million	3.56 million
Existing Processing Capacity (cases)	5.64 mil. x 20% ⁴ = 1.13 million	3.56 million x 20% = 712,000 ⁵
Unmet Processing Capacity (cases)	80% = 4.51 million	80% = 2.85 million

¹Countywide figures, provided by the Wine Task Force Winery Subcommittee, 2003, are for both contracted and non-contracted land.

²County Assessors Office, 2003.

³Case production average is based on an industry-accepted standard of 300 cases per acre.

⁴The 20% figure is based on a study of existing permitted processing capacity by the Wine Industry Task Force Winery Subcommittee, 2003.

⁵The same case capacity percentage (20%) was used on contracted land as for the County as a whole.

Winery Facilities on Contracted Land

The EIR impact analysis evaluates current and future vineyard production in the County and the potential demand for new wineries on contracted land. Assuming the unmet capacity demand on contracted land reflects a similar percentage (i.e. 80%) as for the County as a whole, unmet processing capacity on contracted land is estimated at 2.85 million cases of wine, which equates to 9,480 acres of grapes (Table 2-6).

While it is difficult to know how the unmet demand for processing wine grapes would be accommodated on contracted land in the future, (i.e. number and size of wineries), it is reasonable to assume demand would be met by an equal combination of new or expanded facilities within existing Uniform Rules acreage allowances (i.e. 5 or fewer acres) and new larger facilities greater than 5 acres. The winery footprint for some of the County’s larger wineries (i.e. production capacity of 100,000 cases or greater) equates to approximately 1 acre of developed area (including processing facility, accessory structures and

landscaping) for an average of approximately 40,000 cases of wine annually, while smaller facilities average closer to 25,000 cases per 1 acre developed area (Table 2-7).

Table 2-7
Site Acreage for Production at Existing Wineries

Winery	Winery Site Size	Production Capacity	Case Production Per Acre of Site
Cambria	5 acres	400,000	80,000
Curtis	1.5 acres	40,000	26,700
Dierberg	2 acres	100,000	50,000
Foley	3 acres	100,000	33,333
Gainey	2 acres	50,000	25,000
Sanford	3.5 acres	80,000	23,000
Zaca Mesa	2.7 acres	100,000	37,000

* Please note that the production capacities are based on 2003 figures

Using these averages, and assuming that 50% of the unmet processing demand (1.425 million cases) on contracted land is handled by smaller wineries within existing acreage allowances (Merrill, K., CCWGA, October 22, 2004), then approximately 58 acres would be required for winery facilities less than or equal to 5 acres in size, and 36 acres would be required for winery facilities larger than 5 acres to process the remaining 1.425 million cases (Table 2-8).

Table 2- 8
Projected Acreage Requirements to Satisfy Unmet Wine Processing Demand on Contracted Land

Size Category of Winery	Unmet Demand	Contracted Land
Small Winery Acreage Required (≤ 5 acres) ^{*,**}	1,425 million cases 25,000 cases/acre	58 acres
Large Winery Acreage Required (> 5 acres) ^{*,**}	1,425 million cases 40,000 cases/acre	36 acres
Total		94 acres (36 net new acres)

* Assumes large wineries can process an average of 40,000 cases per acre of facilities and small wineries can process an average of 25,000 cases per acre of facilities, based on a survey of recent winery projects.

** These figures assume 50% of the unmet capacity will be accommodated by new or expanded wineries within existing 5 acre allowance, and the other 50% will be accommodated on larger sites allowed by the change to the Rules.

Future Demand

Although a total of 94 acres of facilities would accommodate the current unmet capacity demand on contracted land, it is possible that more land will be converted to vineyards in the future or existing vineyards will develop techniques to increase production on existing acreage. This would result in the need for additional agricultural land to be used for winery facilities in the future. Assuming an increase in production of 25% in the future, an additional processing capacity of 888,000¹ additional cases would be produced on contracted land; and assuming the same ratios described above (i.e. 50% of unmet processing capacity demand on contracted land is handled by winery facilities 5 acres or less), an additional 18 acres would be necessary to accommodate small-scale wineries (existing Uniform Rules acreage allowances) and 11 acres necessary for larger wineries. Altogether a total of 123 acres of

¹ Assuming a 63% ratio of vineyards on contracted land versus vineyards countywide.

contracted land could be taken out of production to accommodate current and future unmet processing demand. However, since the existing Uniform Rules would permit the projected acreage for wineries with a development envelope of 5 acres or less (76 acre demand), the net acreage demand for winery facilities under the amended Uniform Rule 2-2.1 is projected to be 47 acres (Table 2-9).

Table 2-9
 Projected Additional Acreage Required for Unmet Case Processing Demand
 for Wine Grapes Grown on Contracted Land

Acreage needed for:	Small-scale Wineries	Large-scale Wineries
Current unmet demand	58 acres	36 acres
Future unmet demand	18 acres	11 acres
Total additional acreage required	76 acres	47 acres

Large-Scale Winery Assumptions

For the purpose of analyzing potential environmental impacts the following assumptions have been made with respect to size and distribution of potential large-scale wineries on contracted land (Table 2-10).

Table 2-10
 Theoretical Distribution of Large-Scale Wineries
 resulting from the Amended Uniform Rules

Rural Region	Size of Winery (ac)	Additional Acreage
San Antonio Creek	20 acres	20 acres
Santa Maria	13 acres	13 acres
Santa Ynez	10 acres	10 acres
Santa Ynez	7 acres*	2 acres
Lompoc Valley	7 acres*	2 acres
Total acreage	57 acres	47 acres

* The two 7 acre winery facilities are assumed to result from the expansion of existing facilities currently limited by the existing 5-acre cap. The EIR analyzes the 2 acres of net new development for each of these new facilities.

The allocation of large-scale wineries to rural regions is based on the number, size and location of existing contracts with sufficient acreage to take advantage of the proposed new rules; the existing distribution of wine-grape growing regions within the County; and known instances where growers have expressed interest in facilities for large-scale production of wine.

In the case of the 20-acre, 13-acre, and 10-acre winery facilities, it is presumed that they would be entirely new facilities developed under the amended Uniform Rules, as facilities of that scale would not have been contemplated under the existing Uniform Rules. Consequently, the potential impacts of the entire facility are considered in this EIR.

C. Small-Scale Processing Beyond the Raw State

Uniform Rule 2-2.1.C provides opportunities for the development of small-scale facilities for the processing of crops beyond the raw state, a provision which is currently limited to wine grapes. In order to keep these facilities small-scale, the envelope for the facility and all ancillary structures, parking and landscaping, would be limited to 1% of a parcel or 1 acre, whichever is less, and could only process crops grown on the premises. While this allowance would apply to all agricultural preserves, superprime contracts (those south of the Santa Ynez Mountains less than 20 acres in size) would be limited in size and scale to their existing development envelope or within existing agricultural buildings. Excluding superprime contracted premises from the analysis, 1,111 prime and nonprime agricultural preserves throughout the County could eventually develop a processing facility. Of these, approximately 700 premises are currently engaged in cultivated agriculture to some degree (with at least 5 acres or more in production), and would therefore potentially be in a position to benefit from development of a processing facility.

In Santa Barbara County, most local produce is prepared and sent directly for wholesale distribution. While there is not a huge market for small-scale processing facilities in the County, agricultural representatives acknowledge that certain boutique operations would benefit from this new provision. (Laemmlen, 2004).

Table 2-11

Participating Premises and Acreage Needed for Small-Scale Processing Facilities

Participating Premises	Small-Scale Processing Facility Size	Acreage
35* existing	.75	26 acres
12** future	.75	10 acres

* assuming 5% of the 700 premises build a small-scale processing facility, given current and expected demand for facilities.

** assuming 3% of the prime and nonprime premises currently in grazing or other open lands convert to cultivation in the future; currently there is a trend towards conversion of grazing lands to more intensive agricultural uses, thus it is likely that more premises in the future would be in cultivation and be in a position to avail themselves of this opportunity for a facility to process products beyond their raw state.

Though it would not result in the loss of agricultural land, it is further assumed that 3 additional boutique facilities would be located in the South Coast Region. Proposed Rule 2-2.1.C would allow small-scale processing on superprime land provided it would be located in an existing building, and no additional acreage would be required.

D. Agricultural Industry Overlay Sites

The produce industry in recent years has been consolidating as retail stores have merged. This has created pressures on farmers to consolidate their production, leading farmers to form business partnerships to build a single large cooling facility which can handle in excess of 15 million cartons annually. The Grower-Shipper Vegetable Association² cite multiple benefits to individual farmers, and to

² Richard Quandt, Grower-Shipper Vegetable Association of Santa Barbara and San Luis Obispo Counties, comment letter B-20 on this EIR, dated October 31, 2005.

the agricultural and broader communities by allowing larger-scale preparation and processing facilities closer to where produce are grown, including increased economic viability and consequent stability of agricultural areas. As a result of the information provided by the Growers-Shipper Vegetable Association, buildout assumptions for Proposed Uniform Rule 2-6 have been revised to include four AIOs in the foreseeable future: two approximately 15 acres in size and two approximately 30 acres in size for a total of 90 acres of agricultural support facilities.

2.4.4 Summary of Buildout Assumptions

The table on the following page summarizes the assumptions used in the buildout scenario discussed in the forgoing section. Each rule is referenced, followed by the formula and the result. Not all proposed changes have been discussed here; additional assumptions for buildout will be discussed in the impact analysis sections in Chapter 3.

Table 2-12
Summary of Formulas Used in Projecting Buildout for Selected Proposed Rules

Rule	Formulas	Result
1-4.1.B.2 Residential opportunities	83 premises (eligible for one additional dwelling) + 75 premises (eligible for two additional dwellings) =	158 premises eligible for one additional acre for combined residential development
1-4.1.B.2 Residential opportunities	83 premises (1 additional dwelling) + 75 premises (2 additional residential dwellings) =	233 additional residential dwellings
2-4. Small-scale guest ranches	980 parcels eligible for small-scale guest ranches x 2.5% of eligible parcels realizing development of small-scale guest ranches =	25 guest ranches
2-2.1. Large-scale wineries	18,800 (acres of vineyard countywide) x 300 (cases of wine per acre) =	5.64 million cases of wine-countywide
2-2.1. Large-scale wineries	5.64 (million cases) x 20% (existing processing capacity of unmet demand) =	1.13 million cases processing capacity-countywide
2-2.1. Large-scale wineries	5.64 (million cases) x 80% (unmet demand countywide) =	4.51 million cases of unmet demand-countywide
2-2.1. Large-scale wineries	11,850 (acres of contracted vineyard) x 300 (cases of wine per acre) =	3.56 million cases on contracted land
2-2.1. Large-scale wineries	3.56 (million cases) x 20% (existing processing capacity of unmet demand)	712,000 cases processing capacity on contracted land
2-2.1. Large-scale wineries	3.56 (millions cases) x 80% =	2.85 million cases of unmet demand on contracted land
2-2.1.C Small-scale processing facilities	700 (eligible premises) x 5% (likely to build a processing facility) =	35 facilities
2-2.1.C Small-scale processing facilities	35 (facilities) x .75 (estimated average acreage of facility) =	26 acres (total acres likely to be converted)
2-2.1.C Small-scale processing facilities	400 (nonprime or grazing premises) x 3% (premises likely to build a processing facility) =	12 facilities
2-2.1.C Small-scale processing facilities	12 facilities x .75 (estimated acreage of facility) =	10 acres (total acres likely to be converted)
2-6 Agricultural Industry Overlay	4 overlay areas: 2 at 15 acres each and 2 at 30 acres each	90 acres (total acres likely to be converted)

2.5 DISCRETIONARY ACTIONS REQUIRED

Approval of the proposed project (or any of the alternatives except the “No Project” Alternative) would entail the following discretionary actions by the Santa Barbara County Planning Commission and Board of Supervisors to implement an update to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones*.

1. Certification of the Final Environmental Impact Report.
2. Make the following minor amendments to the Comprehensive Plan for consistency purposes:
 - A. Adopt a resolution to amend references to Uniform Rule 6 in the definition of Agricultural Commercial (AC) (40-320 or more acre minimum parcel size) on page 164 of the Land Use Element to read:

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

This category is used for commercially farmed, privately owned land located within 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 agricultural purposes, but otherwise eligible for Williamson Act Contract may be included if they meet requirements of Uniform Rule ~~1 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 ~~1 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 the agricultural preserve status.

- B. Adopt resolution to amend Agricultural zoning consistency text on page 178 of the *Santa Barbara County Comprehensive Plan Land Use Element* to read:

Agricultural zoning – is consistent with all general plan land use designations, except that land subject to an Agricultural Preserve Contract shall, pursuant to the ~~Criteria~~ Requirements for Agricultural Preserves, ~~be designated on the~~

~~General Plan for an agricultural land use, be consistent with the County's Uniform Rules as well as zoned for agriculture.~~

3. Adopt resolution to update and amend the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones*.

3. ENVIRONMENTAL IMPACT ANALYSIS

This section contains a discussion of the possible environmental effects of the proposed project based on land currently enrolled in the Agricultural Preserve Program. Enrollment has been fairly stable in recent years, with minor fluctuations of approximately 2,000 acres since 1997. The inclusion of all land which is potentially eligible to enroll in the program would be too speculative for the analysis to be useful and informative. Section 2.4 of this document contains basic assumptions upon which a realistic buildout scenario was constructed. Further assumptions, specific to each resource area and in greater depth, have been addressed and analyzed in the following sections.

3.1 AGRICULTURAL RESOURCES AND LAND USE

3.1.1 Existing Setting

General Overview

Santa Barbara's unique and mild coastal climate provides a growing season ranging from 175 days in the mountains to 340 days or more along the coast. The long growing season combined with abundant sunshine (approximately 300 days per year) and a variety of soils create ideal conditions for a wide array of agricultural crops. The unique east-west orientation of the Santa Ynez Mountain Ranges creates valleys and canyons that open to the Pacific Ocean allowing cool and moist ocean breezes to flow inland, thereby maintaining a temperate climate conducive to highly productive and diversified agriculture. Produce ranges from subtropical fruits like avocados and sapotes, to premium wine grapes such as Chardonnay and Pinot Noir, to high value vegetable and berry crops, interspersed with extensive grazing lands.

Agriculture is the County's major production industry, with a gross production value in 2004 of \$902,891,898 (Agricultural Commissioner's Office, 2004). This represents a \$44.9 million (5.0%) increase when compared to 2003 figures (Agricultural Commissioner's Office, 2004). Santa Barbara County's diversified agriculture continues to provide a strong base for the local economy. Through a multiplier effect it has a local impact in excess of \$1.8 billion dollars.¹ According to the 2002 National Agricultural Census, Santa Barbara County ranked 13th in agricultural production value out of 58 counties in California and 19th nationwide (National Agricultural Statistics Service).

Table 3.1-1 provides a summary of 2004 agricultural production. The County has a substantial amount of land devoted to non-irrigated grazing/pasture partially because of the prevalence of steep slopes, which are less fertile, dryer, and generally not amenable to intensive crop production. As shown in Table 3.1-1

¹ Santa Barbara County Agricultural Commissioner's Office, 2004 Agricultural Production Report.

below, while grazing land makes up the bulk of the agricultural acreage, it is the irrigated crops that produce the greatest value.

Table 3.1-1

Summary of the Major Forms of Agricultural Production in Santa Barbara County, 2004

Agricultural Production/Crop	Harvested Acreage¹	Production Value²	Percent of Total Value
Vegetable crops	69,837	\$349,750,241	38.6%
Fruit and nut crops	34,157	\$317,027,109	35.1%
Nursery production	Sq Ft, House: 23,402,285 Acres, Field: 1,959	\$176,087,838	19.5%
Seed crops	1,910	\$10,840,247	1.2%
Field crops, irrigated³	10,293	\$4,307,908	0.5%
Field crops, non-irrigated⁴	592,971	\$5,102,930	0.6%
Livestock and poultry	Head: 48,648	\$33,022,762	3.7%
Dairy products	CWT ⁵ : 421,754	\$6,752,863	0.8%
TOTAL VALUE		\$902,891,898	100.0

¹ Harvested acreage is not reflective of land area but rather acres harvested annually. Crops harvested more than once per year factor harvested acres for each harvest. Vineyards and/or orchards not yet producing are not included in the harvested acreage.

² These values are gross values and do not reflect net income. All of the various costs of production must be subtracted to determine net income.

³ Includes: beans (dry), alfalfa, irrigated pasture, silage and misc.

⁴ Includes: dry-farmed hay and grains, and grazing.

⁵ CWT: hundredweight, meaning 100 pounds (American).

Source: Santa Barbara County Agricultural Commissioner's Office 2004 *Agricultural Production Report*.

The value of agriculture as an industry is at least doubled through the local economy by its contributions to support industries, retail trade, and commercial services. At the same time, agriculture as a land use requires fewer direct county services than residential or other industries, another of many economic benefits to the county. Research shows that the development of agricultural land to rural residential use creates a revenue shortfall, and the lower the density of homes, the greater the deficit (Ventura County Agricultural Land Trust and Conservancy et. al., 1996)².

A vibrant agricultural economy goes beyond the use of land for cultivation. It also requires the facilities and services to prepare products for market and increase farming efficiency (e.g. transplant seedlings), the processing of higher value products such as wine from wine grapes, and other supportive industries. Many such services are located in the cities and urban areas, especially in Santa Maria, Lompoc and Goleta. The highly productive agricultural industry in Santa Barbara County can be attributed to an exceptional range of crops that can be grown in Santa Barbara's unique and mild coastal climate, year-round growing season, soil conditions and long term landholdings.

Santa Barbara County's agricultural industry continues to grow and change, while facing various challenges. There has been a general trend of converting grazing lands and dry-farming to more intensive forms of irrigated cultivation and higher value crops. The increased cost to produce a commodity due to escalating land prices and infrastructure costs (including labor, power, gasoline, water), and regulatory requirements, as well as greater competition from foreign imports are driving this change. Agriculturists

² Santa Barbara County, April 1999, *Status of Agriculture*.

have responded to these forces by planting higher value crops, such as strawberries, lettuce, broccoli, wine grapes, and avocados.

According to data collected by the Department of Conservation, a total of 3,854 acres of grazing land was converted in Santa Barbara County between 2002 and 2004. Of this acreage, 2,651 acres (69%) were converted to more intensive forms of agriculture. This conversion has resulted in the increase of 1,101 acres of additional Prime Farmland³, 474 acres of Farmland of Statewide Importance, 739 acres of Unique Farmland, and 337 acres of Farmland of Local Importance.

There is constant pressure on agricultural lands to be developed for residential and commercial purposes, especially for those rural lands contiguous or in close proximity to urban areas. An additional 1,203 acres of grazing land were lost to non-agricultural uses during the same period between 2002 and 2004. Conversion of agricultural land to non-agricultural uses included 39 acres Urban Built-up Land and 1,164 acres of Other Lands.⁴ Moreover, the 2004 Department of Conservation Report reflects an additional 956 acres of agricultural land committed to non-agricultural uses through rezoning or planned non-agricultural use. This pressure will continue to escalate as the County struggles to accommodate a growing population and land values continue to move upwards.

The contribution to the local economy by the agricultural industry is at least double the agricultural production value when agricultural support industries, retail trade and commercial services are factored into the total. At the same time, agriculture as a land use, requires fewer direct county services than residential land use or other industries, another of its many economic benefits to the community. Research shows that the conversion of agricultural land to rural residential use creates a revenue shortfall, and the lower the density of homes, the greater the deficit.⁵

Agricultural lands possess several non-economic values as well. They provide a historic way of life for many local families, scenic open space and wildlife habitat, groundwater storage and recharge, watershed maintenance, and help to maintain the rural character of the County; all of which contribute to a high quality of life in Santa Barbara County. This rural character created by agricultural endeavors has a positive impact on property values and tourism, and its contribution to job development, and attraction and retention of residents to the area are extremely important.

³ Conversion to Prime Farmland due to newly irrigated agricultural land throughout the County. The largest conversion was an area of carrots in the Cuyama Valley.

⁴ Conversion to Other Land primarily due to the delineation of low-density housing (ranchettes) throughout the County.

⁵ From the Ventura County Agricultural Land Trust and Conservancy et. al, 1996. See *The Status of Agriculture in Santa Barbara County*, April 1999.

Agricultural Regions of Santa Barbara County

Approximately 52 percent of Santa Barbara County is privately owned land (855,000 acres), with close to 90 percent of this land zoned for agriculture. As of September 2005, there were 2,230 assessor's parcels enrolled in 1,247 individual contracts in the County's Agricultural Preserve Program, encompassing approximately 555,000 acres throughout the County. Agricultural parcels range in size from 5 acres up to over 30,000 acres (County Assessor's Office, 2005). Lands enrolled in the Agricultural Preserve Program represent the full array of agricultural operations in the County. Enrollment in the Agricultural Preserve Program helps to ensure the continuation of these agricultural lands by providing a tax incentive to stay in agricultural production.

For planning purposes, the Board of Supervisors defined eight distinctive rural regions: 1) South Coast, 2) Gaviota North Coast, 3) Gaviota Coast, 4) Santa Ynez Valley, 5) Lompoc Valley, 6) San Antonio Creek, 7) Santa Maria Valley, and 8) Cuyama Valley. Each supports its own mix of agricultural production determined primarily by the area's climate, soils, topography and hydrology. Below is a general description of the agricultural lands in each of the Board-designated rural regions throughout the County. The statistics provided below are current as of September 2005 and summarized in Table 2-1.

South Coast (106,000 acres): Agriculture along the South Coast, from Goleta to Carpinteria, is primarily made up of smaller parcels (i.e. prime and superprime categories) engaged in high value irrigated crops, such as tropical and sub-tropical fruit orchards and flowers. The moderate year-round climate and productive alluvial soils make for highly productive agricultural operations, even on the smaller parcels. In addition to the region's orchards and open field agriculture, the Carpinteria Valley produces more than half of the County's cut flower and nursery products. Chrysanthemums, orchids, roses, and potted plants grown in 400 acres of greenhouses in and around the City of Carpinteria contribute a significant amount to the County's agricultural economy. Avocados, as well as exotics such as sapotes and cherimoyas, are grown on the hillsides north of the urban area. Agricultural lands in this region are continually faced with development pressures from the adjacent and surrounding urban areas and the extremely high land values found in the region. Enrollment in the Agricultural Preserve Program helps to ensure the continuation of these agricultural lands by providing a tax incentive to stay in agricultural production. Close to 50% of the agriculturally-zoned land in the region are enrolled in the Agricultural Preserve Program, primarily in the Carpinteria and Goleta valleys. Specifically, there are 166 individual contracts within this region, representing 10,900 acres of which 5,380 are nonprime acres and 5,520 acres are in prime and superprime contracts.

Combined Gaviota Coast and North Gaviota Regions (94,000 acres): Land in the North Gaviota Coast Region (43,000 acres) is predominantly owned by the Bixby and Hollister ranch companies. The primary land use in this agricultural region is cattle grazing. The Hollister Ranch is made up of over 100 parcels each of 100 acres or more in size. Many of the properties participate in a cooperative grazing operation that utilizes land spread over the entire ranch; other properties are involved in low intensity agricultural uses to meet the minimum requirement for enrollment in the Agricultural Preserve Program. Agriculture

along the Gaviota Coast (51,000 acres) occurs on the hillsides and coastal mesas from Goleta to Point Conception. Agricultural operations on this portion of the coast support avocado, citrus, and cherimoya orchards, cattle grazing, and aquaculture for abalone production.

Roughly 80% of the agriculturally-zoned land in this combined region is enrolled in the Agricultural Preserve Program. This is divided among 195 individual contracts, 178 of which are over 100 acres in size, and totals approximately 56,000 acres.

Santa Ynez Valley (231,000 acres): The Santa Ynez Valley produces wine grapes and row crops along the Santa Ynez River and supports grazing on the valley's edges. The valley floor also sustains walnut and apple orchards, grains, hay and alfalfa, and is the center for horse breeding in the County. Recent years have seen increased conversion of grazing lands to vineyards, rural residential and other development. There are 238 individual contracts in this region, totaling approximately 141,000 acres. Roughly 80% of this region's agriculturally-zoned land is enrolled in the Agricultural Preserve Program.

Lompoc Valley (136,000 acres): The Lompoc Valley benefits from the rich, alluvial prime soils associated with the floodplain of the Santa Ynez River. Vegetables and flower seeds are the principal crops produced on the valley floor, followed by walnuts and a variety of other crops. The region accounts for nearly 70% of the County's production of artichokes, beans, and seeds. The hills surrounding the valley support more mixed agriculture including cattle grazing and dry-farmed beans and hay. Vineyards have increased in this region in recent years. The region consists of 230 contracts totaling nearly 89,000 acres. This represents approximately 75% of the total agriculturally-zoned land in the region.

San Antonio Creek (79,000 acres): Also known as the Los Alamos Valley, the land surrounding the community of Los Alamos within the San Antonio Creek watershed is almost entirely engaged in agriculture. The rich alluvial plain is cultivated in vineyards to the northeast of the creek and row crops to the southwest. One of the largest single vineyards is located in this region. The surrounding hillsides support livestock grazing operations. The region consists of prime (approximately 9,112 acres) and non-prime (approximately 54,888 acres) agricultural lands in which there are 82 individual contracts totaling nearly 64,000 acres. This represents over 80% of the agriculturally-zoned land in this region.

Santa Maria Valley (290,000 acres): The Santa Maria Valley comprises the largest amount of agricultural acreage in the County and accounts for more than half of the County's agricultural value. It is an area of intensive vegetable production and contains the largest concentration of prime agricultural land in the County. The Santa Maria and Sisquoc river flood plains have given the valley level fields and highly fertile soils. The cities of Santa Maria and Guadalupe provide a majority of the area's agricultural support facilities. High value row crops including broccoli, strawberries, lettuce, cauliflower, and celery are the predominant agricultural endeavors on the valley floor. The surrounding foothills are used for vineyards and cattle grazing. The Santa Maria Valley contains 255 individual contracts totaling approximately 134,000 acres. Almost 75% of the agriculturally-zoned land in this region is enrolled in the Agricultural Preserve Program.

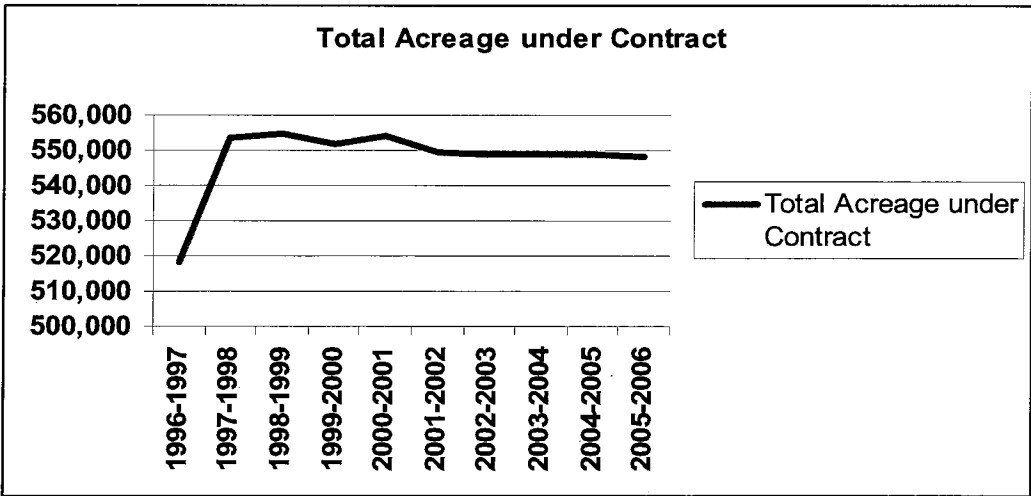
Cuyama Valley (113,000 acres): The Cuyama Valley’s inland location lends itself to dramatic seasonal temperature variations with freezing winters and hot, dry summers. Despite these weather conditions and the limited availability of water, the alluvial plain of the Cuyama River successfully produces a number of row crops including carrots, onions and garlic, and field crops including small grains and alfalfa. Pistachio orchards are found in the Ventucopa area, deciduous fruits are grown along Hwy 166 and cattle grazing operations occupy the canyon bottoms and foothills of the Sierra Madre Mountains. Alfalfa, apples, and some wine grapes occur as well, though intensive agriculture is restricted by limitations on water availability. The Cuyama River forms Santa Barbara County’s northeastern boundary with Kern and San Luis Obispo counties. This region consists of 52 individual contracts totaling 59,000 acres. This represents over 50% of the agriculturally-zoned land in the region.

Land Use

Land use in the agricultural areas of the County is dominated by activities in support of agricultural operations, which include: low density residential dwellings inhabited by owners, managers, or employees of the agricultural operation; agricultural support facilities for the preparation and processing of agricultural products for shipment and sale; small-scale retail sales facilities (i.e. roadside stands); and wineries and tasting rooms. The significant expansion of vineyards in the inland areas of the County has led to the development of wineries scattered primarily throughout the Santa Ynez Valley, Santa Rita Hills and the agricultural areas around Los Alamos. The popularity of the wineries among local residents and visitors alike has resulted in an active agricultural tourism industry. Despite this increase in tourism, the rural character throughout the County’s agricultural lands (excepting the semi-rural areas of the Carpinteria and Goleta valleys where there is an interface between agriculture and urban development) has been maintained and the intensity of development use remains low.

Table 3.1-2 below chronicles historic and current Agricultural Preserve contract acreage which illustrates long-term stability of program participation.

Table 3.1-2
Total Acreage in Agricultural Preserves



3.1.2 Thresholds of Significance

Appendix G of the State of California's CEQA Guidelines states that a project's impact on **agriculture** could be significant if it would:

- ◆ Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- ◆ Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- ◆ Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Santa Barbara County's Initial Study checklist states that a project's impact on **agriculture** could be significant if it would:

- ◆ Impair the agricultural productivity of prime or nonprime agricultural land.

Santa Barbara County's Initial Study checklist states that a project's impact on **land use** could be significant if it would result in:

- ◆ Structures and/or land use which may be incompatible with existing land use;
- ◆ The induction of substantial growth or concentration of population;
- ◆ The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project;
- ◆ The loss of a substantial amount of open space.

3.1.3 Project Impacts

Potential buildout associated with the Uniform Rules' amendments could result in both site-specific and cumulative conversion of soils resulting in the loss of agricultural productivity, and potential adverse land use impacts associated with introducing added human population and incompatible structures and/or land uses into the County's rural agricultural areas.

The proposed update to the Uniform Rules would allow the following provisions, which are discussed in more detail below:

- ◆ Increased residential opportunities, both in acreage available and number of units;
- ◆ Increased acreage allowances for agricultural support facilities;
- ◆ Allowance for small-scale processing beyond the raw state for crops grown on the premises;
- ◆ Allowance for the Agricultural Industry Overlay to be applied on contracted land;
- ◆ Increased development envelope allowances for superprime contracts greater than 10 acres;
- ◆ Increased production requirements for superprime land;

- ◆ Allowance for small-scale guest ranches;
- ◆ Addition of the Williamson Act Principles of Compatibility and definition of recreational use;
- ◆ Allowance for commercial composting facilities, temporary filming activities and special events to occur on contracted land;
- ◆ Removal of solid waste landfills and golf courses from the list of compatible uses.

The impact discussion is organized by the following issue areas:

- ◆ Conversion of soils and loss or impairment of agricultural productivity;
- ◆ The compatibility of land uses and/or structures with existing surrounding land uses; and
- ◆ Growth inducement and population increases.

A. Conversion of Soil and Loss/Impairment of Agricultural Productivity

The proposed Uniform Rules allow for increased agricultural support facilities and residences in the recognition that these are either integral to or supportive of agricultural productivity. Notwithstanding the beneficial impacts associated with the uses, State law and CEQA require the County to prepare this environmental document to “inform governmental decision makers and the public about the potential, significant effects of the proposed activities.”⁶ For the purposes of CEQA and this environmental document in particular, “agricultural conversion” is best defined as the loss of land capable of being directly used for the generation of plant and animal products, rather than land being used for agricultural support activities or other developed uses. In other words, the removal of soils from current or potential commercial agricultural production, and the conversion to uses other than their current and/or potential use for the production of food or fiber, has the potential to result in significant impacts to agricultural resources.

The California Land Evaluation and Site Assessment (LESA) model (see Appendix 8) was specifically developed for CEQA application to provide lead agencies with a tool for assessing impacts to agricultural resources by measuring the physical impacts of converting agricultural soils used for the production of food and fiber to other developed uses. The LESA model considers the following criteria: 1) land suitability for crops; 2) soil categories; 3) project size; 4) water availability; 5) proximity to surrounding agricultural land and protected resources.

LESA model analyses for large-scale agricultural support facilities and residential development are included in Appendix 8. In general, the results indicate projects removing 7 acres or more (e.g. development footprint) of soils from current and/or potential commercial agricultural production would be a significant project impact (see LESA model summary table, page 2, Appendix 8). The significance threshold (i.e. 7 acres) may be slightly higher or lower on a given site depending upon: 1) percentage of prime soils; 2) amount of surrounding protected agricultural lands (i.e. Williamson Act contracts, agricultural conservation easements); and 3) extent of surrounding agricultural land.

⁶ (Title 14, Cal Code of Regs. [CEQA Guidelines] §15002 (a) (1).)

Uniform Rule 1-2.1. Comprehensive Plan and Zoning Requirements

The existing Uniform Rules limit enrollment in the Agricultural Preserve Program to lands zoned Agriculture under the County's zoning ordinances and with a Comprehensive Plan designation of either Agriculture or Mountainous Area. Adding Mountainous and Resource Management zones as eligible zone districts and Agricultural Commercial, Mountainous Area and Other Open Lands as eligible land use designations expands the opportunities for enrollment into the Program and thus provides an incentive for additional land in the County to be engaged in agriculture. This change will result in a *beneficial impact* on agricultural productivity by bringing more agricultural land into the Program and protecting it in the long-term.

Uniform Rule 1-2.3. Commercial Production and Reporting Requirements

The existing Uniform Rules require superprime parcels (parcels between 5 and less than 20 acres) to have at least 4.75 acres fully planted in cultivation and a gross production value of at least \$5,000 per year. This same requirement applies whether the parcel is 5 acres or 19.9 acres in size. The amended Uniform Rules increase this requirement for superprime parcels greater than 10 acres, such that parcels in this size category must either have more acres in cultivation or have a higher annual production value. This amendment will result in a *beneficial impact* to agricultural productivity on superprime parcels by implementing a higher standard of commercial agricultural activity.

Uniform Rule 1-4.1. Principal Dwelling

Uniform Rule 1-4.1 provides housing options on qualifying premises to encourage multi-generational farming and retention and preservation of larger agricultural parcels. Thus, the amended Uniform Rules would potentially result in the construction of up to 233 new residential units beyond current allowances, consuming up to an additional 158 acres of agricultural land throughout the County for residential use and no longer available for agricultural production (see Section 2.4.1 for additional discussion on how these numbers were derived). The contracts which would potentially qualify for these additional housing opportunities are particularly concentrated in the inland areas of the County, primarily in the Santa Ynez, Lompoc, and Santa Maria valleys. This rule also requires that the development envelope for residential use minimize intrusion into agricultural areas and minimize 'barbell', 'peninsula', and 'finger' type configurations.

The administrative practice in implementing the current Uniform Rules allows only one single family dwelling per premises. Therefore, if a landowner with three parcels under a single contract, each 100 acres or greater in size, wants to construct additional principal dwellings, the landowner could enter into separate contracts for each qualifying parcel. Under this scenario, each new contract would have a designated residential development envelope of up to 2 acres. A landowner with 3 separate contracts could have up to 6 acres taken out of agricultural production and converted to residential uses. Under the amended Uniform Rules, the expanded residential opportunities would enable this same landowner to keep all of the parcels under the original single contract while still being allowed to construct one

principal dwelling on each qualifying parcel. However, the new restrictions would limit the total residential development envelope on all three parcels to a combined 3 acres.

The amended Uniform Rules serve to protect agricultural productivity and limit the conversion of agricultural soils to residential uses, while still facilitating reasonable residential development. This will serve to encourage landowners to maintain their landholdings in larger single contracts rather than splitting them up in order to meet their residential needs. This residential envelope restriction is considered to have a *beneficial impact* on agricultural productivity.

Analyses using the LESA model were conducted on parcels of various sizes with both prime and nonprime soils. The results indicate impacts to agricultural resources would be *less than significant* for both the existing residential envelope allowed (no more than 2 acres or 3% of the parcel, whichever is smaller), and for Proposed Uniform Rule 1-4.1.B.5 which would allow qualifying premises up to a 3-acre cumulative residential envelope (Appendix 8).

On superprime contracts with parcels greater than 10 and less than 20 acres, Uniform Rule 1-4.1 expands the allowance for the residential development envelope if certain production requirements are met. This could result in potential impacts to agricultural productivity by converting agricultural soils to a residential use. The building envelope, however, can only be increased if additional land (1 acre in production for every additional 1,000 square feet added to the development envelope) is devoted to agricultural production. This incentive-based approach will help to mitigate impacts to agricultural resources by ensuring that the development remains incidental to agriculture on the premises and will not result in the loss of agricultural productivity. Therefore, impacts to agricultural soils from this amendment are considered to be *adverse but less than significant*.

Uniform Rule 2-2.1. Preparation and Processing

The existing Uniform Rules allow up to either 10% of a premises or 5 acres, whichever is less, to be used for a facility to prepare crops grown primarily on the premises for shipment and sale or to produce wine. Proposed Uniform Rule 2-2.1 would increase this allowance for larger premises (i.e. premises at least 600 acres in size) as long as the need for a larger facility is demonstrated. For every 100 acres above 500 acres, premises can add one additional acre to their envelope for a preparation or winery processing facility, up to a maximum of 20 acres total. While this provision applies to all crops, it is primarily intended to address the needs of the County's wine industry, as farmers engaged in non-grape crops are expected to take advantage of this provision to a lesser degree. Therefore, emphasis is placed on winery processing expansion for the purposes of assessing potential impacts of this provision.

Winery Facilities

Section 2.4.3 presents the assumptions that were made with respect to winery facilities in order to appropriately analyze the environmental impacts associated with this provision. The assumptions are also presented below for ease of reference and to facilitate a clearer understanding of the impact analysis.

Table 3.1-3
Summary of Assumptions made for Winery Development under the Amended Uniform Rules.

Production Figures	Countywide¹	Contracted Land
Vineyard Acreage (existing planted acres)	18,800	11,850 ²
Potential Case Production (cases)³	5.64 million	3.56 million
Existing Permitted Processing Capacity (cases)	5.64 mil. x 20% ⁴ = 1.13 million	3.56 million x 20% = 712,000 ⁵
Unmet Capacity (cases)	80% = 4.51 million	80% = 2.85 million
Projected Acreage Requirements to Meet Unmet Demand (per amended Uniform Rule 2-2.1.)		
Small Winery Acreage Required (≤ 5 acres)^{6,7}	90 acres	58 acres
Large Winery Acreage Required (> 5 acres)⁶	56 acres	36 acres
Totals	146 acres	94 acres

¹Countywide figures include both contracted and non-contracted land.

²County Assessors Office, 2003.

³Case production average is based on an industry-accepted standard of 300 cases per acre.

⁴The 20% figure is based on a recent study of existing permitted processing capacity by the Wine Industry Task Force Winery Subcommittee.

⁵The same case capacity percentage (20%) was used on contracted land as for the County as a whole.

⁶Assumes large wineries can process an average of 40,000 cases per acre of facilities and small wineries can process an average of 25,000 cases per acre of facilities.

⁷These figures assume 50% of the unmet capacity will be accommodated by new or expanded wineries within existing 5 acre allowance.

The EIR impact analysis evaluates current and future vineyard production in the County and the potential demand for new wineries on contracted land. Assuming the unmet capacity demand on contracted land reflects a similar percentage (i.e. 80%) as for the County as a whole, unmet processing capacity on contracted land is estimated at 2.85 million cases of wine, or 9,480 acres of grapes.

While it is difficult to know how the unmet demand for processing wine grapes would be accommodated on contracted land in the future, (i.e. number and size of wineries) it is reasonable to assume demand would be met by an equal combination of new or expanded facilities within existing Uniform Rules acreage allowances (i.e. 5 or fewer acres) and new larger facilities greater than 5 acres⁷. The winery footprint for some of the County's larger wineries (i.e. production capacity of 100,000 cases or greater) equates to approximately 1 acre of developed area (including processing facility, accessory structures and landscaping) for an average of approximately 40,000 cases of wine annually, while smaller facilities average closer to 25,000 cases per 1 acre developed area (see Table 2-7, Section 2.4.3.)

Using these averages, and assuming that 50% of the unmet processing demand (1.425 million cases) on contracted land is handled by smaller wineries within existing acreage allowances, then approximately 58 acres would be required for winery facilities less than or equal to 5 acres in size, and 36 acres would be required for winery facilities larger than 5 acres to process the remaining 1.425 million cases.

⁷ Merrill, K., CCWGA, October 22, 2004

Although a total of 94 acres of facilities could accommodate the current unmet capacity demand on contracted land, it is possible that more land will be converted to vineyards in the future or existing vineyards will develop techniques to increase production on existing acreage. This would result in the need for additional agricultural land to be used for winery facilities in the future. Assuming an increase in production by 25% in the future, an additional processing capacity of 888,000⁸ additional cases would be produced on contracted land; and assuming the same ratios described above (i.e. 50% of unmet processing capacity demand on contracted land is handled by winery facilities 5 acres or less), an additional 18 acres would be necessary to accommodate small-scale wineries (existing Uniform Rules acreage allowances) and 11 acres necessary for larger wineries. Altogether a total of 123 acres of contracted land could be taken out of production to accommodate current and future unmet processing demand. However, since the existing Uniform Rules would permit the projected acreage for wineries with a development envelope of 5 acres or less (76 acre demand), the net acreage demand for winery facilities under the amended Uniform Rule 2-2.1 is projected to be 47 acres (Table 2-9, Section 2.4.3).

Table 3.1-4
 Projected Acreage Requirements for Wineries and Crop Preparation Facilities
 per Amended Uniform Rule 2-2.1

	Current Unmet Processing Capacity Demand	Future Processing Capacity Demand¹	Total Converted Acreage
Small Winery Acreage Required (≤ 5 acres)	58 acres	18 acres	76 acres
Large Winery Acreage Required (> 5 acres)	36 acres	11 acres	47 acres
Total Winery Acreage Required (all sizes)	94 acres	29 acres	123 acres

¹ 25% production increase totaling 888,000 cases on contracted land.

As discussed above, much of the unmet processing demand for wineries can be accommodated within the existing 5-acre allowance. This statement is supported by the fact that less than half of the eligible premises (at least 600 acres in size) with existing vineyards have enough planted acreage to warrant an expansion of their winery envelope beyond 5 acres (Table 3.1-4). Twelve of the thirteen premises which qualify for an expanded winery development envelope (Proposed Rule 2-2.1.A – maximum 20-acre envelope) could maximize case production (including importation of 49%) within a winery production envelope less than 15 acres. The remaining eligible premises with the greatest vineyard acreage planted (the premises with 2,845 acres planted (Table 3.1-4)) could process all grapes planted on the premises plus another 40% imported from elsewhere within a 15-acre envelope, if a case-production/acre rate similar to Cambria Winery (80,000 cases per acre - see Table 2.7) were achieved.

⁸ Assuming a 63% ratio of vineyards on contracted land versus vineyards countywide.

Table 3.1-5

Hypothetical Winery Envelopes Comparing Current Vineyard Acreage (Including Imports) to Maximum Allowances under the Proposed Uniform Rules for the 13 Premises Greater than 600 Acres.

Premises Acreage	Vineyard Acreage	Case Production (including importation of 49%)	Estimated Winery Envelope to Process Case Production ¹	Maximum Total Envelope Allowance Based on Premises Size
1,330	670	400,000 cases	10 acres	13
711	134	80,000 cases	2 acres	7
1,000	540	324,000 cases	8.1 acres	10
4,295	2,845	1,271,715 cases	20 acres (cap)	20
1,810	178	106,000 cases	2.7 acres	18
713	99	59,000 cases	1.5 acres	7
1,068	132	79,000 cases	2 acres	10
690	427	256,000 cases	6.4 acres	6
697	275	165,000 cases	4.1 acres	6
1,882	11	6,600 cases	0.2 acres	18
672	11	6,600 cases	0.2 acres	6
2,696	765	459,000 cases	11.5 acres	20
35,127	511	306,000 cases	7.7 acres	20

¹ Winery envelope acreage is based on a 1 acre facility capable of producing 40,000 cases of wine, which was used because of the large size of these premises and their potential vineyard acreage and case capacities in the future.

Source: Santa Barbara County Assessor's Office, 2003.

The above analysis indicates proposed Rule 2-2.1.A, allowing up to a 20-acre winery production envelope, may not be warranted since the majority of qualifying premises could maximize case production within a 15-acre or smaller winery production envelope. Winery production envelopes greater than 15 acres would likely be attributed to inefficient site design and/or development of non-essential winery production facilities/uses.

Results of determined through application of the LESA model to a series of development scenarios which used varying parcel sizes (ranging from 7 acres up to 15 acres), soil classes and mixes of surrounding land uses, demonstrated that the removal of 7 acres or more (e.g. development footprint) of productive soils constituted a significant impact to agricultural resources (Appendix 8). While the LESA model analysis did not encompass the entire size range of winery footprints from 7 acres up to 20 acres identified in Table 2-10, it can be assumed, by extension, that conversion of soils for facilities with a footprint greater than 15 acres would also constitute a significant impact.

Therefore, impacts to agricultural resources in terms of the conversion of productive agricultural land are considered to be *potentially significant*.

Preparation of Raw Agricultural Products

Under the current rules, non-wine grape crops are limited under this provision to facilities for the preparation of raw agricultural products for shipment and sale. This includes such activities as sorting, cleaning, packaging, and cooling. The way that growers prepare their field crops for market in Santa Barbara is almost as diverse as the crops that are grown (Laemmlen, 2004). Among other factors, the types of facilities needed are determined by the form the produce is to be sold in and the marketing

commitments of the growers. While some processing of local fruit or vegetable produce does occur in Santa Maria, Guadalupe and Lompoc, the bulk of production is for the fresh food market whether through wholesalers or direct to the public at regional farmers' markets. Some of the larger agricultural operations or cooperatives have their own permanent market preparation facilities. At the other end of the spectrum, small operators are frequently under contract to large wholesalers. Both because their operations are small or seasonal, and margins are small, the small producers can't afford to have packing facilities on site. Harvesting is performed by contractors or provided by the wholesalers who employ custom harvesters and also provide packing units in the fields. The packing units are moved from site to site, but do not include cooling; the packed produce is then taken to a permanent cooling facility.

Given the regional-serving nature of the large centralized facilities, it is more likely that these facilities for the preparation of raw agricultural products for shipment and sale would be better accommodated within an Agricultural Industry Overlay, as discussed below, rather than under this provision. However, with no requirements for tying the crops to be prepared in the facility to the parcel or the premises, there is the possibility for large-scale facilities to be developed with little connection to the agricultural production on-site. Such facilities could therefore be located on small parcels, potentially resulting in a considerable loss of agricultural land on a per-parcel basis. Much of the demand for these facilities is currently being met within the urban areas of Santa Maria and Lompoc, where large-scale facilities can benefit from the established infrastructure and workforce that is present in these locations. Therefore, it is not expected that this provision will result in a significant increase in the number of facilities on contracted lands larger than the existing 5 acre allowance. For the purposes of this analysis, it is assumed that up to 30 acres (i.e. two 15 acre facilities) beyond what is currently allowed will be required to accommodate existing and future demand for larger scale facilities for the preparation of non-wine grape crops.

In some cases the development of such a facility could increase the agricultural productivity of the premises by allowing crops to be processed on site and reducing the need to truck crops off-site for production, thus increasing the long-term sustainability and viability of the agricultural operation. In addition, the amended Uniform Rules requires that preparation or processing facilities and all accessory structures and service roads be sited in a manner that minimizes the acreage taken out of agricultural production. Nonetheless, the loss of up to 30 acres of productive agricultural soils, especially if concentrated in a particular region or group of premises, is considered to be a *potentially significant impact* on agricultural resources.

Percentage of Grapes Grown on the Premises

In conjunction with the increased building envelope for preparation and wine processing facilities, Uniform Rule 2-2.1 also expands the requirements for where the grapes must be grown. The current Uniform Rules require that at least 51% of the case production must come from grapes grown on the premises (all land under a single contract). The amended Uniform Rules proposes extending this 51% requirement to include all contracted lands under the same ownership, which could include discontinuous landholdings throughout the County. However, the amended Uniform Rules also adds a requirement that

20% of the case production must come from grapes grown on the parcel with the winery, to ensure that the winery is tied to agricultural production on the premises. An example is provided below to illustrate the potential impacts of this change.

For a landowner with two separate contracted premises of 200 acres each in size, the existing Uniform Rules would require at least 51% of the case production of the winery to come from the premises with the winery facility, and any grapes grown on the second contracted premises would have to be accounted for in the remaining 49%. In this scenario the winery could process a total of just under 400 acres of wine grapes (assuming the premises with the winery is fully planted in vineyards) and the winery would be sized accordingly. While the landowner could conceivably develop two wineries under this scenario (one on each contract), it is unlikely that most vintners would be willing or able to do that given economies of scale and the capital requirements associated with winery development.

The amended Uniform Rules would allow the same landowner to include wine grapes from both of the contracted premises in the 51% requirement and import an additional 49% from other agricultural land not under their ownership or not under contract. Under this scenario the winery could process a total of just under 800 acres of wine grapes (assuming both premises are fully planted in vineyards and the parcel with the winery has at least 160 acres in production to meet the 20% requirement). Even if no increase were proposed for the winery development envelope in the amended Uniform Rules, this change to the production requirement could result in larger facilities within existing allowances, and landowners taking more land out of agricultural production in order to build out to the maximum envelope allowable under the Uniform Rules. However, this provision has limited application, since not all vintners own multiple vineyards under separate contract. Thus, for the sake of analysis, while an estimated 50% of the unmet case production demand could be accommodated within existing acreage allowances, this change to the production requirement could result in approximately 10 of those 76 acres being converted to a winery facility larger than what would otherwise be allowed under the current rules. Impacts to agricultural resources resulting from this amendment are considered to be *adverse but less than significant*.

Small-Scale Processing

As discussed in Section 2.4.3, the amended Uniform Rules would also expand agricultural processing opportunities by allowing limited processing (i.e. maximum 1 acre envelope or 1% of parcel, whichever is less) of crops beyond the raw state that are grown on the premises. While there are 1,111 prime and nonprime agricultural preserve contracts that could take advantage of the extra envelope for a processing facility, approximately 700 are currently engaged in cultivated agriculture to some degree (with at least 5 acres or more in production), and would therefore potentially be in a position to benefit from development of a processing facility. The demand for such facilities is not considered to be very high. Therefore, it is assumed for this analysis that only 5%, or 35, of the 700 contracts would develop a processing facility for crops grown on the premises. Assuming an average size facility of .75 acres, approximately 26 acres would be taken out of agricultural production for small-scale processing.

Assuming further that 3% of the 411 contracted premises currently in grazing convert to cultivated agriculture in the future and develop a processing facility to process their crops beyond the raw state, then an additional 10 acres distributed among 12 different premises would be taken out of agricultural production in the future. If these facilities are evenly distributed throughout the County’s contracted land, then the impacts may seem less severe. However, if they are concentrated in a few agricultural areas of the County, such as the Santa Ynez, Santa Maria, and Carpinteria valleys, then the impacts to agricultural resources may appear more pronounced. On a per premises basis, the loss of 1% or 1 acre worth of agricultural land is minimal, and is of similar intensity as what would be allowed for other small agricultural structures (e.g. barns, sheds, etc.), for which there are no size or acreage restrictions. Therefore, the loss of approximately 36 acres of agricultural land distributed among 47 contracted premises would result in an *adverse but less than significant impact* on agricultural resources.

Table 3.1-6 summarizes the acres of agricultural soils that could potentially be removed from production by all the provisions of Uniform Rule 2-2.1.

Table 3.1-6
Summary of Acreage Removed from Production Under Uniform Rule 2-2.1

Net Large-scale Winery Acreage Required¹	47 acres
Winery Expansion within Existing Allowance²	10 acres
Raw Agricultural Products (non-wine grape crops)	30 acres
Small-scale processing	36 acres
Total Net New Acreage Required	123 acres

¹ Required for large-scale facilities beyond existing allowances.

² Expansion within existing development allowances resulting from change to requirement for grape production on the premises.

Uniform Rule 2-5. Recreation

The proposed project removes golf courses as an eligible recreational use on contracted land and includes a definition of “recreational use” consistent with the Williamson Act. These amendments will have a *beneficial impact* on agricultural resources by ensuring that agricultural productivity is not compromised by inappropriate recreational activities on the premises or other contracted land in the vicinity.

Uniform Rule 2-6. Agricultural Industry Overlay

The amended Uniform Rules would allow the Agricultural Industry Overlay (AIO, Appendix 3) to be applied on contracted land to address an unfulfilled need for larger-scale agricultural support facilities to prepare and process crops grown in the region. Currently the AIO is potentially available on only a small fraction of the agricultural land in the County, as it is limited to non-contracted land that is zoned AG-II and is outside of the coastal zone. However, by extending the applicability of the AIO onto contracted land, there is the potential for additional soils to be taken out of agricultural production since the overlay would allow large industrial agricultural processing facilities. While few such facilities are expected to be developed under this provision, neither current zoning nor the proposed Uniform Rules contain restrictions to limit their size and scale.

The Grower-Shipper Vegetable Association comment letter⁹ provides additional information from industry experts indicating the produce industry trend is toward consolidation into larger cooling/packing facilities that can handle in excess of 15 million cartons annually. Such a facility could require approximately 30 acres (111,250 square feet per million cartons). This impact analysis has been revised to incorporate the Grower-Shipper Vegetable Association suggested buildout assumption of two larger coolers of 30 acres each and two medium coolers of 15 acres each. Using this buildout assumption, the estimated acreage conversion for Rule 2-6 changes from 45 acres to 90 acres (Table 3.1-7).

In response to the agricultural community's concerns, staff ran the anticipated conversion of agricultural lands resulting from the Uniform Rules revisions through the LESA model to determine if State thresholds for significance would produce a different result from that identified in the Draft EIR. The LESA model runs confirm the original Class I significant impact conclusion identified in the Draft EIR (that conversion of 15 acres or more to a preparation and processing facility would be significant) and therefore a facility of 30 acres in size will also result in a Class I significant impact associated with converting agricultural land to developed uses (Appendix 8). This would result in 90 acres of soils removed from agricultural production and converted to agricultural support facilities. On a per premises basis, the conversion of up to 30 or more acres of agricultural soils to a developed use could be substantial, since no limitations are proposed for the size of the facility, especially in relation to the parcel or premises. Therefore, impacts to agricultural resources in terms of the conversion of 90 acres of agricultural soils and the loss of commercial agricultural production are considered to be *potentially significant*.

Uniform Rule 2-7. Waste Disposal and Commercial Composting Facilities

Under the Rule 2-7 revisions sanitary waste landfills and transfer facilities would no longer be considered compatible uses on contracted land. This amendment would provide a benefit to agricultural resources, however, the new provision that allows commercial composting facilities as compatible uses under the amended Uniform Rules could potentially impact agricultural productivity and result in the conversion of a significant amount of productive agricultural soils since the amended Uniform Rules places no restriction on the size of these facilities. For the purposes of analysis and based upon size requirements and market demand, it is estimated that up to 70 acres of productive agricultural land could be converted to this use, distributed among 2 separate facilities¹⁰. While the use of 35 acres of a 1,000 acre parcel or premises for a commercial composting facility may not be significant, the conversion of 35 acres of productive soils on a 100 acre parcel or premises could be significant; the percentage of agricultural land lost on the individual premises would be considerable. Although the provision requires that a land restoration plan be prepared that establishes the timeline and strategy for returning the site to agricultural upon its termination, the reality is that these facilities will likely take on a more permanent presence. This is due in part to the difficulty in finding appropriate sites for these facilities, which makes future

⁹ Richard Quandt, Grower-Shipper Vegetable Association of Santa Barbara and San Luis Obispo Counties, October 31, 2005. Refer to letter B20 in Section 8.3 of this EIR.

¹⁰ The estimated facilities size to accommodate the needs of the County is resultant of a discussion between the Agricultural Preserve Advisory Committee and MarBorg Industries; APAC meeting, February 4, 2005.

relocation an unrealistic option, as well as the nature of commercial composting facilities, which, unlike landfills, could theoretically use the same site indefinitely given the nature of the operation. For the purpose of analyzing the environmental impacts associated with these facilities, they are treated as permanent. For these reasons, impacts to agricultural productivity are considered *potentially significant*.

Table 3.1-7, summarizes the Uniform Rules and the respective changes which would potentially convert productive agricultural acreage into another use.

Table 3.1-7

Summary of Estimated Acres of Agricultural Soils Converted under the Amended Uniform Rules

Proposed Uniform Rule	Provision	Estimated Converted Acres
Rule 1-4.1	Principal Dwelling	158
Rule 2-2.1	Winery Facilities (> 5 acres)	47
	Non-grape Preparation Facilities	30
	Change in 51% Grape Requirement	10
	Small-Scale Processing Facilities	36
Rule 2-6	Agricultural Industry Overlay	90
Rule 2-7	Commercial Composting Facilities	70
	Sub-Total	237
	Total	441

** Acreages for highlighted provisions were determined to be a potentially significant impact.

B. Compatibility of Land Uses and Structures

Compatible land use development in the context of CEQA refers to how well a proposed land use activity, building or structure will fit into the existing physical character of an area or community. Land use compatibility takes into consideration tangible attributes such as type, size, shape and bulk and location and more intangible characteristics such as level of activity, intensity and density that may manifest themselves through increased noise levels, traffic and population, which can all change the nature of a place or the experience of a place. Analysis is not focused on agriculture as a resource; rather it is focused on agriculture as a land use and on the character of existing agricultural areas. Factors considered in this analysis are density of development, and scale of operation as well as of buildings or structures relative to existing land uses. The visual resource analysis in Sec. 3-2 evaluates the aesthetic consequences of these factors. This land use evaluation considers whether or not the proposed uses are typical of or comparable to what currently exists. The use of the term “compatible” in this evaluation is not equivalent to its use in the Williamson Act Principals of Compatibility.

Uniform Rule 1-4.1. Principal Dwelling

The amended Uniform Rules has provisions in place to restrict the size and scale of residential development on contracted land to ensure that it is incidental to the agricultural operation on the premises. Residential development on contracted land under the amended Uniform Rules would likely be compatible in terms of scale and density with other residential development in the rural areas of the County. Potential land use impacts of additional residential development are considered to be *adverse but less than significant*.

Uniform Rule 2-2.1. Preparation and Processing

As discussed above, the amended Uniform Rules could result in the construction of more and/or larger preparation and processing facilities than what is currently allowed. While these facilities will be

supportive of the agricultural operations on the premises, land use impacts could result through the introduction of increased intensity of development, due to potential size, scale, and design issues. Facilities of the size allowed for by the amended Uniform Rules and anticipated in the analysis of project buildout (e.g. a 20-acre winery or 15-acre preparation facility), would introduce industrial-scale development into the County's rural areas.

Another possible conflict could arise with the concentration of winery facility expansion in certain areas of the County. For example, it is foreseeable that new wineries could be located in the Santa Ynez Valley to take advantage of the winery tourism industry and name recognition associated with the Santa Ynez Valley appellation. The proposed change to allow 51% of the case production to come from either the premises with the winery or other contracted premises under the same ownership will further enable this to occur by giving landowners more choices in locating their wineries if they own multiple contracts. No restrictions are proposed that would manage where this growth occurs.

Despite the requirement that the facilities be consistent with the proposed Compatibility Guidelines (Rule 2-1), and the fact that these structures are supportive of the agricultural operation on the premises, they may conflict with the existing, surrounding land uses or structures. Impacts associated with large-scale preparation and processing facilities are considered *potentially significant* due to the potential industrial-scale of these facilities and their potential concentration and localized affects in certain areas of the County.

Uniform Rule 2-4. Small-Scale Guest Ranches

The amended Uniform Rules would allow small-scale guest ranches on contracted land under certain conditions. As discussed in Section 2.4.2, it is estimated that up to 25 small-scale guest ranches could be developed in the future. While no additional land would be taken out of agricultural production than what is currently allowed for residential development, a guest ranch operation could result in structures or land uses that potentially conflict with the agricultural operation on the premises and other agricultural land in the vicinity. Restrictions imposed on the number of guests and guestrooms that can be accommodated and the requirement that the guest ranch be incidental to the agricultural operation on the premises and meet the Williamson Act Principles of Compatibility help to keep the guest ranch small in scale. In conjunction with the dispersal of these guest ranches throughout the County, the potential impacts to agricultural resources and rural land uses in terms of potentially conflicting structures and land uses are considered to be *adverse but less than significant*.

Uniform Rule 2-5. Recreation

In Section 51201 (n) of the Williamson Act "Recreational Use" is defined as "...the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation." Since 1999, the Department of Conservation

“...has consistently advised local agencies and landowners that a variety of dedicated recreational uses, including soccer fields, playing fields and golf courses are incompatible uses on Williamson Act land when they require alteration from the ‘natural or agricultural’ state of the land.” In the current update to the Uniform Rules, a case in point is the proposed elimination off golf courses (Rule 2-5) from the list of compatible uses. This specific elimination serves to meet the objectives of the project which are to: 1) bring the Uniform Rules into conformance with recent legislation; and 2) ensure the integrity of the Agricultural reserve Program.

The amended Uniform Rules allows for limited recreational uses on contracted agricultural land. This expands the existing allowance for recreation, which is currently limited to situations where recreation is the primary use of the premises and no agriculture is taking place. This feature will likely result in more landowners integrating some level of recreational activity into their principal agricultural operation. Such activities, if left unchecked, could result in conflicts by introducing uses and/or structures that are discordant with the existing rural and agricultural land uses, and impair the agricultural productivity of the premises and adjacent lands. However, the restrictions imposed on the type of recreational uses that are allowed, including the requirement that land be in its “agricultural or natural state,” as well as the requirement that any facilities necessary to support the recreational activity be counted towards the residential development envelope calculation and be consistent with the proposed Compatibility Guidelines (Rule 2-1), will serve to moderate any potentially significant impacts to agricultural resources and land use. Therefore, while the amended Uniform Rules facilitates greater utilization by recreation of contracted land in the County, it places greater restrictions on the types of recreation that would be considered appropriate. Given this, impacts to agricultural resources and land use are considered to be *adverse but less than significant*.

Uniform Rule 2-6. Agricultural Industry Overlay

With application of an Agricultural Industry Overlay there is the potential for large-scale facilities to be constructed on contracted land. With no limits placed on the size or scale of such facilities, there is the potential for the development of structures and facilities that are more industrial in nature than other agricultural support structures common in the agricultural areas of the County. Even if only four facilities are developed, the impacts to agricultural resources and land use in terms of introducing large-scale structures and high-intensity land uses within the rural area are considered to be *potentially significant*.

Uniform Rule 2-7. Waste Disposal and Commercial Composting Facilities

The amended Uniform Rules eliminates solid waste landfills from the list of compatible uses in order to conform to the intent of the Williamson Act, as this use is inconsistent with the Williamson Act Principles of Compatibility. This will have a *beneficial impact* on agricultural resources and land use in the rural areas of the County by eliminating the potential conflicts that could arise from locating a landfill on contracted land.

The amended Uniform Rules would allow for commercial composting facilities subject to certain requirements. The introduction of such facilities throughout the rural agricultural lands of the County

could potentially impact agricultural resources and land use by introducing a potentially incompatible land use and possible structures into the rural areas. Such facilities could result in potential nuisance issues with neighboring landowners in terms of creating odor, noise, and dust, depending on their locations. It is unlikely that, given the current market, many landowners would avail themselves of this opportunity. Indications from other counties suggest two or three commercial composting facilities could be reasonably expected to accommodate the County's agricultural waste. While there is no Uniform Rule limitation on where these facilities can occur or how large they can be, on-site structural development is typically minimal and truck and car traffic is estimated to be approximately 30 trips per day for employees and material transport.¹¹ Therefore, the intensity of use is likely to be consistent with existing agricultural land uses in the County's rural areas. However, nuisance issues associated with these operations, especially odor, could be considerable depending on their size and location relative to sensitive receptors. This could create conflicts and land use compatibility issues with surrounding land uses. Therefore, impacts are considered to be *potentially significant*.

Uniform Rule 2-11. Temporary Filming and Special Events

Temporary filming activities and special events are included in the list of compatible uses on contracted land, so long as they are found consistent with the proposed Compatibility Guidelines (Rule 2-1) and adhere to any permitting requirements under the County's zoning ordinances. Inclusion of these activities in the amended Uniform Rules acknowledges the fact that these activities currently happen from time to time on agricultural lands throughout the County. While making explicit that these activities are conditionally allowed, it also gives the County and APAC the authority to recommend limitations or denial of these uses should they be deemed inconsistent with the proposed Compatibility Guidelines (Rule 2-1). The proliferation of such uses throughout the agricultural areas of the County could result in the introduction of land uses and structures (e.g. weddings, festivals, movie productions) that conflict with existing agricultural land uses and the intensity of surrounding development.

A zoning ordinance amendment to address special events and temporary uses was recently adopted. Under the ordinance amendment, noncommercial events such as charitable functions, receptions, weddings or other similar gatherings are exempt from any permit requirement provided no remuneration is received and the number of attendees does not exceed 300 at any one time. A land use permit is required if such events exceed 300 guests at any one time. A land use permit is also required for rodeos and other equestrian events provided the minimum lot size is 10 acres and the number of spectators and participants does not exceed 300 people, otherwise a minor conditional use permit is required. A minor conditional use permit would also be required for ongoing commercial reception facilities (both indoor and outdoor), spectator entertainment events such as concerts, outdoor movies, and live performance stages or theaters, or any other similar activity that is determined to potentially result in adverse impacts on surrounding properties. The newly adopted ordinance amendment for temporary uses does not necessarily restrict any particular type of use, so there is the potential for some special events to pose

¹¹ Appendix 5 Assumptions and Calculations Used For Estimating Traffic Volumes

conflicts with existing agricultural land uses. Furthermore, there is no cap placed on the number of attendees or the frequency of events as long as the appropriate permit is obtained. The Williamson Act acknowledges the potential conflict, stating: “The legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area.” (Gov. Code §51220.5) Frequent events or events involving large numbers of attendees could impair or hinder ongoing agricultural operations and/or reach a level or intensity of use such that they are an ongoing commercial activity and are no longer incidental to the primary agricultural use.

Despite the temporary nature of special events and the proposed Uniform Rules requirement that they be consistent with the proposed Compatibility Guidelines (Rule 2-1), impacts to agricultural resources and land use are considered to be *potentially significant*.

C. Growth Inducement and Population Increases

Uniform Rule 1-4.1. Principal Dwelling

The development of 233 additional units under the amended Uniform Rules would result in an increase of approximately 650 people to the rural agricultural areas of the County¹². This population growth would be dispersed throughout the County’s rural areas and would therefore have fewer impacts than if it were concentrated in a particular region. Residential development on contracted land under the amended Uniform Rules would be compatible in terms of scale and density with other residential development in the rural areas of the County. Furthermore, the amended Uniform Rules restricts the extension of urban services to serve uses on contracted land, the effects of which can be growth-inducing. As such, impacts to land use in terms of growth inducement and population increases from future residential development authorized under the amended Uniform Rules are considered to be *adverse but less than significant*.

Uniform Rule 2-2.1. Preparation and Processing

Development of large wineries under the amended Uniform Rules will likely increase the population of workers in the rural areas of the County. It is assumed that two 15-acre preparation facilities for non-grape crops (Table 3.1-5) and up to five large-scale wineries ranging in size from 7 acres up to 20 acres could be developed in the future (see Table 2-10, Section 2.4.3). The development of the large-scale preparation facilities and wineries could result in an estimated net increase of up to 160 and 107 employees, respectively, in the rural areas, based on the average employee requirements for facilities of this size¹³. While the added residential population discussed above may be dispersed throughout the County, there is the potential for employees, and the secondary impacts they bring (e.g. traffic), to be concentrated around a handful of larger winery and preparation facilities, creating localized impacts. In addition to the employees, visitors to the large-scale wineries could increase the temporary population in these concentrated areas. This could further conflict with rural land uses and existing population and

¹² The average household size in Santa Barbara County is 2.8 people according to the 2000 Census.

¹³ The estimated employee requirements for wineries is based on a study of winery trip generation by Sonoma County Permit and Resource Management Department, 2003.

development. Therefore, impacts to land use in terms of population increases are considered to be *potentially significant*.

Uniform Rule 2-4. Small-Scale Guest Ranches

Development of small-scale guest ranches under the amended Uniform Rules could result in temporary increases in population in the agricultural areas of the County, creating potential land use conflicts which could impair the agricultural productivity of surrounding lands. As discussed in Section 2.4.2, assumed buildout of 25 guest ranches under this provision could introduce an average of 275 guests in the rural agricultural areas of the County during a weekend. These guest ranches would likely be dispersed throughout the County, thereby diluting the impacts associated with the population increases. In addition, the amended Uniform Rules has provisions in place to mitigate these potential impacts and help keep guest ranches small in scale, including: 1) restrictions imposed on the number of guests and guestrooms that can be accommodated; 2) the requirement that the guest ranch be incidental to the agricultural operation on the premises; and 3) the requirement that such uses adhere to the compatibility guidelines, which include prohibitions on extension of urban services (e.g. sewer) that would be growth inducing. Given these provisions, the potential impacts to land use in terms of growth inducement and population increase are considered to be *adverse but less than significant*.

Uniform Rule 2-5. Recreation

Inclusion of recreational uses and activities on contracted land could result in potential increases in the temporary population in these rural areas. However, the types of recreational uses that would be allowed would be of low-intensity and would not be likely to involve large numbers of people on a continual basis. In conjunction with the provision that such uses be consistent with the proposed Compatibility Guidelines (Rule 2-1), which require compatibility with the agricultural operation on the premises and surrounding agricultural lands, impacts to land use in terms of population increases and growth inducement are expected to be *adverse but less than significant*.

Uniform Rule 2-6. Agricultural Industry Overlay

Application of the Agricultural Industry Overlay under the amended Uniform Rules could result in large agricultural facilities on contracted land, which could in turn result in temporary or permanent population increases in the rural areas of the County considering the potential employment needs of such facilities. Based on information of existing employee needs of large preparation facilities in the County, four facilities could require an estimated 240 employees to serve the facilities. An increase in the rural employee population could bring with it various secondary impacts, such as noise, traffic, and increased air pollution. Despite the limited number of potential facilities, there would be a relatively dense concentration of employees in each of these locations. Therefore, impacts to land use in terms of growth inducement and population increases are considered to be *potentially significant*.

Uniform Rule 2-7. Waste Disposal and Commercial Composting Facilities

Allowing commercial composting facilities on contracted land could introduce greater human population into the rural lands, vis-à-vis facility employees and truck deliveries and exports (and associated impacts such as traffic, noise, and dust) that could impair the agricultural operations in the vicinity and come into conflict with the low-intensity rural land uses of the area. However, there are only two such commercial facilities in the County currently and it is not expected that the addition of this allowance to the amended Uniform Rules will result in a great demand for additional facilities. In addition, employee needs associated with these uses are minimal compared to employee levels required for agricultural processing facilities. Coupled with the requirements in the amended Uniform Rules regulating the scale of these facilities, impacts to land use associated with growth inducement and population increases from commercial composting facilities are considered to be *adverse but less than significant*.

Uniform Rule 2-11. Temporary Filming and Special Events

Allowing temporary filming activities and special events on contracted land could result in temporary population increases in the rural agricultural areas of the County. Depending on the frequency and number of attendees associated with special events, impacts in terms of introducing temporary population increases into the County's rural areas could be significant. There is the potential for such events to become a continual commercial presence that have an affect similar to 'temporary population increases' since the Uniform Rules place no limit on the frequency of events. This could conflict with existing population levels characteristic of the County's rural areas, as well of the purpose and intent of the Williamson Act. Winery special events regulated under the Winery Permit Processing Ordinance are restricted in size to no more than 200 people and restricted in frequency to no more than 12 events per year with a development plan requirement or 40 events per year with a conditional use permit. This will help to limit the impact these winery events have on population increases in the rural areas of the County. However, a winery can conceivably have unlimited smaller events that could result in temporary population increases since winery special events are only regulated if they involve 80 or more guests.

In addition to the winery ordinance, a zoning ordinance amendment to address special events and temporary uses not associated with wineries was recently adopted. They are subject to varying types of permits depending on the nature of the event and the number of attendees. However, noncommercial events with less than 300 attendees are exempt from permits under the ordinance amendment. In addition, no specific upper limit is established under this ordinance amendment in terms of the number of attendees or frequency of events. Therefore, there is the potential for such events to result in large temporary population increases in the rural agricultural areas of the County. Government Code §51220.5 of the Williamson Act states "The legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area."

While consistency with the Uniform Rules' proposed Compatibility Guidelines (Rule 2-1) would help to address potential impacts associated with such events in terms of interference with the agricultural operation on the premises and surrounding areas, the potential land use impacts associated with

population increases during these events are considered to be *potentially significant* due to the lack of strict limitations on their size, scale, frequency and duration.

D. Summary of Agricultural Resource and Land Use Impacts

In relation back to the Thresholds of Significance discussed in Section 3.1.2 the project's impact on **agriculture resources** or **land uses** could be significant if it would result in any of the following, as applicable:

- ◆ Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- ◆ Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- ◆ Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Santa Barbara County's Initial Study checklist states that a project's impact on **agriculture** could be significant if it would:

- ◆ Impair the agricultural productivity of prime or nonprime agricultural land.

Santa Barbara County's Initial Study checklist states that a project's impact on **land use** could be significant if it would result in:

- ◆ Structures and/or land use incompatible with existing land use;
- ◆ The induction of substantial growth or concentration of population;
- ◆ The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project;
- ◆ The loss of a substantial amount of open space.

Impact AG-1: Conversion of agricultural soils and loss or impairment of agricultural productivity.

Expansion of agricultural support facilities allowed under the Proposed Uniform Rules, including large-scale wineries, preparation and processing facilities, commercial composting facilities and facilities in the Agricultural Industry Overlay would result in the combined conversion of approximately 283 acres of agricultural soils to developed uses (Table 3.1-6). Development of agricultural support facilities 7 acres or larger would constitute a *potentially significant impact* by permanently eliminating agricultural soils from commercial agricultural production. (*Addresses 2-2.1. Preparation and Processing, 2-6 Agricultural Overlay, 2-7 Waste Disposal and Commercial Composting Facilities*).

Impact AG-2: Compatibility of land uses and structures. Increased land uses and structures within or adjacent to agriculturally productive areas would result in land use conflicts and could impair the productivity of agricultural lands. These conflicts would increase where large-scale wineries and

agricultural support facilities, including those developed under an Agricultural Industry Overlay, commercial composting facilities and special events are proposed on or adjacent to agricultural lands actively engaged in cultivation or grazing operations. Such land use conflicts would constitute a **potentially significant impact** by impairing the ability of agriculturists to fully engage in their agricultural operations. (*Addresses Uniform Rules: 2-2.1 Preparation and Processing, 2-4 Small-Scale Guest Ranches, 2-6 Agricultural Overlay, 2-7 Waste Disposal and Commercial Composting Facilities, 2-11 Temporary Filming and Special Events*).

Impact AG-3: Growth inducement and population increases. The introduction of certain uses, activities, and facilities on contracted land would likely result in increases in both temporary and permanent populations in the County's rural agricultural areas and potential growth inducement associated with greater development on contracted land. While many of these provisions are sufficiently restricted to minimize the potential for growth inducement and population increases, the provision allowing large-scale wineries, preparation facilities, agricultural processing facilities under the Agricultural Industry Overlay, and special events would constitute a **potentially significant impact** on land use and agricultural resources. Population increases associated with new residential development and small-scale guest ranches on contracted land could further add to the potential severity of this impact. (*Addresses Uniform Rules: 1-4.1 Principal Dwelling, 2-2.1. Preparation and Processing, 2-4 Small-Scale Guest Ranches, 2-6 Agricultural Overlay, 2-11 Temporary Filming and Special Events*).

Impact AG-4: Increased production requirements on superprime land. The proposal to increase the requirement for planted acreage on superprime parcels between 10 and less than 20 acres would lead to more land devoted to agriculture south of the Santa Ynez Mountains (primarily in the Carpinteria Valley), thereby helping to ensure the continued viability of coastal agriculture. This increase in acreage provides a higher standard for agricultural productivity on superprime parcels thereby increasing commercial agricultural activity. Such a measure would constitute a **beneficial impact** to agricultural resources. The productive acreage could further increase as a result of the incentive-based allowance for increasing the size of the residential envelope. For every additional acre brought into production above the new minimum required, the property owner is allowed an additional 1,000 square feet to the building envelope up to a maximum of 20,000 square feet. (*Addresses Uniform Rule: 1-2.3 Commercial Production and Reporting Requirements and 1-4.1.C Development Envelope for superprime contracts*).

Impact AG-5: Agricultural housing. In spite of the impacts identified under Impacts AG-2, and -3, the additional housing opportunities would have a **beneficial impact** on the maintenance of family farms by providing more flexible housing opportunities for family members on larger premises without having to separate the premises into individual contracts to facilitate equivalent housing, and thereby protecting the viability of the agricultural operation for future generations. (*Addresses Uniform Rule: 1-4.1 Principal Dwelling*)

Impact AG-6: Compatible uses. Removal of sanitary waste landfills and golf courses from the list of compatible uses on contracted land would have a **beneficial impact** on agricultural resources and land uses by ensuring that these uses do not take land out of agricultural production on contracted land or

result in conflicts with surrounding land uses or existing development. (*Addresses Uniform Rules: 2-5 and 2-7*)

Impact AG-7: Comprehensive Plan and Zoning Requirements. Adding the Mountainous Area land use designation and Mountainous zone district to the eligibility criteria expands the opportunities for enrollment into the Program and thus provides an incentive for additional land in the County to be engaged in agriculture. This change will result in a *beneficial impact* on agricultural productivity by bringing more agricultural land into the Program and protecting it in the long-term. (*Uniform Rule 1-2.1 Comprehensive Plan and Zoning Requirements*)

Impact AG-8: Agricultural Support Facility Expansion. The adequacy of agricultural support facilities within a region can have a significant effect upon the viability and long-term sustainability of agriculture. Proposed Uniform Rule 2-2.1 (*Preparation and Processing*) and Uniform Rule 2-6 (*Agricultural Industry Overlay*) will result in an *indirect beneficial impact* to agricultural resources in Santa Barbara County. This change will increase opportunities for large-scale preparation and processing facilities, cooling and packing facilities, and other facilities which make agriculture more efficient, economic and profitable; thereby allowing local farms to complete more successfully in the marketplace. (*Uniform Rule 2-2.1 Preparation and Processing and Uniform Rule 2-6 Agricultural Industry Overlay*)

Allowing additional opportunities for facilities for preparation of raw agricultural products will increase the productivity of the premises and increase the long-term sustainability and viability of the agricultural operation. Locating these facilities closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to packing and cooling facilities. Increased efficiency in farming reduces overall costs of farming and in turn, the consumer enjoys increased freshness of products.

As noted in Sec 2.4.3.B there is an estimated shortage of local wine processing capacity of approximately 2.85 billion cases of wine county-wide. In addition to contributing to the sustainability and viability of individual agricultural operations by allowing for increased local wine processing through increased employment opportunities, income stream and capital investment will contribute in a broader sense to agricultural sustainability at a regional level. This would also be true for processing of non-grape crops in AIO facilities on contracted land.

Impact AG-9 Commercial Composting. Proposed Uniform Rule 2-7 will allow commercial composting facilities as a compatible use. This change will result in a *beneficial impact* to agricultural resources by allowing for more convenient receiving locations for the composting of agricultural waste (i.e. feedstock). Conveniently located commercial composting facilities may provide a more affordable agricultural compost tailored to local conditions to be used as soil amendment, which will enhance soil productivity. (*Uniform Rule 2-7 Waste Disposal and Commercial Composting Facilities*).

Impact AG-10: Residential Dwellings. The amended Uniform Rules seek to facilitate reasonable residential development for multi-generational farm families. The updated rules result is less residential

units that would be developed if existing large-multi-hundred acre contracts with multiple legal parcels replaced their single contract with multiple individual contracts. This will serve to encourage landowners to maintain their landholdings in larger single contracts rather than splitting them up in order to meet their residential needs resulting in an **indirect benefit** of protecting the productivity of agricultural soils. (*Uniform Rule 1-4.1.C Principal Dwelling*)

Impact AG-11: Additional Monitoring and Reporting: The amended Uniform Rules propose revised agricultural production and reporting requirements (Rule 1-2.3). These changes will help to limit participation in the Agricultural Preserve Program to bona fide farmers and ranchers actively involved in commercial agriculture operations. This strengthening of the rules will ensure the integrity of the Agricultural Preserve Program which is characterized as an **indirect beneficial impact** to the social benefits of agriculture. (*Uniform Rule 1-2.3 Commercial Production and Reporting Requirements*)

3.1.4 Mitigation Measures

Existing Policies and Development Standards that May Reduce Impacts

Existing policies in the County's Comprehensive Plan, Local Coastal Plan (LCP), and applicable Community plans address agricultural resource protection and land use compatibility issues. Any future development on contracted land would need to be found consistent with these policies through the permit process. The most relevant policies include policies I.A, II.D and III.A of the Agricultural Element, Land Use Development Policy 4 of the Land Use Element, and Development policies 2-6 and 2-10 of the Local Coastal Plan. These policies are discussed throughout Section 4, Policy Consistency Analysis. The policies in the Agricultural Element call for the protection of agricultural soils from premature urban development or other land conversion. The policies in the Land Use Element and Local Coastal Plan help to protect the rural character of the area by minimizing growth inducing effects of development.

In addressing facilities developed under an Agricultural Industry Overlay, the Land Use Element (page 174) requires the following criteria to be met:

- ◆ The project site should not include prime soils, or environmentally sensitive areas where development would result in significant adverse impacts;
- ◆ The placement of the designation will not represent a significant cumulative loss of agricultural land in the planning area.

Development standards applied to wineries permitted under the Winery Permit Processing Ordinance (LUDC §35.42.270) will help to reduce the likelihood of introducing land uses associated with wineries that create conflicts by making all new winery buildings and structures subject to approval by the Board of Architectural Review and by requiring that the design, scale, and character of the winery be consistent

with existing development in the vicinity. Similar standards are applied to other preparation and processing facilities as well under standard permitting requirements.

Development standards would be applied to special events for which a permit is required in order to protect the public health, safety and welfare; these standards would include measures to minimize the land use incompatibility of structures, such as regulation of the number, height, and size of temporary structures, equipment and signs. For wineries with tasting rooms, which are those most likely to have special events, a development plan would be required which would assess the impacts of the project on population increases to ensure that the project will be compatible with the existing surrounding land uses. For non-winery special events, a conditional use permit would be required for ongoing commercial events, such as weddings and receptions, approval of which would require that any significant environmental impacts are mitigated to the maximum extent feasible. Growth inducement and population increases would be considered in this evaluation on a project-specific basis.

Guest ranches and commercial composting facilities would require a conditional use permit, approval of which requires a planning finding that the project will be compatible with the surrounding existing land uses and subordinate to the rural character of the area. In addition, conditional use permits are subject to CEQA and require that adverse environmental impacts are mitigated to the maximum extent feasible. Potential nuisance issues associated with commercial composting facilities (i.e. noise, dust, and odor) would also be addressed through the conditional use permit process.

Mitigation Measures

Mitigation AG-1: Amend Uniform Rule 2-6 as follows: Uniform Rule 2-6.D. Agricultural facilities developed within an Agricultural Industry Overlay (AIO) shall only be approved if the Board of Supervisors finds that the AIO is necessary to address an unmet regional need and will not result in the concentration of agricultural industry facilities on contracted land within any particular region will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land. (*Addresses Impacts AG-1, AG-2, and AG-3*).

Mitigation AG-2: Amend Uniform Rule 2-7 as follows: Uniform Rule 2-7.B.6. The footprint of the commercial composting facility occupies no more than 10% of the premises, or 35 acres, whichever is less; that composting is not enclosed and that any associated composting enclosure on a particular site appropriately sited and scaled; and that it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands. (*Addresses Impacts AG-1 and, AG-2*).

Mitigation AG-3: Amend Uniform Rule 2-2.1 as follows: Uniform Rule 2-2.1.A.1. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. (*Addresses Impacts AG-1, AG-2, and AG-3*).

Mitigation AG-7: Amend Uniform Rule 2-2.1 as follows: Add a new requirement as subsection 2-2.1.A.4. The parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises. Notwithstanding the commercial production eligibility requirements in Rule 1-2.3, the Board of Supervisors may establish different minimum production acreage requirements particular to the parcel and/or premises if the Board finds that a substantial benefit to the agricultural community and public can be demonstrated. (*Addresses Impacts AG-1, AG-2, and AG-3*).

3.1.5 Residual Impacts

With the application of the above mitigation measures and consideration of the existing County policies addressing agricultural resources and land use, residual impacts of the amended Uniform Rules to these resources are as follows:

Impact AG-1: Mitigations AG-2, and 3 would limit or reduce the cap for large-scale agricultural support facilities and commercial composting facilities. These measures are not expected to reduce the overall amount of agricultural land converted; though they may reduce the percentage of agricultural land lost on a particular premises or in an agricultural region.

Despite these mitigation measures and Uniform Rules provisions to minimize the impacts of agricultural support facilities on agricultural soils, impacts associated with expanding the opportunities and acreage envelopes for these uses could still result in the loss of up to 237 acres of productive agricultural land as discussed in Section 3.1.3 Project Impacts, A. Conversion of Soil and Loss/Impairment of Agricultural Productivity. The possibility also remains that much of the new growth of wineries and other small-scale boutique type processing facilities may be concentrated in certain areas of the County thereby having potentially a relatively larger impact in a more concentrated area. Residual impacts to agricultural resources in terms of the conversion of agricultural soils or loss of agricultural productivity (Impact AG-1) are considered *significant and unavoidable (Class I)*.

Impact AG-2: Mitigation AG-2 would help to facilitate the development of appropriately sited and scaled commercial composting facilities and reduce the potential nuisance issues by ensuring they are located away from residential uses. The land use conflicts identified in Impact AG-2 associated with special events and commercial composting facilities will become *significant but mitigable (Class II)* upon implementation of the recommended mitigation measures, application of existing policies, development standards, and project-specific mitigation measures as part of the permit process, and

provisions established in the amended Uniform Rules that help to ensure such uses will not interfere with surrounding agricultural operations.

Conformance with County policies and development standards associated with permit approval of these types of projects may be able to adequately address land use compatibility issues on a project-specific basis, but they would not address the incremental changes to land use on a cumulative basis as larger facilities are introduced into the County's rural areas, changing the rural character of the County.

Mitigation Measure AG-3 is supported by the analysis in Section 3.1.3.A which indicates the majority of premises qualifying for a large-scale winery could maximize case production within a 15-acre facility envelope. Mitigation Measure AG-3 would not preclude larger wineries or non-grape preparation and processing facilities from potentially being located in an Agricultural Industry Overlay.

Mitigation Measure AG-7 would help to ensure that preparation facilities are incidental to commercial agricultural production by requiring at least a portion of the parcel with the facility be in cultivation. However, the mitigation measure would still allow for the siting of large-scale facilities on small parcels, potentially creating development of a greater intensity than found within the surrounding area and intensity of existing development. The land use conflicts identified in Impact AG-2 associated with the introduction of large-scale preparation and winery facilities and agricultural support facilities developed under an Agricultural Industry Overlay (AIO) designation will be *significant and unavoidable (Class I)* despite implementation of the recommended mitigation measures (Mitigation Measure AG-3 and Mitigation Measure AG-7) and application of existing policies and development standards as part of the permit process.

Impact AG-3: Consistency with Land Use Development Policy 4 will help to ensure that projects are not growth inducing or result in the inappropriate extension of services into the rural areas. Mitigations AG-1 and AG-3 will help to minimize the effects associated with the influx of large numbers of employees into concentrated areas of the County. Growth inducement and population increases identified in Impact AG-3 associated with agricultural employee requirements for the large-scale wineries and agricultural support facilities developed under the AIO designation, and special events that bring temporary populations into the agricultural areas of the County will become *significant but mitigable (Class II)* upon implementation of the recommended mitigation measures and consistency with existing policies and permitting requirements.

3.2 VISUAL RESOURCES

3.2.1 Existing Setting

Santa Barbara County is known for its scenic beauty. The visual resources of the County are bountiful and diverse, including: the rolling grasslands dotted with oak trees in the inland valleys; the rich riparian corridors along the County's river and stream systems; the steep woodland and chaparral covered mountains of Los Padres National Forest and the Santa Ynez and San Rafael mountains; the foothills, plains, and steep bluffs along the Gaviota and South coasts; and the diverse coastline of the Pacific Ocean. One of the reasons for the continuance of these visual qualities has been the lasting presence of agriculture throughout the County. Agriculture has helped to maintain scenic open vistas and preserve the rural character of much of the County. As shown in Figure 1, agricultural properties enrolled in Agricultural Preserve Program are distributed throughout these scenic areas of the County. Limited improvements such as ranch houses, agricultural employee housing units, barns and other farm buildings may be present on these properties, but they are generally consistent with the existing rural character and are not prominent features interrupting the rural landscape. Below is a general description of the visual resources of each of the rural regions of the County.

South Coast: The South Coast region is bounded by Goleta to the west, the Santa Barbara/Ventura County boundary to the east, the Santa Ynez Mountains to the north and the Pacific Ocean to the south. The region is characterized by urban development interspersed with agricultural areas (primarily orchards, nurseries, and some row crops) and open space along the foothills, coastal plains, and southern face of the Santa Ynez Mountains. The major travel corridor is U.S. Highway 101. The southern portion of State Scenic Highway 154 and Highway 192 also provide a scenic travel corridor through the foothills of the region.

Gaviota Coast: The Gaviota Coast region, nestled between the Santa Ynez Mountains and the Pacific Ocean, extends west from Goleta to the southeastern edge of Vandenberg Air Force Base. This is one of the longest stretches of relatively undeveloped coastline in southern California and represents an area of unique importance, rich in agricultural, biological, cultural, recreational, and scenic resources. The large expanses of orchards and grazing lands on the coastal plain, coastal valleys and rolling hillsides provide a scenic pastoral setting. Prominent landforms within the region include a broad coastal terrace interrupted by small drainage canyons and coastal streams, rolling grassy hillsides, and chaparral and oak woodland communities in the upper watersheds along the Santa Ynez Mountains. Land uses along the Gaviota Coast are predominantly agricultural (with cattle grazing and orchards comprising the bulk of the agricultural operations) and recreational. Existing oil and gas production fields and supportive storage and processing facilities are also a significant feature along portions of this coastline. Some areas along the coast are also preserved in open space. Major travel corridors include U.S. Highway 101, which parallels the coast providing travelers with expansive views of the Pacific Ocean and Santa Ynez Mountains; State Scenic Highway 1, which runs north through the foothills of the Gaviota Coast from its

junction with U.S. Highway 101 at Las Cruces; and Jalama Road, which extends from State Scenic Highway 1 to Jalama Beach County Park, and also offers high scenic value.

Santa Ynez Valley: The Santa Ynez Valley is formed by the San Rafael Mountains to the northeast and the Santa Ynez Mountains to the south. Lake Cachuma and the Santa Ynez River riparian corridor are key visual elements in the region. The valley is characterized by gently rolling hills and grasslands used for cattle and horse grazing, oak woodlands and savannas, and cultivated agricultural uses (namely vineyards, orchards, and row crops) along the valley floor. The bucolic towns of Santa Ynez, Los Olivos, and Ballard, and the cities of Solvang and Buellton comprise the urban areas of the valley. Major travel corridors in the region include U.S. Highway 101, State Scenic Highway 154, and State Highway 246.

Lompoc Valley: The Lompoc Valley is framed by the Purisima Hills and Burton Mesa Preserve on the north and east, and the Santa Ynez Mountains to the south. The Santa Ynez River runs through the center of the valley south of the Santa Rita Hills, wrapping north around the City of Lompoc. The valley is characterized by rolling grass-covered hills used for cattle grazing and vineyards; row crops and orchards on the valley floor; and the urban area of Lompoc. Public access to the coast is limited to areas adjacent to Ocean Beach County Park and the Santa Ynez River Mouth. Major travel corridors include State Highway 246, State Highway 1 (the portion south of Lompoc is designated as a State Scenic Highway), Jalama Road, and Harris Grade Road.

San Antonio Creek: San Antonio Creek runs through the center of the Los Alamos Valley, formed by the Solomon Hills to the north and the Purisima Hills to the south. The area is rural in nature, and is characterized by rolling hills used for vineyards and cattle grazing, row crops located along the valley floor adjacent to the creek, and the town of Los Alamos. Major travel corridors include U.S. Highway 101 and State Highway 135.

Santa Maria Valley: The Santa Maria Valley is formed by the San Rafael Mountains to the east and the Casmalia and Solomon Hills to the south and south-west. The Sisquoc and Cuyama rivers converge just east of the City of Santa Maria, forming the Santa Maria River. The area is characterized by rolling hills covered in annual grasses and scattered oak woodlands in the south (predominantly used for cattle grazing), cultivated agriculture on the valley floor (mainly strawberry and vegetable crops), and the urban areas of Santa Maria, Orcutt, Guadalupe, Garey and Sisquoc. The Guadalupe Dunes extend along the coast south from the Santa Maria River Mouth to Mussel Point. Point Sal is located south of the Dunes and northwest of Vandenberg Air Force Base. Major travel corridors in this region include U.S. Highway 101, and State Highways 1, 135, and 166.

Cuyama Valley: The Cuyama Valley is located in the northeastern portion of the County and is framed by the Sierra Madre Mountains and the Caliente Range in San Luis Obispo County. The Cuyama River flows through the otherwise arid valley. The valley is extremely rural and agricultural in nature, with only a few small towns, and is dominated by cultivated agriculture along the river and cattle grazing operations in the hills and mountains. Several sand and gravel mining operations are located within and

adjacent to the Cuyama River as well. Travel corridors through the valley include State Highways 33 and 166.

Given that much of the agriculture throughout the County (excluding Los Padres National Forest) is on private land, highway and road travel provides the greatest exposure to the scenic beauty of the County's rural agricultural lands and coastal areas. There are two state-designated scenic highways in the County: the entire length of State Scenic Highway 154; and State Scenic Highway 1, between Lompoc and Las Cruces (see Figure 3). Other highways eligible for the Scenic Highway designation include: the entire length of U.S. Highway 101 through the County, and State Highways 33, 166, and 150. Travel corridors which are depicted as Scenic Level One (the highest rank for scenic quality – deserving prime consideration for scenic highway designation) in the County's Open Space Element (1991) but are not yet designated scenic routes include U.S. Highway 101 from Los Alamos to Buellton, from Gaviota Beach to Goleta, and from Montecito to Rincon Point; Foxen Canyon Road from Santa Maria to Los Olivos; Drum Canyon Road from Los Alamos to State Highway 246; the entire length of Jalama Road; and State Highway 166 from New Cuyama to Twitchell Reservoir. In addition, the County Local Coastal Program contains a View Corridor Overlay designation which applies to U.S. Highway 101 and includes areas in the County where there are views from the highway to the ocean.

3.2.2 Thresholds of Significance

The proposed project would result in a significant visual impact if it would result in one or more of the following conditions:

- ◆ The obstruction or degradation of publicly available scenic views (including views of visual resources that help define a region such as coastal or mountain vistas and large expanses of natural landscape) from locations such as public roadways, recreational trails, or parks;
- ◆ The creation of a view or condition visible to the public considered to be offensive or inconsistent with the character of the project site or region;
- ◆ The introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development; or
- ◆ The introduction of new sources of light and/or glare that would substantially degrade existing visual conditions or substantially alter nighttime lighting conditions of the project area.

3.2.3 Project Impacts

A. Obstruction or Degradation of Public Scenic Views/Creation of Offensive or Inconsistent Views or Conditions

Under the amended Uniform Rules there are more opportunities for development on contracted land relative to the existing Uniform Rules, whether it is for residential purposes, agricultural support facilities,

or structures to facilitate a compatible use. Such development could potentially impact visual resources by obstructing or degrading public viewsheds or creating offensive or inconsistent views or conditions (e.g. substantial grading for access roads and building pads or vegetation removal or alteration for structural development, fuel management and landscaping), though it is speculative at this point in time to predict whether development will be located and designed in such a manner as to significantly impact public viewsheds. Such development could impact private views as well, though these impacts would likely be tempered by the large parcels and relatively low density residential development that is common in the County's rural areas. Despite the anticipated low density in which certain development projects will occur on contracted land, the development of up to 233 residential units, 25 small-scale guest ranches, 47 small-scale and a number of large-scale agricultural support facilities could result in *potentially significant impacts* to visual resources depending on their location, scale and design.

Large-scale wineries, non-grape preparation facilities, and other similarly-scaled facilities developed under the Agricultural Industry Overlay could potentially impact public and/or private viewsheds or be visually incompatible with rural views, especially if located along State designated scenic highways. The localized impacts of these facilities would likely be more considerable than impacts resulting from the smaller scale development discussed above because of their bulk, size and scale, even though the total number of projects would be less. Depending on location, impacts to visual resources from these larger facilities in terms of degradation or obstruction of public viewsheds and private views are considered to be *potentially significant*.

B. Visually Incompatible Development

Visually compatible development refers to how well new construction, structures, configurations, etc. fit into the existing community character, the existing communitywide landscape and future community vision. The size, type, shape, location and orientation of new development, structures, etc. are all essential elements of visual compatibility that can either visually enhance or degrade the community and environment at large.

In that CEQA and the pertinent CEQA case law does not limit visual resources and aesthetics to public views, the consideration of all views, public or private, so long as they are experienced by a substantial number of people are taken into consideration and analyzed. The Williamson Act does not address specific thresholds or principles of visual compatibility as part of the Principles of Compatibility (§51238.1), but it does speak to the preservation of open space and to its value as a resource.

Uniform Rule 1-4.1. Principal Dwelling

As discussed in Section 2.4.1, residential development under the amended Uniform Rules could result in up to 233 new residential units distributed among 158 contracted premises. The premises that would qualify for these units are primarily located in the Santa Ynez, Lompoc, and Santa Maria Valleys (Table 2-3). Individual homes could result in potentially significant visual impacts depending upon their size,

scale, and visibility. However, these residences are limited to parcels at least 100 acres in size and will be primarily surrounded by other large parcels and very low density residential development characteristic of the County's rural areas. In addition, the Uniform Rules limits the acreage allowances for residential development in order to ensure they are incidental and subordinate to the agricultural operation on the premises. For these reasons, it is anticipated that the majority of residences built under this allowance would be similar to typical residences found in the County's rural areas in terms of size and scale.

While allowing for more residences within a single contract, the amended Uniform Rules restricts the total residential development envelope to a maximum of 3 acres if more than one principal dwelling is constructed on the premises, as compared to two acres under the existing Uniform Rules. Therefore, the amended Uniform Rules is more effective in managing scale and maintaining the rural character of the County's agricultural lands than if, under the existing Uniform Rules, a landowner with multiple parcels were to enter into individual contracts for each qualifying parcel and have a separate 2-acre residential envelope for each contract. This amendment to the Uniform Rules provides an incentive to maintain land holdings in single larger contracts rather than splitting them up in order to benefit from additional residential opportunities. Residential development on contracted land under the amended Uniform Rules will still result in densities, sizes, and scales that are consistent with the rural areas of the County. Given these factors, the impacts to visual resources are considered to be *adverse but less than significant*.

Expansion of the development envelope from a maximum of 10,000 square feet based on a sliding scale up to a maximum of 20,000 square feet on superprime contracts with parcels between 10 and less than 20 acres (Rule 1-4.1.C.) could result in potentially significant impacts to visual resources by increasing the size and scale of residential development and increasing the intensity of the residential use in a manner that is inconsistent with the character of these rural and semi-rural (i.e. areas characterized by an urban-rural interface) areas. However, the maximum amount to which the residential building envelope can be increased is 18,800 square feet for a parcel greater than 19 acres and only if a proportional amount of additional land is fully planted in agricultural production (Uniform Rule 1-4.1.C). This factor should help to ensure the residential use remains appropriately scaled and consistent with the character of the area and incidental to the agricultural operation on the premises. Although the impacts from this provision would be concentrated in the Carpinteria Valley, the potential impacts to visual resources would be *adverse but less than significant* given the size and scale restrictions.

Uniform Rule 2-2. Supportive Agricultural Uses

Preparation and Processing Facilities

Development of an estimated 87 acres of large-scale preparation or winery processing facilities (as discussed in Section 3.1.3) would add structural intrusion into areas of active agricultural production, which as a component of the landscape, provide open vistas. The EIR analyzes the proposed project's impact on scenic views and other substantial visual resources in the County. While not all of these views are protected by County, state, or other regulations or policies, CEQA requires an analysis of the potential environmental impacts to these visual resources resulting from the proposed project.

The type of supportive agricultural development demonstrated by preparation and processing facilities may not be obtrusive or visually incompatible in itself, but the scale or location of such development, as well as the number and geographic distribution of these facilities, have the potential to result in significant adverse visual effects in the rural agricultural context, especially if these facilities are concentrated in one area or viewshed. In rural, open settings, structures of imposing height, scale, design, or color may be visually incompatible with surrounding uses, structures, or intensity of development.

In the case of winery facilities, much of the unmet demand for wineries to process wine grapes on contracted land is expected to be met within existing acreage allowances, meaning small-scale wineries that are more likely to fit in with the surrounding development that is characteristic of the County's rural agricultural areas. However, by allowing facilities up to 20 acres in size and taking into account unmet processing demand, it is estimated that 47 acres worth of winery facilities will be accounted for by a handful of large winery facilities where there is the potential for the introduction of more industrial type uses and structures that are visually incompatible with surrounding development and land uses, as well as the intensity of existing development. While it is difficult to accurately predict the combination of larger winery facilities that would make up the 47 acres, the EIR assumes 5 facilities ranging in size from 7 to 20 acres (Table 3.1-3). The location of these facilities would influence the level of impact they have on visual resources. For the purposes of this analysis, it is assumed that such large-scale winery facilities would most likely be located in the Lompoc, San Antonio Creek, Santa Maria Valley and Santa Ynez Valley rural regions, with the largest facilities likely occurring in the San Antonio Creek region. These assumptions are based on the number, size and location of current premises large enough to take advantage of this provision, the existing distribution of wine-grape growing regions within the County, and known instances where growers have expressed interest in facilities for large-scale wine production. For example, the potential siting of a 20-acre and 13-acre facility within the San Antonio Creek region could potentially impact visual resources by introducing structural development at a size and scale that is inconsistent with the visual character of the area.

Though their application will be more limited, the 30 acres of large-scale preparation facilities for non-grape crops identified in Section 3.1.3 are expected to have similar effects, as they face similar size, scale, and location issues. Impacts to visual resources in terms of the introduction of incompatible development from these agricultural support facilities are considered to be *potentially significant* due to the potential scale of these larger facilities and the incremental degradation of the visual character of the County's rural agricultural areas.

Percentage of Crops Grown on the Premises

Uniform Rule 2-2.1 has the potential to change the distribution or concentration of preparation/processing facilities in different areas of the County. For example, the expanded allowances for agricultural support facilities, along with the change to the provision regulating the source of a winery's grapes (from 51% of the case production coming from grapes grown on the premises to 51% of the case production coming

from grapes grown on the premises and/or other contracted land under same ownership), could lead to a concentration of facilities in the Santa Ynez Valley, as landowners take advantage of the winery tourism industry and the marketability of the Santa Ynez Valley appellation that is established in that region. Such a concentration of facilities could result in incremental impacts to visual resources in the region as they become more and more prolific.

Non-grape preparation facilities could be similarly concentrated in a given agricultural region since the only factor limiting the size of the facility is the size of the premises and the proposed Uniform Rules does not restrict where the crops come from. The potential concentration of large-scale facilities in a particular agricultural region of the County could result in *potentially significant impacts* to visual resources due to their bulk, size and scale.

Uniform Rule 2-4. Small-Scale Guest Ranches

Uniform Rule 2-4 would allow small-scale guest ranches on contracted land under the following conditions:

- ◆ Guest ranch must be included in the residential development envelope and on parcels smaller than 100 acres be included within the principal residence;
- ◆ Guest ranch can accommodate no more than 15 guests in up to 6 bedrooms;
- ◆ Guest ranch must be incidental to a commercial agricultural operation on the premises and not constitute the primary land use; and
- ◆ Guest ranch shall be consistent with the proposed Compatibility Guidelines in Uniform Rule (2-1).

Based on an analysis of eligible premises and reasonable demand for small-scale guest ranches throughout the County (as discussed in Section 2.4), it is estimated that up to 25 small-scale guest ranches could be developed in the future, potentially resulting in impacts to visual resources by introducing structures that are visually incompatible with the rural character of the area. The proposed requirements listed above for guest ranches on contracted land will help to keep guest ranches small-scale and low-intensity. Combined with their anticipated dispersal throughout much of the County's rural areas, potential impacts of this proposal to visual resources in terms of visual compatibility are considered to be *adverse but less than significant*.

Uniform Rule 2-5. Recreation

Uniform Rule 2-5 has been amended per the enactment of SB985 (Johnston ch1081 Statutes of 1991) and with the Department of Conservation's comments on compatible recreational uses to limit the type of recreational activities allowed on contracted land in order to be consistent with recent legislative amendments to the Williamson Act. Specifically, the Uniform Rules have been amended to limit recreational use to "land in its agricultural or natural state." This has resulted in removing golf courses from the list of previously allowable recreational uses, as well as clarifying that only low-intensity recreational uses shall be considered compatible. The amendment would also require that any facilities

necessary to support the recreational use be counted towards the residential development envelope. These changes will help to maintain the appropriate scale and intensity of use, and thus reduce potential impacts to visual resources through the introduction of development that is visually incompatible with the rural character of the area. This amendment is considered to result in a *beneficial impact* to visual resources.

Uniform Rule 2-6. Agricultural Industry Overlay

Uniform Rule 2-6 would allow application of the Agricultural Industry Overlay (AIO) to contracted land to address an unfulfilled demand for larger-scale agricultural support facilities to prepare and process crops grown in the region. Currently, the AIO can only be applied to non-contracted land that is zoned AG-II and is located outside of the coastal zone, which represents only a small fraction of all agriculturally zoned land in the County. In proposing this change, it was anticipated that applications for use of this overlay would be minimal (i.e. an estimated 4 facilities) and they would only be sought in cases where there was a significant regional need for agricultural support facilities that could not be addressed through other provisions discussed above. Despite the limited distribution and frequency of the AIO on contracted land, this amendment could introduce large-scale agricultural support facilities (potentially 30-acre in size, see Section 2.4.D) into the County's rural agricultural landscape, potentially resulting in development that is visually incompatible with surrounding uses, structures, and the intensity of existing development. Furthermore, the proposal has no requirements for minimum parcel size, nor does it set an upper limit on the scale of these facilities or where they may be located. It is anticipated that these overlays would most likely occur in and around the Santa Maria Valley, where there is the greatest concentration of intensive cultivated agriculture, and to a lesser extent in the Lompoc Valley and San Antonio Creek rural regions. Impacts to visual resources associated with this proposal are considered to be *potentially significant* due to the potentially large-scale and size of these facilities and the likelihood that such facilities would permanently alter the visual resources and rural character of the areas in which they are located.

Uniform Rule 2-7. Waste Disposal and Commercial Composting Facilities

Uniform Rule 2-7.A has been amended to eliminate sanitary waste disposal facilities and transfer stations from the list of compatible uses in order to conform to the intent of the Williamson Act, as these uses are inconsistent with the Williamson Act Principles of Compatibility (Government Code §51238.1). This will have a *beneficial impact* on visual resources by eliminating development that is potentially visually incompatible with surrounding structures, land uses and the intensity of existing development.

Proposed Uniform Rule 2-7.B would allow commercial composting facilities as a compatible use subject to certain requirements. The introduction of such facilities throughout the rural agricultural lands of the County could potentially impact visual resources by introducing visually incompatible development and possible structures, depending on their size, scale, and compost feedstock material. The proposed findings required for a determination of consistency with the proposed Compatibility Guidelines (Rule 2-1) of a commercial composting facility, would help to mitigate visual impacts by requiring that the facility: 1) be appropriately scaled and sited such that it will not impair the agricultural operation on the premises and

on adjacent lands; 2) provides a direct benefit/link to the agricultural operation on the premises and other agricultural lands in the vicinity; 3) does not result in substantial grading or ground disturbance; 4) has a land restoration plan in place that returns the facility site to agriculture upon its termination. However, there are no restrictions in place to control where such facilities may be located, nor are there limitations placed on the maximum size or footprint of the operation. While the above requirements will ensure the facility is incidental to the agricultural operation, there is still the possibility for localized visual impacts due to the potential visual incompatibility of a large-scale commercial composting facility. Given all of these factors, impacts to visual resources associated with this provision are considered to be *potentially significant*.

Uniform Rule 2-11. Temporary Filming and Special Events

The amended Uniform Rules identifies temporary filming activities and special events as potentially qualifying as compatible uses on contracted land. Despite the temporary nature of special events, there is the potential for such activities to impact visual resources by introducing structures and uses that are visually incongruous with the surrounding land uses and the intensity of existing development. Since the amended Uniform Rules do not apply any restrictions in terms of the size, duration, frequency or location of these events, there is the potential for events to take on a permanent presence, if they were to occur on a weekly basis for example. Therefore, impacts to visual resources from this amendment are considered to be *potentially significant*.

C. Introduction of Sources of Light and Glare

The amended Uniform Rules provides greater opportunities for residential development, agricultural support facilities, and other development. Increased structural development on contracted land could potentially impact visual resources by introducing new sources of light and glare that would degrade existing visual settings or alter nighttime lighting conditions. Residential development and small-scale guest ranches on contracted land are not likely to substantially degrade existing conditions given their limited application to only the larger premises and their anticipated dispersal throughout the agricultural areas of the County. On the other hand, the potential development of large agricultural support facilities on contracted land could result in substantial increases in new sources of light and glare over time, especially if engaged in nighttime operations. Parking lots associated with wineries and large-scale processing facilities could require significant lighting that could cause light pollution to the night sky. Therefore, impacts to visual resources in terms of introducing new sources of light and glare are considered to be *potentially significant* due to the incremental increases in light associated with greater development that could degrade the rural nighttime character especially if concentrated in particular agricultural areas of the County.

D. Summary of Project Impacts

In reference back to Section 3.2.2 in the EIR, Thresholds of Significance, a project's impact on visual resources could be significant if it would result in any of the following:

- ◆ The obstruction or degradation of publicly available scenic views (including views of visual resources that help define a region such as coastal or mountain vistas and large expanses of natural landscape) from locations such as public roadways, recreational trails, or parks;
- ◆ The creation of a view or condition visible to the public considered to be offensive or inconsistent with the character of the project site or region;
- ◆ The introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development; or
- ◆ The introduction of new sources of light and/or glare that would substantially degrade existing visual conditions or substantially alter nighttime lighting conditions of the project area.

Impact VIS-1: Obstruction or degradation of public viewsheds and/or the creation of views or conditions that are inconsistent with the rural character of the area. Development resulting from changes to the Uniform Rules would result in *potentially significant impacts* to visual resources primarily due to the potential for large-scale agricultural support facilities and winery development to be located along travel corridors or adjacent to public or private viewsheds, especially if located along a State-designated scenic highway. (*Addresses Uniform Rules: 1-4. Principal Dwelling, 2-2 Supportive Agricultural Uses, 2-4 Small-Scale Guest Ranches and 2-6 Agricultural Industry Overlay*).

Impact VIS-2: Introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development. The proposed Uniform Rules amendments allowing for increased opportunities for large-scale agricultural support facilities, including wineries and those facilities developed under an Agricultural Industry Overlay, commercial composting facilities, and special events would facilitate greater development in the rural areas of the County thereby increasing structural and/or visual intrusion into areas of active agricultural production which contribute to the visual character of the area by providing open vistas. (*Addresses Uniform Rules: 2-4 Supportive Agricultural Uses, 2-6 Agricultural Industry Overlay, 2-7 Solid Waste and Composting Facilities*)

Impact VIS-3: Introduction of new sources of light and/or glare. New sources of night lighting and/or glare associated with increased opportunities for large-scale agricultural support facilities and wineries, residential development, and small-scale guest ranches would result in *potentially significant impacts* to the visual quality of the agricultural areas of the County. (*Addresses Uniform Rules: 1-4 Principal Dwelling, 2-4 Supportive Agricultural Uses and 2-4 Small-Scale Guest Ranches*)

Impact VIS-4: Rule changes eliminating potentially incompatible uses. Eliminating sanitary waste disposal facilities and transfer stations as compatible uses on contracted land in amended Uniform Rule 2-7, and eliminating golf courses as compatible uses in amended Rule 2-5, will have a *beneficial impact* on

the visual resources of the County's rural areas by eliminating potentially visually incompatible uses. (Addresses Uniform Rule: 2-7)

3.2.4 Mitigation Measures

Existing Policies and Development Standards that May Reduce Impacts

Existing policies in the County's Comprehensive Plan, Local Coastal Plan (LCP), and applicable Community plans address visual resources, specifically Policy 4-3 of the LCP, and Visual Resource Policy 2 and Hillside and Watershed Protection Policy 2 of the Land Use Element. Approval of any development project under the Uniform Rules, whether it be for a principal residence, winery processing facility, or other development, would be contingent upon a finding of consistency with these County policies. The zoning ordinances which apply to agricultural land throughout the unincorporated areas of the County apply development standards on residential structures in agricultural zone districts (except the AG-II zone district in Article II) which include height restrictions on dwellings not to exceed 35 feet. There are also specific design standards for wineries (LUDC §35.42.270.D.4) which address visual impacts and ensure compatibility with other development in the vicinity. In addition, the LUDC requires all structures be consistent with the following development standard related to visual resources:

In areas designated as rural on the Land Use Element 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.

The zoning ordinances also have a provision for the protection of visual resources on hillsides and ridgelines, with development guidelines and Board of Architectural Review approval required for all structures in any zone district where there is a 16 foot or greater drop in elevation within 100 feet in any direction from the building footprint. Other standard conditions commonly applied to development projects that would address visual impacts include: 1) the requirement that any exterior lighting be of low intensity, low glare design, and shall be hooded/shielded to minimize the spread of light off-site and to minimize impacts to the rural nighttime character; 2) natural building materials and colors (earth tones and non-reflective paints) compatible with the surrounding terrain shall be used to minimize the contrast of the development with adjacent undeveloped areas; and 3) the design, scale and character of the architecture shall be compatible with other development in the vicinity. Therefore, many of the visual impacts identified in this impact analysis may be partially or fully mitigated through compliance with existing policies, development standards, and common conditions applied to development projects.

In addition to the standards discussed above, the Winery Permit Processing Ordinance requires County Board of Architectural Review for all buildings and structures associated with a winery, and also impose

height restrictions, screening and setback requirements, and exterior design guidelines. These requirements applied to future projects will help to address visual impacts associated with any new or expanded winery facilities.

Furthermore, development of a guest ranch or commercial composting facility requires a major conditional use permit under the County's Zoning Ordinance. Projects must be found consistent with all applicable County policies and development standards addressing visual impacts, and CEQA review is required for any impacts to the environment, prior to permit approval.

Proposed Mitigation Measures

Mitigation VIS-1: Add Rule 2-1.1.A.4: Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area. (*Addresses Impact VIS-1*).

Mitigation VIS-2: Add to the criteria in Rule 2-6: E. Will facilities within an Agricultural Industry Overlay (AIO) on contracted land be visible from a State-designated scenic highway? If so, facilities should be sited, screened and designed to be compatible with the scenic and rural character of the area, consistent with the intent of Government Code §51220. (*Addresses Impact VIS-1*).

Mitigation VIS-3: Refer to Mitigation AG-1. (*Addresses Impacts VIS-2 and VIS-3*)

Mitigation VIS-4: Refer to Mitigation AG-2. (*Addresses Impacts VIS-2 and VIS-3*).

Mitigation VIS-5: Refer to Mitigation AG-3. (*Addresses Impacts VIS-2 and VIS-3*). **Mitigation VIS-6:** Refer to Mitigation AG-5. (*Addresses Impact VIS-2*).

3.2.5 Residual Impacts

With application of mitigation measures identified above, in addition to consideration of the existing County policies and development standards addressing visual resources, residual visual impacts of the proposed changes to the Uniform Rules are as follows:

Impact VIS-1: The visual impacts on public viewsheds and the potential creation of offensive or inconsistent views or conditions associated with expanding the opportunities for large-scale preparation and winery facilities and agricultural support facilities developed under an Agricultural Industry Overlay (Impact VIS-1), will become *significant but mitigable (Class II)* upon implementation of the mitigation measures and application of existing policies and development standards addressing visual resources. Mitigation VIS-1 and VIS-2 will help to ensure that large-scale wineries, preparation and processing facilities, and AIO facilities are designed to be visually compatible with and subordinate to the scenic, rural character of the surrounding areas in order to protect public views as seen from scenic highways.

Impact VIS-2: The impacts to visual resources in terms of introducing development that is visually incompatible with surrounding structures and uses and the existing intensity of development (Impact VIS-2) associated with the anticipated increase in development occurring under the amended Uniform Rules are considered *significant and unavoidable (Class I)* despite implementation of the identified mitigation measures and application of existing policies and development standards addressing visual impacts. While standard conditions and policy consistency would address many visual concerns, they would not be able to adequately address the number of new facilities or their ultimate scale as long as the need was demonstrated. Mitigation measures AG-2 and AG-3 will help to address the total size of individual facilities, but not the overall impacts to visual resources associated with the introduction of potentially incompatible development and the conversion of agriculture and open space to more intensive land uses and development. By applying size and frequency limitations on non-winery special events, Mitigation AG-5 reduces the likelihood that such events would be visually incompatible with the rural character of the area, though impacts could still occur depending on the type and location of such events. However, these mitigation measures would not address the location of events or their potential concentration in particular areas of the County. The potential for localized impacts would remain significant.

Impact VIS-3: Application of existing standard conditions addressing new sources of light and glare would be applied to any future development project. For residential projects and small-scale guest ranches, the residual visual impacts associated with night lighting and glare (Impact VIS-3) will be *adverse but less than significant (Class III)* due to their small-scale and the low density of development.

While standard conditions addressing new sources of light and glare would be applied to large-scale preparation and winery facilities, and facilities developed under an Agricultural Industry Overlay, the potential scale and distribution or concentration of these facilities could permanently alter the night sky. Nighttime visual impacts associated with these facilities are considered *significant and unavoidable (Class I)*.

3.3 NOISE

3.3.1 Existing Setting

Noise is generally defined as unwanted or objectionable sound. Sound levels are expressed as decibels (dB). The A-weighted noise level has been developed to correspond with people's subjective judgment of sound levels and is referenced in units of dB(A). Sound levels diminish as distance from the source increases. Noise levels from single stationary point sources decrease at a rate of 6 dB for every doubling of distance from the source. Noise levels from a line source (e.g. roadway) decrease at a rate of 3 dB for every doubling of distance. In general, a 1 dB change in ambient noise levels is imperceptible, 3 dB is generally noticeable, and 10 dB is perceived as nearly half (or twice) as loud.

Primary sources of intrusive noise within the rural areas of the County include motor vehicles, agricultural activities, railroads, and airports. Ambient noise levels on most contracted land are expected to be less than 50 dB (L_{dn} – Day-Night Average Level), which is typical of rural areas, unless the land is adjacent to or in close proximity to roads or railways. Along roadways, such as U.S. Highway 101 and State Highways 1, 246, and 154, noise levels from vehicular traffic can be in excess of 65 dB(A) CNEL (Community Noise Equivalent Level) at 50 feet from the nearest travel lane centerline.

3.3.2 Thresholds of Significance

The County of Santa Barbara Environmental Thresholds and Guidelines Manual establishes the following thresholds of significance for noise related impacts, which primarily apply to sensitive receptors. Sensitive receptors include schools, residential development, commercial lodging facilities, hospitals or care facilities:

- a. A proposed development that would generate noise levels in excess of 65 dB(A) CNEL and could affect sensitive receptors would generally be presumed to have a significant impact.
- b. Outdoor living areas of noise sensitive uses that are subject to noise levels in excess of 65 dB(A) CNEL would generally be presumed to be significantly impacted by ambient noise. A significant impact would also generally occur where interior noise levels cannot be reduced to 45 dB(A) CNEL or less.
- c. A project will generally have a significant affect on the environment if it will increase substantially the ambient noise levels for noise-sensitive receptors in adjoining areas. Per item a., this may generally be presumed when ambient noise levels affecting sensitive receptors increase substantially but remain less than 65 dB(A) CNEL, as determined on a case-by-case basis.
- d. Noise from grading and construction activity proposed within 1,600 feet of sensitive receptors, including schools, residential development, commercial lodging facilities, hospitals or care facilities, would generally result in a potentially significant impact. According to EPA guidelines, average construction noise is 95 dB(A) at a 50 foot distance from the source. A 6 dB drop occurs with a doubling of the distance from the source. Therefore, locations within 1,600 feet of the construction site would be affected by noise levels over 65 dB(A).

3.3.3 Project Impacts

A. Noise Generation above 65 dB or Substantial Increase in Ambient Noise Levels

The primary provisions of the amended Uniform Rules that could have noise impacts include residential development, agricultural support facilities, commercial composting facilities, and special events. These issues are discussed below. The noise impacts resulting from other provisions of the amended Uniform Rules are considered to be insignificant and are thus not evaluated in this analysis.

Uniform Rules 1-4.1. Principal Dwelling and 2-4. Small-Scale Guest Ranches

The establishment of additional principal residences on contracted land under the amended Uniform Rules is not expected to result in any adverse impacts in terms of being a significant source of noise. The estimated 233 additional residences beyond what is currently allowed would only occur on the larger contracted premises (minimum 200 acres), with parcels at least 100 acres in size, and would be dispersed throughout the County's contracted land. Development at this level and density would not typically produce sources of noise exceeding the significant impact threshold of 65 dB as heard from sensitive noise receptors or result in substantial increases in ambient noise levels. The potential development of 25 small-scale guest ranches on contracted land throughout the rural areas of the County would have similar affects as for principal dwellings.

Residential and guest ranch development on contracted land would introduce additional noise-sensitive receptors into the rural areas of the County. This could cause conflicts with surrounding agricultural operations and the noise that is typical of agricultural activities. However, the Right to Farm Ordinance protects agricultural operations from nuisance complaints from neighboring residential use as long as the agricultural activities are properly conducted. This has the effect of a buyer-beware notification for landowners in agricultural areas of the County. In addition, given the large size of parcels that are able to avail themselves of these opportunities, it is likely that proper location and design of these dwellings could result in reduced noise impacts below significant thresholds. For these reasons, noise impacts resulting from residential and guest ranch development under the amended Uniform Rules are considered to be *adverse but less than significant*.

Uniform Rules 2-2. Supportive Agricultural Uses and 2-6. Agricultural Industry Overlay

In general, agricultural support facilities are not significant sources of noise in the County's rural areas. Most of these facilities would likely be constructed away from sensitive noise receptors, which in this case would be primarily limited to dispersed residential uses. However, there is the potential for project-specific conflicts to occur if these facilities are located adjacent to or in close proximity to residential development or other sensitive noise receptors (e.g. schools, churches, etc.), which may be conditionally permitted by existing zoning in rural areas. Additionally, large facilities have the potential to substantially contribute to noise levels coming from traffic along rural roadways if they employ a significant workforce or require significant truck traffic for transporting harvested crops and shipping final product. Noise impacts resulting from these activities are highly site-specific and dependent on a

variety of factors, including the location of the facility relative to sensitive noise receptors, the location of the crops being processed relative to the facility (i.e. whether trucking of the crops to the facility is required), and the number of employees at the facility and where they are traveling to and from. Due to the size and scale of these facilities and the potential concentration of these facilities in particular agricultural regions of the County, noise impacts are considered to be *potentially significant*.

Uniform Rule 2-7. Waste Disposal and Commercial Composting Facilities

Commercial composting facilities allowed under the amended Uniform Rules could result in potential noise impacts to noise-sensitive receptors depending on their size and location. Operational equipment and trucking associated with transferring compost materials to and from the site could raise ambient noise levels and impacts for adjacent or nearby residences, or other noise-sensitive receptors. Because the amended Uniform Rules provide no restrictions in terms of the size or location of these facilities, noise impacts are considered to be *potentially significant*.

Uniform Rule 2-11. Temporary Filming and Special Events

Special events do have the potential to raise ambient noise levels or result in short-term impacts to noise-sensitive receptors depending on their location relative to residential uses, their size, and the nature of the particular event. Localized impacts could result from special events since the amended Uniform Rules place no restrictions on the size of events, the frequency, or location on the premises of such activities. Therefore, impacts to noise resulting from this provision are considered to be *potentially significant*.

B. Short-term Construction-related Noise

All new development allowed under the amended Uniform Rules could result in short-term impacts to noise-sensitive receptors associated with construction and grading activities at the project sites. Noise from grading and construction activity proposed within 1,600 feet of sensitive receptors would generally result in a *potentially significant* impact.

C. Summary of Project Impacts

Impact Noise-1: Generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors. Agricultural support facilities, commercial composting facilities, and special events have the potential to impact noise-sensitive receptors by generating noise in excess of 65dB or substantially increasing ambient noise levels depending on their size and location relative to noise-sensitive receptors, and the nature of their operation. Impacts are considered *potentially significant*. (Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-7 Waste Disposal and Commercial Composting Facilities and 2-11 Temporary Filming and Special Events).

Impact Noise-2: Short-term noise impacts associated with construction and grading. Greater development opportunities under the amended Uniform Rules would result in *potentially significant impacts* to noise-sensitive receptors associated with construction and grading activities at project sites.

(Addresses Uniform Rules: 1-4. Principal Dwelling, 2-2 Agricultural Support Facilities, 2-6 Agricultural Industrial Overlay).

3.3.4 Mitigation Measures

Existing Policies and Development Standards that May Reduce Impacts

Existing policies and development standards in the County's Noise Element and adopted community plans, as well as standard conditions applied to permits serve to minimize noise impacts and protect sensitive noise receptors from projects that generate either short or long-term noise beyond established thresholds. In particular, the following requirements address potential noise impacts:

Agricultural Industry Overlay (Land Use Element page 174-a):

1.g. The overlay shall not be applied where it would have a significant adverse impact on adjacent residential areas.

Conditional Use Permit Findings (Article III, Section 35-315.8 & Article II, Section 35-172.8):

2. That significant environmental impacts are mitigated to the maximum extent feasible.

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

Standard Conditions:

Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded ... and shall be located away from noise-sensitive receptors.

Any short-term noise impacts related to the construction of residences, guest ranches, agricultural support facilities, or other structural development will be required to abide by County standards and conditions that mitigate the impacts of noise on sensitive receptors by limiting construction to specific daytime hours and ensuring that stationary construction equipment which exceeds noise thresholds be shielded and located far enough away from occupied residences or other sensitive receptors so as to minimize impacts. Adherence to these standards would ensure that there would be no significant impacts to surrounding noise-sensitive receptors as a result of short-term noise impacts from construction-related activities.

A development plan would be required for the approval of wineries large enough to likely impact noise levels. Findings required for approval of a development plan ensure that a project will be compatible with the surrounding area and any significant impacts are mitigated to the maximum extent feasible. Similar findings are required for approval of a conditional use permit, which would be applied to such uses as guest ranches, commercial composting facilities or larger-scale special events. Furthermore, the Land

Use Element requires that facilities developed under an Agricultural Industry Overlay, which are most likely to have noise impacts due to their scale, must ensure that they do not have a significant adverse impact on adjacent residential areas.

In the case of special events on wineries, current LUDC permitting requirements (§35.42.270) necessitate the implementation of standard conditions that address noise levels, including controls placed on the use of amplified music and a minimum distance of the event from residential areas. Impacts resulting from such activities would be addressed on a site-specific basis, thus mitigating potential noise impacts from these activities. In the case of non-winery events, an ordinance amendment was recently adopted that requires permits for commercial events, such as weddings, receptions, rodeos and other equestrian activities, the approval of which would require the incorporation of standard conditions that would address potential noise impacts.

The County's Right to Farm Ordinance would also address potential noise conflicts between residential uses and agricultural activities by ensuring that new residential development in agricultural areas is aware of the potential nuisances, including noise, which may occur as the natural result of living in or near agricultural areas.

Proposed Mitigation Measures

No further mitigation measure is deemed necessary beyond policies, standards and regulatory requirements currently in place to adequately mitigate potential noise impacts. These regulatory requirements would be applied on a case by case basis as proposed projects are reviewed during the permit process.

3.3.5 Residual Impacts

Noise impacts associated with activities and uses that may occur on contracted land under the amended Uniform Rules (Impact Noise-1) would be effectively mitigated on a project-specific basis through compliance with existing policies and regulations applied during the permit process. Furthermore, the size of rural parcels and the density of residential development will likely facilitate the avoidance of impacts to noise-sensitive receptors from these activities and uses since there is the greater ability for them to be located away from each other. Therefore, impacts would become *significant but mitigable (Class II)*.

Short-term noise impacts to noise-sensitive receptors associated with construction and grading at a project site (Impact Noise-2) will become *significant but mitigable (Class II)* upon implementation of the standard conditions and policy consistency requirements applied to any future development or use requiring a permit. Furthermore, the size of rural parcels and the density of residential development will likely facilitate the avoidance of impacts to noise-sensitive receptors from these activities and uses since there is a greater ability for them to be located away from each other.

3.4 TRANSPORTATION/CIRCULATION

3.4.1 Existing Setting

Santa Barbara County is served by one major freeway (U.S. 101), several major highways (State Routes 1, 33, 135, 154, 166, 192, and 246), and a network of primary and secondary roadways. The circulation system of the rural areas consists primarily of local and secondary roads linking to primary roads and highways serving the urban centers throughout the county. Much of the county's rural road network is characterized by narrow pavement widths, numerous curves, and limited sight distances. While most of these roads operate within their theoretical design capacity, design constraints may reduce the theoretical design capacity for certain roads. The major County roads and State highways for each of the rural regions are identified below. Table 3-4.1 describes the road classification systems used by the County.

South Coast: U.S. Highway 101 is the major travel corridor in the South Coast Rural Region. The extensive agricultural growing area in the Carpinteria is also served by State Route 192, known locally as Casitas Pass Road or Foothill Road.

Gaviota Coast: Major travel corridors serving the Gaviota region include U.S. Highway 101 and State Route 1 northward from its junction with U.S. Highway 101 at Las Cruces. These highways serve daily commuters, seasonal tourists and local communities in addition to agricultural traffic and long-haul trucking. Refugio Road is a narrow, winding local road that extends north of Highway 101 into the foothills of the Santa Ynez Mountains.

Santa Ynez Valley: U.S. Highway 101, State Route 154, and State Route 246 form a triangle encircling the unincorporated townships in the Santa Ynez Valley Rural Region. State Route 154 is a two-lane, north/south state route that provides an alternate route to U.S. Highway 101 to access southern Santa Barbara County. Primary at-grade access through the valley occurs at Foxen Canyon road, Ballard Canyon Road, Figueroa Mountain Road, Grand Avenue, Roblar Avenue, Edison Street, State Route 246, and Armour Ranch Road. Highway 154 is a state designated scenic highway and provides access to Lake Cachuma and recreation areas in the Los Padres National Forest.

State Route 246 is a two-lane highway which serves as a major east-west route linking the Santa Ynez Valley, Santa Rita Valley, and Lompoc Valley. The highway is used by a significant number of local drivers as an inter-community route accessing commercial and employment centers in Buellton, Solvang, and the South Coast via U.S. Highway 101.

Lompoc Valley: Major travel corridors in the Lompoc Valley Rural Region include State Route 246 and State Route 1 which are both 2-lane limited access roads. State Route 1 is a commuter route connecting to the South Coast and is designated a State scenic highway. Highway 246 connects Lompoc to Highway 101 at Buellton. Traffic on both highways frequently exceeds design capacity. Santa Rosa Road extending from Buellton to State Route 1 just outside of Lompoc, is a rural collector road that serves an expanding vineyard and winery region in the Santa Rita Valley.

San Antonio Creek: Major travel corridors serving the San Antonio Creek Rural Region include U.S. Highway 101 and State Route 135 which extends northwest from Highway 101 at Los Alamos to the Highway 1 junction just south of Orcutt. Within this region, State Route 135 is a 2-lane highway serving an extensive agricultural area. At the western edge of the region, State Route 1 and State Route 135 come together as a single 4-lane highway extending northward into the Santa Maria Valley Rural Region where the two highways eventually diverge.

Table 3.4-1
County Systems for Roadway Classification

Circulation Element (1991)	Design Capacity* (ADT)	Community Plans (2002)**	Design Capacity* (ADT)
Freeway: 4-6 lanes; divided; controlled access; grade separation at intersections. Principal arterials for inter and intra-state circulation.	NA	Primary 1: Minimum 12-foot lanes; limited access; signals 1 mile or more apart. Serves non-residential areas.	4 lane-47,800 2 lane-19,900
Expressway: 4 lanes; partially controlled access. Provide circulation between cities or other centers of commerce/employment.	NA	Primary 2: Minimum 12-foot lanes; limited access; signals ½ mile or more apart. Serves predominantly non-residential areas.	4 lane-42,500 2 lane-17,900
Two-lane expressway: 2 lanes; partially controlled access. Provide circulation between centers of commerce/employment.	29,700	Primary 3: Moderate number of access points; signals at ¼ to ½ mile intervals. Serves non-residential and residential areas.	4 lane-37,700 2 lane-15,700
Arterial Road: 2-4 lanes; divided; partially controlled access. Provide circulation between activity centers for local traffic within communities.	2 lanes-20,000 4 lanes-39,900	Secondary 1: 2 lanes; infrequent driveways; signals at intersections with primary roads. Serves non-residential and large-lot residential areas.	11,600
Major Road: 4 lanes; partially controlled access. Provide circulation for local traffic within communities.	31,900	Secondary 2: 2 lanes; moderate number of driveways. Serves either non-residential or residential areas.	9,100
Two Lane Major Road: 2 lanes; partially controlled access. Provides circulation for local traffic within communities.	16,000	Secondary 3: 2 lanes; frequent driveways. Serves predominantly residential areas.	7,900
Collector Road: 2 lanes; minimum driveway access. Provides circulation between residential areas and higher circulation routes.	11,800		

* Average Daily Traffic.

** Goleta Community Plan; Orcutt Community Plan; Toro Canyon Area Plan.

Source: Proposed Amendment to the Circulation Element of the Comprehensive Plan, Final EIR, 91-EIR-6, August 27, 1991.

Santa Maria Valley: U.S. Highway 101 running north/south through the City of Santa Maria bisects the Santa Maria Valley Rural Region. The western portion of the region is also served by State Routes 1 and 135, both of which connect northward into San Luis Obispo County and southward into the San Antonio Creek Rural Region. State Route 166 extends east/west from State Highway 1 in Guadalupe through the City of Santa Maria, and continues eastward into the Cuyama Valley Rural Region via San Luis Obispo County.

Cuyama Valley: The main travel corridors through the valley include State Routes 33 and 166, both of which are 2-lane limited access highways. State Route 33 connects the Cuyama Valley to southwestern Ventura County and to Kern County to the North. State Route 166 connects the valley to southern San Luis Obispo County and to the Santa Maria area in Santa Barbara County. Tepusquet Canyon Road, a collector road, connects between the Cuyama Valley and the eastern Santa Maria Rural Region. Tepusquet Canyon Road is a narrow roadway with numerous tight curves as it winds through the San Raphael Mountain range.

Table 3.4-2 below describes selected County rural roadway segments in terms of their roadway classification, design capacity, acceptable capacity and most recent traffic volume counts. Figure 2, Selected Rural Roads, illustrates their locations in the County. This selection is representative of County roads found in each of the rural regions that could be affected by the Proposed Uniform Rules.

Table 3.4-2
Recent Traffic Counts for Selected County Roadway Segments

Roadway	Classification	Design Capacity (ADT) ¹	Acceptable Capacity (ADT) ²	Average Daily Traffic Volume ³
Refugio Rd (n/o Calle Real)	collector	11,800	9,440	350
Baseline Av (e/o Edison St)	collector	11,800	9,440	1,700
Happy Canyon Rd (e/o Armour Ranch Rd)	collector	11,800	9,440	750
Zaca Station Rd (e/o Hwy 154)	collector	11,800	9,440	440
Santa Rosa Rd (s/o Ave of Flags)	collector	11,800	9,440	720
Santa Rosa Rd (e/o Hwy 1)	collector	11,800	9,440	230
Foxen Canyon Rd (e/o Philbric Rd)	collector	11,800	9,440	6,200
Betteravia Rd (w/o Black Rd)	collector	11,800	9,440	4,200
Betteravia Rd (e/o Nicholson Av)	major road	16,000	12,800	6,800
Black Rd (s/o Mahoney Rd)	secondary 1	11,600	9,280	6,000
Black Rd (n/o Hwy 1)	secondary 1	11,600	9,280	6,000
Black Rd (s/o Hwy 1)	secondary 1	11,600	9,280	1,500
Bonita School Rd (n/o W Main St)	collector	11,800	9,440	4,500
Clark Av (e/o Hwy 101)	primary 2	17,900	14,320	3,100
Cathedral oaks Rd e/o Patterson	Primary 2	17,900	14,320	9,500

¹ Design Capacity (ADT): Maximum volume of traffic a road is engineered to carry.

² Acceptable Capacity (ADT): Maximum number of trips a road can carry and still maintain a consistent flow at an appropriate speed, deemed to be 80% of design capacity.

³ Existing volumes represent 2007 baseline conditions using current count data collected by the County, cities within the County, and data contained in recent traffic studies. ATE Cumulative Traffic Analysis (2007), Appendix 7.

Table 3.4-3 lists recent traffic counts for state highway segments within Santa Barbara County. Though not used by the State, the highways are also defined using the County's Circulation Element classification system. With the exception of Highway 135 in the Santa Maria Valley, none of the highway segments selected would be classed higher than a two-lane expressway.

Table 3.4-3
Traffic Counts for State Highway Segments within Santa Barbara County

State Highway Segments	Classification	ADT Volume*
Hwy 1 (@ Jalama Rd)	2 lane expressway	7,900
Hwy 1 (@ Hwy 246 Lompoc S.E.)	arterial	8,100
Hwy 1 (@ Hwy 135)	2 lane expressway	16,000
Hwy 1 (@ Casmalia Rd)	2 lane expressway	2,300
Hwy 1 (@ Hwy 166)	2 lane expressway	2,500
Rte 33 southeast of Cuyama	2 lane expressway	1,000
Rte 135 (@ Hwy 1)	freeway	15,000
Rte 135 (@ Old Hwy, Los Alamos)	arterial	3,000
Rte 135 (@ Hwy 101)	arterial	5,700
Rte 154 (@ Hwy 246)	2 lane expressway	16,000
Rte 166 (@ Hwy 1)	arterial	10,000
Rte 166 (@ New Cuyama)	2 lane expressway	3,600
Rte 192 (Casitas Pass Rd @ Linden Av)	collector	3,600
Rte 192 (Foothill Rd @ Toro Canyon Rd)	secondary 2	1,400
Rte 246 (@ Hwy 1)	2 lane expressway	6,200
Rte 246 (@ Hwy 101)	2 lane expressway	20,500
Rte 246 (@ Hwy 154)	2 lane expressway	8,800






* Existing volumes represent 2007 baseline conditions using Caltrans data recorded in 2006. Source: ATE (2007 Appendix 7.

3.4.2 Thresholds of Significance

Based on criteria identified in the Santa Barbara County *Environmental Thresholds and Guidelines Manual*, the proposed project would result in a significant traffic impact if it would result in one or more of the following conditions:

1. Project access to a major road or arterial road would require a driveway that would create an unsafe situation or a new traffic signal or major revisions to an existing traffic signal.
2. Project adds traffic to a roadway that has design features (e.g. narrow width, roadside ditches, sharp curves, poor sight distance, inadequate pavement structure) or receives use which would be incompatible with substantial increases in traffic (e.g. rural roads with use by farm equipment, livestock, horseback riding, or residential roads with heavy pedestrian or recreational use, etc.) that will become potential safety problems with the addition of project or cumulative traffic.

Selected Rural Roadways

-  Scenic Highway
-  Uniform Rules Study Area
-  Rural Region Boundary
-  City or Urban Area
-  Los Padres N.F.

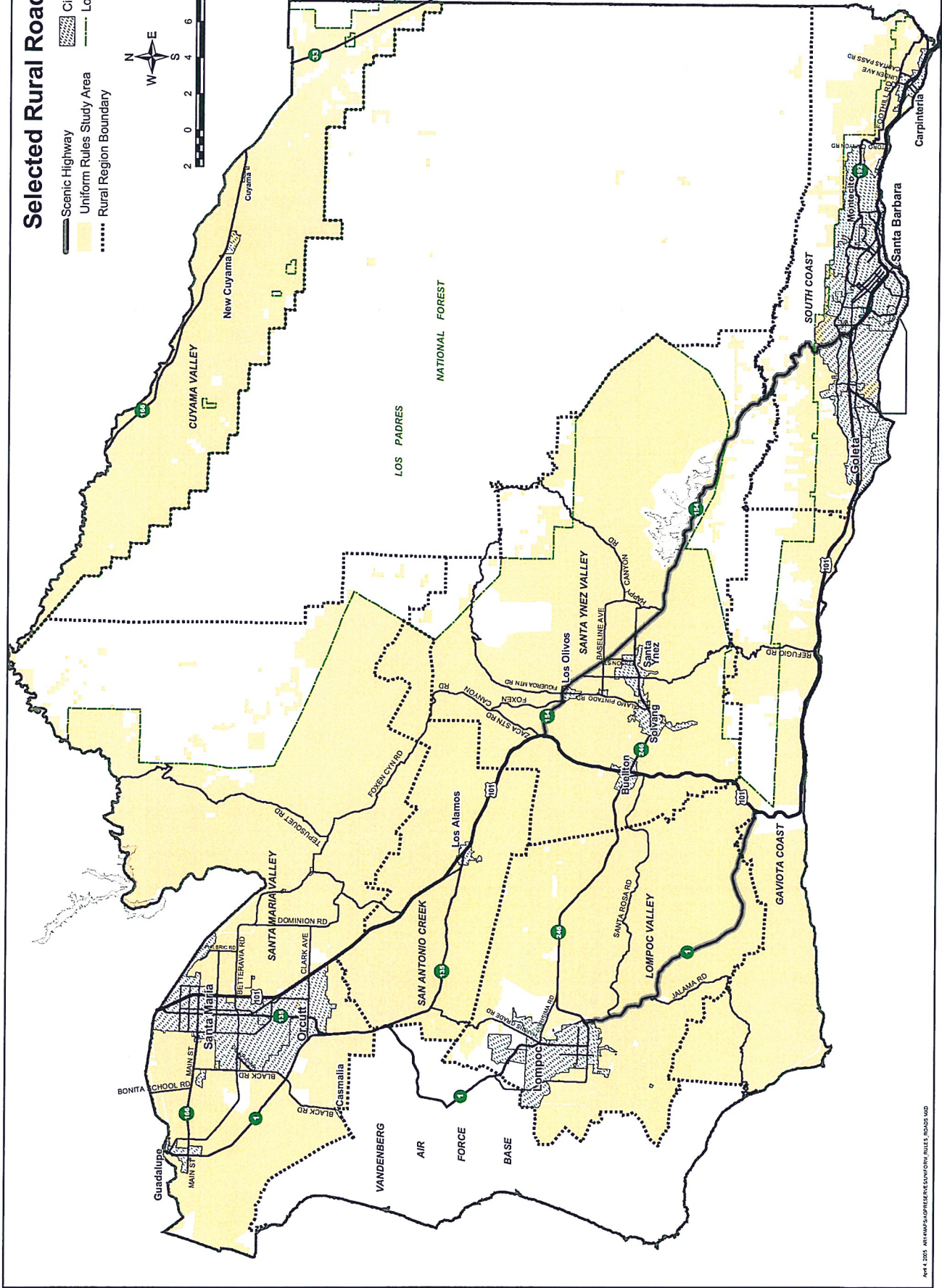


Figure 2

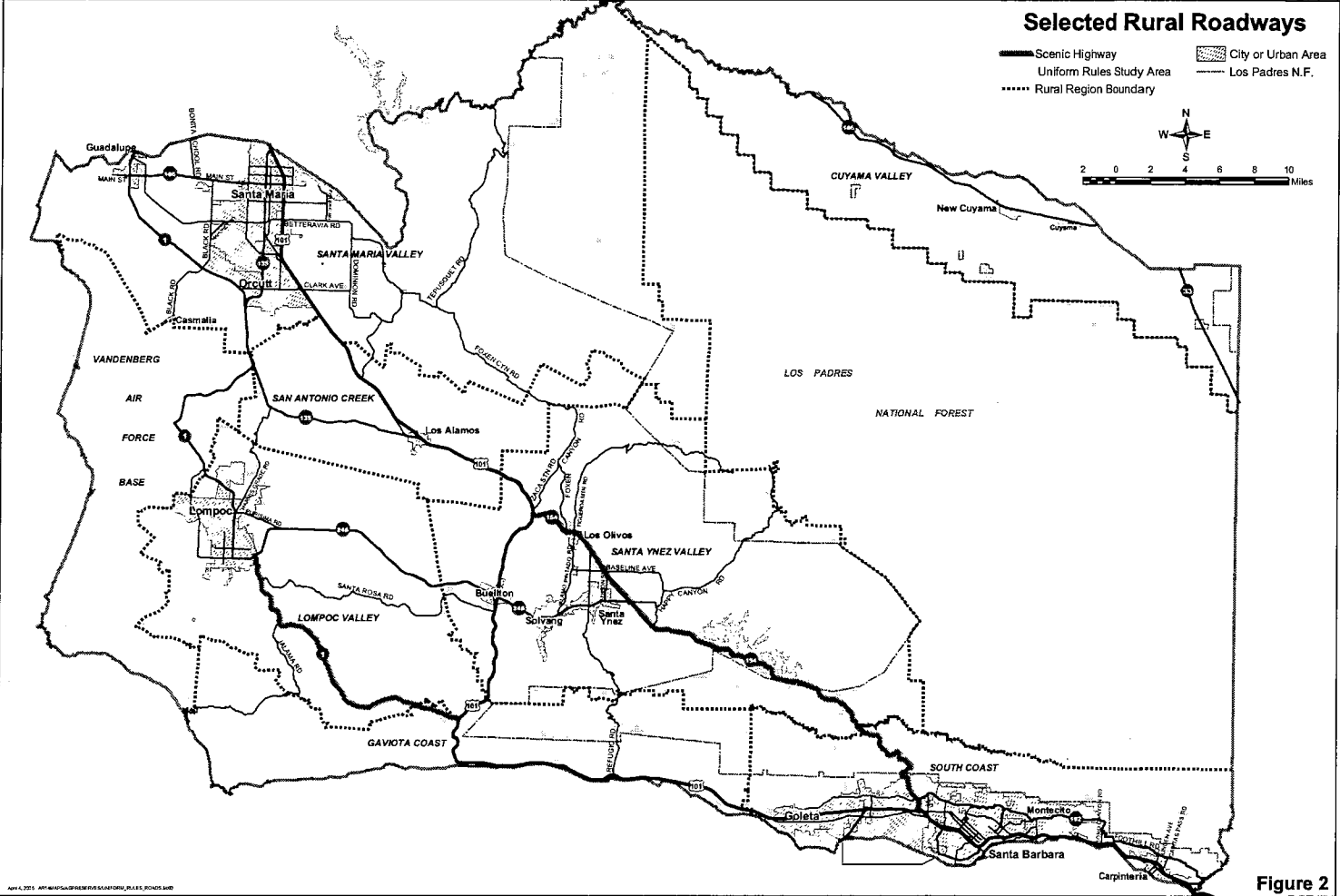


Figure 2

Exceedence of the roadways designated Circulation Element Capacity may indicate the potential for the occurrence of the above impacts. Standards for assessing impacts include:

- ◆ **Special Roadway Condition Factors:** The *geometrics* category shall be applied to roadways based upon the presence of curves, slopes, narrow pavement, etc., which substantially limit sight distance, maneuverability, etc. The *design* category shall be applied based upon prevalence of driveways, intersections, or other access points which produce substantial turning movement conflicts, etc. The *special usage* category shall be applied to roadways which have equestrians, agricultural equipment or other non-automobile uses. The *on-street parking* category shall be applied to roadways with a current or projected prevalence of on-street parking, including commercial loading areas. Special Roadway Condition Factors shall be applied in the following manner:

Table 3.4-4
County Special Roadway Condition Factors*

No. of applicable factors on a given roadway	Acceptable capacity (expressed as a percentage of design capacity)
0	80%
1	73%
2	66%
3	59%
4	53%

* Santa Barbara County Circulation Element, 1991

Additionally, for evaluation of potential impacts at the programmatic level, the general threshold from the *CEQA Checklist* is employed here:

3. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system.

3.4.3 Project Impacts

The proposed Uniform Rules amendments would result in impacts to the County's circulation system if: they increase traffic volumes above acceptable capacity for a County roadway or substantially above current traffic volumes; reduce traffic safety by introducing incompatible traffic or increasing the potential for conflicts between incompatible classes of traffic (such as farm vehicles and commuter passenger vehicles) on County roadways; or hasten roadway deterioration through increased traffic or introduction of heavier vehicles leading to a demand for road upgrades.

For analysis at the programmatic level, estimates of likely traffic increases have been compared to acceptable capacity and to current traffic and roadway characteristics for selected County road segments in each rural region. Specific intersection impacts have not been analyzed in this programmatic document due to the speculative nature of individual project locations, and since the proposed uses would likely

occur in areas with limited controlled intersections which have few if any delay impacts due to the relatively low traffic volumes experienced in rural areas. This more detailed level of analysis would be conducted at the time a specific project taking advantage of the amended Uniform Rules is proposed. The assumptions, factor and calculations used in this analysis are contained in Appendix 6 , *Assumptions and Calculations Used for Estimating Traffic Volumes*.

A. Rural Roadway Capacity

For evaluating potential impacts to roadway capacities, the average daily trips (ADT) have been estimated for land uses allowed under individual proposed rules. ADT is the total one-way trips that occur on a segment of road for a 24-hour weekday. The estimated ADTs anticipated for specific proposed rules are summarized in the table below for each rural region.

Table 3.4-5
Estimated Average Daily Trips (ADTs) for Specific Proposed Rules by Rural Region¹

Rural Region	Additional residential units	Small- scale guest ranches	Large- scale wineries	Large-scale preparation facilities	Small-scale processing facilities	Agricultural Industry Overlay	Commercial Composting facilities	Total
South Coast	70	12			160			242
Gaviota	190	96			40			326
Santa Ynez Valley	670	132	831		180			1,813
Lompoc Valley	470	108	344	280	200	1,685		3,087
San Antonio Creek	230	48	557		180	840	30	1,885
Santa Maria Valley	400	120	508	280	200	2,525	30	4,063
Cuyama	300	24			40			364
Total	2,330	540	2,240	560	1,000	5,050	60	11,780

¹ Refer to Appendix 6 for assumptions and calculations used for these estimates.

South Coast: Traffic in the South Coast Region is likely to be the least affected by proposed changes to the Uniform Rules with an estimated increase in traffic of 242 ADT. Few premises would be eligible for additional residential dwellings or small-scale guest ranches. Large-scale market preparation facilities, wineries or agricultural industry overlays are not expected in the foreseeable future to locate here. Both segments of Hwy 192 evaluated in this analysis have sufficient capacity to absorb additional traffic even under a maximum anticipated buildout scenario. The total proportional increase in traffic would be negligible. Overall potential traffic impacts would be *less than significant*.

Gaviota: The Proposed Rule changes could result in an estimated increase of 326 ADT within the Gaviota Rural Region, primarily associated with the development of additional residential dwellings, small-scale guest ranches and to a lesser extent, small-scale processing (and sales) operations. The primary traffic corridors in this region are Highways 1 and 101 and any increases in traffic resulting from the proposed Rules would be *less than significant*.

Santa Ynez Valley: The Proposed Rules changes could result in an estimated increase of 1,813 ADT within the Santa Ynez Valley Rural Region. Principal traffic generators include potential development of a 10-acre winery and expansion of another winery to 7 acres that combined would contribute 831 ADT as a result of employees, trucks and wine tasting. Residential development is estimated to generate 670 ADT. Small-scale guest ranches and small-scale processing facilities together could contribute an additional 312 ADT.

The residential dwellings, small-scale guest ranches and processing facilities would most likely be disbursed throughout the Santa Ynez Valley and consequently the resulting traffic volumes would also be disbursed. Traffic for a 10-acre winery would be more focused on the selected roads in its immediate vicinity. Depending on the winery's location, traffic volumes could increase many-fold for roads such as Zaca Station Road with a current ADT of 442 trips or Happy Canyon Road with an ADT of 745.

As the current center of winery and wine-related tourism, large-scale winery facilities would logically locate in the Santa Ynez Valley. There is the potential for a concentration of winery development (both of average size and large-scale) along with boutique processing facilities and small-scale guest ranches seeking to capitalize on the Valley's reputation for quality wine appellations and a center for tourism. Thus the cumulative traffic impacts of development resulting from both these rules and other wine or tourism growth could be considerable and significant. The resulting utilization of rural roads in the Santa Ynez Valley could result in potential safety issues, roadbed degradation necessitating roadway widening and/or realignment of roads which would be out of character in more rural areas.

Lompoc Valley: The Proposed Rule changes could result in an estimated increase of 3,087 ADT within the Lompoc Valley Rural Region. Principal traffic generators include potential development of a 15-acre large-scale preparation facility, an agricultural support industry located within a 30-acre agricultural industry overlay (AIO) site and expansion of an existing winery to a 7-acre site. The industrial development in an AIO could potentially generate 1,685 ADT alone, while an expanded winery or large-scale preparation facility could generate 344 and 280 ADT respectively. Such facilities could account for 75% of increased traffic in the valley resulting from the Proposed Rules, while additional residential growth could contribute another 15% at 470 ADT.

Though this potential development would likely be disbursed throughout the rural region, either an AIO facility, large-scale preparation facility or expanded winery could generate sufficient localized traffic to affect the capacity of roads in its immediate vicinity, such as Santa Rosa Road (near Lompoc) with a current ADT of 230.

San Antonio Creek: The Proposed Rules changes could result in an estimated increase of 1,885 ADT within the San Antonio Creek Rural Region. Principal traffic generators include potential development of an agricultural support industry located within a 15-acre AIO site, a 20-acre large-scale winery, and a 35-acre commercial composting facility. Almost 75% of the estimated traffic would be generated by an AIO and large-scale winery development. An AIO facility could possibly contribute 840 ADT and a large-scale winery could generate 557 ADT. Additional residential dwellings and small-scale processing

facilities could contribute a combined 410 ADT; however these trips would likely be disbursed throughout the region. The San Antonio Creek region is one of two assumed locations for a commercial composting facility which would generate an estimated 30 ADT. As would be the case for other regions depending on location, the industrial facilities in an AIO or a large-scale winery have the potential to impact the capacity of local roads in this rural region.

Santa Maria Valley: The Proposed Rules changes could result in an estimated increase of 4,063 ADT within the Santa Maria Valley Rural Region. Principal traffic generators include potential development of 15- and 30-acre AIO facilities, a 15-acre preparation facility, a 13-acre large-scale winery and a 35-acre commercial composting facility. Facilities in the two AIO could contribute a combined 2,525 ADT (840 + 1,685), a large-scale winery could contribute 508 ADT and an additional large-scale preparation facility could contribute 280 ADT for a total of 1,628 ADT. The traffic generated by these developments could affect roads in the immediate vicinity of such facilities. Residential, boutique processing and guest ranch development could increase traffic by a combined 720 ADT, but would be disbursed throughout the region.

The individual or cumulative impacts of these potential large industrial facilities have the potential to affect the acceptable capacity of some County roads in the Santa Maria Valley.

Cuyama: The maximum buildout scenario for the Cuyama Valley suggests that residential development would contribute the majority of vehicle trips (300 ADT). The estimated total ADT of 364 for residential, small-scale guest ranch and small-scale processing combined would not affect road capacity in this rural region.

For those regions likely to attract a large-scale winery there may also be a beneficial traffic impact. The current 2.85 million case deficit for wine production from grapes grown on contracted land implies that a large portion of the grapes grown in the County are being trucked to either urban areas or outside the county for processing. Allowances in Rule 2-2 for larger scale wineries relative to vineyard production will increase processing of wine grapes locally thereby reducing the truck trips transporting the grapes to wineries elsewhere. However, since the reasons for hauling grapes may be the result of business decisions as well as lack of processing capacity, the magnitude of this benefit is unknown.

Increased ADTs not only affect roadway capacities. They can also contribute to conflicts where rural roads are constrained by narrow pavement, sharp curves or other design features or where roads are used by different types of vehicles such as passenger cars, trucks and farm equipment. Increased traffic can also hasten structural degradation of rural roads.

B. Traffic Operations and Safety

Acceptable capacities listed in Table 3.4-2 do not take into consideration the special roadway condition factors identified in the Thresholds of Significance (Table 3.4-4). When applied at the project level of

environmental analysis, these special roadway conditions can further reduce a particular roadway's acceptable capacity to as little as 53% of design capacity. The special roadway conditions generally relate to issues of safety and roadway hazards, and several of these conditions would apply to rural roads throughout the rural areas of the County.

Many rural roads have unfavorable design features (e.g. narrow lane width, absence of shoulders, road-side ditches, sharp curves, poor sight distance) which could result in potential safety problems with the addition of project or cumulative traffic generated by development of large-scale wineries and preparation/processing facilities, agricultural industrial overlay facilities, and commercial composting facilities. In addition to design limitations, rural roads are used to move farm machinery between fields or separate properties, by farm employees to, from and during the course of their work, and by trucks carrying produce to preparation or processing facilities or to market. These vehicles are often slow, stop frequently or are oversized. The development of land uses that increase commuter, tourist or even substantial residential traffic would increase the potential conflicts with existing agriculturally-related traffic.

It would be too speculative in this programmatic EIR to estimate potential impacts to specific rural roads. Depending on the ultimate location, the additional ADTs generated by a large-scale winery or preparation facility or agricultural support facility located in an AIO, could increase hazards for specific rural roads by contributing significant vehicle trip increases to current low traffic volume roads such as Zaca Station Road (440 ADT), Santa Rosa Road (720 ADT) or Black Road, south of Highway 1 (1,500 ADT).

C. Roadway Structural Design

Many of the County's rural roads were not designed for high volume traffic and have minimal roadway bed thickness and non-standard structural subsections which could easily be damaged by increased levels of truck traffic and repetitive loading from employee and visitor traffic associated with potential development of large-scale wineries and preparation facilities, agricultural industrial overlay uses, and commercial composting facilities. Without the resources/funding to address additional maintenance/improvements, roadway degradation could occur. Pavement failure or other road hazards associated with inadequate maintenance could contribute to potential safety problems as well.

New large-scale developments would be evaluated for potential impacts to existing roads at the time of application and could be assessed fees to improve structure of roads most obviously impacted, but this could in turn have secondary impacts to the rural character or increase conflicts with farm equipment and other agricultural traffic. These impacts would most likely arise in the Santa Ynez Valley, Lompoc Valley and San Antonio Creek regions where rural roads are most prevalent.

D. Summary of Project Impacts

Impact CIRC-1: Increased traffic on rural roads. The combination of expanded or new land uses allowed under the Proposed Rules could generate an estimated 11,780 vehicle trips per day throughout the

County. Over 90% of this traffic would likely occur in the northern and central regions of the County comprising the Santa Ynez Valley (1,813 ADT), Lompoc Valley (3,087 ADT), San Antonio Creek (1,885 ADT) and Santa Maria Valley (4,063 ADT) rural regions. Traffic impacts in the South Coast, Gaviota and Cuyama rural regions would be *less than significant*.

Thirty three percent or 3,870 of the county-wide trips are attributed to residential, small-scale guest ranch and small-scale processing development which would likely be distributed throughout the seven rural regions. Thus, while they may contribute to cumulative traffic impacts, individual projects would not likely affect road capacities and would be *less than significant*. (*Addresses Uniform Rules: 1-4.1 Principal Dwelling, 2-4 Small-Scale Guest Ranches, and small-scale processing facilities under Rule 2-2 Agricultural Support Facilities*).

The remaining 67 % of potential daily trips are attributed to large-scale wineries (2,240 ADT), preparation facilities (560 ADT), industrial development in an AIO (5,050 ADT) and commercial composting facilities (60 ADT) that would be expected to locate in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions. Depending on their location, ultimate size and intensity of use, these facilities could individually or cumulatively have a *potentially significant impact* on the capacity of local rural roads within the four regions likely affected. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-6 Agricultural Industry Overlay, 2-7 Waste Disposal and Commercial Composting Facilities*).

Impact CIRC-2: Circulation safety hazards. Addition of project and cumulative traffic associated with the proposed Uniform Rules amendments, including potential development of large-scale wineries and preparation/processing facilities and agricultural overlay uses in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions, could result in safety problems on rural roadways with unfavorable design features (e.g. narrow lane-width, sharp curves, limited sight distance, etc.) and/or utilized by bulky and slow agricultural machinery. Impacts are considered *potentially significant*. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities and 2-6 Agricultural Industry Overlay*).

Impact CIRC-3: Roadway degradation. Addition of project and cumulative traffic associated with potential development of large-scale wineries and preparation/processing facilities, agricultural industrial overlay uses, and commercial composting facilities could result in increased levels of truck traffic and repetitive loading from employee and visitor traffic. These impacts would apply to roads in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek and Santa Maria Valley regions where large-scale development is anticipated and where there is a prevalence of rural roads with structural limitations. Without the funding to address additional demand for maintenance or needed improvements, roadway degradation could occur. Pavement failure or other road hazards associated with inadequate maintenance could contribute to potential safety problems. Impacts are considered *potentially significant*. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-6 Agricultural Industry Overlay, 2-7 Waste Disposal and Commercial Composting Facilities*).

Impact CIRC-4: Regional traffic increases on Highway 246, Highway 154 and Highway 1. The individual large-scale or cumulative development that could result from the Proposed Rules in the Santa Ynez Valley or Lompoc Valley Regions could increase the existing high traffic volumes on Highways 1, 154 and 246. These additional traffic volumes are considered *potentially significant*. (Addresses Uniform Rules: 2-2 Agricultural Support Facilities and 2-6 Agricultural Industry Overlay).

3.4.4 Mitigation Measures

Existing Policies and Development Standards that May Reduce Impacts

Policies in the County's Comprehensive Plan, Circulation Element, require for project approval that intersections remain at or below LOS C and traffic volumes on roadways remain at or below acceptable capacity levels. These policies would be applied to development allowed under the Proposed Uniform Rules. Additionally, payment of road impact fees would be required on a project-specific basis.

Proposed Mitigation Measures

Mitigation CIRC-2: Refer to Mitigation AG-2. (Addresses Impacts CIRC-1, CIRC-2 and CIRC-3.)

Mitigation CIRC-3: Refer to Mitigation AG-3. (Addresses Impacts CIRC-1, CIRC-2, CIRC-3 and CIRC -4.)

3.4.5 Residual Impacts

Mitigation measures AG-2 and AG-3 would place limits on the size of large-scale wineries, preparation facilities, and commercial composting facilities which contribute to a major portion of vehicle trips generated under the Proposed Uniform Rules. These measures would reduce the number of cumulative vehicle trips generated by such facilities thus limiting the impacts on roadway capacities. However, the 35acre limit in Mitigation AG-2 for commercial composting facilities would only limit such facilities to the sizes used in this traffic analysis. Consequently, no reduction in vehicle trips would be anticipated as a result of these mitigation measures, except in the case of a commercial composting facility sited on premises less than 350 acres in size.

With application of the above mitigation measures and consideration of the existing County policies and development standards addressing vehicular trips, residual traffic and road impacts of the proposed changes to the Uniform Rules are as follows:

Impact CIRC-1: In spite of mitigation measures AG-2 and AG-3 discussed above, potential for development of large-scale wineries, large-scale preparation facilities, AIOs and commercial composting facilities would individually and cumulatively generate substantial vehicular trip increases in relation to

existing low volume rural roads. Therefore this impact is considered to be *significant and unavoidable (Class I)*.

Impact CIRC-2: While mitigation measures AG-2 and AG-3 will place limits on the size of large-scale wineries, preparation facilities and commercial composting facilities, they along with AIOs would still generate substantial project-specific and cumulative vehicle trips on rural roadways with unfavorable design features (e.g. narrow lane-width, sharp curves, limited sight distance, etc.) Thus the potential for conflicts as a result of increased traffic by residents, tourist, commuters and trucks carrying wine or produce in conjunction with existing agricultural traffic remains and the impact on safety hazards is considered *significant and unavoidable (Class I)*.

Impact CIRC-3: Mitigation measures AG-2 and AG-3 would limit the size of large-scale wineries, preparation facilities, and commercial composting facilities for which roadway impact fees would be collected on a project-specific basis. While roadway impact fees would be assessed upon future development and assist with local roadway access improvements, the fees may not be sufficient to address the on-going road maintenance deficit combined with substantial cumulative vehicle trip increases on County rural roads. Therefore the residual roadway degradation impacts are considered to be *significant and unavoidable (Class I)*.

Impact CIRC-4: While mitigation measure AG-3 would place limits on the size of large-scale wineries and preparation facilities, the Proposed Rules would still generate substantial project-specific and cumulative vehicle trips to existing high-volume, regional serving highways such as Highways 1, 154 and 246. The impact is considered to remain *significant and unavoidable (Class I)*.

3.5 AIR QUALITY

3.5.1 Existing Setting

Santa Barbara County enjoys a Mediterranean climate which is characterized by mild temperatures year-round, light winds and moderate humidity. There are few major stationary sources of pollution due to its relatively modest-sized urban areas and minimal industry. However, relative to the County's population, a disproportionate amount of traffic and related pollution is generated by long commutes, a robust tourist industry and long distance train and truck traffic passing through Santa Barbara. The light winds, dominant on-shore air flow and frequent inversion layers trapped by the several mountain ranges that extend into the County from the east increase the occurrence of air pollution from these sources. The County is currently classified by the California Air Resources Board (CARB) as a non attainment area for two pollutants: ozone and particulate matter (PM₁₀).

National ambient air quality standards set by the USEPA, highlight six principal pollutants as "criteria" pollutants critical to air quality. They are: Ozone (O₃), Particulate Matter (PM₁₀), Carbon Monoxide (CO), Nitrogen Oxide (NO_x), Sulfur Dioxide (SO₂) and Lead. Particulate Matter (PM₁₀) refers to particles of dust, soot, smoke, etc. found in the air resultant of vehicle emissions, construction, burning of wood, unpaved roads, stone crushing, and agricultural tilling. These particles are responsible for a variety of health related and environmental impacts. Due to their microscopic size and varying makeup, particles become lodged in the lungs and cause myriad breathing disorders from aggravated asthma and allergies to long-term decreased lung functioning and chronic bronchitis. Recently, ambient air quality standards were also adopted for fine particulate matter (PM_{2.5}).

Ozone, which is protective in the stratosphere, but dangerous when formed at ground-level, occurs when NO_x (Nitrogen Oxide) and ROC (reactive organic compounds) interact in the presence of sunlight. Vehicular exhaust, industrial emissions, chemical solvents and other volatile chemicals help to form ozone. A variety of lung-related disorders, including aggravated asthma, wheezing, coughing, painful aspiration, reduced lung capacity and long term lung damage are effects of ozone. In addition, ozone also interferes with plants' abilities to make and store food and decreases their susceptibility to insects, disease and harsh weather.

After decades of non-attainment, in 2003 Santa Barbara County was designated in attainment of the federal one-hour ozone standard. More recently in 2004, the County was designated in attainment of the federal eight-hour ozone standard. In spite of these improvements, Santa Barbara still does not meet the state standards for ozone or particulate matter. For that reason, it continues to be necessary to minimize ozone levels and particulate matter to ensure continued federal attainment and to attain state ozone standards.

Air Quality Planning

The Santa Barbara Air Pollution Control District is responsible for the preparation of Clean Air Plans, which are primarily aimed at the attainment of the federal and state ambient air quality standards. The 2001 Clean Air Plan is the current State Implementation Plan for the County and the 2004 Clean Air Plan is the most recently adopted Plan. Thus, the Santa Barbara County Air Pollution Control District has the primary regulatory responsibility for air quality issues in the County.

3.5.2 Thresholds of Significance

Construction Thresholds

Quantitative thresholds of significance are not currently in place for short-term or construction phases of projects; however, Santa Barbara County APCD and the County's *Environmental Thresholds and Guidelines Manual* recommend that short-term construction related PM₁₀, NO_x and ROC emissions be quantified for large projects on a case-by-case basis. APCD's standard dust control mitigation measures are required for all discretionary projects to prevent public nuisance from fugitive dust since Santa Barbara County currently violates the state PM₁₀ standard. Similarly, particulate emissions from diesel exhaust are classified as carcinogenic by the State of California. Therefore, strategies to reduce emission of diesel particulates and NO_x from any diesel equipment that does not have a Portable Equipment Registration from the State will be required on a case-by-case basis. The County Board of Supervisors considers emissions of NO_x from construction equipment as relatively low when compared to the total NO_x emission inventory for the County, and are generally considered insignificant.

Operational Thresholds

Santa Barbara County has adopted 'thresholds of significance' for the evaluation of air quality impacts resulting from mobile and operational emissions of ozone precursors, NO_x and ROC. Santa Barbara County's *Environmental Thresholds and Guidelines Manual* states that projects are likely to result in a significant impact to air quality if they singularly or cumulatively:

- ◆ emit (from all project sources, both stationary and mobile) more than 25 pounds per day of NO_x, or ROC;
- ◆ exceed the APCD health risk public notification thresholds adopted by the APCD Board;
- ◆ are inconsistent with the adopted federal and state air quality standard for Santa Barbara County.

3.5.3 Project Impacts

Construction Related Air Quality Impacts

Quantitative thresholds of significance are not currently in place for short-term or construction emissions, however, the APCD uses 25 tons per year for NO_x and ROC as a guideline for determining the

significance of construction impacts. Each potential project will be subject to a discretionary review and permitting process that will address environmental concerns.

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. Projects that have the potential to affect sensitive receptors, or very large projects, must implement PM and NO_x reduction measures. Implementation of APCD standard dust control measures and standard particulate emissions from diesel exhaust measures are assumed to mitigate short-term dust and PM₁₀ impacts to *adverse, but less than significant levels*.

Operational Air Quality Impacts and Consistency with the Clean Air Plan

This section discusses cumulative impacts and consistency with the policies and measures in the 2004 Clean Air Plan (CAP), i.e. whether the project exceeds the growth assumptions in the air quality plan. The 2004 CAP, a comprehensive planning document adopted by the Santa Barbara County Air Pollution Control District (SBCAPCD), is intended to provide guidance to the Air Pollution Control District, the County, the cities and other local agencies as to the progress toward the attainment of federal and state ozone standards.

Consistency with the CAP means that direct and indirect emissions associated with the project are accounted for in the CAP's emissions growth assumptions and the project is consistent with policies adopted in the CAP. According to APCD¹, the following expanded uses proposed in the Uniform Rules amendments have been accounted for in growth projections contained in the 2004 CAP; and therefore are consistent with the CAP:

- ◆ Winery expansion;
- ◆ Agricultural non-grape preparation facilities (including Agricultural Industry Overlay);²
- ◆ Residential development in rural areas consistent with the Comprehensive Plan.

Small-scale guest ranches and commercial composting facilities, on the other hand, may be consistent only if they are consistent with the Comprehensive Plan. Such uses are conditionally permitted in rural agricultural zones, and therefore must be found to be consistent with the Comprehensive Plan prior to project approval. While these uses were not directly accounted for in the CAP growth projections, provisions of the CAP would be implemented and enforced through Planning and Developments discretionary review and permitting process. For these reasons, small-scale guest ranches and commercial composting facilities are not expected to have significant adverse impacts on air quality.

¹ Personal Communication, Vijaya Jammalamadaka, APCD.

² CAP generated scenarios account for agricultural preparation and processing facility expansion using commercial employment growth figures as a baseline.

Regional Emissions from Traffic associated with Agricultural and Winery Industries

The Uniform Rules update will increase allowable development envelopes for preparation facilities and wineries on larger parcels of contracted land (600 acres or greater) such that for every 100 acres above 500 acres, the premises may add one additional acre to the development envelope up to a maximum of a 20 acres. While development envelopes represent the entire area potentially allowed for development, acreage devoted to the type of facilities within the envelope may differ based on the project. Certain projects will require more space for parking, landscaping and non-emission generating uses. Using the information provided in Table 3.4-5 *Estimated Average Daily Trips (ADTs) for Specific Proposed Rules by Rural Regions* (see Section 3.4 Transportation/ Circulation) vehicular emissions associated with potential projects have been calculated on a regional basis using URBEMIS 2002 version 8.7³. As the vehicular emissions associated with projects proposed under the amended Uniform Rules are comparable to the vehicular emissions associated with General Light Industry and Manufacturing uses categorized in URBEMIS, these project types have been applied in the analysis. Table 3.5-1, on the following page, summarizes operational vehicular emissions associated with total potential project build-out resulting from the amended Uniform Rules. The Santa Ynez Valley region is the only region which will potentially exceed the 25 lbs/day ROC or NO_x threshold. Countywide, however, potential cumulative impacts greatly exceed the 25 lbs/day ROC or NO_x threshold.

For those regions likely to attract a large-scale winery, there may also be a beneficial impact to air quality. The current 2.85 million case deficit for wine production from grapes grown on contracted land implies that a large portion of the grapes grown in the county are being trucked to either urban areas or outside of the county for processing. Allowances in Rule 2-2 for larger scale wineries relative to vineyard production will increase processing of wine grapes locally thereby reducing the truck trips transporting the grapes to wineries elsewhere resulting in reduced emissions. However, since the reasons for hauling grapes may be the result of business decisions as well as lack of local processing capacity, the magnitude of this benefit is unknown.

³ Data generated by URBEMIS is attached as Appendix 5

Table 3.5-1
Operational (Vehicular) Emissions Associated with Potential Projects under the Amended Uniform Rules¹

Rural Region	Total Trips	Total Emissions lbs/day ROC	Total Emissions lbs/day of NO_x	Total Combined Emissions lbs/day
South Coast	242	2.00	2.83	4.83
Gaviota	326	3.33	4.97	8.30
Santa Ynez Valley	1,813	11.00	16.35	27.35
Lompoc Valley	3,087	8.32	12.13	20.45
San Antonio Creek	1,885	4.50	6.51	11.01
Santa Maria Valley	4,063	7.14	10.42	17.56
Cuyama	364	4.34	6.49	10.83
Cumulative Totals	11,780	40.63	59.7	100.33

¹ Includes ADTs for additional residential units, small-scale guest ranches, large-scale wineries, small-scale processing facilities, AIO and commercial composting facilities.

Fermentation Process Emissions

In addition to NO_x or ROC emissions associated with increased vehicles trips, winery fermentation processes have the potential to generate significant levels of ROC depending upon grape varieties and fermentation process. Emissions from the fermentation and aging processes commence when grapes are harvested and continue until the wine is bottled. The ROC emission estimates for the different size wineries identified in the buildout scenario in Sec. 2.4 are provided in Table 3.5-2 below, and are based on three different case processing scenarios: 1) 100% white wine; 2) 40% white wine, 60% red wine; and 3) 100% red wine. Emission rates may vary depending upon individual methods of picking, aging and fermentation. Although white wine ferments for a longer period of time, red wine produces greater emissions of ROC since white wines are more commonly aged in stainless steel tanks which produce negligible emissions (source: Air Resources Board). Calculations for winery emissions' (Table 3.5- 2) are based on the following reasonable worst case scenario:

- ◆ a case production of 40,000 cases per acre of facility
- ◆ red wine fermentation of 20,000 cases/1,000 X 2.38 gallons per case X 4.6 lbs. of ethanol per 1,000 gallons/14 fermentation days per year = 15.64 lbs/day of ROC
- ◆ red wine aging of 24,000 cases X 2.38 gallons per case X 0.13 (amount of ethanol per gallon) X 0.025 (amount that evaporates from wood cooperage) X 8.38 lbs. per gallon (density of ethanol) /365 = 4.26 lbs. per day.

- ◆ white wine fermentation of 16,000 cases/1000 X 2.38 gallons per case X 1.8 lbs. of ethanol per 1,000 gallons / 30 fermentation days per year = 2.28 lbs/day of ROC⁴.
- ◆ white wine emissions = negligible (California Air Resources Board)

Table 3.5-2
Large-Scale Wineries' Estimated Fermentation-Related ROC Emissions

Case Production Scenarios	Estimated Case Production (<i>Envelope Size</i>)			
	80,000 (7 total acres)	400,000 (10 acres)	520,000 (13 acres)	800,000 (20 acres)
100% White Wine	11.42 lbs\day ROC	57.12 lbs\day ROC	74.25 lbs\day ROC	114.24 lbs\day ROC
40% White / 60% Red	50.61 lbs\day ROC	230.30 lbs\day ROC	329.08 lbs\day ROC	506.29 lbs\day ROC
100% Red Wine	76.76 lbs\day ROC	383.83 lbs\day ROC	451.03 lbs\day ROC	767.66 lbs\day ROC
Total Case Production	≈ 1.9 million cases			
Unmet Capacity on contracted land (cases)⁷	2.85 million cases			
Potential Case Production-contracted land⁵	3.56 million cases			

⁷ Based on Table 3.1-2 *Summary of Assumptions made for Winery Development under the Amended Uniform Rules* in Section 3.1.3 (page 3-5).

Large-Scale Wineries

Over the past 5 years, Santa Barbara County has cultivated a variety of white and red wine grapes ranging from Chardonnay (the top white variety in 2000), Sauvignon Blanc and Pinot Gris/Grigio to Pinot Noir (top red in 2000), Cabernet Sauvignon, Syrah, Merlot and Sangiovese.⁶ Recently, however, acreage devoted to Chardonnay has fallen giving rise to greater cultivation, mostly of reds, like Syrah, Sangiovese and some white, such as Pinot Gris/Grigio⁷. While the exact mix of varieties being processed is unknown, Table 3.5-2 demonstrates that the “best-case” scenario (i.e. wineries producing only white wines which have the lowest emissions) does not exceed the threshold. This is, however, not considered to be a realistic scenario in that it is unlikely a winery will specialize in white wine. Consequently, large-scale wineries have the potential to exceed the 25 lbs/day ROC threshold due to the red wine fermentation and aging processes. Moreover, apart from operational impacts, NO_x and ROC emissions will be sustained as a result of associated vehicle trips. Wineries that have the potential to emit 1 ton or more per year will be subject to APCD permits. In conclusion, the cumulative impacts resulting from operational impacts and vehicular emission have the potential to exceed the 25 lbs/day NO_x and ROC threshold resulting in a *potentially significant* impact to air quality.

⁴ Final Negative Declaration-Winery Permit Process-Article III Ordinance Amendment, 04NGD-00000-00010

⁵ See Table 2-6

⁶ *Economic Impact of Santa Barbara County Wine and Wine Grape Industries*, MFK Research Report, 2001, Motto Kryla & Fisher LLP

⁷ “2004-2005 Santa Barbara County Grape Acreage Survey”, Viticulture and Enology Program, Alan Hancock College

Commercial Composting Facilities

According to the EPA, composting “involves the aerobic biological decomposition of organic materials to produce a stable humus-like product.”⁸ Commercial composting facilities are primarily utilized for composting “feedstock” which is defined by the U.S. Department of Energy as “biomass available for energy on a sustainable basis includes herbaceous and woody energy crops, agricultural food and feed crops, agricultural crop wastes and residues, wood wastes and residues, aquatic plants, and other waste materials including some municipal wastes....”⁹ Emissions from facilities vary widely based on feedstock composition, temperature, pH, moisture, aeration and pile geometry¹⁰. In Santa Barbara County, however, the composition of feedstock or “greenwaste”¹¹ is primarily yard wastes, such as leaves, grasses, brush, twigs, etc. Future commercial composting operations may seek to compost food and other agricultural waste products, otherwise known as “co-composting facilities”¹². Co-composting facilities not only provide for efficient waste disposal, but also produces a richer composted product beneficial for other consumer uses.

Regulating Compost Emissions

Emissions from co-composting and commercial composting facilities vary based on size and compost constitution. The active and curing phases of the composting process utilized¹³ for co-composting facilities results in methane (CH₄), carbon dioxide (CO₂), hydrogen sulfide (H₂S) and NO_x emissions¹⁴, while greenwaste composting results in ROC and ammonia emissions (in addition to odors).

Currently, Santa Barbara County APCD does not have specific thresholds for regulating compost facility emissions. Commercial composting and co-composting facilities could release ROCs and other emissions such as ammonia, methane (CH₄), carbon dioxide (CO₂), and hydrogen sulfide (H₂S) which would be subject to County and APCD odor abatement plan requirements. It is reasonable to assume that the size of potential commercial composting facilities (estimated to occupy 30 acres of the 35 acre development envelope) allowed under the amended Uniform Rules will likely generate emissions resulting in *potentially significant* odor and nuisance impacts.

Summary of Project Impacts

Impact AQ-1: Increased emissions of ozone precursors. Large-scale non-grape preparation and Agricultural Industry Overlay (AIO) facilities are assumed to generate vehicle trips which may exceed project-specific thresholds of significance (County Santa Barbara, Environmental Thresholds and Guidelines Manual). Potential commercial composting facilities allowed under the amended Uniform

⁸ *Decision Maker's Guide to Solid Waste Management, Volume 11*, (EPA 530-R-95-023) 1995

⁹ http://www.eere.energy.gov/biomass/feedstock_databases.html

¹⁰ <http://www.environmental-center.com/resulteacharticle.asp?codi=3078>

¹¹ <http://www.aqmd.gov/rules/reg/reg11/r1133-2.pdf>

¹² *ibid.* 11

¹³ *ibid.* 11

¹⁴ [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/cl3014](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/cl3014)

Rules will likely generate odors. The potential development of large-scale wineries, non-grape preparation and commercial composting facilities may have the potential to cause significant long-term air quality impacts. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities, 2-6 Agricultural Industry Overlay and 2-7 Waste Disposal and Commercial Composting Facilities.*)

Impact AQ-2: Short-term dust and PM₁₀ generation. Construction and site preparation activities involving heavy equipment associated with development provisions under the amended Uniform Rules would generate *potentially significant* fugitive dust and diesel exhaust emissions. (*Addresses Uniform Rules: 1-4.1 Principal Dwelling, 2-2 Agricultural Support Facilities, 2-4 Small-Scale Guest Ranches, 2-6 Agricultural Industry Overlay, 2-7 Waste Disposal and Commercial Composting Facilities.*)

3.5.4 Mitigation Measures

Existing Policies and Development Standards that May Reduce Impacts

Included in Section 4, *Consistency with Locally Adopted Plans and Policies* is a discussion of the existing policies in the County's Comprehensive Plan which address air quality issues. Policies within the Land Use, Circulation and Environmental Resource Management Elements of the Comprehensive Plan and the Coastal Plan do not specifically speak to development within rural or agricultural areas. Implementation of APCD Standard dust control measures is assumed to mitigate short-term dust and PM₁₀ impacts.

Proposed Mitigation Measures

Mitigation AQ-2: Refer to Mitigation AG-2. (*Addresses Impacts AQ-1 and 2.*)

Mitigation AQ-3: Refer to Mitigation AG-3. (*Addresses Impacts AQ-1 and 2.*)

3.5.5 Residual Impacts

Impact AQ1: Mitigation measures AQ-2 and AQ-3 would limit the potential size of large-scale wineries, non-grape preparation and processing and commercial composting facilities, but would not set a limit on the size of AIO facilities which will likely range in size from 15 to 30 acres. Even with reduced envelope sizes for non-grape preparation and processing facilities, project specific emissions resulting from stationary, operational, mobile sources or a combination thereof, may remain *significant and unavoidable (Class I)*.

Impact AQ-2: With the application of APCD Standard dust control measures, impacts associated with construction and site preparation activities involving heavy equipment and the generation of fugitive dust emissions (short-term impacts) would be *significant, but mitigable (Class II)*.

3.6. GROUNDWATER RESOURCES

3.6.1 Existing Setting

Alluvial groundwater basins provide approximately 77% of water required by residential, commercial/industrial and agricultural uses within Santa Barbara County, according to the County Water Agency (2004 *Santa Barbara County Groundwater Report*). There are 11 major groundwater basins found throughout the County (see Figure 3). Table 3.6-1 provides their geographic extent, location relative to the rural regions and current surplus or overdraft condition. None of the major basins are found underlying the Gaviota rural regions, although bedrock groundwater aquifers are found there and elsewhere along the South Coast. A portion of the Santa Maria Basin extends into San Luis Obispo County, and only a small portion of the Cuyama Basin is within Santa Barbara County.

Table 3.6-1
Groundwater Basins of Santa Barbara County

Groundwater Basin	Basin Area (w/in SB Co)	Surplus or Overdraft	Rural Regions	% GWB w/in Rural Region
Buellton Uplands	14,097	Surplus	Lompoc Valley Santa Ynez Valley	52.3 47.7
Carpinteria	8,501	Surplus	South Coast	100.0
Cuyama	133,241	Overdraft	Cuyama	*45.6
Goleta	13,793	Adjudicated/Managed	South Coast	100.0
Lompoc	20,443	Surplus	Lompoc Valley	*65.1
Lompoc Uplands	27,414	Overdraft	Lompoc Valley San Antonio Creek	*98.0 *0.2
Montecito	3,403	Surplus	South Coast	100.0
San Antonio	68,115	Overdraft	San Antonio Creek Santa Maria Valley Santa Ynez Valley	*81.3 *3.3 *5.2
Santa Barbara	9,208	Managed	South Coast	100.0
Santa Maria	134,593	Overdraft	San Antonio Creek Santa Maria Valley	*1.3 *83.4
Santa Ynez Uplands	91,116	Surplus	San Antonio Creek Santa Ynez Valley	0.2 99.8

*These basins do not total 100% because the basins extend beyond County boundaries and/or also underlay the Los Padres National Forest or Vandenberg Air Force Base.

Sources: Santa Barbara County Water Agency Division, 2004; Planning and Development GIS Section, 2004; Personal communication from Brian Baca, County Geologist, 2005.

As indicated in the above table, four of the 11 basins are in a state of overdraft. Overdraft is defined by the County Water Agency as "...the level by which long-term average annual demand exceeds the estimated Safe Yield of the basin and thus, in the long term, may result in significant negative impacts on environmental, social or economic conditions" (County Water Agency, 2004) Safe yield is defined as the estimated average annual recharge to the basin.

3.6.2 Thresholds of Significance

The *Groundwater Thresholds Manual* (1992)¹ has been adopted by the Board of Supervisors into the Santa Barbara County *Environmental Thresholds and Guidelines Manual*. The *Groundwater Thresholds Manual* (GTM) sets forth the manner in which the estimated effects of a proposed project on water resources is evaluated in an environmental document prepared pursuant to CEQA. Based on a formula included in this manual, a threshold of significance is established for each alluvial groundwater basin. This threshold is an amount of annual water demand, reported in acre-feet per year (AFY), which is considered to represent a project-specific significant impact on water resources. If the estimated water demand (i.e. the estimated increase in the consumption of groundwater) of a proposed project exceeds the threshold established for the basin, impacts on water resources are considered potentially significant. Absent effective mitigation measures to reduce the water demand below the threshold value, impacts on ground water resources would be deemed significant and unavoidable. The thresholds of significance presented below have been updated to reflect current (2004) conditions for the alluvial groundwater basins considered by the County to be in a state of overdraft².

Table 3.6-2
Overdrafted Groundwater Basins and Thresholds of Significance

Overdrafted basins	Thresholds of Significance (AFY)
Cuyama	31
Lompoc	25
San Antonio	23
Santa Maria	67

The County's GTM states: "No threshold is established for a basin in a state of surplus. A project in such a basin would be subject to a threshold only if it would use more than the remaining surplus." Substantial effects to water resources in the groundwater basins estimated to be in a state of surplus are not anticipated. In the case of bedrock aquifers, it is not anticipated that major facilities would be proposed based on a bedrock aquifer water source. This is because of the generally limited safe yield of these aquifers and the mountainous terrain where such aquifers are accessible. In any case, adopted interpretive guidelines for Land Use Development Policy No. 4 would preclude approval of a project based on overdraft of a bedrock aquifer. Thus, the potential impact of the proposed Uniform Rules modifications will be evaluated for the above-listed alluvial basins.

On August 3, 2005, the Court in the Santa Maria Groundwater Litigation approved and filed an Order Approving Settlement Stipulation, finding, among other things, that the Stipulation was reasonable and provided a physical solution to actual and potential problems of the groundwater basin that protects the

¹ Brian Baca, Registered Geologist, *Groundwater Thresholds Manual for Environmental Review of Water Resources in Santa Barbara County*, revised and updated August 20, 1992.

² Brian Baca, 2005. Personal Communication.

Groundwater Basins in Santa Barbara County

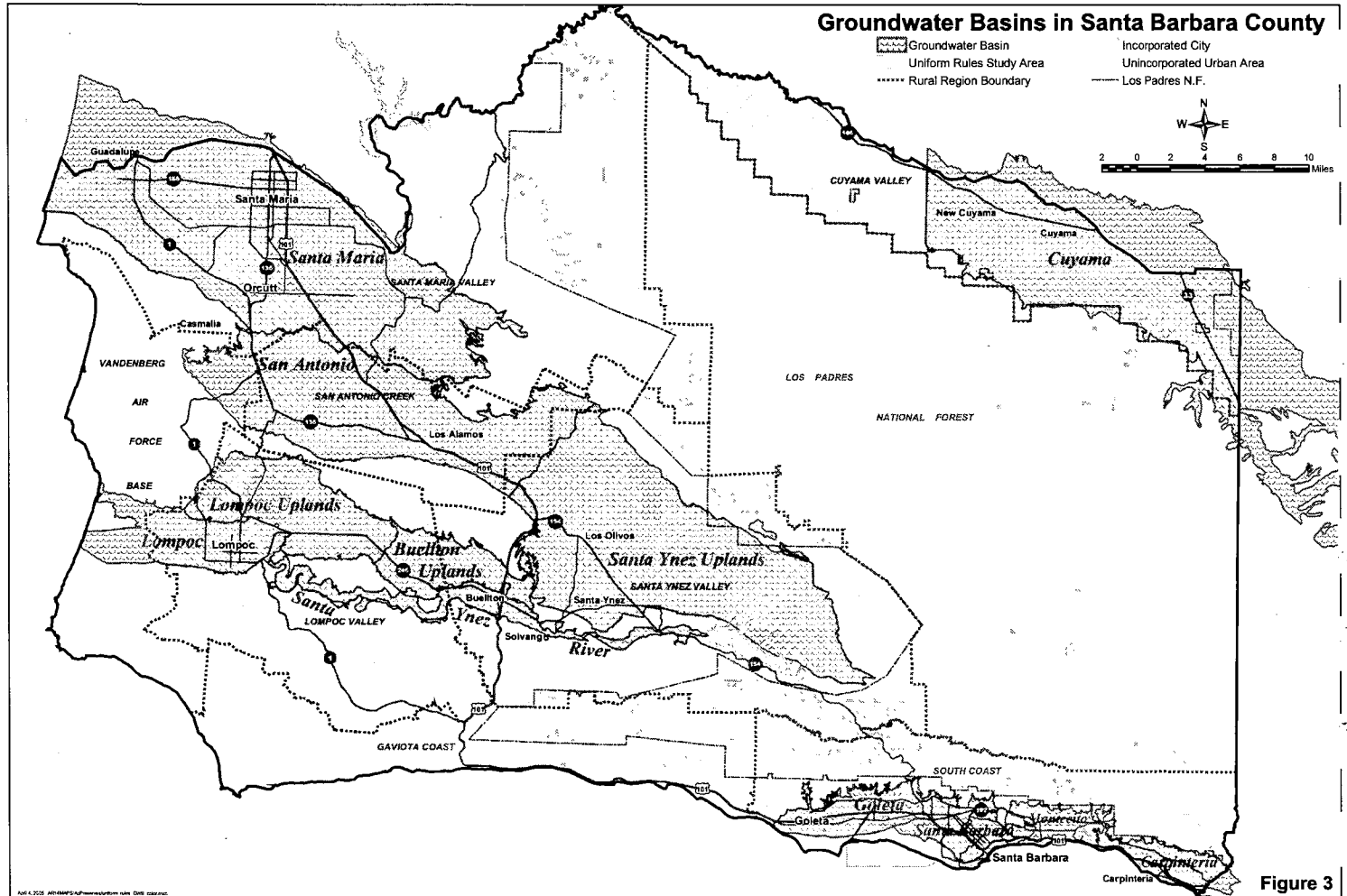


Figure 3

Groundwater Basins in Santa Barbara County

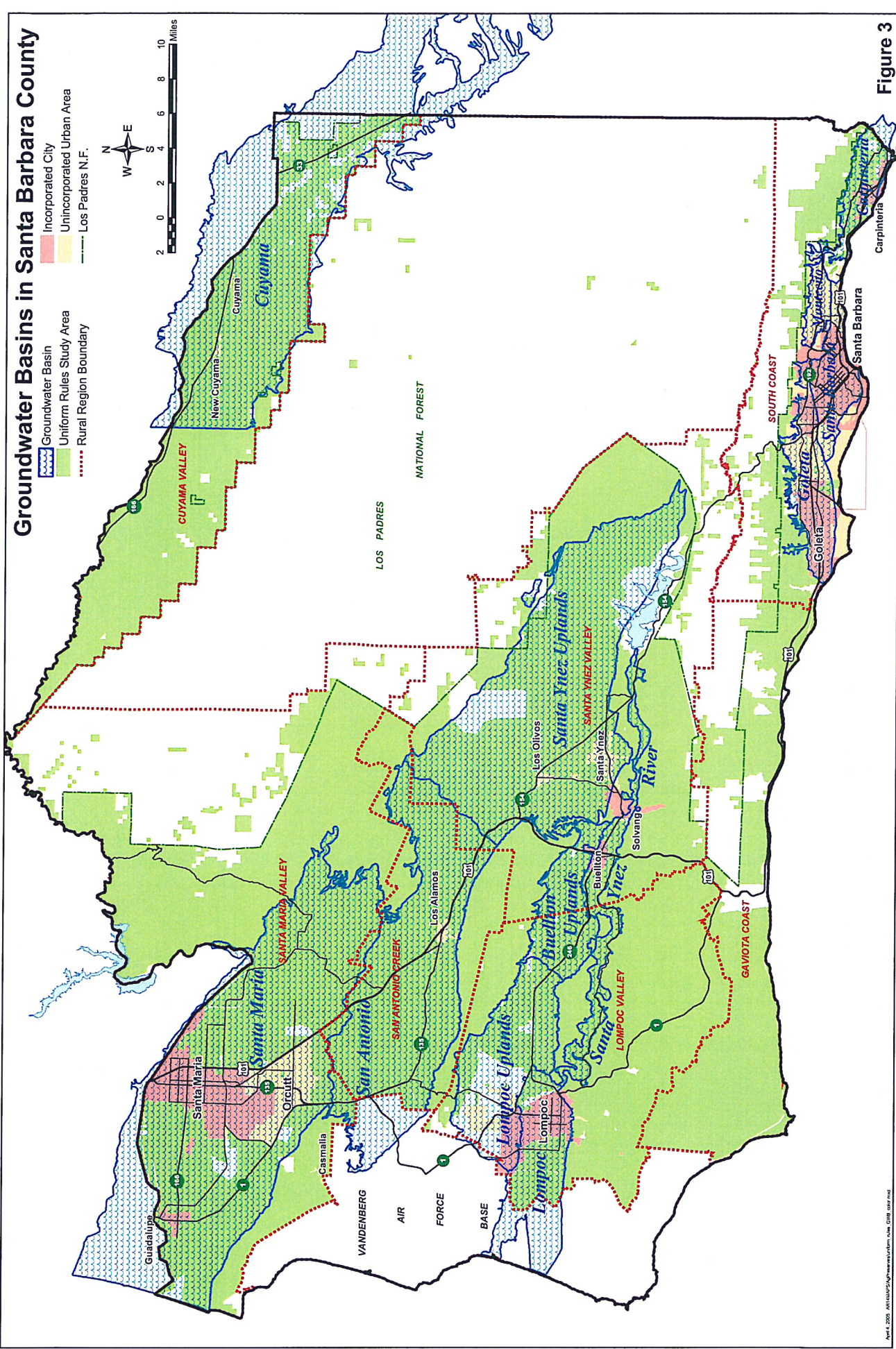
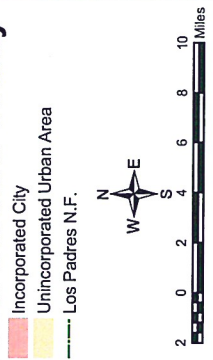


Figure 3

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water resource and rights and interests of all parties by ensuring the Basin's long-term sustainability. The Court approved the Order pursuant to Article X, §2, of the California Constitution in order to impose a physical solution, finding that unless it did so, potential changes in water use could affect Basin adequacy and integrity. In doing so, it required, consistent with the requirements of Orcutt Community Plan Policy WAT-O-2 that new urban uses provide a source of supplemental water to offset the water demand associated with that development, and reserved jurisdiction to supervise the Settlement, including other provisions for new developed water and to respond to severe water shortages.

The County 2005 groundwater report has been recently accepted by the Board of Supervisors. This most recent groundwater report reaffirms the overdraft status of the Cuyama, San Antonio and Santa Maria basins; the Lompoc Uplands Basin is reported to have achieved equilibrium.

The 2005 report states:

“Litigation regarding the status and use of groundwater in the Santa Maria Basin was initiated in 1997. This litigation may affect the rights of water users within the basin and may result in development of a management process.... When final judgment is entered in this litigation, a subsequent ground-water report will contain a discussion of its implications to the groundwater resources monitored by the County.

“The Water Agency has evaluated the status of the basin, as well as the USGS, DWR, and private entities. Most all parties have agreed historically that the basin is in overdraft to a small, but significant amount. Any amount of overdraft in the basin is significant because overdraft may contribute to water quality changes; not only the buildup of nitrates, sulfates and total dissolved solids, but the threat of salt-water intrusion.

“SBCWA has an extensive network of water level monitoring wells throughout the basin and when utilized to calculate the storage of groundwater they show that there is indeed a long-term decline in the amount of stored water above sea level in the basin.

“Whatever the outcome of the litigation, SBCWA staff will continue monitoring the basin and sharing any information collected to all parties interested in protecting its water supply for the continuation of the extensive and historical agricultural base as well as urban usage and development.” (SBCWA Groundwater Report 2005, page 55.)

3.6.3 Project Impacts

Incremental development resulting from the revision to the Uniform Rules would happen over a long period of time. This analysis concentrates on whether or not any one potential project resulting from the proposed Rules could exceed the thresholds.

Changes to Uniform Rules that could impact groundwater resources of the County are those that allow for additional development on contracted land: uses such as residences, tourism, and large-scale wineries and agricultural preparation or processing facilities. The GTM contains water duty factors for land uses such as residential, commercial or industrial, that are used to estimate the amount of water that could be required for new development resulting from the proposed changes to the Uniform Rules.³

Uniform Rule 1-4.1. Principal Dwelling

County-wide, the average residential consumptive water demand is about 1.0 AFY for a single family unit located on a lot of approximately 1 acre in size⁴. A single residential dwelling on a parcel would not exceed the groundwater thresholds for any of the basins in overdraft.

Uniform Rule 2-4. Small-Scale Guest Ranches

In Section 2.4 of the Project Description it is estimated that about 25 small-scale guest ranches could result from proposed amendments to the Rules. Five of the guest ranches could be small-scale located on parcels 40 to 100 acres in size and 20 could be larger-scale (up to 6 rooms and 15 guests) on parcels 100 acres or greater. A water-duty factor for hotel/motel with restaurant of 0.24 AFY per room is used to assess water demand by small-scale guest ranches. (City of Santa Barbara, 1989.) The smaller small-scale guest ranches are assumed to have no more than two to three rooms available for guests requiring 0.72 AFY and the larger small-scale guest ranches are assumed to have six rooms available requiring 1.44 AFY. Neither size guest ranch would exceed the groundwater threshold for any of the basins currently in overdraft.

Uniform Rule 2-2.1. Preparation and Processing

This Rule amends requirements for three compatible uses: large-scale wineries; large-scale market preparation facilities; and small-scale processing facilities for non-grape produce. Because large-scale market preparation facilities for crops other than wine grapes could be similar in size and operation to the agricultural industries requiring an AIO, both of these facilities are discussed under Rule 2-6 below.

Large-Scale Wineries

The development scenario used to estimate water demand for large-scale wineries includes: wine production, water use by employees and visitors, and irrigation for landscaped area, which are presented in Table 3.6-3.

³ For some land uses the water duty factors have been updated by the County geologist; for other uses, water duty factors from the *Uniform Plumbing Code* have been applied.

⁴ Baca, Brian, December 28, 2004. Personal Communication with B. Baca, P&D Geologist.

Table 3.6-3
Characteristics of Large-Scale Winery Development¹

Characteristics:	Winery development site size			
	20 acres	13 acres	10 acres	7 acres
Added facility area (acres)	N/A	N/A	N/A	2
Added production (cases)	800,000	520,000	400,000	80,000
# of Employees ²	38	27	22	10
# of Visitors – tasting	275	275	275	165
# of Visitors – events ³	200	200	200	200
Landscaped area (acres) ⁴	4 acres	2.6 acres	2 acres	0.4 acres

¹Employees and tasting visitors for large-scale wineries have been deduced from the Sonoma County winery traffic data.

²Number of employees is based on estimates identified in Section 3.1 Agricultural Resources and Land Use.

³Event visitors assume maximum allowed under Winery Permit Process Ordinance Amendment, 2004.

⁴Landscaped acreage assumes 0.2 acre of landscaping for every 1 acre of site.

To calculate water use, this analysis has applied the following water duty factors: 20 gallons of water per day per employee, 9 gallons of water per day per visitor, 15 gallons water per guest at an event including a meal (California State Uniform Building Code, 2003); 3.6 gallons water per case of wine produced⁵ (Paul Jenzen, County Senior Environmental Health Specialist, 2005); and 1.5 AFY of water per acre of landscaping per winery (GTM, 1992). These factors were used in the following formulas:

- ◆ **Wine production:** # cases of wine x 3.6 gallons water/case ÷ 325,871 gallons per acre-foot = acre-feet of water used per year (AFY).
- ◆ **Employee use:** # employees x 20 gal. x 365 days/year = gallons of water/year ÷ 325,871 gallons per acre-foot = acre-feet of water used per year (AFY).
- ◆ **Visitor use:** This was calculated separately for tasting room visitors and special events:
 - # tasting room visitors per day x 9 gal/visitor x 365 days/year = gallons of water/year ÷ 325,871 gallons per acre-foot = acre-feet of water used per year.
 - 12 special events per year x 200 guests per event (assumes maximum allowed for Tier 3 wineries by the Winery Permit Process Ordinance) = # special event guests/year x 15 gal water per guest = gallons of water/year ÷ 325,871 gallons = acre-feet of water used per year.
- ◆ **Landscaping:** In the absence of more specific information, landscaped area is assumed to be 0.2 acres per 1.0 acre of winery facility site (0.2 x site acreage) x 1.5 AFY water per acre. This level of water use is the average rate for landscaping which ranges from 1.0 AFY for xerophytes to 2.0 for exotic ornamentals.

⁵ This is the average amount of waste water per case of wine produced in the wine-making process from the Napa County water duty factors.

The resulting potential water usage is presented in Table 3.6-4 below for four different size facilities. The 7 acre facility is assumed to be an expansion of an existing facility by two acres, so the analysis is only for the two additional acres of facility and commensurate production and activities.

Table 3.6-4

Estimated Future Water Demand for Large-Scale Wineries in Acre-Feet per Year (AFY)

Components of water demand	Added facility acreage:			
	20 acres	13 acres	10 acres	2 acres
Increased wine production	8.84 AFY	5.74 AFY	4.42 AFY	0.88 AFY
Increased # of Employees	0.85	0.6	0.49	0.22
Increased Visitors – tasting	2.77	2.77	2.77	1.66
Increased Visitors – events	0.11	0.11	0.11	0.11
Increased area of Landscaping	6.0	3.9	3.0	0.6
TOTAL	18.57	13.12	10.79	3.47

Given that the established threshold of significance for each of the alluvial groundwater basins considered to be in a state of overdraft is greater than the 18.57 AFY demand estimate for the largest possible facility, impacts on water resources for these facilities would be *adverse but less than significant*.

Small-Scale Processing

Each of the potential 47 small-scale processing facilities anticipated under the proposed changes to the Rules could require an average additional 2.8 AFY. This assumes that each facility includes a commercial kitchen or similar processing facility occupying no more than 10,000 square feet of structural space on an average .75 acre site. The *GTM* gives water duty factors for various uses garnered from different jurisdiction within the County. Water use for industrial food processing uses is about 0.28 AFY per 1000 sq. ft. For a facility of 10,000 sq. ft., this equates to 2.8 AFY. This level of water use is less than the thresholds for all basins currently in a state of overdraft. Thus, impacts of these facilities on water resources would be *adverse but less than significant*.

Uniform Rule 2-6 Agricultural Industry Overlay

The types of agriculturally-related industries that could locate in an AIO are likely to be similar to large-scale market preparation facilities such as cooling and packing plants, and would therefore make similar demands on water resources. As explained in Section 3.4 Transportation/Circulation, it is assumed that large-scale market preparation facilities could locate in the Lompoc and Santa Maria regions, while AIO may eventually be established in all but the South Coast, Gaviota and Cuyama regions. Thus it is likely one or more of these large-scale facilities could locate in areas where the groundwater basin is currently in a state of overdraft.

Table 3.6-5

Likely Locations for Larger Facilities for Preparing Non-Grape Crops for Market and AIOs

South Coast	Gaviota Coast	San Antonio Creek	Lompoc Valley	Santa Maria Valley	Santa Ynez Valley	Cuyama
		AIO	AIO, LS	2 AIOs, LS		

AIO = Agricultural Industry Overlay; LS = Large-Scale Preparation Facility

The size and scale of these larger agricultural industries is estimated to require about a 15-acre site. Two of four assumed AIO sites could potentially be 30 acres in size. A comparable existing facility for icing and chilling vegetables on a 15-acre site uses about 72.0 AFY⁶. Although some of this water may return to the groundwater basin through percolation of landscaped irrigation, the vast majority of the water used is exported as ice. Thus, for the purposes of this EIR, the net consumptive use is 72.0 AFY for a 15-acre facility and potentially twice that for a 30-acre site. This potential demand for water by large-scale processing facilities would exceed basin thresholds for all of the overdrafted basins. Consequently, allowing for the development of larger market preparation and other agricultural industries either for individual premises or in an AIO, could have a *potentially significant* impact on groundwater resources.

Uniform Rule 2-7. Waste Disposal and Commercial Composting Facilities

As previously discussed, the proposed amendment to the Rules to allow commercial composting facilities on land under contract is estimated to result in the establishment of up to two such facilities; one in the San Antonio Region and one in the Santa Maria Region. Each facility would be up to 35 acres in size. Only a few acres would be used for appurtenant facilities like roads, water storage, drainage structures, loading, unloading and maneuvering of trucks, so the majority of the site would be used for the commercial composting operation. This analysis assumes about 30 acres would be dedicated to commercial composting operations. Water is used in the composting process at a rate similar to vineyards⁷. In Table 9 in the Groundwater Thresholds section of the County's *Environmental Thresholds and Guidelines Manual* water use for vineyards in the Santa Maria and Lompoc valleys is about 1.2 AFY. Vineyard water use in the Santa Ynez, Los Alamos and Sisquoc valleys is about 2.0 AFY per acre. This analysis assumes a water use factor of 1.5 AFY per acre for commercial composting. Since commercial composting facilities take place on open land, a certain amount of water would percolate back into groundwater. The water demand is therefore multiplied by a consumptive use factor of 0.75 to allow for a portion of the water returned. Thus each of the likely commercial composting facilities would require about 33.8 AFY. Given the likely locations for future commercial composting facilities, the basins most likely affected would be San Antonio and Santa Maria basins both of which are determined to be currently in a state of overdraft. Proposed commercial composting facilities could result in *potentially significant* impacts to groundwater resources for the San Antonio Creek basin since water demand could exceed the groundwater basin safe yield threshold.

Uniform Rule 2-11. Temporary Filming and Special Events

⁶ *Bonita Cooling and Packing Co. Santa Maria, Final EIR (91-EIR-1), April 1991.* In response to a County staff query in March 2005, the company confirmed that they are still using similar technology and while some expansion to plant has occurred, water use rate is roughly the same as in 1991.

⁷ Tish Beltranena, Presentation to APAC, February 2, 2005.

Special events on premises other than wineries are not expected to generate a significant demand for water, but would in some cases be similar to those events held at wineries. The Zoning Ordinance regulations would allow attendance at non-winery events up to 300 people, or 50 percent more than at winery events. The potential water use at such an event, which under the Zoning Ordinance could extend over five days, would be about 22,500 gallons of water, or 0.07 AFY. This would be an *adverse but less than significant* impact to groundwater resources.

Summary of Project Impacts

Impact GW-1: Water demand exceeding groundwater basin safe yield thresholds. Water demand for large-scale preparation facilities proposed to be allowed under Rule 2-2.1 and similar industries located within an AIO allowed under Rule 2-6 could exceed safe yield thresholds for basins in a state of overdraft which would be a *potentially significant impact*. (*Addresses Uniform Rules: 2-2 Agricultural Support Facilities and 2-6 Agricultural Industry Overlay*).

The amount of water needed for a commercial composting operation, proposed to be allowed under Rule 2-7 could similarly exceed thresholds for the overdrafted San Antonio groundwater basin and would be *potentially significant*. (*Addresses Uniform Rule: 2-7 Waste Disposal and Commercial Composting Facilities*).

3.6.4 Mitigation Measures

Existing Policies and Development Standards that May Reduce Impacts

There are existing policies in the County's Comprehensive Plan and Local Coastal Plan (LCP) that address protection and conservation of groundwater basins. Policies in the Groundwater Supplement to the Conservation Element state, for instance, that the County "...shall not allow, through its land use permitting decisions, any basin to become seriously overdrafted on a prolonged basis" (Policy 3.5, p. 57). While these policies outline planning goals, they do not constitute or identify feasible mitigation measures to reduce or avoid impacts to groundwater resources.

Proposed Mitigation Measures

No feasible mitigation measures have been identified that would reduce impacts of the water demand associated with proposed large-scale market preparation facilities, similar facilities located within an AIO and commercial composting facilities. While such facilities could be mandated to be reduced in area, the remaining facility size may not be sufficient to accomplish the purposes of that component of the program.

3.6.5 Residual Impacts

Residual impacts of the proposed changes to the Uniform Rules are as follows:

Impact GW-1: Water demand for future large-scale preparation facilities serving individual contract holders or as a regional facility in an AIO, and commercial composting facilities would potentially exceed the threshold of significance established for the Lompoc, San Antonio and/or Santa Maria groundwater basins. These impacts represent a *significant and unavoidable impact (Class I)* of the project on water resources.

3.7 CUMULATIVE IMPACTS

3.7.1 Introduction and Background

The proposed Final EIR (PFEIR) for the Santa Barbara County Uniform Rules Update was released in August 2006, and was considered at the Board of Supervisors meeting of December 6, 2006. At this meeting, and in written correspondence submitted prior to the meeting, several members of the public requested a more thorough discussion of cumulative impacts in the proposed Final EIR. The Board of Supervisors concurred and directed staff to provide an expanded analysis of cumulative impacts. This document provides this augmented discussion of cumulative impacts. It has been structured as a stand-alone document, and will be recirculated for additional public review and then incorporated into a revised proposed Final EIR for consideration by the County Board of Supervisors.

The August 2006 PFEIR for the Uniform Rules Update is available on the County's website at the following URL:

<http://countyofsb.org/plandev/comp/programs/UniformRules/default.asp>

Where appropriate, this cumulative impact analysis references sections from the PFEIR, and readers are encouraged to consult the PFEIR for additional analysis and information.

In summary, the PFEIR analyzed the impacts of the project description on the following resource issue areas:

- ◆ Agricultural Resources/Land Use
- ◆ Visual Resources
- ◆ Noise
- ◆ Transportation/Circulation
- ◆ Air Quality
- ◆ Groundwater Resources

The environmental analysis in the PFEIR identified the following programmatic impacts:

Class I – Significant and Unavoidable Impacts

- *Agricultural Resources/Land Use*: loss of productive agricultural land; introduction of incompatible development and uses into agricultural areas.
- *Visual Resources*: introduction of visually incompatible development in rural areas; introduction of new sources of light and glare associated with large-scale wineries and other agricultural support facilities.
- *Air Quality*: increased emissions of ozone precursors.

- *Transportation/Circulation*: generation of substantial additional vehicular movement (daily) in relation to capacity and existing traffic volume of rural roads and state highways; increased traffic conflicts; and degradation of rural roads.
- *Groundwater Resources*: water demand exceeding groundwater basin safe yield thresholds for three groundwater basins.

Class II – Significant but Mitigable Impacts

- *Agricultural Resources/Land Use*: growth inducement and population increases in agricultural areas.
- *Visual Resources*: obstruction or degradation of rural public views; introduction of new sources of light and glare associated with residential and other small-scale development.
- *Noise*: generation of noise greater than 65 dB or substantial increases in ambient noise levels that affect noise-sensitive receptors; short-term noise impacts associated with construction and grading.
- *Air Quality*: short-term dust and PM10 generation associated with construction and grading.

Class III – Adverse but Less Than Significant Impacts

- *Agricultural Resources/Land Use*: introduction of incompatible uses associated with smaller-scale development and recreation; dispersed population increases associated with residential development and commercial composting facilities; loss of productive agricultural land associated with residential development on superprime land, small-scale processing, and the reduction of the requirements for wineries where the cultivation of grapes occurs.
- *Visual Resources*: visually incompatible residential development in rural areas.

Class IV – Beneficial Impacts

- *Agricultural Resources/Land Use*: greater production requirements on superprime land; greater housing opportunities to support family farms; increased land use compatibility through removal of sanitary waste landfills and golf courses as compatible uses; inclusion of new Comprehensive Plan and zone districts thus increasing the area eligible for inclusion in Agricultural Preserves; increased viability and longevity of agriculture through provision of a wider array of support facilities and through expansion of facilities and services including commercial composting opportunities.
- *Visual Resources*: elimination of sanitary waste disposal facilities and transfer stations as compatible uses.

The revised cumulative impact analysis that this document provides uses a listed-based approach for cumulative projects, and the list of applicable projects are discussed below in Section 3.7.3.

3.7.2 Project Description Summary

The Uniform Rules for Agricultural Preserves and Farmland Security Zones provide administrative actions implementing the County's agricultural preserve program. A map of the agricultural lands within Santa Barbara County and lands participating in the agricultural preserve program is included as Figure 1. The Uniform Rules provide guidance for implementing the Williamson Act by defining eligibility requirements and compatible uses that each participating landowner must adhere to in order to receive a reduced tax assessment. The Uniform Rules do not authorize any development on agricultural land that is not otherwise permitted by the applicable zone district, and often the Rules are more restrictive than the underlying agricultural zoning requirements.

The Uniform Rules Update Project proposes changes to several aspects of the Uniform Rules in order to meet the following objectives:

- 1) Bring the Uniform Rules into conformance with recent legislative amendments to the Williamson Act;
- 2) Address discrepancies in the Uniform Rules that were identified in a 2001 audit of the County's Agricultural Preserve Program by the California Department of Conservation;
- 3) Ensure the continued integrity of the Agricultural Preserve Program; and
- 4) Increase the clarity and flexibility of the Uniform rules to ensure continued and expanded participation in the County's Agricultural Preserve Program.

The proposed changes to the Uniform Rules include the following key amendments to eligibility requirements, residential opportunities, and compatible uses:

- ◆ Principal dwellings – increase housing options to meet the needs of multi-generation farm families by allowing additional housing opportunities on non-prime land (subject to zoning and parcel size limitations) and allowing for increases to the development envelopes on superprime land if more land is devoted to agricultural production.
- ◆ Small-scale guest ranches – allow an option on premises with parcels 40 acres or larger in size to operate a small guest ranch to supplement agricultural income (maximum 15 guests accommodated within an existing structure).
- ◆ Large-scale wineries – progressively increase the acreage cap for wineries on premises of 600 acres or more up to a maximum of a 20-acre development envelope.
- ◆ Preparation facilities – expand the development envelope relative to parcel size up to a maximum 30-acre development envelope.
- ◆ Small-scale processing – allow for boutique-scale processing beyond the raw state of produce grown on the premises.

- ◆ Commercial composting – allow for commercial composting facilities to locate on contracted land as long as the operation provides a substantial benefit to agriculture.
- ◆ Agricultural Industry Overlay – allow AIO on contracted land providing more options for processing facilities and agricultural support industries.
- ◆ Eligibility – add additional land use designations (Mountainous Area and Other Open Lands) and zone districts (Mountainous and Resource Management).
- ◆ Definition and size of premises – clarify size requirements for parcels, preserves and contract holdings (premises).
- ◆ Production requirements – increase agricultural production and reporting requirements primarily on prime and superprime land.
- ◆ Principles of compatibility – incorporate the principles of compatibility from the Williamson Act to provide guidance when evaluating use compatibility on contracted land.

3.7.3 Cumulative Impacts

A project's, or in this case, program's cumulative impacts are the possible environmental effects that may be cumulatively considerable when considered with other reasonably foreseeable projects (Section 15065 (a)(3) of the California Environmental Quality Act (CEQA) Guidelines). Cumulatively considerable impacts occur when the incremental effects of a particular project or program are significant when viewed in connection with the effects of other past, current, or probable future projects or programs that are not incorporated into baseline or existing conditions.

As defined in Section 15355 of the CEQA Guidelines, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. According to Section 15130 of the CEQA Guidelines, the discussion of cumulative impacts must reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects that do not contribute to the cumulative impact. Impacts that do not result in part from the project evaluated in the EIR need not be discussed.

The main determinant for purposes of inclusion and evaluation in this Cumulative Impact Analysis is whether an individual project, program, policy initiative, or conceptual future project is considered a closely related project with respect to the proposed Uniform Rules amendments.

Among those factors applied in deciding whether to include or exclude a particular policy, program, project, annexation, or other listed item (public or private) from evaluation include:

- Whether the project is geographically related to the Uniform Rules project (i.e., have the potential to affect similar resources in the rural area)
- Whether or not the program, project, or item is a past, present, and reasonably foreseeable future matter
- Whether or not the development potential for a project/program/item is known, unknown, and/or speculative
- Whether or not the project description is sufficiently defined for consideration purposes;
- Whether or not the timing for implementation of the program, project, or item is too remote for consideration or analysis
- Whether or not the item is only procedural in nature
- Whether or not the item will result in any direct or indirect physical change in the environment
- Whether or not a project is sufficiently defined in scope and implementation
- Whether or not an application has been submitted

This section of the EIR discusses the potential cumulative environmental impacts resulting from the proposed Uniform Rules Update in association with: 1) other County policy initiatives affecting agriculturally zoned lands, and 2) planned, pending, and reasonably foreseeable projects in the vicinity of the project area. Because of the broad geographic scope of the proposed program, the consideration of planned, pending, and reasonably foreseeable projects included buildout scenarios for each of the community plan areas and incorporated cities of Santa Barbara County as well as major new discretionary projects not already contemplated in these buildout projections.

Programs, initiatives, and projects considered in this cumulative impacts analysis are listed in Tables 3.7-1 through 3.7-3. County policy initiatives and programs considered along with the proposed program are listed in Table 3.7-1 as “Tier 1” projects. Discretionary and ministerial projects affecting rural lands are classified as “Tier 2” projects and listed in Tables 3.7-2A and 3.7-2B. Specific major pending and potential projects, including proposed annexations and large urban developments are listed as “Tier 3” projects in Table 3.7-3. The locations of the Tier 3 projects are also depicted graphically on Figure 4. All known projects are included in the tables; however, only some of these projects may contribute to cumulative impacts. A brief discussion of each project’s potential to contribute to cumulative effects is provided in each of the tables.

Tier 1 programs *excluded* from the Uniform Rules cumulative impact analysis include:

- County policy initiatives and ordinance amendments that are unfunded and not included in a Board of Supervisors adopted work program;
- County policy initiatives and ordinance amendments that are not “geographically” related to the Uniform Rules update (i.e., amendments which do not apply to the rural areas of the county);
- County policy initiatives and ordinance amendments which do not cause related impacts to resources evaluated in the Uniform Rules EIR;
- County policy initiatives and ordinance amendments that are procedural in nature; and

- A County policy initiative or ordinance amendment project description that is unspecified, uncertain, loosely defined, or speculative. This criterion would apply to programs that have not undergone environmental review or been formally initiated by the Board of Supervisors.

Tier 2 projects, which are the pending and recently approved development projects in the rural unincorporated area of Santa Barbara County, are included in the cumulative impact analysis.

Tier 3 projects *excluded* from the Uniform Rules cumulative impact analysis include those projects for which a project description is unspecified, uncertain, loosely defined, or speculative. This criterion would apply to: 1) projects which have not submitted a formal application to the respective jurisdiction, and/or 2) projects which have not been formally initiated or discussed by the respective jurisdiction\decision-maker at a publicly noticed meeting.

The Tier 1 and Tier 3 projects that are excluded from the Uniform Rules cumulative analysis are listed in Tables A-1 and A-2, which are attached as Appendix 11.

Table 3.7-1 Tier 1 Projects - County Policy Initiatives/Programs Affecting Rural Lands

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.						
PROJECT NAME	DESCRIPTION	LOCATION	CEQA PROCESS	STATUS	DISCUSSION	
1	<p>Winery Permit Process Ordinance</p> <p>Permit process amendment to establish three permit tiers of winery development based on case production, winery footprint and marketing activities.</p> <p>The tiered permit process acknowledges the potential differences in scale among winery projects and accounts for various types and/or magnitudes of impacts. The intent is to promote the orderly development of wineries, ensure that they are compatible with surrounding land uses, and streamline the permit process. Small, low intensity wineries (Tier 1) may be permitted at the staff level; mid-size wineries of moderate intensity (Tier 2) may be permitted at the Zoning Administrator level; and only the large and more intensive wineries (Tier 3) would be required to go before the Planning Commission.</p>	Inland areas of County	Negative Declaration (ND)	Board of Supervisors Adopted 2004	Tier 1 projects are processed as ministerial projects that would not typically require project specific environmental review. Projects that fall within Tiers 2 and 3 would require a discretionary permit and full environmental analysis under existing ordinance language (i.e., preparation of an Initial Study to determine whether a Mitigated Negative Declaration or an Environmental Impact Report will be sufficient to fulfill CEQA requirements). Projects that would qualify for processing under Tiers 2 and 3 currently require a discretionary permit and environmental analysis. As Tier 2 and 3 projects would still receive environmental review on a case by case basis, it was determined that the creation of these tiers would not create the potential for any significant environmental impacts. Therefore, environmental analysis of Tiers 2 and 3 was not required for this ordinance amendment.	
2	<p>Temporary Use Ordinance Amendments</p> <p>Establish permit requirements for various temporary uses such as special events</p>	County-wide	Negative Declaration (ND)	Board of Supervisors Adopted 2005	For lots five acres or greater in size there is no limit on the number of charitable events that could occur in any given year and still remain exempt from a land use permit, provided the owner receives no remuneration and the number of persons at the event does not exceed 300. If the property is less than five acres in size, then the five times per year limit is retained in order to maintain exemption.	

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Table 3.7-1 Tier 1 Projects - County Policy Initiatives/Programs Affecting Rural Lands

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.					
PROJECT NAME	DESCRIPTION	LOCATION	CEQA PROCESS	STATUS	DISCUSSION
3 Winery Permit Process Ordinance 661 Amendment	The purpose of the amendment is to allow small wineries that qualify as a Tier 1 winery and comply with specific development standards to be permitted with a land use permit (LUP) on property that is zoned Limited Agriculture (AL), General Agriculture (AG) and Unlimited Agriculture (U) under Ordinance 661.	County-wide land zoned for property that is zoned AL, AG and U under Ordinance 661	Negative Declaration (ND)	Board of Supervisors Adopted 2006	In order to qualify as a Tier 1 winery, the development would have to comply with the following criteria: <ol style="list-style-type: none"> 1. For every 1,000 cases of wine produced per year there shall be at a minimum two acres of vineyard planted on the winery premises. 2. The production capacity of the winery shall not exceed 20,000 cases per year. 3. There shall be no onsite tasting room associated with the winery. 4. All winery structural development shall not exceed 20,000 square feet. <p>Winery special events occurring on the winery premises shall not exceed four per year and the attendance at each event shall not exceed 150 attendees. Otherwise, the winery shall not be open to the public and shall not offer tours and retain wine sales to the public.</p>
4 Housing Element Update 2003-08	The Housing Element Action phase implements the Housing Element of the Santa Barbara County Comprehensive Plan that was adopted in May 2006. The actions identified in the Housing Element are designed to facilitate the construction of new residential units to meet the demand projected in the Regional Housing Needs Allocation (RHNA). The actions include but are not limited to: <ol style="list-style-type: none"> 1) Rezoning of at least 62 acres for 	County-wide	EIR	Notice of Preparation issued November 2006. Draft EIR expected Fall 2007.	

Table 3.7-1 Tier 1 Projects - County Policy Initiatives/Programs Affecting Rural Lands

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.					
PROJECT NAME	DESCRIPTION	LOCATION	CEQA PROCESS	STATUS	DISCUSSION
	<p>residential development at a density of 20 units per acre. The proposed project considers ten sites within the urban areas of Orcutt, Los Alamos, Mission Hills and Vandenberg Village to accommodate affordable multiple family housing. The proposed rezone could result in anticipated buildout of 1,240 multi-family residential units resulting from the rezoning of lands to meet the current RHNA shortfall for the very-low and low income categories.</p> <p>2) Encourage the development of new housing for farm workers on agricultural land by:</p> <p>a) downshift permit for Residential Second Units (RSU's)(attached and detached) on AG-I (5-20 acre) parcels to a land use permit (LUP);</p> <p>b) newly permit RSU's on AG-I-40 and larger AG-II zoned lands (that are not under a Agricultural Preserve contract and not in the Coastal zone) with a LUP; and</p> <p>c) downshift agricultural employee unit permits as follows:</p> <p>4 or fewer units: downshift from minor CUP to LUP</p> <p>5 or more units: downshift from</p>				

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Table 3.7-1 Tier 1 Projects - County Policy Initiatives/Programs Affecting Rural Lands

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.					
PROJECT NAME	DESCRIPTION	LOCATION	CEQA PROCESS	STATUS	DISCUSSION
	<p>major CUP to minor CUP</p> <p>Based on historical permit trends and prevailing market conditions, this ordinance amendment could result in development of up to 110 new RSUs on inland agricultural lands.</p>				
5	<p>Ordinance 661 Consistency Rezone Project</p> <p>Rezone remaining Ordinance 661 agricultural lands in the Santa Maria and San Antonio Creek Rural Regions to similar agricultural zoning in the modern Land Use & Development Code (LUDC). The consistency rezone could potentially result in 111 net new residential units.</p> <p>The project also involves a Comprehensive Plan amendment and rezone to designate areas qualifying as Existing Developed Rural Neighborhoods (EDRN). Rezoning for EDRN areas could facilitate development of 39 Residential Second Units (RSU).</p>	Santa Maria and San Antonio Creek Rural Regions	Draft Negative Declaration	Draft Negative Declaration released July 23, 2007	The purpose of applying the Existing Developed Rural Neighborhood boundary line around six rural neighborhoods in eastern Santa Maria Valley is to recognize these neighborhoods historically developed overtime with smaller parcels, and to keep these pockets of rural residential development from expanding onto adjacent agricultural lands.
6	<p>Santa Ynez Valley Community Plan</p> <p>The Santa Ynez Valley Community Plan updates the Comprehensive Plan and provides planning goals, policies and development standards to guide future land use within the designated Plan Area.</p> <p>Buildout associated with the draft plan could result in 31 additional units compared to potential buildout under the</p>	Santa Ynez Valley Plan Area	EIR	Notice of Preparation issued 07/18/2007	

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Table 3.7-1 Tier 1 Projects - County Policy Initiatives/Programs Affecting Rural Lands

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.					
PROJECT NAME	DESCRIPTION	LOCATION	CEQA PROCESS	STATUS	DISCUSSION
	<p>current land use and zoning designations within the Plan Area.</p> <p>Rural (AG-II zones): 468 units Inner Rural (AG-I, RR zones): 501 units Urban (Residential, MHP zones): 587 units</p>				
7	<p>Expanded Home Occupations Ordinance Amendment</p> <p>The amendment would revise the existing regulations regarding home occupations to provide additional opportunities for home occupations on agricultural lots provided that the home occupation can comply with specific development standards designed to protect the surrounding neighborhood area from any potential negative effects of conducting such an expanded home occupation.</p> <p>The amendment proposes to allow use of buildings other than principal residence for home occupation (allowable commercial activities), and up to 3 off-site employees.</p>	County-wide agriculturally-zoned land	Proposed CEQA Exemption Section 15061(b)(3)	County Planning Commission recommended approval on 07/12/06. Amendment is currently on hold.	

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Table 3.7-2A Tier 2 Projects - Discretionary Projects on Agriculturally Zoned/Rural Land in the County

		Rural Region	Units/Lots (other)	Farm Units	Bldg size (sq. ft.)	Wine Cases	Special Events	Ag Soil Covering/Loss (acres)
1	Caird Por La Mar Greenhouse Expansion	South Coast		6	1,400,000			
2	Cate School Facilities Plan	South Coast	5					
3	Cavaletto / Noel Housing	South Coast	163					25.9
4	Crail TPM	South Coast	4					
5	Eagle Canyon Ranch (Parsons)	South Coast	4					
6	Estancia La Serena Equestrian Center	South Coast						
7	Hourigan TM	South Coast	9					5
8	Rose / Cal Orchid Greenhouse	South Coast			40,000			
9	St. Athanasius Church CUP	South Coast						4
10	Tecolote Preserve GP	South Coast	26					
11	El Capitan Cyn Campground Guest Ranch	Gaviota Coast	(55 guest units)					
12	Las Varas / Edwards Ranch TPM	Gaviota Coast	7					
13	Moreheart Land Co.	Gaviota Coast	9					
14	Santa Barbara Ranch	Gaviota Coast	54					
15	Bee Rock Quarry Expansion	Santa Ynez Valley						
16	Cleese Lot Split	Santa Ynez Valley	2					
17	Coffey TPM	Santa Ynez Valley	2					
18	Dierberg Winery Building	Santa Ynez Valley			41,800			1
19	Gainey Winery and Tasting Room	Santa Ynez Valley				8,500	6	
20	Gemert Commercial Horse Facility	Santa Ynez Valley						
21	Hanson TPM	Santa Ynez Valley	2					
22	Harrison Winery	Santa Ynez Valley			1,000			
23	Higgins / Martino TPM	Santa Ynez Valley	2					
24	Honea Winery	Santa Ynez Valley			4,800	9,000		

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Table 3.7-2A Tier 2 Projects - Discretionary Projects on Agriculturally Zoned/Rural Land in the County

		Rural Region	Units/Lots (other)	Farm Units	Bldg size (sq. ft.)	Wine Cases	Special Events	Ag Soil Covering/loss (acres)
25	Karas Lot Split	Santa Ynez Valley	3					
26	Kaslow Lot Split	Santa Ynez Valley	2					
27	Live Oak Ranch CUP	Santa Ynez Valley						
28	Lorenzen TPM	Santa Ynez Valley	2					
29	Magali Farms TPM	Santa Ynez Valley	3					
30	Marcelino Springs TPM	Santa Ynez Valley	3					
31	McCombs TPM	Santa Ynez Valley	2					
32	Rancho Encantada TPM	Santa Ynez Valley	3					
33	Rancho San Marcos GC Expansion	Santa Ynez Valley			8,600			
34	Roberts DP	Santa Ynez Valley						
35	Sandy Beach Resort Barn	Santa Ynez Valley			15,800			
36	Western Nursery DP Amendment	Santa Ynez Valley		1	32,500			
37	Santa Ynez Valley Airport	Santa Ynez Valley			150,000			
38	Santa Ynez Valley Equestrian Center	Santa Ynez Valley						
39	Shelley Equestrian Stables Employee Units	Santa Ynez Valley		1				
40	Silver Maple Farm Development Plan	Santa Ynez Valley	1	1				
41	Skytt TPM	Santa Ynez Valley	2					
42	Stull TPM	Santa Ynez Valley	2					
43	Sulpizo TPM	Santa Ynez Valley	2					
44	Thompson TPM	Santa Ynez Valley	2					
45	Thomson TPM	Santa Ynez Valley	3					
46	Trabucco Lot Split	Santa Ynez Valley	2					
47	Trabucco Special Events	Santa Ynez Valley					24	
48	Valley Sand and Soil CUP	Santa Ynez Valley						

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Table 3.7-2A Tier 2 Projects - Discretionary Projects on Agriculturally Zoned/Rural Land in the County

		Rural Region	Units/Lots (other)	Farm Units	Bldg size (sq. ft.)	Wine Cases	Special Events	Ag Soil Covering/loss (acres)
49	Burton Mesa Management Plan	Lompoc Valley						445
50	Cebada Group / La Purisima GC General Plan Amendment	Lompoc Valley						
51	County Fire Station #51	Lompoc Valley						
52	Dierberg Winery	Lompoc Valley				25,000		
53	Gaffney et al. GPA	Lompoc Valley						
54	Lompoc Wind Energy	Lompoc Valley						29
55	Rancho La Vina Winery	Lompoc Valley			38,800			
56	Sanford Winery Phase 4	Lompoc Valley		1	16,300			
57	Schaff TPM	Lompoc Valley	2					
58	Logue Specific Plan ¹	San Antonio Creek	496		405,000			404
59	Rancho La Laguna TPM	San Antonio Creek	13					
60	Silverado Premium Properties	San Antonio Creek	4					
61	The Winery at Los Alamos	San Antonio Creek			33,000			
62	Addamo Winery	Santa Maria Valley			33,000	25,000		
63	Addamo Winery DP Amendment	Santa Maria Valley			5,000			
64	Addamo Winery / Diamante TM	Santa Maria Valley	7					
65	American Ethanol Plant	Santa Maria Valley			400,000			10
66	Better Cooling Produce Cooler	Santa Maria Valley			52,000			1
67	Burinda TPM	Santa Maria Valley	2					
68	Daniels TPM	Santa Maria Valley	2					
69	Frontier Cooling Development Plan	Santa Maria Valley			35,500			

¹ The Los Alamos Planning Advisory Committee (LAPAC) voted at their April 16, 2007 public meeting to reject a proposal by the applicant to expand the western urban boundary line which could facilitate the Logue Specific Plan ("Los Alamos Commons"). The project is not included in the cumulative project list due to its speculative nature.

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Table 3.7-2A Tier 2 Projects - Discretionary Projects on Agriculturally Zoned/Rural Land in the County

		Rural Region	Units/Lots (other)	Farm Units	Bldg size (sq. ft.)	Wine Cases	Special Events	Ag Soil Covering/loss (acres)
70	Foxen Tier III Winery	Santa Maria Valley			22,500	20,000	12	
71	Hayes-Holden TPM	Santa Maria Valley	2					
72	Hin Industrial Use	Santa Maria Valley			9,000			
73	Linn / Tantara Wineries	Santa Maria Valley			3,000	10,000		
74	Mid Coast Cooling CUP	Santa Maria Valley			42,300			
75	Nathe Lot Split	Santa Maria Valley	4					
76	North County Jail	Santa Maria Valley			475,000			50
77	OSR Enterprise / Rice Cooler	Santa Maria Valley	3		1,100,000			27
78	River Bench Winery	Santa Maria Valley			2,200			
79	Teixeira Winery Development	Santa Maria Valley			5,700	10,000	30	
80	Bonilla Rodeo Horse Events and Concerts	Cuyama Valley						
81	Diamond Rock Mining/ Reclamation EIR	Cuyama Valley						
82	Diani / Rich Creek	Cuyama Valley	2					
83	Goller GPA	Cuyama Valley	3					
84	Rancho Cuyama Equine Center	Cuyama Valley						
85	Troesh Ready Mix CUP	Cuyama Valley						
86	Ventucopa Rock Plant Expansion CUP	Cuyama Valley						

Table 3.7-2B Tier 2 Projects - Ministerial Residential-Type Units By Rural Region

Rural Regions	New Single Family Dwellings		Residential Second Units		Residential Agricultural Units		Agricultural Employee Housing		Total	
	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban
South Coast	28	28	3	16	0	0	6	0	37	44
Gaviota Coast	9	N/A	0	N/A	0	N/A	2	N/A	11	0
Santa Ynez Valley	9	4	14	4	2	0	5	0	30	8
Lompoc Valley	0	1	1	0	0	0	1	0	2	1
San Antonio Creek	0	13	0	0	0	0	3	0	3	13
Santa Maria Valley	12	78	1	4	0	0	0	0	13	82
Cuyama Valley	2	0	0	0	0	0	0	0	2	0
									98	148

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Table 3.7-3 Tier 3 Projects - Pending & Potential Future Annexations & Large Urban Projects

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.			
PROJECT NAME	DESCRIPTION	STATUS	DISCUSSION
A City of Santa Maria: Bradley Lands annexation	Potential future annexation of approximately 2,300 acres of agriculturally zoned land located east of Highway 101 near Santa Maria Way.	Pending	The project applicant has met with the City of Santa Maria and presented potential land use concepts to the Local Agency Formation Commission. The potential project could result in the development of approximately 9,400 units (3,500 single family dwellings, 1,800 condominiums, 2,300 apartment units, 400 senior housing units, and 1,400 mixed use residential units). The project may also include 350 acres of commercial and office space; three schools, and associated recreation, open space, and visitor serving uses.
B City of Santa Maria: Santa Maria Wastewater Treatment Plant Annexation	The City of Santa Maria proposes to annex approximately 254 acres of agricultural land located northeast of the intersection of Black Road and Stowell Road. The annexation would facilitate the City's wastewater treatment plant expansion, and construction of the City's proposed corporation yard, City Police Department storage yard for impound vehicles, and Humane Society facility.	Pending	A draft Environmental Impact Report (EIR) has been prepared (August 2006) for the Santa Maria Wastewater Treatment Plant and Annexation.
C City of Santa Maria: Los Flores Landfill	The City of Santa Maria purchased approximately 1,760 acres located 5-miles SE of the city, and east of Hwy 101, for potential solid waste landfill and recreational area.	Pending	Notice of Preparation (NOP) issued October 2006 to prepare EIR for landfill on 395 acres.
D City of Santa Maria: Enos Ranchos annexation	The City of Santa Maria proposes to annex 113 acres of agricultural land located north of Betteravia Road and west of Highway 101. Project would amend existing specific plan to allow up to 344 residential units and 66-acres of commercial land.	Pending	A Draft EIR was released for public review in May 2007.
E City of Santa Maria: Mahoney Ranch Specific Plan Amendments	Amendment to the Mahoney Ranch Specific Plan, originally approved under the City of Santa Maria Sphere of Influence Boundary Amendment and Concurrent Annexation EIR. The proposed project would provide for up to 1,100 residential units, a 7-acre neighborhood commercial site, and a 16.8 acre public school/park facility.	Pending	A Draft EIR was released for public review in June 2007.
F Orcutt: North Hills development	Land development concept on 4,125 acres in the Rural Area located south of Orcutt, between Highway 135 and Highway 101. Land is zoned for agriculture and subject to Williamson Act contract through December 31, 2009. It is estimated to provide 7,500 dwelling units and 2 million square feet of commercial.	Pending	On June 12, 2007 the Santa Barbara Planning Commission voted 4-1 to recommend against initiating a Comprehensive Plan amendment that would facilitate potential development of the North Hills project. At the applicant's request, the Board of Supervisors initiation hearing, originally scheduled for July 10, 2007, was withdrawn.
G City of Lompoc: Purisima Hills development and	Request for Sphere of Influence study, annexation, general plan and zone changes, and specific plan for potential development of 1,300 residences on 804 acres located on	Pending	On January 29, 2007 the City of Lompoc Planning Commission held a public hearing to consider the General Plan consistency of the pre-annexation request. The project will be reviewed by

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Table 3.7-3 Tier 3 Projects - Pending & Potential Future Annexations & Large Urban Projects

The following projects are included in the Uniform Rules Update EIR cumulative impact analysis.			
PROJECT NAME	DESCRIPTION	STATUS	DISCUSSION
	annexation		the City Council Summer 2007.
H	UCSB Long Range Development Plan	Pending	The University is in the process of updating their long range development plan to guide future campus development through 2025. The draft plan objectives include a net increase of: 5,000 student enrollment; 1,700 faculty/staff positions; 1.6 million square feet of academic space; 4,800 bed spaces; 184 student family housing units; and 1,800 faculty/staff housing units.
I	Isla Vista: Isla Vista Master Plan	Pending	Santa Barbara County Planning Commission reviewed the proposed project on April 23, 2007. The Board of Supervisors will conduct adoption hearings in Summer 2007.
J	City of Santa Barbara: Peak-Las Positas annexation	Pending	Annexation application has been submitted to Santa Barbara County Local Agency Formation Commission (LAFCO).
K	City of Carpinteria: Peoples Self-Help Agricultural Employee Housing Project	Pending	An application for development has been submitted to the City of Carpinteria.

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Selected Cumulative Projects

- (A) Project Location
- Incorporated City
- Uniform Rules Study Area
- Los Padres N.F.

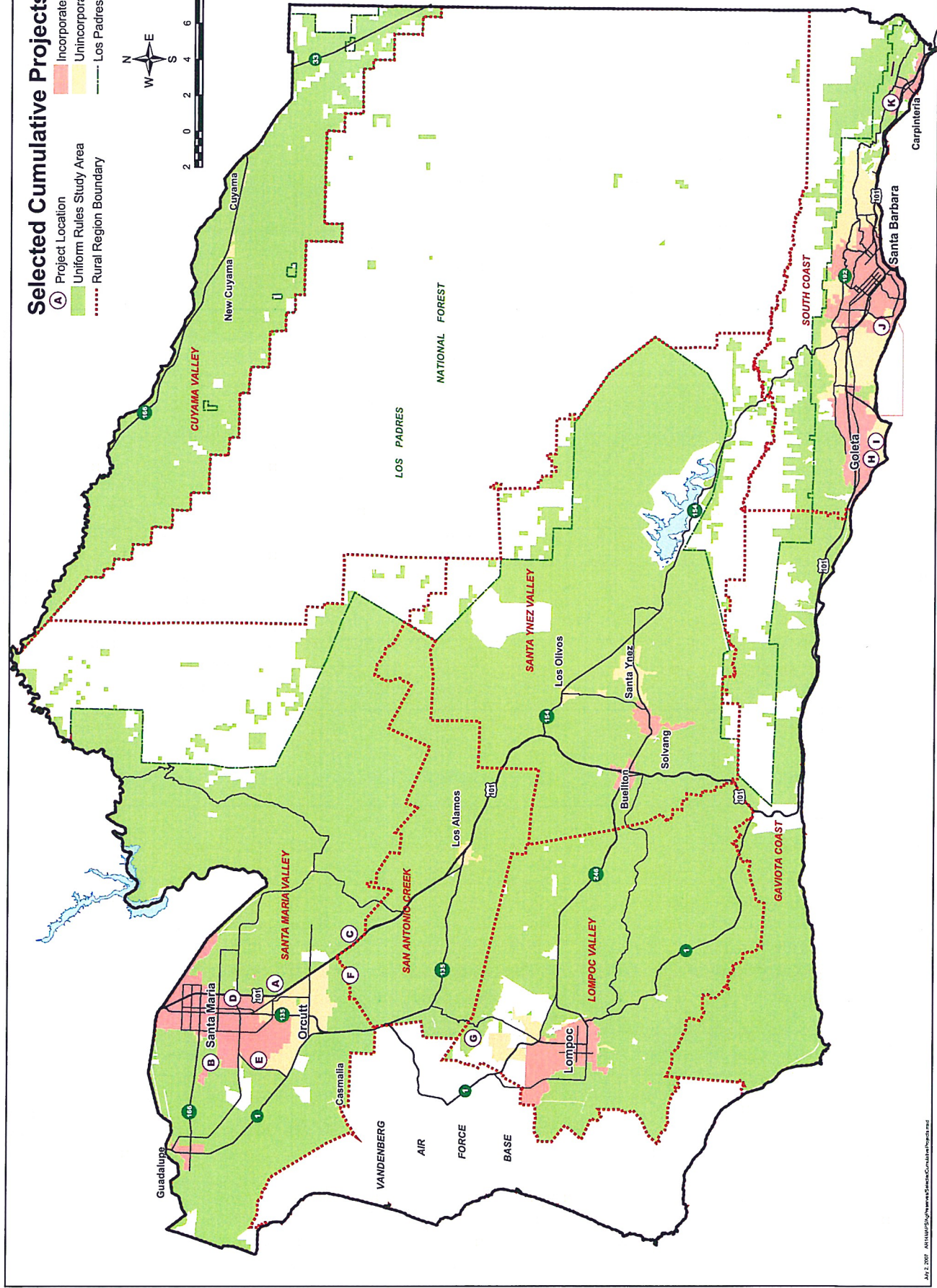


Figure 4

July 2, 2007 ANR/LUMS/SP/EnvironmentalScienceCenter/Map04.mxd

Selected Cumulative Projects

- (A) Project Location
- Uniform Rules Study Area
- Rural Region Boundary
- Incorporated City
- Unincorporated Urban Area
- Los Padres N.F.

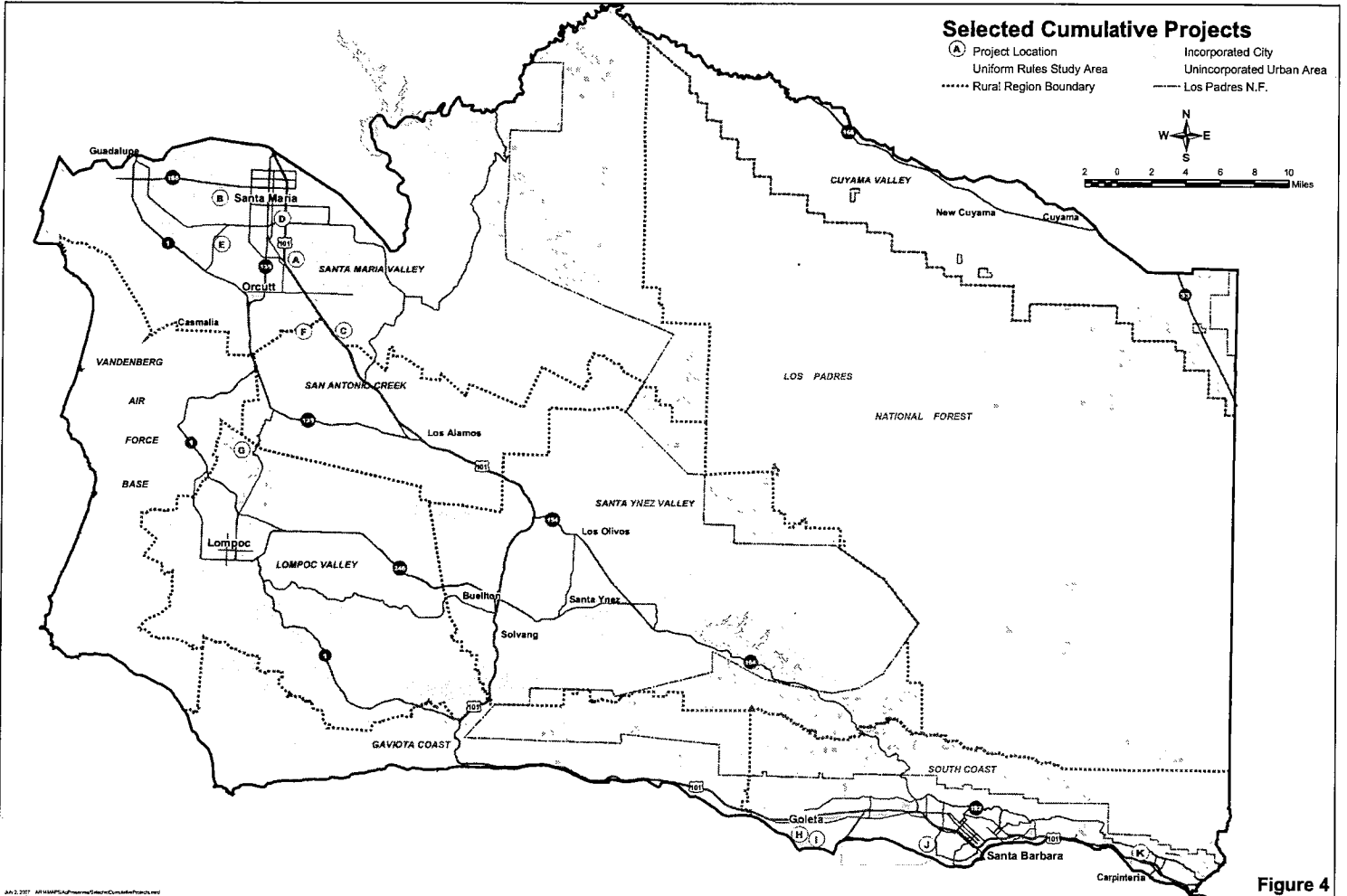
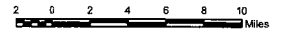


Figure 4

3.7.3.1 Agricultural Resources/Land Use

The proposed program to update the Uniform Rules would result in a number of *significant and unavoidable* (Class I) impacts to Agricultural Resources/Land Use, as discussed in Section 3.1. Class I impacts include the loss of productive agricultural land and the introduction of incompatible development and uses into agricultural areas. The inducement of growth and population increases in agricultural areas was identified as a *potentially significant but mitigable* (Class II) impact, with mitigation measures providing for refinements of the proposed rule changes to set stricter limits on the amount of allowable development and the frequency of special events.

A number of program-specific *less than significant* (Class III) impacts were also identified. These include the introduction of incompatible uses associated with smaller-scale (more suburban and urban) development and recreation; the increase in dispersed population associated with residential development and commercial composting facilities; the loss of productive agricultural land associated with residential development on superprime land (since the loss of such superprime land would be minimal and only allowed if balanced by the placement additional superprime land into active production), small-scale processing, and the reduction of the requirements for wineries where the cultivation of grapes occurs.

Impact Thresholds

Appendix G of the State of California's CEQA Guidelines states that a project's impact on agriculture would be significant if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract; or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Santa Barbara County's Initial Study checklist states that a project's impact on agriculture would be significant if it:

- Impairs the agricultural productivity of prime or nonprime agricultural land.

Santa Barbara County's Initial Study checklist states that a project's impact on land use would be significant if it would result in:

- Structures and/or land use which may be incompatible with existing land use;

- The induction of substantial growth or concentration of population;
- The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project;
- The loss of a substantial amount of open space.

AG-CU-1. Conversion of Farmland and Loss of Agricultural Use or Productivity

The proposed program's program-specific impacts associated with the conversion of farmland and loss of productive agricultural lands are considered *significant and unavoidable* (Class I) due to the inability of the mitigation measures and provisions in the amended Uniform Rules to adequately prevent the conversion of agricultural soils to developed uses.

The California Land Evaluation and Site Assessment (LESA) model was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). The LESA model analysis in the Uniform Rules Proposed Final EIR (PFEIR) (Section 3.1.A and Appendix 8) indicate projects removing 7 acres or more (e.g. development footprint) of soils from current and/or potential commercial agricultural production would be a significant impact. The PFEIR concluded that proposed Uniform Rules amendments allowing for development of large-scale agricultural support facilities and commercial composting facilities on agricultural preserve lands could result in the conversion of 237 acres of farmland.

For purposes of consistency, the cumulative impact analysis incorporates the LESA model analysis threshold of significance indicator used in the Uniform Rules PFEIR. Tier 1, Tier 2, and Tier 3 projects removing 7 acres or more of soils from current and or potential commercial agricultural production have the potential to result in project specific and cumulative impacts related to conversion of farmland and loss of productive agricultural lands. The cumulative projects exceeding this indicator, and the estimated converted acres, are listed below.

The majority of Tier 1 projects are County zoning ordinance amendments which seek to modify permit procedures for various land uses (e.g. Winery Permit Process Ordinance, Temporary Use Ordinance, Expanded Home Occupation Ordinance). These programs would not result in significant cumulative impacts to agricultural land conversion since the ordinance amendments are regulatory changes which do not directly result in physical development. Future permit requests enabled by these ordinance amendments must be found consistent with adopted County policies and current ordinances and development standards to be approved. The proposed Ordinance 661 Consistency Rezone Project involves regulatory changes which could result in the development of 150 residential units (including 39 Residential Second Units). The relatively small size, scale, and broad distribution of these potential units, along with the allowance for Residential Second Units within the Housing Element Update on agriculturally zoned lands would not result in adverse agricultural conversion impacts.

Tier 2 projects that would result in substantial conversion of productive farmland to non-cultivated land include the Cavaletto/Noel Housing project (25 acres) in the South Coast Rural Region; the Santa Barbara Ranch project in the Gaviota Coast Rural Region; the Burton Mesa Management Plan (445 acres), and Gaffney General Plan Amendment (29 acres) in the Lompoc Valley Rural Region; and the American Ethanol Plant (10 acres), OSR Enterprise/Rice Cooler (27 acres), and North County Jail (50 acres) projects in the Santa Maria Valley Rural Region.

Tier 3 projects could potentially remove 8,194 acres of agricultural land from future agricultural production. These cumulative projects include Peoples Self-Help Agricultural Employee Housing Project (8 acres) in the South Coast Rural Region; Purisima Hills residential development (804) acres in the Lompoc Rural Region; North Hills Development (4,125 acres) in the San Antonio Creek Rural Region; and the Bradley Lands Annexation (2,300 acres), City of Santa Maria Wastewater Treatment Plant Expansion and Annexation (254 acres), City of Santa Maria Los Flores Landfill (395 acres), and City of Santa Maria Enos Ranchos Annexation (113 acres) in the Santa Maria Valley Rural Region.

The cumulative development of these Tier 2 and 3 projects would result in the conversion of thousands of acres of agricultural lands to other uses. Because program-specific impacts related to conversion of farmland were considered significant, the loss of farmland resulting from potential buildout associated with the Uniform Rules amendments would be also contribute to a cumulative loss of farmland.

In addition to direct loss of agricultural lands, indirect losses of agricultural productivity could result if agricultural activities cease or are scaled back in favor of alternative economic uses such as guest ranches, expanded wineries, and special events. The cumulative effect of policies and programs in the Uniform Rules amendments and many of the Tier 1 policy initiatives could substantially increase the pursuit of these alternate economic uses and have a cumulatively considerable effect on agricultural productivity. In addition, the development of many of the Tier 2 and Tier 3 projects would result in an increase in resident population in the rural areas as well as an increase in temporary or tourist population. Such increases in resident and visitor numbers could create additional incentive for alternate economic ventures on agricultural lands. Hence, cumulative impacts associated with the loss of productive agricultural lands and loss of agricultural productivity would be considered *significant and unavoidable (Class I)*

AG-CU-2. Development of Structures and/or Land Uses which May Be Incompatible with Existing Land Uses

The program-specific impacts on land use compatibility are considered potentially significant but mitigable (Class II) for special events and commercial composting with the application of existing County land use policies and mitigation measures that reduce these conflicts. However, program-specific impacts on land use compatibility for the introduction of large-scale preparation facilities, winery facilities, and agricultural support facilities developed under an Agricultural Industry Overlay (AIO) designation are considered significant and unavoidable (Class I).

The combination of pending, planned, and potential development projects in the rural areas of the County would result in the development of structures and land uses, including residential, agricultural industry, and commercial operations such as tasting rooms and special events, which could present land use conflicts with existing agricultural uses and resources. This is particularly the case for large developments requiring annexation or land use and zoning changes such as the North County Jail, a Tier 2 project, and the Bradley Lands Annexation, the North Hills Development, and the Purisma Hills Development and Annexation, which are Tier 3 projects. Each of these projects would replace agricultural lands with non agricultural or more intense uses and would, therefore be expected to result in land use compatibility issues, particularly at the interface between the new development and surrounding agricultural uses.

Several Tier 1 policy initiatives and programs including the Winery Permit Process changes, the Temporary Use Ordinance Amendments and the Expanded Home Occupations Ordinance Amendment would have the potential to increase or expand uses such as wine tasting rooms, special events, and other commercial activities that may be incompatible with certain agricultural activities resulting in increased conflicts between these uses and complaints about odors, noise, and dust. Future permit requests enabled by these ordinance amendments must be found consistent with adopted County policies and current ordinances and development standards in order to be approved. Together, these impacts on compatibility with existing agricultural uses and activities would be considered cumulatively *significant and unavoidable* (Class I).

AG-CU-3. Induction of Substantial Growth or Concentration of Population

Similarly, with respect to the induction of substantial growth or concentration of population, the development of one or more of the Tier 3 projects would be expected to result in significant increase in the built environment of one or more rural areas as well as a substantial increase in resident population. The development of many of the larger Tier 2 projects as well as some of the Tier 1 policy initiatives would contribute to this impact.

The buildout resulting from implementation of the proposed Uniform Rules amendments would also contribute to this impact, as would the allowances for establishment of more and larger wineries, agricultural support facilities, and guest ranches. Policies and changed rules that support winery development in rural areas would result in a number of new or expanded tasting rooms and other limited retail uses that would result in growth of the tourism industry and serve a significantly larger visitor population than is currently served. The allowance for additional guest ranches would also increase visitor-oriented services in the rural area. The development of agriculturally-related support facilities would increase the amount of land in commercial service uses. Together, this growth in resident, employee, and visitor populations would be considered cumulatively *significant and unavoidable* (Class I).

AG-CU-4. Loss of Open Space

The proposed Uniform Rules amendments could result in the introduction of large agricultural support facilities and wineries; however, the proposed Final EIR did not conclude the amendments would result in the loss of open space. Therefore, the proposed Uniform Rules amendments would not contribute to the cumulative loss of open space.

Large Tier 3 projects such as the 1,300-residential unit Purisma Hills Project in the Lompoc Valley, the 7,500-residential unit North Hills Development between Los Alamos and Orcutt, and the 9,400 unit Bradley Lands Annexation east of Santa Maria have the potential to result in the direct loss of open space and conversion of rural lands to urban uses. The cumulative impact of the conversion of open rural spaces to developed areas would be significant, both from the perspective of the direct loss of open spaces as well as the perceptible change in the overall character of the rural unincorporated areas.

As stated above, the Uniform Rules amendment would not result in the loss of open space, and therefore, the project's contribution to cumulative impacts is *less than significant (Class III)*.

AG-CU-5. Beneficial Effects

Despite the various anticipated impacts discussed above, it is acknowledged that the additional flexibility provided by the proposed Uniform Rules allowing for compatible agricultural support facilities on contracted land would encourage some agriculturists to stay in the agricultural preserve program or otherwise continue agricultural activities thus maintaining the rural areas in agricultural use. The proposed rule changes, along with many of the policy initiatives being considered in the Tier 1 projects, together seek to maintain agriculture and agriculturally-related uses and activities on agricultural lands. The additional flexibility sought by these policy programs and initiatives would provide incentives for the continuation of agricultural activities on agricultural lands.

3.7.3.2 Visual Resources

As discussed in Section 3.2, the proposed program would result in two *significant and unavoidable* (Class I) impacts to Visual Resources. Class I Visual Resources impacts consist of introduction of new sources of light and/or glare, and introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development. Obstruction or degradation of public views and/or the creation of views or conditions that are offensive or inconsistent with the rural character of the area together are identified as a potentially significant but mitigable (Class II) impact, with mitigation measures providing for refinements of the proposed rule changes to require that certain agricultural industry and processing facilities visible from a scenic highway be sited, screened and designed to be compatible with and subordinate to the scenic and rural character of the area. These impacts would result primarily from the potential theoretical development of approximately 213 acres of agricultural land for agricultural preparation and processing facilities; 70 acres for commercial composting facilities; 158 acres for the construction of up to 233 additional residential dwellings; and the development of up to 25 small-scale guest ranches.

Impact Thresholds

The County of Santa Barbara's Environmental Thresholds and Guidelines Manual includes thresholds for assessing visual resource impacts. A project would result in a significant visual impact if it would result in one or more of the following conditions:

- The obstruction or degradation of publicly available scenic views (including views of visual resources that help define a region such as coastal or mountain vistas and large expanses of natural landscape) from locations such as public roadways, recreational trails, or parks;
- The creation of a view or condition visible to the public considered to be offensive or inconsistent with the character of the project site or region;

- The introduction of development that is visually incompatible with surrounding uses, structures, or the intensity of existing development; or
- The introduction of new sources of light and/or glare that would substantially degrade existing visual conditions or substantially alter nighttime lighting conditions of the project area.

VIS-CU-1. Obstruction or Degradation of Public Scenic Views/Creation of Offensive or Inconsistent Views or Conditions

The proposed program's program-specific impacts associated with obstruction or degradation of public scenic views and creation of offensive or inconsistent views or conditions (Impact VIS-1) are considered *potentially significant but mitigable* (Class II), as discussed in Section 3.2 of the PFEIR. Development resulting from changes to the Uniform Rules would result in these visual impacts primarily due to the potential for large-scale agricultural support facilities and winery development to be located along travel corridors or adjacent to public or private viewsheds, especially if located along a State-designated scenic highway.

The impacts of the program would be combined with cumulative impacts resulting from implementation of the various Tier 1 policy programs and initiatives, as well as the development contemplated in the Tier 2 and Tier 3 projects. Many of the Tier 1 programs would have some potential to facilitate additional rural development, particularly the potential new development of up to 150 residential units distributed throughout the Santa Maria and San Antonio Creek rural regions under the proposed Ordinance 661 Consistency Rezone Project; potential development of farmworker housing as well as up to 110 residential units on rural land under the proposed Housing Element Update; and the incremental increase in potential buildout under the proposed Santa Ynez Community Plan.

The majority of Tier 1 projects however, are County zoning ordinance amendments which seek to modify permit procedures for various land uses (e.g. Winery Permit Process Ordinance, Temporary Use Ordinance, Expanded Home Occupation Ordinance). These programs would not result in significant cumulative impacts to scenic views since the ordinance amendments are regulatory changes which do not directly result in physical development. In addition, future permit requests enabled by these ordinance amendments must be found consistent with adopted County policies and current ordinances and development standards to be approved. The proposed Ordinance 661 Consistency Rezone Project involves regulatory changes which could result in the development of additional residential units in the rural area (potentially 150 residential units, including 39 Residential Second Units, under this Tier 1 Project). However, the relatively small size, scale, and broad distribution of these potential units, along with the allowance for Residential Second Units within the Housing Element Update on agriculturally zoned lands would not result in adverse agricultural conversion impacts.

More significant potential impacts to view obstruction and degradation would be the structural development in rural areas associated with a number of Tier 2 projects. Most of these are wineries and other agricultural support facilities such as coolers, most in the Santa Ynez and Santa Maria valleys, as well as residential projects, which are concentrated in the Santa Ynez Valley and South Coast, and to a lesser extent the Santa Maria Valley. Several projects are located along State-designated scenic highways.

The development of several Tier 3 projects would also be expected to result in structural development in rural areas. The most notable of these, due to their size and location in relation to visual resources, are the North Hills project south of Orcutt, the Purisima Hills development and annexation to the City of Lompoc, and the Bradley Lands Annexation to the City of Santa Maria annexation totaling more than 18,200 residential units and a substantial amount of commercial/industrial development. None of these are adjacent to a State-designated scenic highway, but would be visible from public travel corridors including Highway 101 and Harris Grade Road.

As discussed at some length in Section 3.2.5 of the PFEIR, a number of existing regulations and review processes serve to ensure that specific types of new development are designed, sited and landscaped to avoid or minimize obstruction or degradation of public scenic views and creation of offensive or inconsistent views or conditions. These include development standards currently in place in the Land Use and Development Code; adopted County policies that protect visual resources, and with which all new projects must be found consistent; and required review and approval by the appropriate regional Architectural Review Board. In addition, only a small percentage of the cumulative development would be visible from State-designated scenic highways. Finally, many of the large rural structures that are part of the cumulative development would be future proposed wineries and other buildings on Williamson Act-contracted land, and as such would have to comply with the Uniform Rules provisions that follow from mitigation measures AG-2, AG-3, VIS-1 and VIS-2, which address visual impacts. Hence, with the incorporation of these mitigation measures, the Uniform Rules amendments contribution to cumulative impacts associated with the obstruction or degradation of public scenic views/creation of offensive or inconsistent views or conditions would be reduced to a *less than significant* level.

VIS-CU-2. Visually Incompatible Development

The proposed program's program-specific impacts associated with the introduction of development that is visually incompatible with surrounding structures and uses and the existing intensity of development (Impact VIS-2) are considered *significant and unavoidable* (Class I), despite implementation of the identified mitigation measures and application of existing policies and development standards addressing visual impacts.

The impacts would primarily result from increased opportunities for large-scale agricultural support facilities, including wineries and those facilities developed under an Agricultural Industry Overlay, commercial composting facilities, and special events that would facilitate greater development in the rural areas of the County, thereby increasing structural and/or visual intrusion into areas of active agricultural production which contribute to the visual character of the area by providing open vistas. While standard conditions and policy consistency would address many visual concerns, they would not be able to adequately address the number of new facilities or their ultimate scale as long as the need was demonstrated. Mitigations measures AG-1, AG-2 and AG-3 would help to address the total size of individual facilities, but not the overall impacts to visual resources associated with the introduction of potentially incompatible development and the conversion of agriculture and open space to more intensive

land uses and development. By applying size and frequency limitations on non-winery special events, Mitigation AG-5 reduces the likelihood that such events would be visually incompatible with the rural character of the area, though impacts could still occur depending on the type and location of such events. However, these mitigation measures would not address the location of these events or their potential concentration in particular areas of the County. The potential for localized impacts would remain significant.

The impacts of the program would be combined with cumulative impacts resulting from implementation of the various Tier 1 policy programs and initiatives, as well as the development contemplated in the Tier 2 and Tier 3 projects. Nearly all of the Tier 1 programs would have some potential to facilitate additional rural development in agricultural areas and areas of rural aesthetic character, particularly the potential new development of up to 150 residential units distributed throughout the Santa Maria and San Antonio Creek rural regions under the proposed Ordinance 661 Consistency Rezone Project; potential development of farmworker housing as well as up to 110 residential units on rural land under the proposed Housing Element Update; and the potential buildout of nearly 1,000 residential units in rural areas under the proposed Santa Ynez Community Plan. This possible new development has the potential to be visually incompatible with its rural, sparsely developed context.

Structural development in rural areas is also associated with a number of Tier 2 projects. Most of these are wineries and other agricultural support facilities such as coolers, most in the Santa Ynez and Santa Maria valleys, as well as residential projects, which are concentrated in the Santa Ynez Valley and South Coast, and to a lesser extent the Santa Maria Valley. Many are proposed on sites supporting and/or surrounded by active agriculture, and in a visual context that is predominantly open and rural, potentially resulting in visual incompatibility.

The development of several Tier 3 projects would also be expected to result in large-scale grading and structural development in rural areas. The most notable of these, due to their size and location in relation to visual resources, are the North Hills project south of Orcutt, the Bradley Lands Annexation to the City of Santa Maria, and the Purisima Hills development and annexation to the City of Lompoc. All of these projects would occur on mostly undeveloped sites in a rural context.

As discussed at some length in Section 3.2.5 of the PFEIR, a number of existing regulations and review processes serve to ensure that specific types of new development are designed, sited and landscaped to be compatible with surrounding development and the visual character of the area in which they are proposed. These include development standards currently in place in the Land Use and Development Code; adopted County policies calling for compatible development, and with which all new projects must be found consistent; and required review and approval by the appropriate regional Architectural Review Board. In addition, many of the large rural structures that are part of the cumulative development would be future proposed wineries and other buildings on Williamson Act-contracted land, and as such would have to comply with the Uniform Rules provisions that follow from mitigation measures AG-2, AG-3, VIS-1 and VIS-2, which address visual impacts. However, similar to the program's impacts, standard conditions

and policy consistency would address many visual concerns but would not be able to adequately address the scale, number and distribution of all the proposed cumulative development, and the combined effect of cumulative development is anticipated to result in *significant and unavoidable (Class I)* cumulative impacts. Due to the amount of structural and other development that the Uniform Rules Update itself would facilitate, the program's contribution to the significant cumulative impact would be cumulatively considerable.

VIS-CU-3. Introduction of Sources of Light and Glare

The proposed program's program-specific impacts associated with the introduction of new sources of light and glare, particularly night lighting in the more rural areas of the county (Impact VIS-3), are considered *significant and unavoidable (Class I)*.

While standard conditions of approval addressing new sources of light and glare would be applied to large-scale preparation and winery facilities, and facilities developed under an Agricultural Industry Overlay, the potential scale and distribution or concentration of these facilities could permanently alter the night sky. Parking lots associated with wineries and large-scale processing facilities could require significant lighting that could also contribute to light pollution to the night sky. Therefore, impacts to visual resources in terms of introducing new sources of light and glare are considered to be potentially significant due to the incremental increases in light associated with greater development that could degrade the rural nighttime character of rural and agricultural areas of the County.

The impacts of the program would be combined with cumulative impacts resulting from implementation of the various Tier 1 policy programs and initiatives, which would be expected to contribute minor and dispersed contributions to this impact, as well as the development contemplated in the Tier 2 and Tier 3 projects, which would present substantial changes with respect to the introduction of sources of light and glare. While several Tier 1 programs would have some potential to facilitate additional rural development, particularly the potential new development of up to 150 residential units distributed throughout the Santa Maria and San Antonio Creek rural regions under the proposed Ordinance 661 Consistency Rezone Project; potential development of up to 110 residential units on rural land under the proposed Housing Element Update; and the incremental change in buildout under the proposed Santa Ynez Community Plan, these impacts would be on a rural residential scale: small-scale in nature, reduced by conformance with existing policies and standards, and widely distributed, such that these projects would not be expected to result in cumulative light and glare impacts.

Structural development in rural areas associated with a number of Tier 2 projects, however, would present more substantial impacts. Most of these are wineries and other agricultural support facilities such as coolers, most in the Santa Ynez and Santa Maria valleys, as well as residential projects, which are concentrated in the Santa Ynez Valley and South Coast, and to a lesser extent the Santa Maria Valley. Many are larger-scale projects that may require night lighting, including parking lot lighting.

The development of several Tier 3 projects would also be expected to result in large-scale structural development in rural areas and the introduction of significant new sources of light and glare. The most notable of these, due to their size and location in relation to visual resources, are the North Hills project south of Orcutt, the Bradley Lands Annexation to the City of Santa Maria, and the Purisima Hills development and annexation to the City of Lompoc. All of these projects would result in substantial concentrations of new development that would contribute to a cumulative increase in night lighting in and/or surrounded by rural lands.

Standard conditions of approval serve to limit light pollution to some extent on individual development projects. However, as with the proposed program, the potential scale and distribution or concentration of the cumulative development discussed above is anticipated to result in *significant and unavoidable (Class I)* cumulative impacts related to night lighting in rural areas. Due to the amount of larger-scale structural development that the Uniform Rules Update itself would facilitate, the program's contribution to this significant cumulative impact would be cumulatively considerable.

3.7.3.3 Noise

This evaluation of cumulative noise impacts is based upon traffic data and analysis provided in the “Cumulative Traffic Analysis for the Agricultural Preserves and Farmland Security Zone Uniform Rules Update Project EIR, Santa Barbara County” (Associated Transportation Engineers, Inc., September 10, 2007), which is included in Appendix 7.

Impact Threshold

The County’s Environmental Thresholds and Guidelines Manual identifies several thresholds for noise impacts that apply to projects and programs on a case-by-case basis (e.g., noise from grading and construction, exposure of noise-sensitive uses to operational noise). These thresholds apply to localized noise sources and would not apply to cumulative conditions. Cumulative effects of noise are significant when the cumulative contribution from program-generated vehicles on area roadways exceeds threshold values for noise increases.

This would include instances where ambient noise levels affecting sensitive receptors exceed 65 dBA CNEL as well as instances where ambient noise levels increase substantially, but remain below 65 dBA CNEL. As shown in Table 3.7-4, a substantial increase is defined differently depending on the ambient noise levels. In areas where the pre-project ambient noise level is below 60 dBA, a substantial increase is 5 dBA; where the pre-project ambient noise level is between 60 and 65 dBA, a substantial increase is 3 dBA; and where the ambient pre-project noise level exceeds 65 dBA, a significant increase is 1.5 dBA. These definitions are consistent with the Federal Interagency Committee on Noise (FICON) recommendations, which were developed as a result of studies that relate aircraft noise levels to the percentage of people highly annoyed by various noise levels.

Table 3.7-4 Significance of Changes in Noise Exposure

Ambient Noise Level Without Project (CNEL)	Significant Impact
< 60 dBA	+ 5.0 dBA or more
60 – 65 dBA	+ 3.0 dBA or more
> 65 dBA	+ 1.5 dBA or more

Sensitive receptors include schools, residential development, commercial lodging facilities, and hospitals or care facilities.

NOISE-CU-1. Cumulative Roadway Noise Impacts

The impacts of the program would be combined with cumulative impacts resulting from implementation of the various Tier 1 policy programs and initiatives (e.g. Santa Barbara County Housing Element Update, Santa Ynez Community Plan Update, etc.), as well as the development contemplated in the Tier 2 (e.g., winery projects on agricultural lands) and Tier 3 projects (e.g. North Hills Development Plan, Bradley Ranch Specific Plan, etc.). The cumulative scenario assumes buildout of the General Plans for the cities within the County, as well as buildout of the unincorporated portions of the County using area plans adopted by the County, and buildout under the comprehensive plan/land use designations for the unincorporated areas not covered by the community plans. Potential cumulative impacts are assessed assuming the additional traffic and associated roadway noise that could be generated by pending changes to adopted plans as well as other major cumulative developments.

Tier 1 policy programs that would allow for or encourage additional development in the rural areas and Tier 2 and Tier 3 development projects that concentrate vehicle trips on rural roadways and/or regional facilities may result in substantial noise increases at noise-sensitive receptors located adjacent to affected roadways. However, it should be noted that many of the Tier 1 projects are County zoning ordinance amendments which would modify permit procedures for various land uses (e.g. Winery Permit Process Ordinance, Temporary Use Ordinance, Expanded Home Occupation Ordinance). These programs may not have a substantial effect on cumulative roadway noise impacts since the ordinance amendments are regulatory changes which do not directly result in physical development. Tier 2 and Tier 3 projects, on the other hand, would be expected to generate substantial new vehicle trips and associated roadway noise impacts. When combined with vehicle trips generated by such cumulative projects, vehicle trips generated by certain aspects of the proposed program (i.e., large-scale wineries, large-scale preparation facilities, AIOs, commercial composting facilities) may result in cumulatively considerable incremental roadway noise increases at noise-sensitive receptors.

Cumulative roadway noise impacts for each of the seven regions of the Agricultural Preserve Program that could be affected by the additional cumulative traffic and associated roadway noise are discussed in the paragraphs below. A map showing the location of main roadways through the County's Rural Regions is provided as Figure 2 .

South Coast: The potential Tier 1 and Tier 3 cumulative projects that are in preliminary planning stages for this region include the County's Goleta Valley Community Plan Update and Isla Vista Master Plan in the western area of the region, as well as UCSB's Long Range Development Plan update, the Bishop Ranch development, the Glen Annie Golf Course redevelopment in the western area of the region. Also considered are the Las Positas Annexation adjacent to the City of Santa Barbara and the Peoples Self-Help Agricultural Employee Housing Project in the Carpinteria area. Tier 2 projects in this region include the Cavaletto/Noel Housing Project, Tecolote Preserve Project, and two greenhouse projects. As described in the Cumulative Traffic Analysis, together these developments could generate more than 20,000 average daily trips (ADT) within the region, affecting County roads within the region and regional routes that connect the South Coast

to the surrounding regions. The distribution of these vehicle trips to County roads and regional routes would increase roadway noise levels at noise-sensitive receptors located near roadway rights-of-way.

The proposed changes to the Uniform Rules could result in an estimated increase of 242 ADT on the South Coast under the cumulative scenario. The anticipated traffic and associated noise emissions would be generated by residential dwellings or small-scale guest ranches and the relatively minor amount of traffic and associated roadway noise would be spread across the region. The proposed changes to the Uniform Rules are anticipated to be less than significant in the South Coast region under the cumulative scenario since the 242 ADT would be spread across the region and produce a change in noise levels of less than 1.5 dBA. This would not be a substantial increase even in areas characterized by noise levels that currently exceed 65 dBA CNEL.

Gaviota: There are no potential Tier 3 cumulative projects that are in preliminary planning stages located in the Gaviota region. Traffic from development of potential cumulative projects that are in preliminary planning stages in the other regions could spill over into the Gaviota region. Tier 2 projects in this region include the Santa Barbara Ranch project and El Capitan Canyon Campground Guest Ranch project. Minor traffic increases are anticipated on the County's rural roads in the Gaviota region as a result of buildout under the comprehensive plan/land use designations. However, the proposed changes to the Uniform Rules could result in an estimated increase of 326 ADT in the Gaviota region, a relatively minor amount of traffic and associated roadway noise. The additional traffic generated by the proposed changes to the Uniform Rules is anticipated to be primarily associated with development of additional residential dwellings, small-scale guest ranches and to a lesser extent, small-scale processing (and sale) operations. The proposed changes to the Uniform Rules are anticipated to be less than significant in the Gaviota region under the cumulative scenario since the 326 ADT would be spread across the region and produce a change in noise levels of less than 1.5 dBA. This would not be a substantial increase even in areas characterized by noise levels that currently exceed 65 dBA CNEL.

Santa Ynez Valley: The potential Tier 1 and Tier 3 cumulative projects that are in preliminary planning stages in the Santa Ynez Valley region include the County's Santa Ynez Community Plan update and changes to the City of Buellton Sphere of Influence. The changes that are proposed in the County's Santa Ynez Community Plan would result in 300 ADT (the draft Santa Ynez Community Plan would result in a net increase of 31 residential units when compared to potential full buildout under existing land use and zoning designations within the Plan Area). Tier 2 projects in this region include the Dierberg Winery Building project, and Santa Ynez Valley Airport project. The proposed changes to the Uniform Rules could result in an estimated increase of 1,813 ADT in the Santa Ynez Valley region under the cumulative scenario. Principal traffic generators include potential development of a 10-acre winery and expansion of another winery to 7 acres that combined would contribute 831 ADT. Residential development is estimated to generate 670 ADT. Small-scale guest ranches and small-scale processing facilities together could contribute an additional 312 ADT. It is too speculative in this programmatic EIR to estimate potential impacts to receptors along specific rural roads in the Santa Ynez Valley region. Implementation of small-scale guest ranches and processing facilities, and individual minor residential development would spread trips across the

region and would therefore not produce noise levels that would be considered cumulative considerable at noise-sensitive receptors along affected roadways.

However, concentrated traffic associated with large-scale agricultural production facilities, such as winery development, could produce cumulative considerable traffic noise levels at noise-sensitive receptors such as schools, churches, existing developed residential neighborhoods located adjacent to rural roads and/or regional facilities. Depending upon the location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potentially significant cumulative impacts at noise-sensitive receptors.

Lompoc Valley: The potential Tier 3 cumulative projects that are in preliminary planning stages in the Lompoc Valley region include the Purisma Hills development north of the City of Lompoc and the Bailey Avenue Specific Plan west of the city. The Purisma Hills development could result in 12,400 ADT and would add significant traffic volumes to several County roadway segments, including Harris Grade Road, Burton Mesa Road, as well as "H" Street in the City of Lompoc. The development that could occur under the Bailey Avenue Specific Plan is unknown and speculative. Tier 2 projects in this region include Rancho La Vina Winery project and Sanford Winery Phase 4 project.

The proposed changes to the Uniform Rules could result in an estimated increase of 3,087 ADT in the Lompoc region under the cumulative scenario. Principal traffic generators include potential development of a 15-acre large-scale preparation facility, an agricultural support industry located within a 30-acre agricultural industry overlay (AIO) site and expansion of an existing winery to a 7-acre site. The agricultural industry site could generate 1,685 ADT, while the expanded winery or large-scale preparation facility could generate 344 and 280 ADT respectively. Small-scale guest ranches could generate 108 ADT and small-scale processing facilities could add 200 ADT. Additional residential development could generate 470 ADT. Implementation of small-scale guest ranches and processing facilities, and individual minor residential development would spread trips across the region and would therefore not produce noise levels that would be considered cumulative considerable at noise-sensitive receptors along affected roadways. However, concentrated traffic associated with large-scale agricultural preparation facilities or expanded wineries could produce cumulative considerable traffic noise levels at noise-sensitive receptors such as schools, churches, existing developed residential neighborhoods located adjacent to rural roads and/or regional facilities. Depending upon the location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potentially significant cumulative impacts at noise-sensitive receptors.

San Antonio Creek: The potential Tier 1 and Tier 3 cumulative projects that are in preliminary planning stages in the San Antonio Creek region include the Los Alamos Community Plan update, the North Hills Development, and the County's Ordinance 661 Consistency Rezone Project. These projects could generate a combined total of 123,200 ADT within the region, resulting in significant traffic volume additions and associated noise level increases along County roadway segments. Given the magnitude of potential development for the North Hills site (118,600 ADT), traffic would affect the other regions as well. Tier 2 projects in this region include The Winery at Los Alamos project.

The proposed changes to the Uniform Rules could result in an estimated increase of 1,885 ADT in the San Antonio Creek region. Principal traffic generators include potential development of an agricultural support industry located within a 15-acre AIO site, a 20-acre large-scale winery, and a 35-acre commercial composting facility. An AIO facility could contribute 840 ADT and a large-scale winery could generate 557 ADT. Additional residential dwellings and small-scale processing facilities could contribute a total of 410 ADT. These trips would likely be disbursed throughout the region. The San Antonio Creek region is one of two assumed locations for a commercial composting facility, which would generate an estimated 30 ADT. Implementation of small-scale guest ranches and processing facilities, and individual minor residential development would spread trips across the region and would therefore not produce noise levels that would be considered cumulative considerable at noise-sensitive receptors along affected roadways. However, concentrated traffic associated with an AIO or large-scale agricultural preparation facilities could produce cumulative considerable traffic noise levels at noise-sensitive receptors such as schools, churches, existing developed residential neighborhoods located adjacent to rural roads and/or regional facilities. Depending upon the location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potentially significant cumulative impacts at noise-sensitive receptors.

Santa Maria Valley: The potential cumulative projects that are in preliminary planning stages in the Santa Maria Valley region could generate more than 178,000 ADT. The primary Tier 3 traffic generators within the potential cumulative projects list include the Bradley Lands Annexation east of Orcutt, the Enos Ranchos Annexation northwest of Highway 101/Betteravia, and the Mahoney Ranch Specific Plan southeast of Betteravia Road/Mahoney Road. Additional Tier 1 program traffic would be generated by development of key sites within Orcutt under the County's Housing Element Update 2003-2008. Tier 2 projects in this region include the American Ethanol Plant project, Addamo Winery project, and OSR Enterprise/Rice Cooler project. Combined, these potential cumulative developments would generate substantial traffic to the County primary and secondary roadway system in the Orcutt area and other rural roads within the region, with associated noise level increases. Given the level of potential development, traffic would affect the adjacent regions as well.

The proposed changes to the Uniform Rules could result in an estimated increase of 4,063 ADT in the Santa Maria Valley region under this scenario. Principal traffic generators include potential development of 15-30 acre AIO facilities, a 15-acre preparation facility, a 13-acre large-scale winery, and a 35-acre commercial composting facility. Facilities in two AIO could contribute 2,525 ADT (840 + 1,685). A large-scale winery could contribute 508 ADT and an additional large-scale preparation facility could contribute 280 ADT. Residential, boutique processing and guest ranch development could add 720 ADT, but would be disbursed throughout the region and would therefore not produce noise levels that would be considered cumulative considerable at noise-sensitive receptors along affected roadways. However, concentrated traffic associated with an AIO and/or a large-scale winery and large-scale preparation facility could produce cumulative considerable traffic noise levels at noise-sensitive receptors such as schools, churches, existing developed residential neighborhoods located adjacent to rural roads and/or regional facilities. Depending upon the

location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potentially significant cumulative impacts at noise-sensitive receptors.

Cuyama: There are no potential Tier 1 or Tier 3 cumulative projects that are in preliminary planning stages in the Cuyama rural region. The Cuyama Valley Land Use Strategies effort, a County sponsored planning effort to assist the community with the future vision for the area, is schedule to begin in Summer 2007. Potential land use changes have not been defined at this time. Tier 2 projects in this region are limited to minor residential projects such as the Diani/Rich Creek project and Goller General Plan Amendment project, and the Ventucopa Rock Plant, Troesh Ready Mix, and Diamond Rock mining projects. Each of the proposed mining project is estimated to generate between 100 and 200 ADT including related truck trips. The proposed changes to the Uniform Rules could result in an estimated increase of 300 ADT in the Cuyama region under the cumulative scenario, a relatively minor amount of traffic, nearly all of which that would be anticipated from development of additional residential dwelling units. Highway 166 is currently operating at Level of Service A and would continue to operate within available capacity at Level of Service B with buildout of the cumulative projects (ATE, July 2007, telecommunication).

The anticipated traffic and associated noise emissions would be generated by residential dwellings and the relatively minor amount of traffic and associated roadway noise would be spread across the region. The proposed changes to the Uniform Rules are anticipated to be less than significant in the South Coast region under the cumulative scenario since the 300 ADT would be spread across the region and produce a change in noise levels of less than 1.5 dBA, this would not be a substantial increase even in areas characterized by noise levels that currently exceed 65 dBA CNEL.

Mitigation Measures

Mitigation Measures AG-2 and AG-3, and the policies in the County's Comprehensive Plan and Circulation Element would be applicable to the potential cumulative impacts identified under this scenario. Mitigation Measures AG-2 and AG-3 would place limits on the size of large-scale wineries, preparation facilities, and commercial composting facilities which contribute to a major portion of vehicle trips and associated roadway noise generated under the Proposed Uniform Rules. These measures would reduce the number of cumulative vehicle trips and associated noise levels generated by such facilities. Sound walls to mitigate noise impacts on certain roads are not proposed as additional mitigation, primarily because such structures create visual impacts that are not compatible with the existing rural setting. Given the rural agricultural setting of potentially affected noise-sensitive receptors, and the need for landowner consent, which cannot be assured, the implementation of sound walls along affected roadways are not feasible.

Residual Impacts

Potential development of large-scale wineries, large-scale preparation facilities, AIOs and commercial composting facilities could individually and cumulatively generate substantial vehicular trips increases and result in associated roadway noise increases that would be cumulative considerable in the Santa Ynez Valley,

Lompoc Valley, San Antonio Creek, and Santa Maria Valley regions and that may not be fully off-set by application of the cumulative mitigation measures. The impact would remain *significant and unavoidable* (Class I) under the cumulative scenario.

3.7.3.4 Transportation/Circulation

As discussed in Section 3.4, the proposed program would result in three *significant and unavoidable* (Class I) impacts to Transportation/Circulation. Program-specific Class I impacts include:

- The generation of substantial additional vehicular movement (daily) in relation to capacity and existing traffic volume of rural roads
- Increased traffic conflicts
- Degradation of rural roads
- Regional traffic increases on Highway 246, Highway 154 and Highway 1

In conducting the cumulative analysis, it was noted that the existing traffic volumes for State Highway Segments were over-reported in Table 3.4-3 of the August 2006 proposed Final EIR. Updated and accurate existing traffic volumes are reported in this cumulative analysis. Although the updated existing traffic volumes on State Highway Segments are less than those reported in the August 2006 proposed FEIR, the corrected volumes do not affect the conclusions pertaining to the program-specific impacts and therefore the classification of these impacts has not changed.

Impact Threshold

The County's cumulative impact threshold was used to assess the significance of the traffic that would be generated by the proposed changes to the Uniform Rules on the County roadway system under cumulative conditions. County Threshold D applies to cumulative traffic conditions at intersections. In the case of the proposed changes to the Uniform Rules, specific intersection impacts were not analyzed in this programmatic document due to the speculative nature of individual project locations and since the proposed uses would likely occur in areas with limited controlled intersections that have few if any delay impacts due to the relatively low traffic volumes in the rural areas. Potential traffic increases are assessed for the selected road segments in each region using County Threshold D, adapted for roadways, as follows:

Project traffic would utilize a substantial portion of a roadway's capacity where the roadway is currently operating at acceptable levels of service (A-C) but with cumulative traffic would degrade to or approach LOS D (V/C 0.80) or lower. Substantial is defined as a minimum change of V/C 0.03 for a roadway that would operate from V/C 0.80 to V/C 0.85, a change of V/C 0.02 for a roadway that would operate from V/C 0.86 to V/C 0.90 and a change of V/C 0.01 for a roadway that would operate greater than V/C 0.90.

Cumulative Scenarios

Two cumulative scenarios were developed for assessing potential cumulative impacts associated with the proposed changes to the Uniform Rules. The first scenario, termed “Buildout”, assumes buildout under adopted plans and policies. This scenario assumes traffic increased associated with the proposed Uniform Rules Update, buildout of the General Plans for the cities with the County, including the cities of Carpinteria, Santa Barbara, Goleta, Solvang, Buellton, Lompoc, Santa Maria, and Guadalupe, and buildout of the unincorporated portions of the County using area plans adopted by the County. The plans for the unincorporated portions of the County include the Toro Canyon Area Plan, Montecito Community Plan, Goleta Community Plan, Isla Vista Master Plan, Santa Ynez Valley Community Plan, Los Alamos Community Plan, Orcutt Community Plan. Buildout under the comprehensive plan/land use designations for the unincorporated areas not covered by the community plans was also considered for this scenario.

The second cumulative scenario assumes the Buildout forecasts described above in addition to other major projects/policies that have not been adopted or approved by governmental agencies. This scenario, termed “Buildout Plus Other Potential Developments”, assesses potential cumulative impacts assuming the additional traffic that could be generated by pending changes to adopted plans (e.g. Santa Barbara County Housing Element Update, Santa Ynez Community Plan Update, etc.) as well as other major developments that are just now coming to light (e.g. North Hills Development Plan, Bradley Ranch Specific Plan, etc.). Potential impacts are assessed for each of the seven Rural Regions in the County that could be affected by the additional cumulative traffic generated by these potential changes to the cumulative environment. Attachment A to the September 10, 2007 Cumulative Traffic Analysis prepared by Associated Transportation Engineers (ATE), which is included in Appendix 7, lists the trip generation associated with these potential cumulative projects.

Cumulative Traffic Forecast Methodology

Cumulative traffic volumes were forecast for the Selected County Roadway Segments and State Highway Segments within Santa Barbara County using the buildout forecasts contained in the adopted general plans/community plans etc., as well as forecasts derived from models developed by the Santa Barbara County Association of Governments (SBCAG), the County, and incorporated cities within the County.

SBCAG's Regional Growth Forecast 2000 (RGF 2000) report presents population and employment forecasts from 2000 to 2030 for Santa Barbara County's major economic and demographic regions and its eight incorporated cities. The purpose of the RGF 2000 is to provide a set of consistent, countywide forecasts to Year 2030 for use in long range comprehensive planning. The population and employment forecasts serve as input for SBCAG's regional traffic model.

SBCAG's 2030 Travel Forecast for Santa Barbara County presents findings from the SBCAG Travel Demand Model. The travel model forecasts growth in traffic and person trips to Year 2030 based on the growth assumptions in the RGF 2000. The traffic model employs a socioeconomic data-based approach,

where traffic is forecasted based on projected households, household size, household income, and employment, plus other elements from the 2000 Census. The travel model forecasts average daily traffic (ADT) on selected roadways that make up the "backbone system", including states routes and major roadways.

Forecasts from local traffic models, where available, were also used for the Selected County Roadway Segments and State Highway Segments within Santa Barbara County. Local traffic models are in place for the City of Santa Maria, unincorporated Orcutt, and City of Goleta areas. These local traffic models are more refined than SBCAG's regional traffic model since they employ finer zones and local street networks that allow closer examination of traffic forecasts.

Buildout Scenario

CIRC-CU-1A. Rural Roadway Capacity

Table 3.7-5 compares the Existing and Buildout traffic forecasts for the Selected County Roadway Segments and Table 3.7-6 shows the same information for the State Highway Segments within Santa Barbara County. The text following the tables discusses cumulative impacts for each of the seven Rural Regions in the County.

South Coast: The proposed changes to the Uniform Rules could result in an estimated increase of 242 ADT on the South Coast under cumulative conditions, a relatively minor amount of traffic that would be spread across the region. Few premises would be eligible for additional residential dwellings or small-scale guest ranches. The properties that would be affected by the proposed changes to the Uniform Rules are mostly located adjacent to Cathedral Oaks Road in the western Goleta area and adjacent to Route 192 in the Carpinteria area. The two-lane segments of these facilities have design capacities of 9,100-17,900 ADT. The cumulative traffic volume forecasts would be within the acceptable and design capacities and the traffic generated by the proposed changes to the Uniform Rules would not result in exceedance of the acceptable and design capacities. The impacts of the proposed changes to the Uniform Rules would be less than significant under cumulative conditions since the 242 ADT would be spread across the region and result in using less than 1% of the capacity of the County south coast roadway segments.

Table 3.7-5 Cumulative Traffic Forecasts - Selected County Roadway Segments

Roadway	Classification	ADT Volume ¹	
		Existing	Cumulative
Refugio Rd n/o Calle Real	Collector	350	400
Baseline Ave e/o Edison St	Collector	1,700	1,900
Happy Canyon Rd e/o Armour Ranch Rd	Collector	750	820
Zaca Station Rd e/o Hwy 154	Collector	440	480
Santa Rosa Rd s/o Ave of Flags	Collector	720	830
Santa Rosa Rd e/o Hwy 1	Collector	230	260
Foxen Canyon Rd e/o Philbric Rd	Collector	6,200	6,800
Betteravia Rd w/o Black Rd	Collector	4,200	5,700
Betteravia Rd e/o Nicholson Rd	Major Road	6,800	8,400
Black Rd s/o Mahoney Rd	Secondary 1	6,000	8,300
Black Rd n/o Hwy 1	Secondary 1	6,000	9,200
Black Rd s/o Hwy 1	Secondary 1	1,500	2,000
Bonita School Rd n/o W Main St	Collector	4,500	5,800
Clark Ave e/o Hwy 101	Primary 2	3,100	4,600
Cathedral Oaks Rd e/o Patterson	Primary 2	9,500	12,700

¹Existing volumes represent 2007 baseline conditions using current count data collected by the County, cities within the County, and data contained in recent traffic studies.

Cumulative volumes represent future conditions assuming buildout of adopted general plans, community plans, etc., that could result in additional traffic generation. Volume does not include traffic generated by the proposed changes to the Uniform Rules.

**Table 3.7-6
Cumulative Traffic Forecasts - State Highway Segments Within Santa Barbara County**

State Highway Segment	Classification	ADT Volume ¹	
		Existing	Cumulative
Hwy 1 @ Jalama Road	2-Lane Expressway	7,900	10,000
Hwy 1 @ Hwy 246 Lompoc S.E.	Arterial	8,100	9,300
Hwy 1 @ Hwy 135	2-Lane Expressway	16,000	20,300
Hwy 1 @ Casmalia Road	2-Lane Expressway	2,300	3,200
Hwy 1 @ Hwy 166	2-Lane Expressway	2,500	3,300
Rte 33 @ southeast of Cuyama	2-Lane Expressway	1,000	1,200
Rte 135 @ Hwy 1	Freeway	15,000	18,000
Rte 135 @ Old Hwy, Los Alamos	Arterial	3,000	3,300
Rte 135 @ Hwy 101	Arterial	5,700	6,200
Rte 154 @ Hwy 246	2-Lane Expressway	16,000	19,200
Rte 166 @ Hwy 1	Arterial	10,000	13,900
Rte 166 @ New Cuyama	2-Lane Expressway	3,600	4,400
Rte 192-Foothill Road @ Linden Avenue	Collector	3,600	4,800
Rte 192-Foothill Road @ Toro Canyon Road	Secondary 2	1,400	3,600
Rte 246 @ Hwy 1	2-Lane Expressway	6,200	7,100
Rte 246 @ Hwy 101	2-Lane Expressway	20,500	24,600
Rte 246 @ Hwy 154	2-Lane Expressway	8,800	10,600

¹Existing volumes represent 2007 baseline conditions using Caltrans data recorded in 2006. Reported existing volumes update and correct the volumes reported in Table 3.4-3.

Cumulative volumes represent future conditions assuming buildout of adopted general plans, community plans, etc., that could result in additional traffic generation. Volume does not include traffic generated by the proposed changes to the Uniform Rules.

Gaviota: The proposed changes to the Uniform Rules could result in an estimated increase of 326 ADT in the Gaviota region under cumulative conditions, a relatively minor amount of traffic. Minor traffic increases are anticipated on the County's rural roads in the Gaviota region as a result of buildout under the comprehensive plan/land use designations. The additional traffic generated by the proposed changes to the Uniform Rules is anticipated to be primarily associated with development of additional residential dwellings, small-scale guest ranches and to a lesser extent, small-scale processing (and sale) operations. The cumulative traffic volume forecasts for the rural roads in the Gaviota region would be within their acceptable and design capacities and the traffic generated by the proposed changes to the Uniform Rules would not result in exceedance of the design capacities. The proposed changes to the Uniform Rules would be less than significant under cumulative conditions in the Gaviota region since the 326 ADT would be spread across the region and result in using less than 1% of the capacity of the County roadway segments.

Santa Ynez Valley: The proposed changes to the Uniform Rules could result in an estimated increase of 1,813 ADT in the Santa Ynez Valley region under cumulative conditions. Principal traffic generators include potential development of a 10-acre winery and expansion of another winery to 7 acres that combined would contribute 831 ADT. Residential development is estimated to generate 670 ADT. Small-scale guest ranches and small-scale processing facilities together could contribute an additional 312 ADT. The selected County roadways and State highways (e.g. Route 154, Route 246, Baseline Avenue, Happy Canyon Road, Zaca Station Road, Foxen Canyon Road) are forecast to carry traffic volumes within their design capacities. It is too speculative in this programmatic EIR to estimate potential impacts to specific rural roads in the Santa Ynez Valley region. Depending upon the location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potentially significant cumulative impacts to the County's rural roads in the Santa Ynez Valley region.

Lompoc Valley: The proposed changes to the Uniform Rules could result in an estimated increase of 3,087 ADT in the Lompoc region under cumulative conditions. Principal traffic generators include potential development of a 15-acre large-scale preparation facility, an agricultural support industry located within a 30-acre agricultural industry overlay (AIO) site and expansion of an existing winery to a 7-acre site. The agricultural industry site could generate 1,685 ADT, while the expanded winery or large-scale preparation facility could generate 344 and 280 ADT respectively. Small-scale guest ranches could generate 108 ADT and small-scale processing facilities could add 200 ADT. Additional residential development could generate 470 ADT. Potential development is likely to be disbursed throughout this rural region. The selected County roadways and State highways (Route 246 and Santa Rosa Road) are forecast to carry traffic volumes within their design capacities. Although it is too speculative to estimate potential impacts to specific rural roads in the Lompoc Valley region, depending upon the location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potential significant cumulative impacts to the County's rural roads in the Lompoc Valley region.

San Antonio Creek: The proposed changes to the Uniform Rules could result in an estimated increase of 1,885 ADT in the San Antonio Creek region under cumulative conditions. Principal traffic generators

include potential development of an agricultural support industry located within a 15-acre AIO site, a 20-acre large-scale winery, and a 35-acre commercial composting facility. An AIO facility could contribute 840 ADT and a large-scale winery could generate 557 ADT. Additional residential dwellings and small-scale processing facilities could contribute a total of 410 ADT. These trips would likely be disbursed throughout the region. The San Antonio Creek region is one of two assumed locations for a commercial composting facility, which would generate an estimated 30 ADT. The selected County roadways are forecast to carry traffic volumes within their design capacities. Although it is too speculative to estimate potential impacts to specific rural roads in this region, industrial facilities in an AIO or a large-scale winery could generate levels of traffic that contribute to potential significant cumulative impacts to the County's rural roads in the San Antonio Creek region.

Santa Maria Valley: The proposed changes to the Uniform Rules could result in an estimated increase of 4,063 ADT in the Santa Maria Valley region under cumulative conditions. Principal traffic generators include potential development of 15-30 acre AIO facilities, a 15-acre preparation facility, a 13-acre large-scale winery, and a 35-acre commercial composting facility. Facilities in two AIO could contribute 2,525 ADT (840 + 1,685). A large-scale winery could contribute 508 ADT and an additional large-scale preparation facility could contribute 280 ADT. Residential, boutique processing and guest ranch development could add 720 ADT, but would be disbursed throughout the region. The selected County roadways are forecast to carry traffic volumes within their design capacities. Although it is too speculative to estimate potential impacts to specific rural roads in this region, development of the AIO sites and/or a large-scale winery and large-scale preparation facility could generate levels of traffic that contribute to potential significant cumulative impacts to the County's rural roads in the Santa Maria Valley.

Cuyama: The proposed changes to the Uniform Rules could result in an estimated increase of 300 ADT in the Cuyama rural region under cumulative conditions. Traffic is anticipated from development of additional residential dwelling units and the Ventucopa Rock Plant, Troesh Ready Mix, and Diamond Rock mining projects. Each of the proposed mining project is estimated to generate between 100 and 200 ADT including related truck trips. The cumulative traffic volume forecasts for the rural roads in the Cuyama region would be within their acceptable and design capacities and the traffic generated by the proposed changes to the Uniform Rules would not result in exceedance of the design capacities. The proposed changes to the Uniform Rules would be less than significant under cumulative conditions in the Cuyama region since the 326 ADT would be spread across the region and result in using less than 1% of the capacity of the County roadway segments.

CIRC-CU-2A. Traffic Operations and Safety

Some of the County's rural roads have design features (e.g. narrow lane widths, absence of shoulders, roadside ditches, sharp curves, poor sight distance) that could result in potential safety impacts under cumulative traffic conditions, including traffic generated by development of large-scale wineries and preparation/processing facilities, agricultural industrial overlay facilities, and commercial composting facilities allowed under the proposed changes to the Uniform Rules. Although it is too speculative to

estimate potential impacts to specific rural roads, the additional traffic generated by a large-scale winery or preparation facility or agricultural support facility located in an AIO, could increase safety concerns on specific rural roads, a potentially significant cumulative impact.

CIRC-CU-3A. Roadway Structural Design

Some of the rural roads have structural subsections that could be damaged by increased levels of truck traffic associated with potential development of large-scale wineries and preparation facilities, agricultural industrial overlay uses, and commercial composting facilities. New large-scale developments would be evaluated for potential impacts to existing roads at the time of application and could be assessed fees to improve structure of roads that would be significantly impacted. Because of this project specific review and provision of project-specific design requirements or mitigation measures, cumulative impacts to roadway structural design are expected to be *adverse, but less than significant (Class III)*.

BUILDOUT PLUS OTHER POTENTIAL DEVELOPMENTS

CIRC-CU-1B. Rural Roadway Capacity (Buildout + Other Potential Developments)

There are several potential cumulative projects that are in preliminary planning stages and are therefore not included in adopted plans and were not considered in the Buildout scenario. Preliminary trip generation estimates were developed for this second set of potential cumulative projects based on the anticipated land uses, where available. Attachment B to the September 10, 2007 Cumulative Traffic Analysis prepared by ATE (see Appendix 7) lists these potential cumulative trip generation estimates by region and the following text discusses potential cumulative impacts within each of the seven regions for the proposed changes to the Uniform Rules.

It is noted that this analysis is speculative given the limited information for some of the projects as well as the fact that many of the potential cumulative projects may not move out of the preliminary planning stages given the environmental constraints within the areas where the projects are proposed. It is also important to note that many of the potential cumulative projects that are in preliminary planning stages will require their own environmental review to assess impacts and, if developed, would likely be required to provide mitigations to off-set impacts. For example, in the case of transportation infrastructure, large community developments such as the Purisma Hills development north of the City of Lompoc and the North Hills Project south of Orcutt, would generate significant levels of new traffic on the County roads in those areas and likely would be required to construct the additional infrastructure that would be necessary to accommodate the traffic increases while meeting the County's level of service standards.

South Coast: The potential cumulative projects that are in preliminary planning stages for this region include the County's Goleta Valley Community Plan Update and Isla Vista Master Plan in the western area of the region and UCSB's Long Range Development Plan update. Also considered are the Las Positas Annexation adjacent to the City of Santa Barbara and the Peoples Self-Help Agricultural Employee Housing Project in

the Carpinteria area. Together these developments could generate more than 20,000 ADT within the region, affecting County roads within the region and regional routes that connect the South Coast to the surrounding regions. The Bishop Ranch development and Glen Annie Golf Course redevelopment in the western area of the region were also considered, but are not sufficiently defined to allow quantitative analysis.

The proposed changes to the Uniform Rules could result in an estimated increase of 242 ADT on the South Coast under this cumulative scenario. The anticipated traffic would be generated by residential dwellings or small-scale guest ranches and the relatively minor amount of traffic would be spread across the region. The proposed changes to the Uniform Rules are anticipated to be less than significant in the South Coast region under this cumulative scenario since the 242 ADT would be spread across the region and result in using less than 1% of the capacity of the County roadway segments.

Gaviota: There are no potential cumulative projects that are in preliminary planning stages located in the Gaviota region. Traffic from development of potential cumulative projects that are in preliminary planning stages in the other regions could spill over into the Gaviota region. However, the proposed changes to the Uniform Rules could result in an estimated increase of 326 ADT in the Gaviota region, a relatively minor amount of traffic. The proposed changes to the Uniform Rules are anticipated to be less than significant in the Gaviota region under this cumulative scenario since the 326 ADT would be spread across the region and result in using less than 1% of the capacity of the County roadway segments.

Santa Ynez Valley: The potential cumulative projects that are in preliminary planning stages in the Santa Ynez Valley region include the County's Santa Ynez Community Plan update and changes to the City of Buellton Sphere of Influence. The changes that are proposed in the County's draft Santa Ynez Community Plan could result in 300 ADT (as compared to the currently-adopted land use and zoning designations for this plan area). The proposed changes to the Uniform Rules could result in an estimated increase of 1,813 ADT in the Santa Ynez Valley region under this cumulative scenario. Depending upon the location, size and intensity of the development, the proposed changes to the Uniform Rules could contribute to potentially significant cumulative impacts to the County's rural roads in the Santa Ynez Valley region under this scenario.

Lompoc Valley: The potential cumulative projects that are in preliminary planning stages in the Lompoc Valley region include the Purisma Hills development north of the City of Lompoc and the Bailey Avenue Specific Plan west of the city. The Purisma Hills development could result in 12,400 ADT and would add significant traffic volumes to several County roadway segments, including Harris Grade Road, Burton Mesa Road, as well as "H" Street in the City of Lompoc. The development that could occur under the Bailey Avenue Specific Plan is unknown and speculative.

The proposed changes to the Uniform Rules could result in an estimated increase of 3,087 ADT in the Lompoc region under this cumulative scenario. Large-scale preparation facilities or expanded wineries could generate levels of traffic that contribute to significant cumulative impacts to County roadway segments. Depending upon the location, size and intensity of the development, the proposed changes to the Uniform

Rules could contribute to potentially significant cumulative impacts to the County's rural roads in the Lompoc region under this scenario.

San Antonio Creek: The potential cumulative projects that are in preliminary planning stages in the San Antonio Creek region include the Los Alamos Community Plan update, the North Hills Development, and the County's Ordinance 661 Consistency Rezone Project. These projects could generate a combined total of 123,200 ADT within the region, resulting in significant traffic volume additions to County roadway segments. Given the scale of potential development for the North Hills site (118,600 ADT), traffic would affect the other regions as well.

The proposed changes to the Uniform Rules could result in an estimated increase of 1,885 ADT in the San Antonio Creek region. Although it is too speculative to estimate potential impacts to specific rural roads in this region, industrial facilities in an AIO or a large-scale winery could generate levels of traffic that contribute to potential significant cumulative impacts to the County's rural roads in the San Antonio Creek region under this scenario.

Santa Maria Valley: The potential cumulative projects that are in preliminary planning stages in the Santa Maria Valley region could generate more than 178,000 ADT. The primary traffic generator within the potential cumulative projects list include the potential Bradley Lands Annexation east of Orcutt, the Enos Ranchos Annexation northwest of Highway 101/Betteravia, and the Mahoney Ranch Specific Plan southeast of Betteravia Road/Mahoney Road. Additional traffic would be generated by development of key sites within Orcutt under the County's Housing Element Update 2003-2008. Combined, these potential cumulative developments would generate significant traffic to the County primary and secondary roadway system in the Orcutt area and other rural roads within the region. Given the scale of potential development, traffic would affect the adjacent regions as well.

The proposed changes to the Uniform Rules could result in an estimated increase of 4,063 ADT in the Santa Maria Valley region under this scenario. Residential, boutique processing and guest ranch development could add 720 ADT, but would be disbursed throughout the region. Development of the AIO sites and/or a large-scale winery and large-scale preparation facility could generate levels of traffic that contribute to potential significant cumulative impacts to the County's rural roads in the Santa Maria Valley.

Cuyama: There are no potential Tier 1 or Tier 3 cumulative projects that are in preliminary planning stages in the Cuyama rural region. The Cuyama Valley Land Use Strategies effort, a County sponsored planning effort to assist the community with the future vision for the area, is schedule to begin in Summer 2007. Potential land use changes have not been defined at this time. Tier 2 cumulative project traffic is anticipated from development of additional residential dwelling units in the area, as well as from the Ventucopa Rock Plant, Troesh Ready Mix, and Diamond Rock mining projects. Each of the proposed mining projects is estimated to generate between 100 and 200 ADT including related truck trips. The cumulative traffic volume forecasts for the rural roads in the Cuyama rural region would be within their acceptable and design capacities and the traffic generated by the proposed changes to the Uniform Rules would not result in

exceedance of the current road capacity. The proposed changes to the Uniform Rules could result in an estimated increase of 300 ADT in the Cuyama rural region under this cumulative scenario, a relatively minor amount of traffic. The proposed changes to the Uniform Rules are anticipated to be less than significant in the Cuyama rural region under this cumulative scenario since the 300 ADT would result in using less than 1% of the capacity of the County roadway segments.

Mitigation Measures

Cumulative impacts in the Buildout Scenario could occur in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek, and Santa Maria Valley regions. Mitigation AG-2, AG-3 would be applicable to the potential cumulative impacts, as would the policies in the County's Comprehensive Plan and Circulation Element. Payment of traffic fees would be required for any new structural development and may be required for new proposed uses such as guest ranches and hosting special events. These fees would go towards funding traffic and circulation improvement projects specified in the County's Circulation Element.

In the Buildout + Other Potential Developments Scenario, Mitigation AG-2, AG-3, and the policies in the County's Comprehensive Plan and Circulation Element would be applicable to the potential cumulative impacts.

Residual Impacts

In the Buildout Scenario, potential development of large-scale wineries, large-scale preparation facilities, AIOs and commercial composting facilities could cumulatively generate substantial vehicular trip increases in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek, and Santa Maria Valley regions that may not be fully off-set by application of the cumulative mitigation measures. CIRC-CU-1A impacts are considered to remain *significant and unavoidable (Class I)* under cumulative conditions.

The cumulative impacts on traffic operations and safety would also not be expected to be fully off-set by application of proposed mitigation measures. Payment of traffic impact and circulation fees would be focused on intersection improvements and expanding roadway capacity of major roads and highways, rather than adequately address safety concerns on rural roads. Impact CIRC-CU-2A would remain *significant and unavoidable (Class I)* under cumulative conditions.

In the Buildout Plus Other Potential Developments Scenario, potential development of large-scale wineries, large-scale preparation facilities, AIOs and commercial composting facilities could individually and cumulatively generate substantial vehicular trips increases in the Santa Ynez Valley, Lompoc Valley, San Antonio Creek, and Santa Maria Valley regions that may not be fully off-set by application of the cumulative mitigation measures under this scenario. Therefore, impact CIRC-CU-1B is considered to remain *significant and unavoidable (Class I)* under this cumulative scenario.

3.7.3.5 Air Quality

As discussed in Section 3.5, the proposed program would result in a *significant and unavoidable* (Class I) impact to Air Quality from increased emissions of ozone precursors, and a *significant but mitigable* (Class II) impact from short-term dust and PM10 generation associated with construction and grading. Mitigation measures AG-2 and AG-3, which would limit the potential size of large-scale wineries, non-grape preparation and processing and commercial composting facilities, would reduce but not eliminate program-specific impacts from increased emissions of ozone precursors. Application of the County's standard dust control measures would render program-related dust and PM10 emissions to a less than significant level.

With respect to potential cumulative air quality impacts, each of the Tier 1, 2, and 3 projects and initiatives described in Tables 3.7-1 through 3.7-3, has the potential for impacts on air quality. The cumulative analysis of air quality impacts considers the combined impact of these projects along with the potential buildout allowed under the proposed Uniform Rules amendments. Potential impacts to air quality are discussed by impact type, as follows:

- construction-related impacts (mainly dust and PM10 emissions) from the construction of new or expanded structures and facilities
- impacts from traffic-generated emissions
- operational emissions from new facilities and uses

Where appropriate, as in the case of traffic-generated emissions, impacts are discussed by Rural Region.

Impact Thresholds

Construction Thresholds

Quantitative thresholds of significance are not currently in place for short-term or construction phases of projects; however, Santa Barbara County APCD and the County's *Environmental Thresholds and Guidelines Manual* recommend that short-term construction related PM₁₀, NO_x and ROC emissions be quantified for large projects on a case-by-case basis. APCD's standard dust control mitigation measures are required for all discretionary projects to prevent public nuisance from fugitive dust since Santa Barbara County currently violates the state PM₁₀ standard. Similarly, particulate emissions from diesel exhaust are classified as carcinogenic by the State of California. Therefore, strategies to reduce emission of diesel particulates and NO_x from any diesel equipment that does not have a Portable Equipment Registration from the State will be required on a case-by-case basis. The County Board of Supervisors considers emissions of NO_x from construction equipment as relatively low when compared to the total NO_x emission inventory for the County, and are generally considered to have an insignificant effect.

Operational Thresholds

Santa Barbara County has adopted thresholds of significance for the evaluation of air quality impacts resulting from mobile and operational emissions of ozone precursors, NO_x and ROC. Santa Barbara County's *Environmental Thresholds and Guidelines Manual* states that projects are likely to result in a significant impact to air quality if they singularly or cumulatively:

- Emit (from all project sources, both stationary and mobile) more than 25 pounds per day of NO_x, or ROC
- Exceed the APCD health risk public notification thresholds adopted by the APCD Board
- Are inconsistent with the adopted federal and state air quality standard for Santa Barbara County

According to the County's *Environmental Thresholds and Guidelines Manual*, "cumulative air quality impacts are the effect of long-term emissions of the proposed project on the projected regional air quality or localized air pollution in the County." Due to the County's non-attainment status for the state ozone standards and the regional nature of ozone generation, if a project's total emissions from traffic sources of either NO_x or ROC exceed the long-term thresholds, then the project's cumulative impacts will be considered significant. For projects that do not have significant ozone precursor emissions or localized pollutant impacts, if emissions have been taken into account in the most recent CAP growth projections, regional cumulative impacts may be considered to be insignificant. However, when a project's emissions exceed the thresholds and are clearly not accounted for in the most recent CAP growth projections, then the project is considered to have significant cumulative impacts.

AQ-CU-1. Construction-Related Impacts

Program-specific impacts from construction of new and expanded facilities are considered *adverse, but less than significant levels* (Class III), as the implementation of standard APCD dust control measures and standard measures to control particulate emissions from diesel exhaust would reduce short-term dust and PM₁₀ impacts to a less than significant level. The potential construction-related impacts would also be expected from cumulative projects in the rural areas including development of projects from the implementation of the various Tier 1 policy programs and initiatives, as well as the development contemplated in the Tier 2 and Tier 3 projects. The scale of these projects would vary substantially, from small additions of residential second units in the Ordinance 661 Consistency Zoning program to the 7,500-unit and 2,000,000-square feet commercial North Hills Development.

However, each of these projects would be subject to standard mitigation measures to reduce fugitive dust and PM₁₀ impacts. Furthermore, construction impacts would be short-term rather than ongoing, and the location and timing of projects would be dispersed physically and temporally. Given the availability of standard mitigation measures, the short-term duration of individual projects, and their temporal and

geographic dispersion throughout the County, cumulative construction-related impacts would remain *adverse, but less than significant (Class III)*.

AQ-CU-2. Impacts from Traffic-Generated Emissions

Program-specific impacts from traffic-generated ozone precursors are analyzed in Section 3.5 and are considered *significant and unavoidable (Class I)*, both for the Santa Ynez Valley region individually, and for the program on a County-wide basis. Buildout under the proposed amendments to the Uniform Rules could result in ozone precursor impacts of 41.6 lbs/day of ROC and 59.7 lbs/day of NO_x, which exceed the 25 lbs/day ROC or NO_x significance threshold. Emissions resulting from implementation of the Uniform Rules derive from an increase in vehicle trips from residents of new rural dwelling units, employees and clients of new wineries, commercial composting facilities, and agricultural processing facilities. Increases in ozone precursors were largest in the Santa Ynez, Lompoc, and Santa Maria Valley Rural Regions.

New development from cumulative projects would also result in increased vehicle trips and would therefore increase emission of traffic-generated ozone precursors. While such impacts from buildout of existing General Plans and Community Plans are considered in the Santa Barbara County APCD's Clean Air Plan (CAP), several of the proposed policy initiatives and programs (Tier 1 projects) and proposals that would requiring General Plan or Comprehensive Plan Amendments such as many of the Tier 3 projects are not considered in the Clean Air Plan. These projects that are not considered in the currently adopted CAP would generate significant air emissions and present *significant and unavoidable (Class I)* cumulative air quality impacts. Major projects in each of the County's seven rural regions are discussed below.

South Coast: Major potential cumulative projects in the preliminary planning stages for this region include the County's Goleta Valley Community Plan Update and Isla Vista Master Plan in the western area of the region, as well as UCSB's Long Range Development Plan update, the Bishop Ranch development, the Glen Annie Golf Course redevelopment in the western area of the region. Also considered are the Las Positas Annexation adjacent to the City of Santa Barbara and the Peoples Self-Help Agricultural Employee Housing Project in the Carpinteria area. Together these developments could generate more than 20,000 ADT within the region resulting in significant air quality impacts.

Gaviota: There are no potential cumulative projects that are in preliminary planning stages located in the Gaviota region. Traffic-generated impacts on ozone precursors would be largely limited to those resulting from buildout associated with the proposed changes to the Uniform Rules. An estimated increase of 326 ADT would be expected in the Gaviota region, which would not be significant by itself, but would contribute to cumulatively significant air impacts within the County-wide air basin.

Santa Ynez Valley: The potential cumulative projects that are in preliminary planning stages in the Santa Ynez Valley region include the County's Santa Ynez Community Plan update. The changes that are

proposed in the County's Santa Ynez Community Plan would result in 300 ADT (as compared to the currently-adopted land use and zoning designations for this plan area).

Lompoc Valley: The potential cumulative projects that are in preliminary planning stages in the Lompoc Valley region include the Purisma Hills development north of the City of Lompoc and the Bailey Avenue Specific Plan west of the city. The Purisma Hills development, in particular, could result in 12,400 ADT, which would add significant traffic volumes and substantially increase traffic-generated air quality impacts.

San Antonio Creek: Potential cumulative projects that are in preliminary planning stages in the San Antonio Creek region include the Los Alamos Community Plan update, the North Hills Development, and the County's Ordinance 661 Consistency Rezone Project. These projects could generate a combined total of 123,200 ADT within the region, resulting in significant traffic volume increases and air quality impacts.

Santa Maria Valley: The potential cumulative projects that are in preliminary planning stages in the Santa Maria Valley region could generate more than 178,000 ADT. The primary traffic generator within the potential cumulative projects list include the Bradley Lands Annexation east of Orcutt, the Enos Ranchos Annexation northwest of Highway 101/Betteravia, and the Mahoney Ranch Specific Plan southeast of Betteravia Road/Mahoney Road. Additional traffic would be generated by development of key sites within Orcutt under the County's Housing Element Update 2003-2008. Combined, these potential cumulative developments would generate substantial new vehicle trips and result in significant traffic-related air quality impacts within the region.

Cuyama: No potential cumulative projects are currently in underway and in the preliminary planning stages in the Cuyama region. The Cuyama Valley Land Use Strategies effort, a County sponsored planning effort to assist the community with the future vision for the area, is scheduled to begin in late 2007. Potential land use changes have not been defined at this time. Hence, traffic-generated impacts on ozone precursors would be largely limited to those resulting from buildout associated with the proposed changes to the Uniform Rules. The proposed changes to the Uniform Rules could result in an estimated increase of 300 ADT in the Cuyama region, which would not be significant by itself, but would contribute to cumulatively significant air impacts within the County-wide air basin.

In summary, the analysis of cumulative traffic-related air quality impacts indicates that significant traffic-generated ozone precursor impacts would occur in several of rural regions: South Coast, Santa Ynez Valley, Lompoc Valley, San Antonio Creek Valley, and Santa Maria Valley. Air quality impacts resulting from traffic-generated ozone precursors in the Gaviota and Cuyama Rural Regions would not by themselves result in significant air quality impacts, but would contribute to cumulatively significant impacts. As cumulative air quality impacts are assessed in the Clean Air Plan on a County-wide basis, traffic-generated air quality impacts are considered *significant and unavoidable (Class I)*.

AQ-CU-3. Operational Emissions from New and Expanded Wineries and Other Facilities

The determination of the significance of the cumulative impacts of operational emissions from new and expanded facilities and uses requires consideration of the proposed developments' consistency with the CAP. Consistency with the CAP means that direct and indirect emissions associated with the project are accounted for in the CAP's emissions growth assumptions and the project is consistent with policies adopted in the CAP. As discussed in Section 3.5, according to APCD², the following expanded uses proposed in the Uniform Rules amendments have been accounted for in growth projections contained in the 2004 CAP; and therefore are consistent with the CAP:

- Winery expansion
- Agricultural non-grape preparation facilities (including Agricultural Industry Overlay)
- Residential development in rural areas consistent with the Comprehensive Plan

Program-specific air quality impacts from the operation of new small-scale guest ranches and commercial composting facilities were also determined to be consistent with the CAP, as they would not be approved without a determination that they are consistent with the Comprehensive Plan. Since none of these program related operational impacts were determined to present any significant adverse impacts on air quality, the programs contribution to cumulative operational air quality impacts is considered *less than significant (Class III)*.

Nevertheless, new large-scale wineries have the potential to exceed the 25 lbs/day ROC threshold primarily due to the red wine fermentation and aging processes. As discussed in Section 3.1, there is a current and projected future unmet demand for wine processing facilities, and it is expected that several new wineries will be developed in the County to meet this demand.

The Uniform Rules amendments' provisions for new and substantially expanded wineries have the potential to exceed the 25 lbs/day NO_x and ROC threshold resulting in a significant impact to air quality. Some of the Tier 1 policy initiatives and programs, for example the Winery Permit Process Ordinances, may encourage the expansion of the winery industry and contribute to these potential fermentation process-related air quality impacts. These expansions, however, are currently allowed, albeit through a more difficult permitting process, so the contribution of the proposed Uniform Rules update and Tier 1 policy initiatives would not be substantial. On the other hand, several Tier 2 projects are winery development proposals including the Dierberg Winery Building, Gainey Winery and Tasting Room project, the Harrison Winery, and the Honea Winery, all of which are in the Santa Ynez Valley Region; the Dierberg Winery, Rancho La Vina Winery, and the Sanford Winery Phase 4 in the Lompoc Valley Region; the Winery at Los Alamos in the San Antonio Creek Region; and the Addamo Winery projects,

² Personal Communication, Vijaya Jammalamadaka, APCD.

the Foxen Tier III Winery, the Linn/Tantara Wineries, River Bench Winery, and Teixeira Winery project in the Santa Maria Valley Region. These operational emissions would add to the traffic-generated emissions described above, which are already considered cumulatively significant. Each of these projects would have the potential to emit NO_x and ROCs, and cumulatively, these emissions could result in potentially significant air quality impacts.

AQ-CU-4. Greenhouse Gas Emissions

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, seeks to address global climate change from the perspective of greenhouse gas reduction. AB32 caps California's greenhouse gas emissions at 1990 levels by 2020. Greenhouse gases (GHGs) are those gases that trap heat that would otherwise radiate into space. Some greenhouse gases occur naturally in the atmosphere, while others result from or are concentrated by activities such as burning of fossil fuels such as oil, natural gas, and coal. Greenhouse gases include water vapor, carbon dioxide, methane, nitrous oxide, and ozone. Carbon dioxide and water vapor are the primary GHG components, and carbon dioxide is the primary target for reducing GHG and addressing global climate change as this more effectively regulated than some of the other GHG.

There are no published thresholds for determining the significance of a project's contribution to global climate change. Such thresholds may be available in 2008, as AB 32 directs the California Air Resources Board to develop thresholds, methodologies and targets by January 1, 2008.

In the absence of adopted thresholds of significance for greenhouse gas emissions, the cumulative impact analysis includes an estimate of the project-specific CO₂ emissions and an estimate of the CO₂ emissions from the cumulative projects list and compares these to the statewide CO₂ emissions. (The analysis focuses on CO₂ emissions since these are the major GHG component and since the URBEMIS emissions model provides information on CO₂ emissions expected from various residential and non-residential uses.) The analysis compares CO₂ emissions expected from the buildout under the Uniform Rules changes and the emissions expected from the buildout of the cumulative projects to the statewide generation of CO₂.

The methodology used to calculate CO₂ emissions is conservative in that CO₂ emissions were calculated based on unadjusted land use inputs reflective of buildout conditions. No emission reduction adjustments were made for mixed use developments or transit use, nor have adjustments been made for uses in close proximity that, unless adjusted, would lead to double counting of the vehicle trips. Hence, the CO₂ emissions data should be considered as a conservative estimate of GHG emissions.

The CO₂ emissions estimated to result from the proposed revisions to the Uniform Rules include those resulting from changes in land use. A subset of these is the increased CO₂ emissions from an increase in winery development. These winery fermentation emissions are reported in Table 3.7-7. Since such emissions differ depending on whether white (819 lbs CO₂ per gallon wine produced) or red (882 lbs CO₂

per gallon wine produced), an assumption on the proportion of red to white wine production was made: 40% of the wine was assumed to be white, and 60% to be red.

Table 3.7-7 Estimated CO₂ Emitted During the Wine Fermentation Process (New and Expanded Wineries)^a

Case Production Scenarios	Estimated Case Production (<i>Envelope Size</i>)			
	80,000 <i>(7 total acres)</i>	400,000 <i>(10 acres)</i>	520,000 <i>(13 acres)</i>	800,000 <i>(20 acres)</i>
40% White / 60% Red	570,792 lbs/CO ₂	815,661 lbs/CO ₂	1,060,731 lbs/CO ₂	1631,322 lbs/CO ₂

^a The CO₂ emitted during the fermentation of wine was based on the following emission factors provided by the Santa Barbara County Air Pollution Control District: 882 pounds CO₂/1,00 gallons of red wine and 819 pounds of CO₂ per 1,000 gallons of white wine.

The Uniform Rules project description assumes that two 7-acre wineries (both expanded from existing 5-acre operations), and one each at 10 acres, 13 acres, and 20 acres would result from approval of the rule changes. Therefore, in this assumption, estimated case production would be a total 1,880,000 cases (80,000 + 80,000+ 400,000 + 520,000 +800,000). This yields annual CO₂ emissions estimated at about 4.6 million pounds, which is equivalent to about .002 million metric tons.

Other sources of CO₂ emissions can be modeled with URBEMIS and are reported in Table 2. The sum of the winery emissions and the URBEMIS modeling represents the total estimate of CO₂ emissions resulting from the proposed rule changes. The sum of emissions is also reported in Table 3.7-8, at the bottom of the table. The estimated annual CO₂ emitted as a result of projected buildout under the proposed Uniform Rule changes is estimated at about 84 million pounds, which is equivalent to about .038 million metric tons.

Table 3.7-8 Estimated CO₂ Emitted as a Result of Projected Buildout Under Proposed Uniform Rule Changes

Emission Source	CO₂ Emissions (lbs/day)	CO₂ Emissions (lbs/year)
Long-Term Operation		
Area (stationary)	5,115	1,866,975
Vehicle (mobile)	213,109	77,784,785
Wine Fermentation	12,738	4,649,298
Total Operational Emissions (Area + Vehicle + Wine Fermentation)	230,962	84,301,058

Source: URBEMIS 2007 v.9.2. See Appendix 9 for results and assumptions. Wine fermentation emissions from Table 1.

A similar methodology was used for cumulative projects. As shown in Table 3.7-9, cumulative development would generate annual CO₂ emissions estimated at 1.25 billion pounds, which is equivalent to about 0.57 million metric tons.

Table 3.7-9 Estimated CO₂ Emitted as a Result of Cumulative + Project Development

Emission Source	CO₂ Emissions (lbs/day)	CO₂ Emissions (lbs/year)
Long-Term Operation		
Area (stationary)	412,921	150,716,165
Vehicle (mobile)	2,780,390	1,014,842,350
Wine Fermentation ^a	230,962	84,301,130
Total Operational Emissions (Area + Vehicle + Wine Fermentation)	3,424,273	1,249,859,645

Source: URBEMIS 2007 v.9.2. See Appendix 9 for results and assumptions.

The California Energy Commission (CEC) has developed an inventory of statewide GHG emissions. According to the CEC, in 2004 (the most recent year for which data is available), California sources contributed 431 million metric tons of CO₂. Table 3.7-10 compares CO₂ emissions generated by project-specific development and cumulative development to overall statewide CO₂ emissions. The contribution of 0.038 million metric tons of CO₂ estimated as a result of the Uniform Rules buildout is approximately .009% of the statewide emissions. The contribution of 0.57 million metric tons of CO₂ estimated as a result of the buildout in the cumulative projects list is approximately 0.13% of the statewide emissions. Given these small percentages, neither project-specific nor the cumulative impacts on GHGs would be seen as significant impacts. The project-specific and cumulative impacts would therefore be considered Class III (less than significant).

Table 3.7-10 Project-Generated and Cumulative CO₂ Emissions Compared to Statewide CO₂ Emissions

Emission Source	CO ₂ Emissions (million metric tons/year)	% of Statewide annual CO ₂ Emissions
State of California (2004)	431	100%
Uniform Rules buildout	0.038	.009%
Cumulative Projects	0.57	0.13%

Source: California Energy Commission, <http://www.energy.ca.gov/>, 2007 and URBEMIS 2007 v.9.2. See Appendix 9 for results and assumptions.

While mitigation of less than significant impacts is not required under CEQA, the intent of AB 32 is to reduce greenhouse gas emissions. Project-specific mitigation measures, such as AG-1 and AG-2, would serve to limit the size of certain large-scale wineries, non-grape preparation and processing facilities, and commercial composting facilities would limit GHG emissions. Furthermore, although the County has not adopted specific GHG emission reduction policies to date, a number of existing policies contained in the Air Quality Supplement to the Land Use Element of the County Comprehensive Plan serve to minimize the generation of a variety of air pollutants, including GHG. Some of the relevant policies from the Air Quality Supplement, which is incorporated by reference, are listed below.

- Policy A – Direct new urban development to areas within existing urbanized areas without endangering environmentally sensitive areas or open space resources.

- Policy B – Promote the conservation and rehabilitation of existing urban development.
- Policy C – Increase the attractiveness of bicycling, walking, transit, and ridesharing.
- Policy D – Restrict the development of auto-dependent facilities.
- Policy E – Improve the integration of long-range planning and project approval procedures with air quality planning requirements.

The County has also undertaken a number of specific measures to implement these policies. These are listed in the Air Quality Supplement.

The regulation of emission sources by the Santa Barbara County APCD through its review of source permits would also serve to reduce GHG emissions for a given activity or source often through the requirement of employing Best Available Control Measures and Technology. For example, the emission reduction measures would be incorporated through the APCD permitting process for certain large-scale wineries, as discussed on page 3.7-55. Other measures to reduce GHGs would be implemented through the policies and programs of the SBCAPCD Clean Air Plan (CAP), as well as review of any proposed amendments to the CAP. With incorporation of such measures and permitting requirements, GHG emissions associated with individual projects would be reduced to the degree feasible. Residual impacts would remain less than significant (Class III) as no significant impacts have been identified.

Mitigation Measures

Cumulative impacts could occur in the Santa Barbara County Air Basin. Mitigation AG-2, AG-3 would be applicable to the potential cumulative impacts, as would the policies in the County's Comprehensive Plan and Circulation Element. In addition, standard conditions of approval for dust suppression and diesel particulate matter reduction for the construction phase of various projects would be applied.

Residual Impacts

Given the availability of standard mitigation measures, the short-term duration of individual projects, and their temporal and geographic dispersion throughout the County, cumulative construction-related impacts (Impact AQ-CU-1) would remain *adverse, but less than significant (Class III)*.

The increase in vehicle trips and associated increase in emission of traffic-generated ozone precursors resulting from the development of the cumulative projects would not be adequately mitigated by the proposed mitigation measures and existing policies and standards. Cumulative impacts from traffic-generated emissions (Impact AQ-CU-2) would remain *significant and unavoidable (Class I)*.

The increase in operational emissions of potential new and expanded wineries and other facilities (Impact AQ-CU-3) would not be adequately mitigated by the proposed mitigation measures and existing policies and standards. Proposed mitigation measures would reduce the size of certain of these new or expanded

facilities, but not to a level that would avoid significant operational emissions. Impact AQ-CU-3 is considered to remain *significant and unavoidable* (Class I) under cumulative conditions.

Measures available to reduce fermentation process-related air quality impacts include the incorporation of emission reduction measures through the APCD permitting process for certain large-scale wineries: those that have the potential to emit 1 ton or more per year will be subject to APCD permits. Mitigation measures AG-1 and AG-2 would reduce program-specific impacts by limiting the potential size of large-scale wineries, non-grape preparation and processing and commercial composting facilities. Nevertheless, the cumulative effects of the various winery projects along with other processing facilities would result in potentially significant levels of ozone precursors. Proposed mitigation measures would reduce the size of certain of these new or expanded facilities, but not to a level that would avoid significant operational emissions. Impact AQ-CU-3 is considered to remain *significant and unavoidable* (Class I) under cumulative conditions.

3.7.3.6 Groundwater Resources

The proposed Uniform Rules amendments would result in one *significant and unavoidable* (Class I) impact to Groundwater Resources, as discussed in Section 3.6. A Class I impact is anticipated for water demand exceeding groundwater basin safe yield thresholds for three basins: Lompoc Uplands, San Antonio and/or Santa Maria groundwater basins, which are all currently in overdraft. No feasible mitigation, whether from existing County policies in the Conservation Element or from new mitigation measures, is identified.

Impact Thresholds

The *Groundwater Thresholds Manual* (1992)³ has been adopted by the Board of Supervisors into the Santa Barbara County *Environmental Thresholds and Guidelines* Manual. The *Groundwater Thresholds Manual* (GTM) sets forth the manner in which the estimated effects of a proposed project on water resources is evaluated in an environmental document prepared pursuant to CEQA. Based on a formula included in this manual, a threshold of significance is established for each alluvial groundwater basin (see Figure 3 in Section 3.6 for a map of the major groundwater basins in Santa Barbara County). For consistency, figure numbers in this document have been retained from the August 2006 Final EIR. This threshold is an amount of annual water demand, reported in acre-feet per year (AFY), which is considered to represent a project-specific significant impact on water resources. If the estimated water demand (i.e. the estimated increase in the consumption of groundwater) of a proposed project exceeds the threshold established for the basin, impacts on water resources are considered potentially significant. Absent effective mitigation measures to reduce the water demand below the threshold value, impacts on ground

³ Brian Baca, Registered Geologist, *Groundwater Thresholds Manual for Environmental Review of Water Resources in Santa Barbara County*, revised and updated August 20, 1992.

water resources would be deemed significant and unavoidable. The thresholds of significance shown in Table 3.6-2 (Section 3.6) have been updated to reflect current (2004) conditions for the alluvial groundwater basins considered by the County to be in a state of overdraft.⁴

The County 2005 groundwater report has been recently accepted by the Board of Supervisors. This most recent groundwater report reaffirms the overdraft status of the Cuyama, San Antonio and Santa Maria basins; the Lompoc Uplands Basin is reported to be possibly approaching equilibrium, but is still considered in overdraft.

The County's GTM states: "No threshold is established for a basin in a state of surplus. A project in such a basin would be subject to a threshold only if it would use more than the remaining surplus." Substantial effects to water resources in the groundwater basins estimated to be in a state of surplus are not anticipated. In the case of bedrock aquifers, it is not anticipated that major facilities would be proposed based on a bedrock aquifer water source. This is because of the generally limited production of these aquifers and the mountainous terrain where such aquifers are accessible. In any case, adopted interpretive guidelines for Land Use Development Policy No. 4 would preclude approval of a project based on overdraft of a bedrock aquifer. Thus, the potential impact of the proposed Uniform Rules modifications will be evaluated for the above-listed alluvial basins.

GW-CU-1. Groundwater Demands Exceeding Safe Yield Thresholds

The program-specific analysis in Section 3.6 indicates that substantial water demand would occur from large-scale preparation facilities serving individual contract holders or as a regional facility in an AIO, as well as commercial composting facilities. The program-specific analysis also indicates that demand from any individual new residential unit, guest ranch, or winery allowed by application of the proposed Uniform Rules amendments would not result in any significant impacts on groundwater resources. However, while individual small-scale projects allowed by the proposed Uniform Rules amendments are not expected to trigger significance thresholds, the cumulative impact of the potential development of additional residential units, guest ranches, and several large-scale and smaller-scale wineries could present substantial additional demand on any groundwater basins currently in overdraft, and hence would potentially exceed safe yield thresholds and result in significant impacts in one or more groundwater basins.

The analysis of cumulative impacts to groundwater demands focuses on three basins that are currently in overdraft, as no thresholds of significance are provided for groundwater basins that are not in overdraft. Cumulative impacts to these basins in overdraft include those impacts resulting from buildout under the proposed Uniform Rules amendments combined with impacts of other projects and programs in the these basins.

⁴ Brian Baca, 2005. Personal Communication.

Cumulative development resulting from implementation of the various Tier 1 policy initiatives and programs as well as the development proposed in the various Tier 2 and 3 projects would be expected to place additional substantial demands on water resources. Several of the larger projects in overdrafted groundwater basins. For example, the North Hills Development in the San Antonio Creek Basin or the Bradley Lands Annexation in the Santa Maria Basin could individually result in a significant impact on groundwater resources. The cumulative development of these Tier 1, 2, and 3 programs and projects would result in additional demands well in exceedance of significance thresholds and could aggravate overdraft in currently overdrafted groundwater basins. Cumulative impacts on groundwater demands would be considered a significant impact.

Furthermore, in the case where program-specific impacts related to exceedance of safe yield thresholds for a given groundwater basin are considered significant, the water demand in this basin resulting from potential buildout associated with the Uniform Rules amendments would be seen as a significant contribution to cumulative groundwater demand impacts. Hence, the program's contribution to these cumulative impacts on groundwater demand would be considered *significant and unavoidable (Class I)*. Additional discussion of potential cumulative impacts in the three groundwater basins currently in overdraft is provided below.

Lompoc Uplands Groundwater Basin: The threshold of significance for additional demand on this groundwater basin is 25 AFY. This basin primarily serves the northern portion of the Lompoc Valley Rural Region, including lands along Highway 246 to the east of the City of Lompoc, and the Vandenberg Village area. These portions of the Lompoc Valley would be candidates for one or more wineries, AIOs, small- and large-processing facilities, and commercial compositing sites under buildout conditions in the proposed Uniform Rules amendments. In addition, the buildout assumptions of the Uniform Rules yields an estimated development of 47 additional residential units in Lompoc Valley, a large portion of which would be assumed to occur in areas within the Lompoc Uplands Groundwater Basin. Additionally, cumulative impacts resulting from implementation of Tier 1 policies and programs, the development of various Tier 2 projects in this groundwater basin, and any Tier 3 projects would place further demands on this overdrafted groundwater basin. One Tier 3 project in the Lompoc Uplands Groundwater Basin, the Purisma Hills Development project, proposes up to 1,300 new residential units, which would by itself, well exceed the 25 AFY additional demand significance threshold. Potential cumulative impacts to demand on the Lompoc Uplands Groundwater Basin would be considered *significant and unavoidable (Class I)*.

San Antonio Groundwater Basin: The threshold of significance for additional demand on this groundwater basin is 23 AFY. This basin primarily serves the San Antonio Creek Rural Region, including the town of Los Alamos. Under buildout conditions in the proposed Uniform Rules amendments, candidates for intensive new water demand needs in this groundwater basin include several large- or small-scale wineries (totaling 20 acres of additional development), AIOs, small- and large-processing facilities, and commercial compositing sites. In addition, the Uniform Rules buildout assumption anticipates the development of an additional 23 residential units in the San Antonio Creek Rural Region, nearly all of which would be assumed to occur within the San Antonio Creek Groundwater Basin. The program-specific impacts on groundwater demand

on this basin were found *significant and unavoidable* (Class I), due to the impact on groundwater demand in this basin from the expected development of an Agricultural Industrial Facility and a commercial composting facility in this rural region.

Cumulative impacts resulting from implementation of Tier 1 policies and programs, Tier 2 projects in this groundwater basin, and any Tier 3 projects would place further demands on this overdrafted groundwater basin, and would cumulatively substantially exceed the 23 AFY additional demand significance threshold. Potential cumulative impacts to demand on the San Antonio Creek Groundwater Basin would be considered *significant and unavoidable* (Class I).

Santa Maria Groundwater Basin: The threshold of significance for additional demand on this groundwater basin is 67 AFY. This basin primarily serves the Santa Maria Valley Rural Region, including the town of Orcutt and the cities of Santa Maria and Guadalupe. Under buildout conditions in the proposed Uniform Rules amendments, program-specific impacts on groundwater demand on this basin were found *significant and unavoidable* (Class I), solely from the impact on groundwater demand in this basin from the expected development of an Agricultural Industrial Facility and a commercial composting facility in this rural region. Other components of the potential Uniform Rules amendment buildout would include an estimated 40 additional residential units, one or more large- or small-scale wineries, small- and large-processing facilities, and small- and larger-scale guest ranches. Water demand resulting from this other potential development would further impact this overdrafted basin, as would implementation of Tier 1 policies and programs, Tier 2 projects, and Tier 3 projects in this groundwater basin.

As the program-specific impacts are significant and unavoidable, cumulative impacts resulting from other projects and programs in the Santa Maria Groundwater Basin would be considered significant, as cumulative demands would substantially exceed the 67 AFY additional demand significance threshold. Therefore, potential cumulative impacts to groundwater demand on the Santa Maria Groundwater Basin would be considered *significant and unavoidable* (Class I).

Cuyama Groundwater Basin: The threshold of significance for this groundwater basin is an additional water demand of 31 AFY. This basin would be affected by new development and uses within the eastern portion Cuyama Valley, which includes the towns of Cuyama and New Cuyama. No potential cumulative projects are currently in underway and in the preliminary planning stages in the Cuyama region. The Cuyama Valley Land Use Strategies effort, a County sponsored planning effort to assist the community with the future vision for the area, is scheduled to begin in late 2007, and potential land use changes have not been defined at this time. Hence, cumulative groundwater demand impacts would be largely limited to those resulting from buildout associated with the proposed Uniform Rules amendments.

As no large-scale wineries, large-scale processing facilities, composting facilities, or AIOs are anticipated for the Cuyama Valley Rural Region, the proposed changes to the Uniform Rules could result in an estimated increase of 30 residential units, one small-scale processing facility, and one guest ranch in the Cuyama Valley Region. The 30 potential residential units would be dispersed throughout the Cuyama Valley, including

areas outside of the Cuyama Groundwater Basin, but the vast majority of these would be in the eastern portion of this rural region and would hence have an impact on the Cuyama Groundwater Basin. As a reasonable worst case scenario for demand on the Cuyama Groundwater Basin, it is assumed 80% of the buildout potential, or 24 residential units, would be located in the eastern Cuyama Valley. Using the 1.0 AFY/residential unit assumption in Section 3.6, such new residential development would potentially result in an additional groundwater demand of 24 AFY, while the potential guest ranch use would result in an additional demand of 0.72 to 1.44 AFY, depending on whether the guest ranch is a smaller-scale ranch or larger-scale ranch, and the potential small-scale processing facility would generate a demand of approximately 2.8 AFY. Assuming the small-scale processing facility and the guest ranch are located within the Cuyama Groundwater Basin, the total expected maximum additional groundwater demand would be approximately 28.2 AFY (or 24 AFY + 1.44 AFY + 2.8 AFY), which is less than the significance threshold of 31 AFY and which would not be considered a significant impact on groundwater resources.

The Diamond Rock reclamation project would generate a net increase in water demand estimated at 28.12 acre-feet per year (AFY) (Diamond Rock Sand and Gravel Mine and Processing Facility Final EIR, May 2007). The Ventucopa project is not anticipated to increase water demand as it would not increase production at that existing facility.

Demand associated with each individual planned and pending project within the Cuyama Valley would be below the 31 AFY project-specific threshold. Therefore, none of the planned or pending projects (including the Uniform Rules Update) would have a cumulatively considerable contribution to cumulative impacts to the Cuyama Groundwater Basin. In addition, the combined demand associated with planned and pending developments would account for less than .01% of the available storage in the Cuyama basin. Therefore, the cumulative impact to the Cuyama basin would be *less than significant (Class III)*.

In summary, the analysis of cumulative impacts on groundwater resources indicates that cumulatively significant impacts related to exceedance of safe yields would occur in three groundwater basins that are currently in overdraft: the Lompoc Uplands Basin, the San Antonio Creek Basin, and the Santa Maria Valley. No mitigation measures are available to reduce such impacts, and hence, cumulative impacts on these groundwater basins are considered *significant and unavoidable (Class I)*.

4. POLICY CONSISTENCY ANALYSIS

4.1 INTRODUCTION

California Environmental Quality Act (CEQA) Guidelines §15125(d) requires that a project be evaluated to determine potential inconsistencies with applicable adopted general plans, policies and goals of the community where it is located, as well as any regional plans that may apply (e.g. habitat conservation plans, air quality attainment plans, etc.). Since the program applies to agricultural lands Countywide, such plans and policies include the County's Comprehensive Plan (including the Local Coastal Plan), applicable community plans, the County Congestion Management Plan, Clean Air Plan and Regional Water Quality Control Plan. Furthermore, since the County's Agricultural Preserve Program is ultimately governed by the Williamson Act, the proposed Uniform Rules must be evaluated for consistency with the Williamson Act.

4.2 POLICY CONSISTENCY ANALYSIS

The following section provides a *preliminary* evaluation of the amended Uniform Rules' consistency with applicable County policies. The final determination of the proposed Uniform Rules' consistency will be made by the Board of Supervisors, with recommendations from staff.

This evaluation is done at the programmatic level. A finding of consistency with County policies for the program as a whole does not ensure that individual projects developed on contracted land in conformance with the amended Uniform Rules will necessarily be found consistent as well. Such determinations shall be made on a project-specific basis.

The policy consistency evaluation is presented in Table 4-2.1 starting on the following page. The table is divided into two parts: the first addressing County policies and the second addressing the Williamson Act and regional plans. The policies are listed in the left-hand column. Discussion and the preliminary consistency determination are provided in the right-hand column.

**Table 4.2-1
Policy Consistency Analysis
COMPREHENSIVE PLAN POLICIES**

AGRICULTURAL RESOURCE PROTECTION	DISCUSSION
<p><u>Agricultural Element Goal I:</u> <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.</i></p> <p><u>Agricultural Element Policy II.D:</u> <i>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.</i></p> <p><u>Agricultural Element Policy III.A:</u> <i>Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.</i></p> <p><u>Land Use Element - Agricultural Goal:</u> <i>In rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and nonprime soils shall be reserved for agricultural uses.</i></p> <p><u>Land Use Element – Other Open Lands Policy 1:</u> <i>Preservation of open lands shall be encouraged under the Williamson Act (Applies to parcels designated as Open Space.)</i></p> <p><u>Land Use Element - Toro Canyon Plan Area Land Use Goal:</u> <i>The agricultural economy and the semi-rural qualities of the area should be preserved.</i></p> <p><u>Land Use Element - Toro Canyon Plan Area Agriculture Goal:</u> <i>Every effort should be made to preserve fertile lands for agriculture.</i></p> <p><u>Land Use Element – Santa Ynez Valley Agriculture Goal:</u> <i>Agriculture should be preserved and protected as one of the primary economic bases of the Valley.</i></p> <p><u>Land Use Element – Lompoc Valley Land Use Goals:</u> <i>Prime agricultural lands should be preserved for agricultural use only. Preservation of lesser grades of presently producing or potential agricultural land should be actively encouraged.</i></p>	<p>The Uniform Rules and the Agricultural Preserve Program helps to ensure the preservation of agriculture in the County by providing reduced tax assessments to farmers and ranchers in exchange for maintaining their land in commercial agricultural production for a minimum of 10 years.</p> <p>The eligibility provisions of both the existing and amended Uniform Rules are consistent with County agricultural and land use policies promoting the protection of agricultural land and the agricultural economy and discouraging urbanization of the rural agricultural areas of the County. The amended Uniform Rules expand the eligibility of the program to include: agricultural lands that are zoned Mountainous; open space lands with a Resource Management zone district; and lands designated Other Open Lands. This will help to encourage long-term agricultural production and open space resource protection by extending the incentives of the Agricultural Preserve Program to these additional lands.</p> <p>The amended Uniform Rules provides greater flexibility for landowners participating in the Agricultural Preserve Program through increased residential and compatible use opportunities. These amendments to the Uniform Rules will help ensure the continuation of agriculture as a viable industry in Santa Barbara County and discourage the premature conversion of agricultural soils. Allowing additional agricultural processing opportunities on contracted lands such as wineries, coolers, and preparation and packaging facilities make it possible for farmers and ranchers to preserve the quality of their crops, compete successfully in the marketplace, provide freshness to the consumer, and deliver crops to market more quickly and cost efficiently. By increasing the residential opportunities on contracted land, the amended Uniform Rules help to retain larger blocks of agricultural land in a single ownership contract and preserve the tradition of family farms in the County by reducing one of the reasons farms and ranches are sold and divided into smaller properties.</p> <p>While the increased opportunities for residential development and agricultural support facilities (e.g. wineries) on prime and non-prime lands may result in soils being taken</p>

<p><u>Land Use Element – Santa Maria/Orcutt Land Use Goal:</u> <i>Promotion and protection of agriculture as an industry.</i></p> <p><u>Coastal Act Policy 30241:</u> <i>The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</i></p> <ul style="list-style-type: none"> (a) <i>By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.</i> (b) <i>By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.</i> (c) <i>By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with §30250.</i> (d) <i>By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</i> (e) <i>By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</i> (f) <i>By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</i> <p><u>Coastal Act Policy 30242:</u> <i>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 §30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</i></p> <p><u>Coastal Act Policy 30243:</u> <i>The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of non-commercial size shall be limited to providing for necessary timber processing and related facilities.</i></p> <p><u>Policy LUA-O-1:</u> <i>The County shall develop and promote programs to preserve agriculture in the Santa Maria Valley</i></p> <p><u>Policy LUA-TC-1:</u> <i>The County shall develop and promote programs to preserve agriculture in the Toro Canyon Plan Area.</i></p>	<p>out of agricultural production, proposed building envelope restrictions placed on most of these uses and specifications to minimize the intrusion of this development into agricultural areas, coupled with the requirement for consistency with the compatibility principles (Uniform Rule 2-1.1, Gov. Code §51238.1), minimize the impact on agricultural operations. The maximum development area allotted to residential uses for qualifying premises (3 acres, 1-net new acre) would be insignificant on large contracted premises, yet would bolster the preservation of agriculture in the County by making the Agricultural Preserve Program more accommodating to agricultural landowners.</p> <p>Allowing slightly more land for residential uses on small (10 – 20 acre) superprime premises (Uniform Rule 1-4.1. Principal Dwelling) could remove a greater amount of land proportionately from agricultural production (Uniform Rule 1-4.1. Principal Dwelling). However, this is tempered by the requirement to place more of the premises in agricultural production which will result in a far greater increase in production than in residential use. Apart from any incentives, production requirements on prime and super-prime land have been clarified and increased which will further increase the amount of contracted land in production. Failure to incorporate some changes could endanger continued participation in the Program, thus ultimately leading to more agricultural land susceptible to conversion in the future. Given these factors, the amended Uniform Rules are <i>potentially consistent</i> with these policies protecting and encouraging agriculture in the County.</p> <p>The allowance of commercial composting facilities as a compatible use presents potential agricultural and land use policy conflicts based on the possible conversion of productive agricultural soils to an agricultural support use. On the other hand, not only do they provide a benefit to the agricultural community, but also address the need to accommodate the County's composting and waste disposal requirements as part of a State legislative mandate. Commercial composting facilities must make compatibility findings listed in the Uniform Rule 2-7.B and are also subject to a discretionary permitting process requiring the approval of a Major CUP.</p> <p>The proposed inclusion of special events (Uniform Rule 2-11) as a compatible use may be <i>potentially inconsistent</i> by introducing structures, land uses and temporary population increases that may contrast with existing and surrounding land uses.</p>
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<p>Policy LUA-TC-2: Land designated for agriculture within the Toro Canyon shall be preserved and protected for agricultural use.</p>	<p>With the incorporation of proposed Mitigation Measure AG-5 limiting special events on non-winery contracted land to no more than 4 event days per year and no more than 200 guests per event, Uniform Rule 2-11 would be potentially consistent with policies.</p> <p>The proposed deletion of sanitary waster landfills, transfer stations and golf courses (Uniform Rules 2-5 and 2-7) are considered to be <i>beneficial impacts</i> to agricultural resources and land uses by ensuring that these uses do not take contracted land out of agricultural production or result in conflicts with surrounding land uses or existing development.</p>
<p>AGRICULTURAL COMPATIBILITY / URBANIZATION</p>	<p>DISCUSSION</p>
<p>Agricultural Element Goal II: Agricultural lands shall be protected from adverse urban influence.</p> <p>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.</p> <p>Land Use Element - Santa Ynez Valley Land Use Goals: 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. Medium and heavy industrial uses are not considered compatible with the Valley's unique life style.</p> <p>Land Use Element - Lompoc Valley Land Use Goals: The unique character of the area should be protected and enhanced with particular emphasis on protection of agricultural lands, grazing lands, and natural amenities. Residential, commercial and industrial growth should be confined to urban areas. Commercial and industrial development that complements and expands the existing agricultural industry of the area should be encouraged.</p> <p>Coastal Act Policy 30241: The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p> <ol style="list-style-type: none"> a. By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses. b. By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the 	<p>The amended Uniform Rules incorporate "principles of compatibility" (Uniform Rule 2-1.1., Gov. Code, §51238.1), which are to be used in evaluating the compatibility of uses which are accessory or incidental to the agricultural operation. These principles, as set forth by the Williamson Act, require that any use must be compatible with the agricultural activity and will not 1) significantly compromise the long-term productive agricultural capability on the premises or other contracted land; 2) will not significantly displace or impair current or foreseeable agricultural operations on the premises or other contracted lands; and 3) will not result in the significant removal of adjacent contracted land from agricultural or open space use. Application of these principles, along with specific restrictions placed on residential allowances (to maintain low density development characteristic of the rural area), will minimize adverse development and urbanization impacts on agricultural lands enrolled in the Agricultural Preserve Program. The residential development allowed on contracted land under the amended Uniform Rules does not meet the definition of urbanization in the Land Use Element, which is development denser than one unit per five acres. Agricultural support facilities (i.e. preparation and processing facilities) are included in the definition of agriculture in the Land Use Element, meaning they are considered to be compatible and allowed uses in an agricultural land use designation. Furthermore, the purpose of the Agricultural Preserve Program and the length of the contracts help to ensure the protection of agriculture from premature urbanization or conversion to non-agricultural uses. Given these factors, the amended Uniform Rules are <i>potentially consistent</i> with these policies protecting agriculture from urbanization and non-compatible development.</p>

<p><i>establishment of a stable limit to urban development.</i></p> <p>c. <i>By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with §30250.</i></p> <p>d. <i>By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</i></p> <p>e. <i>By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</i></p> <p>f. <i>By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</i></p> <p><u>Coastal Act Policy 30242:</u> <i>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 §30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</i></p> <p><u>Coastal Plan Policy 8-2:</u> <i>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 §30241 and 30242 of the Coastal Act.</i></p> <p><u>Policy LUA-TC-3:</u> <i>New development shall be compatible with adjacent agricultural lands.</i></p>	
<p>AGRICULTURAL SUPPORT</p> <p><u>Agricultural Element Goal V:</u> <i>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.</i></p> <p><u>Agricultural Element Policy V.A:</u> <i>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.</i></p> <p><u>Agricultural Element Policy V.B:</u> <i>Santa Barbara County should allow areas for supportive agricultural services within reasonable distance and access to the farm user.</i></p>	<p>DISCUSSION</p> <p>The amended Uniform Rule 2-2 would encourage the development of agricultural support facilities (e.g. preparation and processing facilities) on contracted land. The proposed changes to the Uniform Rules provide greater opportunities for such facilities relative to the existing Uniform Rules (e.g. allowing larger preparation facilities and wineries than currently allowed, and small-scale processing of products beyond the raw state). Therefore, the amended Uniform Rules are <i>potentially consistent</i> with these policies.</p> <p>Proposed Rule 2-6 would allow agricultural support facilities located within an</p>

	<p>Agricultural Industry Overlay to be located on contracted land <i>potentially consistent</i> with the Ag Element Policy V.B. This rule is necessary because 74% of agriculturally-zoned land is under contract. Criteria in the Land Use Element and the proposed Rules would influence the size and location of the proposed AIO to , protect agricultural soils primarily for agricultural use.</p>
<p>VISUAL RESOURCES</p>	<p>DISCUSSION</p>
<p><u>Land Use Element - Visual Resource Policy 2:</u> <i>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.</i></p> <p><u>Scenic Highways Element Goal a.):</u> <i>To enhance and preserve valuable scenic resources located along roadways within the County.</i></p> <p><u>Coastal Act Policy 30251:</u> <i>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 to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p> <p><u>Coastal Plan Policy 4-3:</u> <i>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.</i></p> <p><u>Policy VIS-O-1:</u> <i>Significant scenic and visual natural resources in Orcutt shall be protected in order to preserve the semi-rural character of the OPA.</i></p> <p><u>Policy VIS-O-2:</u> <i>Prominent public view corridors (U.S. 101, State Routes 1 & 135, Clark Ave., Santa Maria Way, and Union Valley Parkway) and public viewsheds (Orcutt/Solomon Hills, Casmalia Hills, and Orcutt Creek) should be protected.</i></p> <p><u>DevStd VIS-O-2.1:</u> <i>Development shall be sited and designed to minimize disruption of important public view corridors and viewsheds through building orientation, minimization of grading on slopes, landscaping and minimization of sound walls.</i></p>	<p>Potential development (e.g. residential and large-scale agricultural support facilities) may be visible within public viewsheds along travel corridors throughout the County's rural lands. However, the amended Uniform Rules limit the size and scale of development on agricultural lands enrolled in the Agricultural Preserve Program. The amended Uniform Rules allow for residential development at densities and scales below those permitted under the applicable zoning ordinances. In AG-II-100 and -320 zones, up to three dwelling units could be allowed on premises containing sufficient parcels of 100 acres or more where only a single principal residence is allowed under the existing Uniform Rules. This is still less than what is allowed under AG-II zoning for non-contracted lands. Further, the total development envelope for residential dwellings is constrained to no more than two acres for a single dwelling and no more than three acres for three dwellings further limiting the visual intrusion of these residential buildings in the rural viewshed. A fairly limited number of premises qualify for additional dwellings so the development would be dispersed throughout the rural areas of the County. All these constraints combine to help maintain consistency with the policies that protect the rural and semi-rural character of the County's agricultural areas.</p> <p>In the Carpinteria Valley area where small superprime premises are common, the development envelope has historically been more restrictive, allowing no more than 10,000 square feet for residences and other non-agricultural structures. This restricted size is retained in the proposed Rules for parcels under 10 acres in size. For parcels between 10 and 20 acres in size, the development envelope could be increased incrementally to twice that size on a parcel between 19 and 20 acres under Rule 1-4.1.C. The increased development envelope is only available if a greater proportion of the premises is placed in active agricultural production. Thus, on a parcel of 19.99 acres, 19.5 of those acres must be actively farmed in order to have a 20,000 square foot development envelope. The production requirements will enhance the agricultural nature of the area. The density of residential structures will not change, and policies and zoning requirements will ensure larger residential</p>

<p><u>Policy LUR-TC-2:</u> Residential development, including but not limited to the size of structures and development envelopes, shall be scaled to protect resources such as environmentally sensitive habitat and visual resources and to respect site constraints such as steep slopes.</p> <p><u>Goal VIS-TC:</u> Protect the rural and semi-rural character and natural features of the area, particularly public views of the foothills, Santa Ynez Mountains and Pacific Ocean.</p> <p><u>Policy VIS-TC-1:</u> Development shall be sited and designed to protect public views.</p> <p><u>DevStd VIS-TC-1.2:</u> Development and grading shall be sited and designed to avoid or minimize hillside and mountain scarring and minimize the bulk of structures visible from public viewing areas. Mitigation measures may be required to achieve this, including but not limited to increased setbacks, reduced structure size and height, reductions in grading, extensive landscaping, low intensity lighting, and the use of narrow or limited length roads/driveways, unless those measures would preclude reasonable use of property or pose adverse public safety issues.</p> <p><u>Policy VIS-TC-2:</u> Development shall be sited and designed to be compatible with the rural and semi-rural character of the area, minimize impact on open space, and avoid destruction of significant natural resources.</p> <p><u>DevStd VIS-TC-2.1:</u> Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features such as major rock outcroppings, mature trees and woodlands.</p>	<p>structures are unobtrusive and compatible with their rural setting.</p> <p>Guest ranches would also be allowed under the proposed Rule 2-4. On parcels between 40 and 100 acres, the guest ranch must make use of the existing residential buildings in the development envelope. There would be no physical change to the rural landscape as a result of these operations. On parcels 100 acres or greater, additional facilities could be built to accommodate the guests, but they would need to be located within the existing development envelope containing the principal dwelling. This might increase the size or number of buildings in the rural landscape, but clustering them in the constrained development envelope would minimize any impact on the rural landscape.</p> <p>The proposed Rules would permit both larger and a greater variety of agricultural processing and preparation facilities, including larger wineries and market preparation facilities, small-scale processing facilities and regional agricultural support facilities established within an Agricultural Industry Overlay on Agricultural Preserve land. While these land uses are supportive to agriculture, they would introduce more industrial-like buildings which may be out of scale with the existing rural character.</p> <p>Any future development allowed under the amended Uniform Rules, whether residential or industrial in nature, will be processed through the appropriate permit path set forth under the applicable zoning ordinances. As such, any proposed development would need to be found consistent with these policies protecting the visual resources of the County. Consequently, agricultural support uses such as AIO, preparation and processing facilities and wineries allowed by the amended Uniform Rules are <i>potentially consistent</i> with these policies.</p>
<p>BIOLOGICAL RESOURCES AND WATER QUALITY</p> <p><u>Coastal Plan Policy 3-14 and Land Use Element Hillside and Watershed Protection Policy 2:</u> All development 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 for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.</p> <p><u>Land Use Element - Hillside and Watershed Protection Policy 9:</u> Where agricultural development and/or agricultural improvements will involve the construction of service roads and the clearance of natural vegetation</p>	<p>DISCUSSION</p> <p>The amended Uniform Rules do provide for greater development opportunities, both residential and industrial, than what is currently allowed. Such provisions, if unregulated, could result in development which is inconsistent with these policies protecting biological resources and water quality. However, the amended Uniform Rules do not authorize any development on agricultural land which is not otherwise permitted by the applicable zone district and in fact constrains the development envelope to a smaller size than could be allowed under the applicable zone. Most of the development which could occur under the amended Uniform Rules is restricted to larger parcels (e.g. 40 acres or greater for small-scale guest ranches and 100 acres or</p>

for orchard and vineyard development and/or improvements on slopes of 30 percent or greater, cover cropping or any other comparable means of soil protection, which may include alternative irrigation techniques, shall be utilized to minimize erosion until orchards and vineyards are mature enough to form a vegetative canopy over the exposed earth, or as recommended by the County Public Works Department.

Coastal Plan Policy 2-11: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat area 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 vegetation, and control of runoff.

Policy BIO-TC-8 (Inland): New or expanded cultivated agricultural uses shall be prohibited within ESH areas and avoided to the maximum extent feasible in ESH buffer areas, except on agriculturally zoned parcels (i.e., AG-I or AG-II) subject to Policy BIO-TC-9.

Policy BIO-TC-9 (Inland): On agriculturally zoned parcels containing Southern Coast Live Oak Riparian Forest ESH, new or expanded cultivated agriculture may encroach up to 25 feet from the ESH as measured from the top of bank or, if the habitat extends beyond the top of bank, as measured from the edge of riparian vegetation. Agricultural uses in the ESH buffer shall be designed to reduce and direct runoff away from the ESH habitat and minimize the use of pesticides and herbicides to the maximum extent feasible.

Policy BIO-TC-16 (Coastal): The conversion of vacant land in ESH, ESH buffer, or on slopes over 30 percent to new crop, orchard, vineyard, or other agricultural use shall not be permitted. Existing, legally established agricultural uses shall be allowed to continue.

Goleta Community Plan: The Biological Habitats section of the Goleta Community Plan specifies that development shall avoid and preserve biological resources (i.e. streams, wetlands, coastal sage scrub, native grasslands, monarch butterfly habitat, native trees, etc.) to the maximum extent feasible. Specific setbacks are identified for streams and creeks.

RECREATION

Agricultural Element Policy 1A: The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

Coastal Plan Policy 7-6: Recreational uses on oceanfront lands, both public and private, that do not require extensive alteration of the natural environment (i.e., tent campgrounds) shall have priority over uses requiring substantial alteration (i.e., recreational vehicle campgrounds).

greater for additional residential dwellings), where opportunities for avoidance or minimization of impacts to these resources is more achievable. Furthermore, the development allowed for under the proposed Uniform Rules would still require any necessary permits as set forth in the zoning or grading ordinances. The permit process would require consistency with these policies on a site-specific basis, and the application of mitigation measures or standard conditions to address any potential impacts where appropriate. In addition, for prime and superprime land, production requirements are qualified to encourage the protection of sensitive resources and habitat areas. Given these factors, the amended Uniform Rules are *potentially consistent* with these policies.

The proposed Rules also would allow Agricultural Preserves to be placed on lands zoned mountainous or resource management, which could extend the constraints, imposed by the Uniform Rules to development on these lands and thereby extend protection of sensitive resources and habitats.

DISCUSSION

Under the amended Uniform Rule 2-5 and consistent with the Williamson Act (Gov Code, §51201[n]), a recreational use has been added as a compatible use in order to allow a certain amount of recreational use in conjunction with an agricultural operation. However, any recreational use must be low intensity and limited to land in its "agricultural or natural state" and limitations on the scale of recreational structures ensure that the activity would be low-intensity. Furthermore, the recreational activity

<p><u>Coastal Plan Policy 7-29:</u> <i>Visitor-serving commercial recreational development in rural areas should be limited to low intensity uses, i.e., campgrounds, that are designed to protect and enhance visual resources, and minimize impacts on topography, habitats, and water resources.</i></p> <p><u>Policy PRT-GV-1:</u> <i>Diverse outdoor and indoor recreational opportunities shall be encouraged to enhance Goleta's recreational resources and to ensure that current and future recreational needs of residents are met.</i></p>	<p>must not interfere with or displace any agricultural operation on the premises or in the vicinity. Therefore, the proposed Uniform Rules are <i>potentially consistent</i> with these policies.</p> <p>Golf courses have been deleted from the compatible uses in the Uniform Rules consistent with legislative changes to the definition of recreational uses in the Williamson Act. This change is <i>potentially consistent</i> with Ag Element Policy I.A and Coastal Policy 7-29.</p>
<p>HOUSING</p> <p><u>Housing Element Goal I:</u> <i>Promote the development of new housing with a diversity of types, sizes, tenures, densities, and locations in the necessary quantities to meet the needs of all economic segments of the community.</i></p> <p><u>Housing Element Policy 2.2:</u> <i>The County shall promote and facilitate development of farm employee housing on agriculturally zoned land (including single family dwellings, mobile homes, and group quarters such as bunk houses or dormitories). Developers of such projects shall not be limited to farm worker employees.</i></p> <p><u>Housing Element Policy 5.5:</u> <i>The County shall continue to encourage development within existing urban boundaries of the County and the preservation and/or protection of rural land uses outside the urban boundaries.</i></p>	<p>DISCUSSION</p> <p>The proposed amendments to the Uniform Rule 1-4 provides more opportunities for housing than what is currently permitted on contracted land, though at densities and scales consistent with the rural character of the agricultural regions. The goal of providing flexibility in housing on agricultural lands is twofold; to support multi-generational farming families and retain large agricultural premises intact as a cohesive operation. The amended Uniform Rule 1-4.3 clarifies allowances for agricultural employee housing on contracted land. Therefore, the amended Uniform Rules are <i>potentially consistent</i> with these housing policies.</p>
<p>PUBLIC SERVICES</p> <p><u>Land Use Element – Development Policy 4/ Coastal Plan Policy 2-6:</u> <i>Prior to issuance of a development permit, the County shall make the finding, based on information provided 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. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan. Affordable housing projects proposed pursuant to the Affordable Housing Overlay regulations, special needs housing projects or other affordable housing projects which include at least 50% of the total number of units for affordable housing or 30% of the total number of units affordable at the very low income level shall be presumed to be consistent with this policy if the project has, or is conditioned to obtain all necessary can and will serve letters at the time of final map recordation, or if no map, prior to issuance of land use permits.</i></p> <p><u>Coastal Plan Policy 2-10:</u> <i>Annexation of a rural area to a sanitary district or extension of sewer lines into rural area as defined on the land use plan maps shall not be permitted unless required to prevent adverse impacts on</i></p>	<p>DISCUSSION</p> <p>Development allowed under the amended Uniform Rules could result in the need for public services and facilities such as the need for road widening to accommodate greater traffic volumes resulting from the development of large-scale agricultural support facilities. Any such development would be processed through the appropriate permit established under the applicable zoning ordinance, which would necessitate consistency with these policies prior to approval of the permit. Therefore, the amended Uniform Rules are <i>potentially consistent</i> with these policies.</p>

<p><i>an environmentally sensitive habitat, to protect public health, or as a logical extension of services.</i></p>	
<p>TRAFFIC AND CIRCULATION</p> <p><u>Circulation Element:</u> <i>The Circulation Element is intended to provide clear traffic capacity guidelines to maintain acceptable levels of service on County roadways and intersections while allowing reasonable growth. The roadway classifications, intersection levels of service, and capacity levels apply to all roadways and intersections within the unincorporated areas of the County, except for those located in a community plan area.</i></p> <p><u>Goal CIRC-GV-1:</u> <i>The County shall allow reasonable development of parcels within the Community of Goleta based upon the policies and land use designations adopted in this Community Plan, while maintaining safe roadways and intersections.</i></p>	<p>DISCUSSION</p> <p>The cumulative effect of buildout under the amended Uniform Rules could affect levels of service on County roadways and intersections. The development of large-scale wineries and agricultural support facilities are those most likely to affect levels of service on County roadways and intersections, due to employee trips, trucking and shipping, and visitors in the case of wineries with tasting rooms. Residential and guest ranch development will be dispersed throughout the County and would not likely affect levels of service. Nonetheless, consistency with the Circulation Element or any applicable community plan policies would be analyzed during review of any permit applications for a development project. Consistency with these policies would be required prior to approval of the permit. Therefore, the amended Uniform Rules are <i>potentially consistent</i> with these policies.</p>
<p>NOISE</p> <p><u>Noise Element Policy 1:</u> <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.</i></p>	<p>DISCUSSION</p> <p>Development under the amended Uniform Rules could increase ambient noise levels in the rural agricultural areas of the County and create land use conflicts by exposing noise-sensitive receptors to nuisance noise. However, the amended Uniform Rules were developed to limit most new development opportunities to larger parcels where significant noise sources could likely be avoided or reduced through siting and design features. In addition, any future project would be evaluated on a case-by-case basis for noise impacts as part of the permit application process. Therefore, the amended Uniform Rules are <i>potentially consistent</i> with this policy.</p>
<p>AIR QUALITY</p> <p><u>Agricultural Element Policy I.F:</u> <i>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.</i></p> <p><u>Land Use Element – Air Quality Supplement Goal:</u> <i>Reduce use of the automobile.</i></p> <p>The supplement expands on this goal in the text: <i>“Any action that can be taken to reduce automobile use and hence vehicular miles traveled (VMT) will aid in reducing the pollutants contributed by the</i></p>	<p>DISCUSSION</p> <p>The Air Quality Supplement to the Land Use Element and the Coastal Plan do not specifically address residential development in rural areas, nor do they address potential development of small-scale guest ranches, large-scale wineries, agricultural support facilities and commercial composting facilities. Such development, however, does have the potential to increase the emissions of ozone precursors, (ROC, NO) and fugitive dust emissions resulting from increased trip generation and/or operational emissions. Most potential development allowed under the amended Uniform Rules would still be subject to discretionary review,</p>

<p>automobile... <i>The automobile is the single largest source of hydrocarbon, nitric oxide, and carbon monoxide emissions in Santa Barbara County. Land use measures which can aid in reducing automobile use can thus contribute to the region's ability to attain the federal ambient air quality standards.</i></p> <p>An underlying principle is: <i>to control emissions regardless of source to achieve and maintain attainment with state and federal standards.</i></p> <p><u>Coastal Act Policy 30253(3)</u>: <i>New development shall be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board as to each particular development.</i></p> <p><u>Coastal Act Policy 30253 (4)</u>: <i>New Development shall minimize energy consumption and vehicle miles traveled.</i></p> <p><u>Local Coastal Plan Policy 11-1</u>: <i>The provisions of the Air Quality Attainment Plan shall apply to the coastal zone.</i></p>	<p>including policy consistency and CEQA requirements. Thus, the amended Uniform Rules are <i>potentially consistent</i> with the amended Uniform Rules.</p>
<p>CULTURAL RESOURCES</p> <p><u>Land Use Element – Historical and Archaeological Sites Policy 1/ Coastal Plan Policy 10-1</u>: <i>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.</i></p> <p><u>Land Use Element – Historical and Archaeological Sites Policy2/ Coastal Plan Policy 10-2</u>: <i>When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.</i></p> <p><u>Land Use Element – Historical and Archaeological Sites Policy3/ Coastal Plan Policy 10-3</u>: <i>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.</i></p>	<p>DISCUSSION</p> <p>Development and potential population increases resulting from the amended Uniform Rules provisions could result in the increased likelihood of destruction of prehistoric resources during grading, increased incidents of pilferage and vandalism, and damage or demolition of historic resources. However, the larger parcel sizes associated with most contracted land (as compared to small residential lots) would allow siting flexibility to avoid cultural resources. In addition, development projects occurring under the amended Uniform Rules must still comply with all permitting requirements for that zone district and proposed use, which would entail the review of the project for consistency with these policies and the presence or absence of cultural resources. If site-specific review of a project determines that there is the potential to impact cultural resources, then appropriate mitigation measures or standard conditions would be applied to minimize or avoid any impact. Therefore, development under the amended Uniform Rules is <i>potentially consistent</i> with these policies.</p>
<p>OTHER PLANS AND POLICIES</p>	
<p>THE WILLIAMSON ACT</p> <p><i>The purpose and intent of the Williamson Act is to provide for the long-term preservation of agricultural and open space land throughout California. Recreational use compatible with the agricultural or open</i></p>	<p>DISCUSSION</p> <p>One of the primary reasons for updating the Uniform Rules was to bring the County's Agricultural Preserve Program into greater conformity with the</p>

space character of the land is also encouraged under the Act. To these ends, the Williamson Act establishes various rules and guidelines that participating counties, and lands within those counties, must adhere to in order to qualify for the tax benefits provided for under the Act. One of the primary ways in which the Williamson Act ensures the protection and long-term viability of agricultural land is by restricting the types of compatible activities and uses that can occur on contracted land without adversely impacting the agricultural operation on the premises or in the vicinity.

The Williamson Act allows for homesites and farm labor housing units on contracted land, they must, however, be limited in purpose and number as well as incidental to the agricultural use of the land.

Williamson Act, as many changes to the Act have occurred in recent years that have not been incorporated into Santa Barbara County's Uniform Rules. Included among these are changes to how compatible uses are evaluated. The updated Uniform Rules amend how compatible uses are addressed by incorporating the "principles of compatibility" from the Williamson Act (GC §51238.1), which help to guide what constitutes a compatible use on contracted land. However, the amended Uniform Rule 2-2 increases opportunities for non-agricultural uses, or uses incidental or supportive of the agricultural operation such as large-scale wineries and preparation facilities and small-scale processing. This could result in more soils removed from agricultural production, which would be inconsistent with the goals and intent of the Williamson Act. The Uniform Rules address this concern by placing acreage limitations on these uses and incorporating the compatibility principles into the Rules as criteria for assessing compatibility. The purpose of providing greater flexibility and opportunities to landowners is to ensure their continued participation in the Agricultural Preserve Program in the face of rising challenges in maintaining a viable agricultural operation and growing pressure to develop agricultural land. By incorporating the compatibility principles, amending the definition of recreation to be consistent with the Act, and limiting the nature and scale of compatible uses, the amended Uniform Rules are *potentially consistent* with the Williamson Act in terms of compatible uses.

Residential uses expand the opportunities for residential development on contracted land from one principal dwelling per premises to three principal dwellings per premises, each located on separate legal parcels 100 acres or greater (Rule 1-4.1). Under this provision, each residential dwelling would need to be sited in accordance with the compatibility principles and in a manner which minimizes intrusion into agricultural areas in order to preserve productive agricultural land to the greatest extent feasible. The total development envelope for these residences would be limited to 3 acres, distributed among the two or three dwellings; if only one principal dwelling were established, then the envelope would be limited to the lesser of 2 acres or 3% of the parcel. These restrictions help to maintain the integrity of the Agricultural Preserve Program and consistency with the purpose and intent of the Williamson Act, which is to preserve productive agricultural land in the long-term. The intent of this expansion is to address the growing needs of family farmers and to provide an incentive to landowners to maintain large blocks of land under a single ownership contract. Failure to address residential requirements of some

<p><i>The Williamson Act serves to promote the long-term viability of commercial agricultural production by establishing minimum preserve sizes (100 acres for nonprime preserves and 40 acres for prime preserves) and defining an agricultural use as "use of land for the purpose of producing an agricultural commodity for commercial purposes." The Williamson Act allows for smaller preserves if warranted by the unique characteristics of the agricultural enterprises in the area.</i></p> <p><i>The 2001 audit conducted by the Department of Conservation (DOC) requested inclusion of the County's justification for allowing the smaller (Superprime) parcels in the Uniform Rules.</i></p> <p><i>The Williamson Act was amended in 1999 to clarify that recreational use was limited to use of the land in its agricultural or natural state. The 2001 DOC audit questioned inclusion of golf courses in the County's Uniform Rules.</i></p> <p><i>The 2001 audit also questioned inclusion of solid waste landfills and transfer station facilities.</i></p>	<p>landowners could encourage the replacement of large individual contracts with multiple smaller contracts, which would be more susceptible to development and conversion in the future. At the same time, the limits placed on the development envelope allow less land for residential uses than would be the case for separate premises. Thus, this provision serves to preserve agriculture into the future, while allowing residential development that is compatible with the agricultural operation on the premises. Therefore, the amended Uniform Rules are <i>potentially consistent</i> with the Williamson Act in terms of residential development.</p> <p>The amended Uniform Rules increase consistency with the Williamson Act in terms of commercial agricultural production by incorporating specific production standards that must be met for the different types of preserves (Rule 1-2.3). The production requirements (i.e. production value and productive acreage) for the superprime category were increased from the current requirements to ensure that more land is dedicated to agricultural production and only landowners involved in genuine commercial agricultural operations are enrolled and benefiting from the program. In terms of preserve size, the amended Uniform Rules provides a rationale for allowing the enrollment of smaller preserves and parcels due to the highly productive nature of agricultural land in some areas of the County (Rule 1-2.2.C.3). Given these components, the amended Uniform Rules are <i>potentially consistent</i> with these aspects of the Williamson Act.</p> <p>The Proposed Uniform Rules have incorporated the clarifying language for recreational uses of the Act and have deleted golf courses from its list of compatible uses. As a result the Proposed Uniform Rules are <i>potentially consistent</i> with this provision of the Williamson Act.</p> <p>The compatible use section of the Proposed Uniform Rules deletes inclusion of solid waste landfills and transfer facilities.</p>
<p>CONGESTION MANAGEMENT PLAN (CMP)</p> <p><i>The Santa Barbara County Association of Governments has developed a set of traffic impact guidelines to assess impacts of land use decisions made by local jurisdictions on regional transportation facilities located within the County CMP roadway system.</i></p>	<p>DISCUSSION</p> <p>Because the location of future residential and industrial development allowed for under the amended Uniform Rules that could impact traffic systems throughout the County is unknown, vehicle trip assignments and distributions would be purely speculative and therefore cannot be made at this time. Therefore, consistency with the CMP cannot be analyzed at a Program EIR level. Rather, each development</p>

	with potential traffic impacts would be reviewed for consistency with the CMP at the time of application.
CLEAN AIR PLAN (CAP)	DISCUSSION
<i>The 2004 Clean Air Plan (CAP), a comprehensive planning document generated by the Santa Barbara County Air Pollution Control District (SBCAPCD), is intended to provide guidance to the Air Pollution Control District, the County, the cities and other local agencies as to the progression and attainment of federal and state ozone standards. The 2004 CAP was prepared pursuant to the Clean Air Act of 1988. Under Health and Safety Code §40924 and 40925, the District is required to update its Clean Air Plan every three years to attain the State's one-hour ozone standard. Thus, the 2004 CAP is a direct update to the 2001 CAP which was preceded by the 1991 Air Quality Attainment Plan and the 1994 and 1998 Clean Air Plans.</i>	Consistency with the CAP means that direct and indirect emissions associated with the project are accounted for in the CAP's emissions growth assumptions and the project is consistent with policies adopted in the CAP. According to APCD ¹ , the following expanded uses proposed in the Uniform Rules amendments have been accounted for in growth projections contained in the 2004 CAP; and therefore, consistent with the CAP: winery expansion, agricultural preparation and processing facilities (including Agricultural Industry Overlay). ² Residential development in rural areas is consistent if it is consistent with the Comprehensive Plan. Small-scale guest ranches and commercial composting facilities on the other hand, may be consistent only if they are consistent with the Comprehensive Plan. Such uses are conditionally permitted in rural agricultural zones, and therefore must be found to be consistent with the Comprehensive Plan prior to project approval. While these uses were not directly accounted for in the CAP growth projections, provisions of the CAP would be implemented and enforced through the discretionary review and permitting process. For these reasons, small-scale guest ranches and commercial composting facilities are assumed to be <i>potentially consistent</i> with the CAP.
CENTRAL COAST REGIONAL WATER QUALITY CONTROL PLAN (WQCP)	DISCUSSION
<i>The purpose of the WQCP is to identify the beneficial uses in the Central Coast Region and provide the controls to assure the highest water quality for those uses. There are 24 beneficial uses including municipal and domestic supply, agricultural supply, industrial process supply, groundwater recharge, and aquatic habitat.</i>	The proposed Uniform Rules would provide opportunities for development that are <i>potentially consistent</i> with the objectives of the Regional Water Quality Control Plan as all development allowed by the Rules would be evaluated for compliance with applicable water supply and wastewater discharge standards.

¹ Personal Comm., Vijaya Jamalamadaka, APCD.

² CAP generated scenarios account for agricultural preparation and processing facility expansion using commercial employment growth figures as a baseline.

5. OTHER CEQA CONCERNS

5.1 GROWTH INDUCING IMPACTS

CEQA Guidelines §15126.2(d) requires a discussion of the ways in which a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The discussion should also include project characteristics which encourage and/or facilitate other activities that, individually or cumulatively, could have significant environmental effects. CEQA emphasizes that growth in any area should not be assumed to be necessarily beneficial, detrimental, or of little significance to the environment.

Generally speaking, a project may be considered growth inducing if it results in one of the five conditions identified below:

1. Removes an impediment to growth (e.g. the establishment of an essential public service or the provision of new access to an area).
2. Induces population growth.
3. Induces economic expansion.
4. Establishes a precedent setting action (e.g. an innovation, a radical change in zoning or general plan designation).
5. Results in development or encroachment in an isolated or adjacent area of open space (i.e. being distinct from “infill” development).

The impacts identified below are based on estimated buildout under the new provisions of the Uniform Rules which would potentially occur over the long-term.

5.1.1 Removal of an Impediment to Growth

The amendments to the Uniform Rules would allow for greater residential and industrial development on land enrolled in the Agricultural Preserve Program that could contribute to growth in rural areas of the County. However, the resulting development would be consistent with what is allowed by the present Comprehensive Plan and Zoning Ordinances.

5.1.2 Population Growth

Buildout under the amended Uniform Rules could result in the development of approximately 233 additional residential units, increasing the County’s rural population by approximately 670 residents (assuming the County average of 2.85 residents per dwelling). This growth, however, would not be at a density greater than is allowed by current County policy and zoning requirements. Further it is expected that much of the residential development would be used by farm managers and other employees, or family members of landowners involved in the agricultural operations presently commuting from urban areas. The population growth could, under this likelihood, reflect a shift of existing County residents

from nearby urban areas to rural areas in order to be closer to their place of employment. As set out in Section 2.4.1, this growth would be dispersed throughout the agricultural regions of the County, and would not concentrate in any one rural region. On a County-wide basis this amount of growth would not be significant.

5.1.3 Economic Growth

The amended Uniform Rules would potentially result in economic growth to the rural areas of the County by providing opportunities for greater use of contracted land for preparation and processing facilities, small-scale guest ranches, agricultural support facilities, and commercial composting facilities, among others. These economic opportunities would afford agriculturists with additional income streams increasing the economic stability and viability of existing agricultural operations. In addition, such uses would result in both short-term and long-term job opportunities associated with construction-related activities and operating the commercial/industrial facilities. Any development proposed must be consistent with existing land use regulations and where applicable, with the Uniform Rules. Given these factors, the amended Uniform Rules would contribute to economic growth in the agricultural areas of the County.

5.1.4 Precedent Setting Action

While the amended Uniform Rules would allow for greater residential development of contracted land, it would not be at densities greater than what is currently allowed in rural agricultural areas of the County. Other changes to the Rules allowing for small-scale guest ranches, agricultural support facilities and commercial composting operations are also currently allowed by zoning and the Comprehensive Plan. Thus the Proposed Uniform Rules would not set any precedents for growth.

5.1.5 Development of Open Space/Vacant Land

Development of open space¹ is considered growth-inducing when it occurs outside urban boundaries or in isolated locations instead of infill areas. While the amended Uniform Rules will increase opportunities for development of agricultural support facilities on contracted lands, these uses are allowed by the Comprehensive Plan and the zoning ordinance and are necessary for supporting and sustaining the County's major production industry which has a gross production value of \$902,891,898. Therefore, no impacts with respect to development of open space/vacant lands are associated with the Uniform Rules amendments.

¹ Agricultural land is defined by the state as open space land (Government Code 65560.(b)(2)).

5.2 SIGNIFICANT UNAVOIDABLE EFFECTS

CEQA Guidelines §15126(b) requires that an EIR identify those significant impacts that cannot be reduced to a less than significant level with the application of mitigation measures. The implications and reasons why the project is being proposed, notwithstanding, must be described.

Implementation of the amended Uniform Rules would likely result in significant, unavoidable impacts to the following resources:

- ◆ Agricultural Resources/Land Use
- ◆ Visual Resources
- ◆ Transportation/Circulation
- ◆ Noise
- ◆ Air Quality

These resources are examined in depth in Section 3 of this EIR and residual Class I impacts summarized in the Executive Summary.

Proposed mitigation measures in the form of amendments to the Uniform Rules would limit the extent of significant and unavoidable impacts on these resources. Further, incorporation of the compatibility principles, (Gov. Code, §51238.1), will help to ensure that development is compatible with the agricultural operations on the premises and on other agricultural lands in the vicinity. Existing regulations and requirements applied to individual development projects will help to ensure that resource impacts are minimized. The amended Uniform Rules are being proposed notwithstanding these potential impacts because the proposed program will better conform to the Williamson Act and make the program more flexible and attractive to landowners to encourage participation in the Agricultural Preserve Program, which will help to ensure the long-term viability and sustainability of agriculture in Santa Barbara County.

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL ACTIONS

CEQA Guidelines §15126.2(c) requires a discussion of any significant irreversible environmental changes which would be caused by the proposed project should it be implemented. Such significant irreversible environmental changes may include the following:

- ◆ Use of non-renewable resources during the initial and continued phases of the project which would be irreversible because a large commitment of such resources makes removal or non-use unlikely.
- ◆ Primary impacts and, particularly secondary impacts (such as highway improvement which provides access to a previously inaccessible area) which generally commit future generations to similar uses.

- ◆ Irreversible damage which may result from environmental accidents associated with the project.

Development of residential units, agricultural support facilities (e.g. preparation and processing facilities), and other uses allowed under the amended Uniform Rules would result in the commitment of nonrenewable resources (e.g. energy, water, construction materials) throughout the life of the Agricultural Preserve Program. Construction of some of the larger facilities would generally commit future generations to similar uses, depending on the size and location of the parcels on which the development is occurring. No environmental accidents are expected as a result of the provisions of the amended Uniform Rules. Overall, development allowed under the amended Uniform Rules would not result in significant irreversible changes to the environment.

5.4 EFFECTS FOUND NOT TO BE SIGNIFICANT

There are several other issue areas that are potentially affected by the proposed changes to the Uniform Rules. However, these impacts were found to be less than significant, and therefore no mitigation measures are required. The following is a brief discussion of the impacts to these resources.

5.4.1 Biological Resources

It is not possible to predict impacts to biological resources since the location of future residential projects and agricultural support facilities are unknown. The Proposed Uniform Rules require larger agricultural support facilities to be sited on contracted land that is actively engaged in production of the agricultural crop to be processed or prepared. Due to its highly altered state, land that is in cultivation or in support of cultivation is unlikely to contain significant habitat, as opposed to grazing land or open space land that has undergone less modification. Therefore, it is unlikely that these projects would result in significant impacts to biological resources in terms of habitat removal or the disruption or obstruction of wildlife movement or activity (e.g. migration, foraging, and breeding), since these areas are already altered as cultivated agricultural settings. In cases where habitat or a sensitive species does exist and would be impacted by development, those projects would need to be found consistent with existing policies in the course of the permit process.

In terms of greater residential development that may occur under the amended Uniform Rules, the proposed allowances only apply to premises with parcels at least 100 acres in size. It is unlikely that the development of single-family homes on parcels of this size will have a significant impact on biological resources, as in most cases projects can be relocated or redesigned to reduce any site-specific impacts. If endangered or threatened species are present on a site for which development is proposed, then the project would be scrutinized for impacts to that species and appropriate site-specific conditions or mitigation measures would be applied. Since the identification of impacts to biological resources is speculative at this time, and the impacts associated with any future projects would be addressed on a site-specific basis, impacts to biological resources are considered to be less than significant and not warranting further analysis or adoption of mitigation measures in this environmental document.

5.4.2 Other Resources

There are several other resource issue areas that were found to not be significantly affected by the proposed changes to the Uniform Rules (Appendix 1, Notice of Preparation). These include:

- ◆ Cultural Resources
- ◆ Geologic Processes/Flooding/Water Quality
- ◆ Public Services
- ◆ Parks and Recreation
- ◆ Risk of Upset/Hazardous Materials
- ◆ Fire

While impacts to these resources could potentially occur on a site-specific basis, it is speculative at this time to determine impact levels since it is unknown where projects will occur and what specific effects they will have on these resources. At a programmatic level, development occurring as a result of changes to the Uniform Rules is not expected to significantly impact these resources on an incremental or cumulative basis. This is because, while the proposed Rules may allow more development than currently allowed on contracted land, it would still be more constrained than allowed by the underlying zoning in effect. Site-specific impacts will be evaluated in the course of processing permit applications for projects in the future. At that time, impacts will be identified for the project and appropriate measures will be taken to ensure the project will not significantly impact any of the resources identified. Therefore, since it is unknown what effects the proposed changes to the Uniform Rules will have on these resources given their site-specific nature, no further environmental analysis is required at this time.

5.5 BENEFICIAL IMPACTS

According to CEQA, a project impact is considered beneficial if it would result in the improvement of an existing physical condition in the environment. Several of the proposed amendments to the Uniform Rules would have beneficial impacts to resources, especially to agricultural resources. These impacts are discussed in Section 3 of this document and summarized in Sec. 5.5.1 below.

CEQA Guideline Section 15064(c) states that: “in determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency.” The responses on the Draft EIR were overwhelming in recounting the benefits of the Proposed Uniform Rules to agriculture. While many of the recognized benefits are of an economic or social nature, they arguably result in indirect physical or tangible benefits to agricultural resources by contributing to the sustainability of individual agricultural operations, product sectors or even agricultural regions. This section has been expanded therefore to reflect these views as expressed through the comments on the Draft EIR. While the non-physical benefits do not alter the conclusions about potential adverse impacts and needed mitigation measures, this

summary may be useful to the decision makers in their assessment of the overall merits of the proposed project.

Before enumerating the direct and indirect beneficial impacts identified, a brief general overview is provided of some key economic realities for agriculture today.

Agriculture as a Resource

America is losing 1.2 million acres of farmland annually, much of it the best and most productive farmland, near where most Americans live.² Pressure to convert agricultural lands is increasing due to rising land values, increasing importation from foreign trade, ever-changing restrictions and regulatory requirements, and rising labor and infrastructure costs, including water, gas, and electricity.

America's agricultural land provides the nation – and the world – with an abundance of food and fiber products. The food and farming system is important to the balance of trade and the employment of nearly 23 million people. Agricultural land provides valued cultural and ecological importance. Some are more immediate, such as social heritage, scenic views, open space and community character. Long-range environmental benefits include wildlife habitat, clean air and water, flood control, groundwater recharge and carbon sequestration. Yet despite its importance to individual communities, the nation, and the world, American Farmland is at risk.³

Purpose of the Update to the Uniform Rules

The preparation of the Updated Uniform Rules was a concerted effort over an 18 month period on the part of the County's Agricultural Preserve Advisory Committee, the Cattlemen's Association, the Farm Bureau, County staff and community members at large. The driving force behind the update was to provide greater flexibility in the Uniform Rules to allow the continuation of productive agriculture to further the purpose of the Williamson Act.

The California Land Conservation Act (1965), known as the Williamson Act program was enacted to preserve agricultural land so that it would continue to be available into the future, and to discourage the premature or unnecessary conversion of agricultural and open space land to non-agricultural issues.⁴ Agricultural use is defined by the Williamson Act as "...the use of land for the purpose of producing and agricultural commodity for commercial purposes."

The Williamson Act enable cities and counties to implement local agricultural preserve programs for the purpose of long-tem protection of agricultural land through a system of voluntary contractual agreements and tax incentives to landowners. Williamson Act contracts restrict land uses on parcels to agricultural

² American Farmland Trust: Technical Resources

³ American Farmland Trust: Farmland Information Center Jan. 2003

⁴ DOC Comment Letter of the Draft EIR dated Oct. 27, 2005

and open space uses in exchange for lower property tax assessments. Each contract has a minimum 10-year term, which is renewed annually. If a contract is non-renewed, it takes 10 years for the contract term to expire. Most counties and some cities have a program and their combined effort protects about 54% of agricultural land in the State. In Santa Barbara County, about 73% of agriculturally zoned land (or 555,000 acres) is enrolled in the County's Agricultural Preserve Program.

The Williamson Act requires every participating local government to have a set of (uniform) rules for implementing its agricultural preserve program in an equitable manner consistent with the requirements of the Act. From time to time, the legislature has amended the Williamson Act requiring local governments to amend their rules. The last time Santa Barbara County amended its Uniform Rules was in 1999, but only to provide for a new contract option allowed under the Act, called Farmland Security Zones and to include provisions for residential agricultural units on contracted premises. Farmland Security Zones have a minimum contract term of 20 years. Other than the 1999 revisions, no other revisions to the rules have occurred since 1984.

Since 1999, there have been several amendments to the Williamson Act, and since 1984 much has changed in the practice and economic of agriculture. These and other factors compel the need to review and update the Uniform Rules.⁵

The stated objective of the Uniform Rules Update Project is to:

1. Bring the Uniform Rules into conformance with the legislative amendment to the Williamson Act;
2. Address discrepancies in the Uniform Rules identified in a 2001 audit by the California Department of Conservation (DOC);
3. Ensure the integrity of the Agricultural Preserve Program; and
4. Increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program.

Economic Factors in Considering Beneficial Impacts

In order to address the beneficial significance of the Updated Uniform Rules, it is necessary to consider the economic realities of agriculture. Agriculture is one of the most competitive businesses in the developed world. Increasingly, prices are set in global markets by the most efficient producers. That is to say, prices are determined globally, whereas the cost for production is determined locally. Basic input-output theory represents the economic realities of farming and must be considered to ensure farmland protection.

⁵ Memo to the Planning Commission re: Briefing in the URU Project, dated March 25, 2005

There are three primary inputs to agricultural production: land, labor, and capital. If the price of one input increases, the use of other inputs will be increased to minimize costs. This may or may not require a change in crops. Here are two examples:

Example 1: Rising labor costs often result in increased mechanizations or automation.

Example 2: Increasing land values, and hence costs, often cause a change in the use of land. Growers who face rising land costs may remove the land from agriculture or change to less land-intensive, higher cash-value crop.⁶

Clearly, Santa Barbara County agriculture has responded by increasing efficiencies in production and shifting to less land-intensive, higher cash-value crops. According to the Department of Conservation's Farmland Mapping and Monitoring Program 2,651 acres were converted to more intensive forms of agriculture between 2002 and 2004.

Economics affirm the need for farmland protection policies. In theory, optimal allocation of land or any other input resource is achieved when the value of an increment of output attributed to an increment of input is the same for all production options. For any given enterprise or land use, the rational landowner will invest units of land to the point at which marginal value product of land is equal to the return to the value of that land in an alternative use.⁷ As such, economics are the driving factor in the sustainability of our agricultural lands. As the profit margins diminish due to rising costs to conduct a viable agricultural operation the pressures and temptations to "cash out" become increasingly more appealing.

The ability for U.S. farmers and ranchers to compete is increasingly more challenging since prices are determined globally by markets with lower land values, greater access to workforce, less expensive infrastructure costs, and lesser restrictions and regulations. In order to preserve and protect our agricultural lands new farmland protection policies, innovative land use approaches, and incentives to keep individuals farming must be sought.

With this in mind, the Updated Uniform Rules represents a collaborative effort for the purposes of achieving the objectives listed above. The active participants in the process believe that the project description meets *most* of the objectives of the agricultural community. As a compromise adopted by the Agricultural Advisory Committee, it does not incorporate 100% of the changes desired by farmers and ranchers, but it does provide much greater clarity, protection, and flexibility of use for agriculturists than do the existing Uniform Rules.⁸

⁶ UCSB Economic Report on the Future of Ventura County Agriculture, Bill Watkins Ph.D..

⁷ CAE – Working Paper Series –Farmland Protection Policy: An Economic Perspective Jan. 1997

⁸ Hatch & Parent letter on the Draft EIR dated October 31, 2005.

5.5.1 Direct Beneficial Impacts

Agricultural Resources

Impact AG-4: Increased production requirements on superprime land. The proposal to increase the requirement for planted acreage on superprime parcels between 10 and less than 20 acres would lead to more land devoted to agriculture south of the Santa Ynez Mountains (primarily in the Carpinteria Valley), thereby helping to ensure the continued viability of coastal agriculture. This increase in acreage provides a higher standard for agricultural productivity on superprime parcels by increasing commercial agricultural activity. Such a measure would constitute a *beneficial impact* to agricultural resources. The productive acreage could further increase as a result of the incentive-based allowance for increasing the size of the residential envelope. For every additional acre brought into production, the property owner is allowed an additional 1,000 square feet to the building envelope up to a maximum of 20,000 square feet. (*Uniform Rule 1-2.3 Commercial Production and Reporting Requirements and 1-4.1.C Development Envelope for superprime contracts.*)

Impact AG-6: Compatible uses. Removal of sanitary waste landfills and golf courses as compatible uses on contracted land would have a *beneficial impact* on agricultural resources and land uses by ensuring that these uses do not take land out of agricultural production on contracted land or result in conflicts with surrounding land uses or existing development (*Uniform Rules 2-5 Recreation and 2-7 Waste Disposal and Commercial Composting Facilities.*)

Impact AG-7: Comprehensive Plan and Zoning Requirements. Adding the Mountainous Area land use designation and Mountainous zone district to the eligibility criteria expands the opportunities for enrollment into the Program and thus provides an incentive for additional land in the County to be engaged in agriculture. This change will result in a *beneficial impact* on agricultural productivity by bringing more agricultural land into the Program and protecting it in the long-term. (*Uniform Rule 1-2.1 Comprehensive Plan and Zoning Requirements.*)

Visual Resources

Impact VIS-4: Rule changes eliminating potentially incompatible uses. Elimination of sanitary waste disposal facilities and transfer stations as compatible uses on contracted land in amended Uniform Rule 2-7, and eliminating golf courses as compatible uses in amended Rule 2-5, will have a *beneficial impact* on the visual resources of the County's rural areas by eliminating potentially incompatible uses (*Uniform Rules 2-5 Recreation and 2-7 Waste Disposal and Commercial Composting Facilities.*) **Housing**

Impact AG-5: Agricultural housing. In spite of the impacts identified under Impacts AG-2 and -3, the additional housing opportunities would have a *beneficial impact* on the maintenance of family farms by providing more flexible housing opportunities for family members on larger premises without having to separate the premises into individual contracts to facilitate equivalent housing, and thereby protecting the viability of the agricultural operation for future generations (*Uniform Rule 1-4.1.B Principal Dwelling.*)

5.5.2 Indirect Beneficial Impacts to Agricultural Resources

According to CEQA Guidelines §15064 (d) (2) “An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project.”

Impact AG-8: Agricultural Support Facility Expansion. The adequacy of agricultural support facilities within a region can have a significant effect upon the viability and long-term sustainability of agriculture. Proposed Uniform Rule 2-2.1 (*Preparation and Processing*) and Uniform Rule 2-6 (*Agricultural Industry Overlay*) will result in an ***indirect beneficial impact*** to agricultural resources in Santa Barbara County. These changes will increase opportunities for large-scale preparation and processing facilities, cooling and packing facilities, and other support services which make agriculture more efficient, economic and profitable thereby allowing local farms to compete more successfully in the marketplace. (*Uniform Rule 2-2.1 Preparation and Processing and Uniform Rule 2-6 Agricultural Industry Overlay.*)

Allowing additional opportunities for facilities for preparation of raw agricultural products will increase the productivity of the premises and increase the long term sustainability and viability of the agricultural operation. Locating these facilities closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to the packing and cooling facilities, and other support services which make agriculture more efficient, economic and profitable thereby allowing local farms to compete more successfully in the marketplace. Increased efficiency in farming reduces overall costs of farming and in turn, the consumer enjoys increased freshness of the products. As noted in Sec. 2.4.3.B there is an estimated shortage of local wine processing capacity of approximately 2.85 million cases of wine county-wide. In addition to contributing to the sustainability and viability of individual agricultural operations by allowing for increased local wine processing of grapes grown within the County on contracted land, a stronger agricultural sector through increased employment opportunities, income stream and capital investment will contribute in a broader sense to agricultural sustainability at a regional level. This would also be true for processing of non-grape crops in AIO facilities on contracted land.

Impact AG-9: Commercial Composting. Proposed Uniform Rule 2-7 will allow commercial composting facilities as a compatible use. This change will result in an ***indirect beneficial impact*** to agricultural resources by allowing for more convenient receiving locations for the composting of agricultural waste (i.e. feedstock). Conveniently located commercial composting facilities may provide more affordable agricultural compost tailored to local conditions to be used as a soil amendment which will enhance soil productivity. (*Uniform Rule 2-7 Waste Disposal and Commercial Composting Facilities*)

Impact AG-10: Residential Dwellings. The amended Uniform Rules seek to facilitate reasonable residential development for multi-generational farm families. The updated rules result is less residential units that would be developed if existing large-multi-hundred acre contracts with multiple legal parcels

replaced their single contract with multiple individual contracts. This will serve to encourage landowners to maintain their landholdings in larger single contracts rather than splitting them up in order to meet their residential needs resulting in an **indirect benefit** of protecting the productivity of agricultural soils. (*Uniform Rule 1-4.1.C Principal Dwelling*)

Impact AG-11: Additional Monitoring and Reporting: The amended Uniform Rules propose revised agricultural production and reporting requirements (Rule 1-2.3). These changes will help to limit participation in the Agricultural Preserve Program to bona fide farmers and ranchers actively involved in commercial agriculture operations. This strengthening of the rules will ensure the integrity of the Agricultural Preserve Program which is characterized as an **indirect beneficial impact** to the social benefits of agriculture. (*Uniform Rule 1-2.3 Commercial Production and Reporting Requirements*)

5.5.3 Regional or Social Benefits

The potential environmental impacts identified in the EIR, along with the direct and indirect beneficial impacts of the project identified in Section 5.5, are considered by the decision makers along with the relevant County policies and any social and economic factors when weighing the benefits and drawbacks of the proposed Uniform Rule amendments. Given the substantial evidence of community benefit, the recommendations of the County's Agricultural Preserve Advisory Committee, the strong support of the agricultural community for flexible rule changes, the Board of Supervisors can adopt a Statement of Overriding Considerations (pursuant to CEQA Sections 15043, 15092, and 15093) which warrant adoption of the Uniform Rules notwithstanding that all identified impacts are not fully mitigated, and any remaining significant effects on the environment are acceptable in light of the project's benefits

Additional regional and social benefits associated with the proposed Uniform Rule amendments are listed below and will be considered by the Board of Supervisors in their deliberation weighing the benefits of adopting the proposed Uniform Rule amendments.

Efficiency in Farming: The amended rules allow for expanded packing, cooling, and processing facilities on contracted lands. Locating these facilities closer to the growing areas reduces the amount of time and fuel for hauling crops from harvesting sites to the packaging, processing, and cooling facility. Increased efficiencies in farming reduce overall costs to farming and in turn the consumer as well as increased freshness in the market. An increase in efficiency in farming results in a benefit to agriculture, the consumer, and community at large.

Agricultural Support Employment Opportunities: The increased opportunities for packing, processing, and cooling facilities will result in more agricultural support jobs which could assist in reducing the existing housing /jobs imbalance particularly in the North County.

Economic Viability: Increase in packing, processing, and cooling facilities will add to the economic viability to the county by enhancing and sustaining the long-term ability of farmers and ranchers to engage fully in economically viable agricultural operations.

Reduction of Agricultural Crimes: The amended rules will reduce the potential for trespassing, vandalism, theft, killing, harassing, and injury to livestock by allowing additional housing opportunities on large landholdings. This is a regional benefit to agriculturalists frequently vulnerable to these illegal activities.

6. PROJECT ALTERNATIVES

This section describes a range of alternatives to the project description. CEQA Guidelines §15126.6 requires that an EIR analyze alternatives which would feasibly obtain most of the objectives of the project, focusing on alternatives capable of avoiding any significant environmental impacts or substantially reducing their level of significance, even if these alternatives would impede to some degree the attainment of the project objectives, and evaluate the comparative merits of the alternatives. This analysis must include a discussion of the “No Project” Alternative, and identification of an “environmentally superior” alternative. The selection of alternatives to be analyzed is based on a “rule of reason,” (CEQA Guidelines §15126.6(f)) which requires analysis of only those alternatives necessary to foster informed decision-making and public participation. A discussion is also provided regarding additional alternatives that were considered during the public process but were rejected as infeasible or not meeting the objectives of the alternatives analysis.

The alternatives to be analyzed include:

- ◆ No Project Alternative
- ◆ Alternative 1 - Legislative Updates and Codification of Practice
- ◆ Alternative 2 – Modified Uniform Rules
- ◆ Alternative 3 - Expanded Facility Development

A qualitative assessment of the projected impacts is provided for each of the alternatives discussed below, focusing on the relative magnitude of the impacts when compared to the impacts of the project description.

6.1 NO PROJECT

6.1.1 Project Description

CEQA Guidelines §15126.6(e)(3)(A) provides that when the proposed project is the revision of an existing regulatory plan or policy, as is the case here, then the "no project" alternative will be the continuation of the existing program into the future. Thus, the “No Project” Alternative considers both existing conditions and buildout under the current Uniform Rules and administrative practice. This alternative would therefore not include opportunities for increased residential development, more and larger agricultural support facilities, and compatible uses such as small-scale guest ranches and commercial composting facilities. In addition, compared with the proposed project, this alternative would also mean less land eligible for enrollment into the Agricultural Preserve Program, and no opportunities for increased crop production requirements for prime and superprime land, and the elimination of reporting requirements to ensure compliance with the requirements of the Uniform Rules.

While the “No Project” Alternative would have fewer physical impacts as compared to the project description, many of the beneficial impacts (Section 3.1.3.D and Section 5.5) associated with the proposed Rule amendments would not be realized.

6.1.2 Impact Analysis

Agricultural Resources and Land Use

Development under the existing Uniform Rules is much more limited in terms of residential opportunities and agricultural support facilities than the project description. Expansion of agricultural support facilities allowed under the Proposed Uniform Rule amendments, including large-scale wineries, preparation and processing facilities, commercial composting facilities, and facilities in the Agricultural Industry Overlay would result in the combined conversion of 237 acres of agricultural soils to developed uses (Table 3.1-7). The conversion of agricultural soils associated with these uses would not occur under the “No Project” Alternative; therefore, impacts to agricultural resources would be *less significant* as compared to the proposed project. However, production requirements especially on superprime land will be less than the proposed project and could therefore result in fewer acres devoted to agricultural production in these areas.

Land use is likely to remain more rural in character and compatible with surrounding land uses and the intensity of existing development under this alternative, since residential development would likely remain at very low densities and agricultural support facilities will be restricted to smaller sizes (maximum of 5 acres) than what is proposed under the project description. In terms of growth inducement and population increases, this alternative would result in a lower potential for population increases in the agricultural areas, since residential development would be more limited and large numbers of employees would not be needed to support large-scale agricultural support facilities. In addition, the scale of facilities under this alternative would be less likely to require the extension of services that could be growth inducing. While the lack of production requirements will temper the overall impact differential between the existing and amended Uniform Rules, adverse impacts to agricultural resources and land use are expected to be *less significant* under this alternative as compared to the project description. Under this alternative, the wine grape processing deficit would continue and it would not meet the objectives of the project in terms of providing flexibility to landowners to ensure continued participation in the Agricultural Preserve Program. This would potentially result in an increase in nonrenewals and the eventual loss of vast amounts of land under the protection of the Williamson Act.

It is possible that by not providing additional housing opportunities, the No Project Alternative could encourage contract holders to non-renew their contracts or seek replacement contracts in order to meet their residential needs. This could result in fragmentation of larger ranches and farms that historically have been managed as a single agricultural operation. Overtime, this trend could result in individual parcels being sold-off to become smaller agricultural operations managed independently under separate ownerships; leading to a potential reduction in agricultural viability.

Visual Resources

Impacts to visual resources under the amended Uniform Rules stem primarily from the introduction of structures and uses that are visually incompatible with the rural character of the County's contracted lands and by the potential for large-scale preparation facilities and wineries and other facilities built under the AIO designation to obstruct or degrade public viewsheds. By limiting the opportunities for additional residential development, small-scale guest ranches, and larger-scale agricultural support facilities, the No Project alternative would help to maintain the low density and small-scale nature of development in the rural agricultural areas of the County. This would reduce the likelihood of development which could be out of character with the existing visual setting, or obstruct or degrade public or private viewsheds. In addition, visual impacts associated with the introduction of light and glare would be reduced under this alternative since development opportunities are more limited. Therefore, impacts to visual resources are expected to be *less significant* under this alternative relative to the project description.

Noise

Under the existing Uniform Rules, there would be less residential development, fewer opportunities for agricultural processing facilities, and no large-scale facilities developed under an AIO. Fewer noise-sensitive receptors (i.e. residential development and guest ranches), and fewer and smaller-scale agricultural support facilities would result in reduced traffic volumes and a smaller rural area population as compared to the project description. For these reasons, noise impacts are expected to be *less significant* under the No Project alternative relative to the project description.

Traffic

Under the project description, the most significant impacts to traffic are sustained as a result of large-scale wineries and agricultural-industry overlay facilities. As the current Uniform Rules do not include provisions for large-scale preparation facilities, AIO and commercial composting facilities, impacts under the 'No Project' scenario would be *less significant*, relative to the project description.

Air Quality

Impacts to air quality under the amended Uniform Rules would primarily result from construction, vehicular and other stationary source emitters associated with the development of residences, small-scale guest ranches and agricultural support facilities. Significant air quality impacts under the amended Uniform Rules are primarily sustained as a result of the operational emissions and vehicular emissions associated with large-scale wineries, preparation/processing, AIO and commercial composting facilities. The existing Uniform Rules allows for one principal dwelling unit per premises, however, they do not allow for the development of small-scale guest ranches, nor do they allow for the development of small-scale facilities for the processing of agricultural products beyond the raw state. The current Uniform Rules do allow for winery facilities provided these facilities do not exceed 10% of the premises, or 5 acres, whichever is smaller. Finally, the current Uniform Rules do not allow for the development of AIO

and composting facilities, filming or special events. Thus, under the “No Project” scenario, air quality impacts are likely to be *less significant* in comparison to the project description, due to the relatively small amount of ozone precursor (ROC and or NO_x) emitters.

Groundwater Resources

The current Uniform Rules do not allow for large-scale preparation facilities, AIOs, nor commercial composting facilities on lands enrolled in Williamson Act contracts. Consequently, under the No Project Alternative, there would be no such developments with the potential to exceed the thresholds for groundwater basins in a state of overdraft. Impacts to groundwater under this alternative would be *less significant* than for the project description.

6.2 ALTERNATIVE 1 - LEGISLATIVE UPDATES AND CODIFICATION OF PRACTICE

6.2.1 Project Description

This alternative would include only those changes mandated by legislative amendments to the Williamson Act or derived from the 2001 audit of Santa Barbara County’s Uniform Rules by the Department of Conservation, and to codify current Uniform Rules administrative practice. Included among the legislative amendments are several procedural changes that would not result in substantive impacts to any of the identified resources, such as changes to the provisions for contract cancellation; the allowance for lot line adjustments on contracted land as a tool for adding smaller parcels to existing contracts; and new provisions regarding public acquisition, annexation, and contract rescission. More substantive legislative changes include the following:

- ◆ Incorporating compatibility principles from the Williamson Act (Gov. Code § 51238.1) that are used for assessing the compatibility of development or other activities with agricultural operations;
- ◆ Revising allowed compatible recreational activities to comply with the language of the Williamson Act, by eliminating golf courses as a compatible use and requiring that land used for recreation be in its “agricultural or natural state”(Gov. Code §51201 [n]);
- ◆ Limiting the scope of open space contracts to apply only in those circumstances as designated by the Williamson Act (Gov Code §51201 [o]);

Responding to the Department of Conservation’s 2001 Audit of the County’s Agricultural Preserve Program would entail the following amendments:

- ◆ Eliminating sanitary waste landfills as a compatible use under the Uniform Rules;
- ◆ Stating the rationale for allowing superprime contracts to participate in the Agricultural Preserve Program;

- ◆ Clarifying the size eligibility requirements for parcels and preserves.

Of these changes stemming from the 2001 Audit, only the elimination of sanitary waste landfills as a compatible use would potentially have any effect on the level of environmental impact of the alternative.

Codifying the County's existing administrative practice in implementing the current Uniform Rules would entail the following amendments:

- ◆ Clarifying that only one principal residence is permitted per contracted premises;
- ◆ Defining premises to include all land under a single contract;
- ◆ Making explicit the requirement for 20 acres of irrigated pasture in order for an animal boarding and breeding operation to qualify for an agricultural preserve contract under the Agricultural Preserve Program.

These changes are not expected to affect impact levels since they merely codify what is already in practice and occurring on the ground.

Notable proposed Uniform Rule amendments not included in this alternative include: the expansion of residential allowances from 1 to 3 principal dwellings per contracted premises (Rule 1-4.1); allowance for increased development envelopes on superprime land if more land is devoted to agricultural production (Rule 1-4.1); increase in the flexibility of facilities preparing and processing agricultural products (Rule 2-2.1); the addition of an allowance for small-scale guest ranches subject to certain requirements (Rule 2-4); the allowance for an AIO to be applied on contracted land (Rule 2-6); the allowance for commercial composting facilities subject to certain requirements (Rule 2-7); and the allowance for temporary filming and special events (Rule 2-11).

While Alternative 1 would have fewer physical impacts as compared to the project description, many of the beneficial impacts (Section 3.1.3.D and Section 5.5) associated with the proposed Rule amendments would not be realized.

6.2.2 Impact Analysis

Agricultural Resources and Land Use

Agricultural land conversion would be substantially less under this alternative. Expansion of agricultural support facilities allowed under the Proposed Uniform Rule amendments, including large-scale wineries, preparation and processing facilities, commercial composting facilities, and facilities in the Agricultural Industry Overlay would result in the combined conversion of 237 acres of agricultural soils to developed uses (Table 3.1-7). The conversion of agricultural soils associated with these uses would not occur under the "No Project" Alternative; therefore, impacts to agricultural resources would be *less significant* as compared to the proposed project.

Incorporation of the “principles of compatibility” from the Williamson Act will further benefit and protect agricultural resources by providing a mechanism to ensure that uses which are detrimental to the agricultural operation on the premises or on other contracted land in the area are not permitted to occur. Removal of sanitary waste landfills as compatible uses on contracted land, and requiring that any recreational activity on contracted land be limited to use of the land in its “agricultural or natural state” will also help to protect agricultural resources by reducing the opportunities to take soils out of agricultural production and ensuring that recreational activities are compatible and incidental to the commercial agricultural operation.

Maintenance of the existing levels and sizes for residential development and agricultural support facilities, along with incorporation of the compatibility principles, will also serve to better ensure that future development is consistent and in scale with the existing rural character of the area and the intensity of existing land uses. In terms of growth inducement and population increases, this alternative would result in a lower potential for population increases in the agricultural areas, since residential development would be more limited and large numbers of employees would not be needed to support large-scale agricultural support facilities. In addition, the scale of facilities under this alternative would be less likely to require the extension of services that could be growth inducing. Therefore, impacts to growth inducement and population increases would be less under this alternative relative to the project description.

For these reasons, impacts to agricultural resources and land use under this alternative are considered to be *less significant* as compared to the project description.

Visual Resources

Impacts to visual resources under the amended Uniform Rules stem primarily from the introduction of structures and uses that are visually incompatible with the rural character of the County’s contracted lands. The incorporation of the “principles of compatibility” and the elimination of golf courses and solid waste landfills as compatible uses on contracted land under this alternative would help to reduce the opportunities for structures or uses that are visually incompatible with surrounding land uses and the intensity of existing development that is characteristic of the rural setting. By limiting the opportunities for additional residential development and larger-scale agricultural support facilities beyond the existing Uniform Rules allowances, this alternative would help to maintain the low density and small-scale nature of development in the rural agricultural areas of the County, thereby reducing the likelihood of development which is out of character with the existing visual setting or obstructs or degrades public viewsheds. This would have the added effect of reducing impacts associated with the introduction of new sources of light and glare, thus helping to maintain the character of the night sky in the County’s rural areas. Therefore, adverse impacts to visual resources are expected to be *less significant* under this alternative relative to the project description.

Noise

In contrast to the project description, this alternative would result in less residential development, fewer opportunities for agricultural preparation and processing facilities, and no development of large-scale AIO facilities. Fewer noise-sensitive receptors (i.e. residential development and guest ranches), and fewer and smaller-scale agricultural support facilities would result in reduced traffic volumes and a smaller rural area population as compared to the project description. For these reasons, noise impacts are expected to be *less significant* under this alternative relative to the project description.

Traffic

The Alternative 1 scenario represented above would result in limits on residential development, agricultural preparation/processing facilities and no development of AIO facilities. Therefore, in comparison to the project description, the most considerable generators of impacts to traffic would be eliminated (i.e. no development of AIO facilities and limited residential and small-scale processing facilities). Thus impacts under Alternative 1 would have a *less significant* impact on traffic.

Air Quality

Significant, unmitigable impacts to air quality would result from specific emissions from stationary and mobile sources under the amended Uniform Rules. These sources either solely or in combination meet or exceed the 25 lbs/per day threshold of significance for NO_x or ROC emissions. Curtailing development of additional residential units, preparation/processing facilities and the prohibition of larger wineries, AIO and commercial composting facilities in Alternative 1 will render potential air quality impacts to a *less significant* level of impact relative to the project description.

Groundwater Resources

Because Alternative 1 does not include provisions for larger preparation facilities, AIOs or commercial composting facilities on contracted land, the potential for impacts to groundwater basins would not occur. Like the No Project Alternative, Alternative 1 would have a *less significant impact* than the project description on groundwater resources.

6.3 ALTERNATIVE 2 – MODIFIED UNIFORM RULES

6.3.1 Project Description

This alternative would be equivalent to the project description except as it relates to opportunities for residential development, expanded agricultural support facilities, and commercial composting facilities. Under this alternative, the allowance for principal dwellings on contracted land would remain at the existing level of one dwelling per premises. In the case of preparation and winery processing facilities, this alternative would be similar to the project description except that the maximum facility acreage cap

would be reduced from 20 acres to 12 acres. In addition, this alternative maintains the existing Uniform Rule requirement that at least 51% of the grapes processed at the winery be grown on the premises. At the same time, this alternative would be similar to the project description in that it would require 20% of the grapes to be grown on the parcel with the winery. This alternative would also place a 12 acre cap on the size of facilities developed under an AIO or agricultural processing facility. Lastly, this alternative would place a 20-acre cap on commercial composting facilities. These variations from the project description are summarized in Table 6-1.

Table 6-1
Summary of Estimated Acres of Agricultural Soils Converted under Alternative 2

Proposed Uniform Rule	Provision	Estimated Converted Acres	
		Project Description	Alternative 2
Rule 1-4.1	Principal Dwelling	158	0
Rule 2-2.1	Winery Facilities (> 5 acres)	47	47
	Non-grape Preparation Facilities	30	24
	Change in 51% Grape Requirement	10	0
	Small-scale Processing Facilities	36	36
Rule 2-6	Agricultural Industry Overlay	90	48
Rule 2-7	Commercial Composting Facilities	70	40
	Total	441	201

6.3.2 Impact Analysis

Agricultural Resources and Land Use

This alternative would not expand residential development opportunities beyond the current one residence per premises allowance. In other words, 233 new units converting 158 acres of agricultural land to residential use that would potentially occur under buildout of the project description would not occur under this alternative. It is possible that by not providing additional housing opportunities, contract holders could decide to non-renew their contracts or seek replacement contracts in order to meet their residential needs. This could result in fragmentation of larger ranches and farms that historically have been managed as a single agricultural operation. Overtime, this trend could result in individual parcels being sold-off to become smaller agricultural operations managed independently under separate ownerships; leading to a potential reduction in agricultural viability.

This alternative would result in less agricultural land taken out of production, less likelihood of residential uses interfering with an agricultural operation, and residential development that is more likely to be consistent with the low-intensity character of rural land use and development.

It is expected that impacts associated with agricultural support facilities will be relatively similar to the project description. Research into existing vineyard operations indicates that most, if not all, unmet case processing demand for winery facilities could be accommodated even if the cap were reduced from 20 to

12 acres. Since the allowance under this alternative would still likely accommodate existing unmet demand, it is expected that nearly as much productive agricultural land could be converted to these facilities under this alternative as for the project description. While the overall loss of agricultural land would be similar, localized impacts (i.e. on a parcel or premises basis) could be reduced through greater dispersal of moderately sized facilities rather than facilities of a more industrial scale, since it would conceivably result in a greater overall number of facilities in order to make up for the reduced cap.

Requiring that at least 51% of the case production must come from grapes grown on the premises, rather than all contracted land under the same ownership as in the project description, is expected to result in fewer impacts to agricultural resources since there will be less opportunity to build larger facilities and it will help to maintain a balance between the winery size and amount of grapes grown on the premises. For example, under this alternative the most a winery on a 200 acre premises could process would be approximately 400 acres worth of grapes (assuming the premises is fully planted and the winery imports 49% of its grapes). Whereas under the project description, if this same landowner has two separate 200-acre premises under contract, each fully planted in vineyards, production could be up to approximately 800 acres worth of grapes because grapes from both premises could be used to meet the 51% requirement. Since the winery size corresponds to the production capacity, a winery could potentially be larger under the project description than under this alternative. In addition, requiring at least 51% of the case production to come from grapes grown on the premises would reduce the possibility for the concentration of wineries in areas like the Santa Ynez Valley to take advantage of the winery tourism industry, since the winery would need to be more closely tied to vineyard production on the premises. Therefore, the concentration of impacts in a given location or region would be less severe under this alternative relative to the project description.

Under the project description it is assumed that up to four 15- to 30-acre facilities would be developed under the AIO provision. By placing a cap of 12 acres on such facilities, this alternative could result in 42 fewer acres of agricultural land converted to these industrial uses. A change of 42 acres on a countywide basis is fairly minimal, but depending on the size of the parcel on which the facility is located and the location of the parcel relative to other development, the impacts could be more significant. This is especially true since the proposed Uniform Rules do not state a minimum parcel size or planting requirement to tie the facility to production on the premises beyond initial eligibility requirements. Placing a 20-acre cap on commercial composting facilities would have similar effects by reducing the potential loss of agricultural land from 70 acres to 40 acres. Since it is assumed that only two such facilities will be located in the County given market demand and the difficulties associated with finding well-suited locations, the protection of 15 acres of productive agricultural land on a single parcel or premises could represent a significant change. Therefore, impacts to agricultural resources associated with these provisions would be *less significant* relative to the project description.

Impacts to land use are anticipated to be less under this alternative since the smaller cap and restriction on where grapes must be grown would limit the development of large-scale facilities that are out of scale with the character and intensity of surrounding development. Inclusion of a 12-acre cap for agricultural support facilities developed under an AIO would also reduce potential land use impacts relative to the

project description; though the reduction would likely be tempered since the 12-acre cap is still relatively quite large and would likely accommodate most development needs. Similarly, a 20-acre cap for commercial composting facilities would reduce the potential for land use conflicts associated with these uses. As discussed above, requiring that at least 51% of the case production must come from grapes grown on the premises would reduce the potential concentration of facilities in certain areas of the County, thus reducing potential land use conflicts associated with introducing development into an area that is incompatible with surrounding land uses and the intensity of existing development.

In terms of growth inducement and population increases, this alternative would result in a lower potential for population increases in the agricultural areas, since residential development would be more limited under this alternative. In addition, while the overall number of agricultural employees required to support large-scale preparation and processing facilities may remain relatively the same, they would likely be less concentrated on particular premises or specific regions, since the size of the facilities is reduced. Therefore, impacts to growth inducement and population increases would be *less significant* under this alternative relative to the project description.

Visual Resources

In relation to the project description, this alternative would allow less residential development on contracted land, thus helping to minimize impacts to visual resources by reducing the opportunities for residential development to obstruct or degrade public or private views, to come into conflict with the intensity of existing development, or to introduce new sources of light and glare. By restricting the maximum size of wineries to 12 acres (down from 20 acres under the project description) and placing a cap of 12 acres on agricultural facilities developed under an AIO, this alternative would reduce the potential for the development of structures and facilities that are visually inconsistent or incompatible with surrounding uses, structures, or the intensity of existing development because of their size and scale. Furthermore, larger facilities are more likely to obstruct or degrade public or private viewsheds or introduce greater sources of light and glare that would be visually inconsistent with the rural character of the area. Placing a 20-acre cap on commercial composting facilities would also reduce the potential for land uses that are visually incompatible with surrounding uses or the character of the rural area due to a smaller size and area of disturbance.

Retaining the existing requirement that at least 51% of the case production must come from grapes grown on the premises would reduce the potential concentration of facilities in certain areas of the County, thus reducing potential impacts to the visual resources of an area associated with introducing development at a scale that is visually incompatible with surrounding land uses and the intensity of existing development. For these reasons, this alternative is expected to result in *less significant* impacts to visual resources relative to the project description.

Noise

Compared to the project description, residential development under this alternative would result in fewer sensitive noise receptors being created in the rural areas of the County. However, this alternative would allow for the limited development of large-scale agricultural support facilities (albeit somewhat less than under the project description), which are the most likely sources of increases in ambient noise levels and impacts to sensitive noise receptors. The 12-acre cap on winery facilities and other non-grape preparation facilities would accommodate most, if not all, situations given existing unmet processing demand, and the 12-acre cap on facilities developed under an AIO would still allow for industrial-scaled facilities. Therefore, it is expected that the potential noise impacts associated with this alternative would be roughly *similar* to the project description.

Traffic

In comparison to the Project Description, Alternative 2 proposes less residential development and a 12-acre building envelope cap on wineries, agricultural preparation/processing and AIO facilities. While the potential to reduce residentially induced traffic impacts would result in a less than significant impact, traffic impacts would still be sustained as a result of small-scale guest ranches, large and small-scale wineries, large and small-scale agricultural preparation/processing and AIO facilities. Assumptions used to generate average daily trips (ADTs) for large and small-scale wineries, large and small-scale agricultural preparation/processing facilities were based on a facility no greater than 15 acres; and up to 30 acres for an AIO. Under Alternative 2, the building envelope would be restricted to 12 acres, which would decrease potentially significant impacts to traffic. Table 6-2 compares the project description with Alternative 2 and provides a summary of average daily trips for large and small-scale wineries, large and small-scale agricultural preparation/processing, AIO and commercial composting facilities. Assumptions for Alternative 2 have been made by modifying the base assumptions located in Appendix 6.

Table 6-2
Total ADTs for the Project Description and Alternative 2

	Total ADTs: Project Description	Total ADTs: Alternative 2
Large-scale wineries	2,240	1,791
Large-scale processing facilities	560	447
Small-scale processing facilities	1,000	1,000
Agricultural Industry Overlay	5,050	2,688
Commercial Composting facilities	60	48
Total	8,910	5,974

Thus, based on the information contained in the table above, Alternative 2 would have a *less significant* impact than the project description.

Air Quality

This alternative, while successful in reducing potential residential air quality impacts to less than significant levels is unsuccessful in reducing potential air quality impacts due to development of large-scale wineries, preparation/processing, AIO and commercial composting facilities. Reduced envelope sizes for large-scale wineries, preparation/processing, AIO and commercial composting facilities are not substantial enough to reduce stationary and mobile source emissions to levels under the APCD (25 lbs./day of either ROC or NO_x) threshold of significance, thus this alternative would have *similar air quality impacts* as those identified in the project description.

Groundwater Resources

While this alternative would allow some increase in the size of winery facilities and larger scale preparation facilities, and also allow for AIOs and commercial composting facilities on contracted land, it places more restrictive size caps on such facilities which would reduce their demand for water. Under the project description, a 20-acre winery would not exceed the thresholds established for any of the groundwater basins currently in overdraft, so impacts to groundwater from large-scale wineries under Alternative 2 would have a *similar less than significant impact*. A large-scale preparation facility or similar industry occupying an AIO would require less water (about 57.6 AFY compared to a minimum 72.0 AFY) than under the project description. However this amount would still exceed the thresholds set for the four groundwater basins which are currently in overdraft. While less, the impact of these facilities would be *similar* to that of the project description. A 20-acre commercial composting facility is estimated to require only 22.5 AFY compared to the 52.5 AFY needed by a 30-acre facility under the project description. At this level of water demand, a commercial composting facility would not exceed the overdrafted basin thresholds and would therefore have a *less significant* impact on groundwater resources than the project description. Given the overall reduction in water use under this alternative, the impacts to groundwater resources would be *slightly less significant* than for the project description.

6.4 ALTERNATIVE 3 - EXPANDED FACILITY DEVELOPMENT

6.4.1 Project Description

This alternative would be similar to the project description in all aspects except that the allowance for preparation and winery processing facilities would be more flexible, providing greater opportunities for facility expansion beyond the existing 5-acre cap. Under the project description, for every 100 acres above 500 acres, premises can add one additional acre to their envelope for a preparation or winery processing facility, up to a maximum of 20 acres total. Under this alternative, the expanded allowance would apply to premises greater or equal to 200 acres and would increase at a similar rate up to the same 20-acre cap. Table 6.3 provides a comparison of the potential facility acreage differences between this alternative and

the project description. Looking at wineries as an example, under this alternative a 500 acre premises could develop up to a 9-acre winery facility, compared to a 5 acre facility under the project description. In addition, the 20-acre facility cap would be reached on premises of 1,600 acres in size under this alternative, as opposed to 2,000 acres under the project description.

Table 6-3

Comparison of Facility Acreage Allowances between Alternative 3 and the Project Description

Premises Size (acres)	Project Description Facility Envelope (acres)	Alternative Facility Envelope (acres)
100	5	5
200	5	6
300	5	7
400	5	8
500	5	9
600	6	10
700	7	11
800	8	12
900	9	13
1,000	10	14
1,100	11	15
1,200	12	16
1,300	13	17
1,400	14	18
1,500	15	19
1,600	16	20
1,700	17	20
1,800	18	20
1,900	19	20
2,000	20	20

6.4.2 Impact Analysis

Agricultural Resources and Land Use

Expansion of the preparation and winery facilities envelope for premises 200 acres or greater would likely result in greater impacts to agricultural resources relative to the project description, primarily resulting from inefficient use of agricultural soils for these facilities and a greater disparity between the winery size and the percentage of grapes grown on the premises. The information presented in Table 6-3 and the following discussion illustrates this point with respect to wineries.

For a typical vineyard operation to warrant a winery development area larger than 5 acres, it needs to produce approximately 200,000 cases of wine, which equates to 667 acres worth of vineyards. There is little evidence to suggest that many vineyards in the County on premises between 200 and 500 acres have sufficient vineyard production to meet this threshold.

Table 6-4 uses a 300-acre premises to analyze vineyard acreage, case production, and winery sizes associated with three different planting and production scenarios. A 300-acre premises would be able to produce approximately 90,000 cases of wine assuming the entire premises is under vineyard cultivation. If the premises were to import an additional 49% of its grapes from other land (e.g. a combination of other contracted land under the same ownership and/or other agricultural land in the area), then the production capacity would increase to approximately 180,000 cases. Given the average processing envelope required for larger wineries (40,000 cases per 1-acre facility envelope, as discussed in Section 2.4.3), 180,000 cases could be accommodated within a 4.5 acre envelope if designed efficiently, which includes areas set aside for appropriately scaled tasting rooms, parking, and landscaping. Building up to the existing maximum 5-acre envelope would allow this average to be reduced to 36,000 cases per 1 acre facility envelope, which is somewhat higher than the average processing ratio for small wineries in the County. Building up to 7 acres, as would be allowed under Alternative 3 for a 300-acre premises, would reduce the average case production per 1 acre facility envelope to approximately 25,000, which is well below the potential average for wineries of this size. Based on the 40,000 case per 1 acre facility average, a 7 acre facility would equate to approximately 933 acres worth of vineyards, well beyond the vineyard acreage typically associated with a 300-acre premises.

Table 6-4
 Analysis of Vineyard Acreage, Case Production, and Winery Sizes
 associated with Three Different Planting and Production Scenarios

300-acre Premises	Vineyard Acreage		Case Production		Est. Winery Envelope Required (Acres) ¹
	Total (Premises)	20% from Winery Parcel	Total (Premises)	20% from Winery Parcel	
Fully Planted –Premises only	300 (300)	N/A	90,000 (90,000)	N/A	3.6
Project Description – 51% premises & 20% winery parcel	600 (300)	120	180,000 (91,800)	36,000	4.5
Alternative 3 ² – 7 acre envelope allowance	933 (187)	187	280,000 (56,000)	56,000	7.0

¹Based on the assumption that large wineries (at least 100,000 case production) can process an average of 40,000 cases per acre of facilities and smaller wineries (less than 100,000 case production) can process an average of 25,000 cases per acre of facilities.
²Assumes a 7-acre facility could produce an average of 280,000 cases of wine (based on the case production average of 40,000 per acre of facilities), which would equate to approximately 933 acres worth of vineyards.

A look at premises between 200 and 1,000 acres, which are those that would most likely benefit from this expanded allowance, suggests that it could result in up to a 28% increase in conversions of productive agricultural soils for winery facilities. This is based on the assumption that each premise is fully planted in vineyards and imports an additional 49% worth of grapes for processing. Under this scenario, if the premises were to develop wineries up to the maximum size allowed (e.g. 7 acres for a 300-acre premise and 14 acres for a 1,000 acre premise), then the average production per 1 acre facility envelope for premises in this acreage range would be reduced to approximately 25,000 cases. Using the same unmet processing demand as discussed in the project description, this would result in 13 additional acres

(beyond the 47 acres identified under the project description) required to accommodate existing and future needs for large-scale wineries.

The expanded acreage allowances under this alternative could also encourage the inefficient use of agricultural land for non-processing development. For example, the additional envelope acreage could be developed for landscaping, parking, and other uses supporting winery facilities with tasting rooms and special events that would be out of scale with the winery's case production and planted acreage. This could result in an intensity of use that is incompatible with surrounding land uses and existing development. This change could also result in population increases in the County's rural areas as these facilities would require additional employees and would likely attract more visitors and guests associated with wine tasting and special events. The requirement in the proposed changes to Uniform Rules (Rule 2-2.1.A.3) that the size of a winery facility be based on demonstrated need would help to reduce the likelihood of such a scenario. However, demonstrated need is subjective and difficult to rely on to mitigate impacts.

Therefore, it is expected that the increased allowance under this alternative would discourage compact design and would lead to inefficient use of agricultural land and the development of facilities larger than they need to be to process the grapes. This would potentially result in larger facilities on any given premises that is 200 acres or greater, which would take additional land out of agricultural production and could introduce development that is incompatible with surrounding development or out of scale with the rural character of the area.

Buildout under this alternative could also result in greater disparity between winery size and the percentage of grapes grown on the premises. For example, a worst-case scenario could result in a 7-acre facility (processing 280,000 cases) being developed on a 300-acre premises with only 187 acres of vineyard planted (56,000 cases) since only 20% of the case production must come from the parcel with the winery (Table 6.4). This assumes that the remaining grapes processed at the winery are primarily from other contracted lands in the county under the same ownership. As a result, larger regional-serving wineries could be located on smaller premises resulting in a greater disparity between the winery size and the percentage of grapes grown on the premises if allowed to build out to the maximum envelopes identified in Alternative 3.

In addition to the greater loss of productive agricultural soils associated with wineries under this alternative, the expanded envelopes could lead to larger non-grape preparation facilities, especially since there is no required relationship between these facilities and cultivated agriculture on the parcel or premises and no restrictions on where the crops must be grown. While the overall loss of agricultural land associated with these facilities may be similar given an unchanged demand, this change could result in more localized and concentrated impacts where you have larger facilities on smaller parcels or premises. This could result in development which is out of scale and more intense than surrounding land uses and existing development.

Overall, this alternative would result in *greater* impacts to agricultural resources and land use relative to the project description.

Visual Resources

Buildout under this alternative could result in a greater accumulation of larger agricultural support facilities than what would be allowed under the project description. These facilities would have a greater likelihood of impacting visual resources by introducing development that is visually incompatible with surrounding uses, structures, or the intensity of existing development. In addition, larger facilities have a greater likelihood of degrading or obstructing public or private viewsheds and would likely introduce more sources of light and glare, degrading the nighttime character of the County's rural areas. When combined with the change to allow 51% of the grapes to come from the premises or other contracted land under the same ownership, this alternative could result in the concentration of these larger facilities in a particular region (e.g. the Santa Ynez Valley to take advantage of the established winery tourism industry). Such a concentration could have locally significant impacts to visual resources by permanently altering the rural character of the area. For these reasons, this alternative would result in *greater* impacts to visual resources relative to the project description.

Noise

This alternative would likely result in the greater accumulation of larger agricultural support facilities relative to the project description since the increased acreage allowance would begin to apply at 200 acres rather than 600 acres. As discussed above, it is conceivable that the larger facility envelopes for wineries could accommodate larger special events or bigger tasting rooms, attracting more visitors and guests to the wineries, which could in turn result in temporary increases to ambient noise levels. Traffic generation would also likely increase in step with increases in processing facilities due to the greater number of employees and more truck traffic associated with larger production facilities. Therefore, this alternative would be more likely to result in *greater* noise impacts as compared to the project description. Any increases would be tempered by the density of development in the County's rural areas and the expectation that noise levels associated with these facilities on a project-specific basis would not be significant at property lines upon implementation of standard permit conditions.

Traffic

Alternative 3 provides greater opportunities for small-scale wineries and preparation facilities to develop beyond the 5-acre cap as well for large-scale preparation/processing and agricultural overlay facilities to develop to a 20-acre cap. Not only could this result in a more pronounced concentration of facilities in particular rural regions, but also contribute to a higher volume of average daily trips (ADT) on roadways. Table 6-5, below, compares the project description with Alternative 3 by increasing large-scale facilities sizes to a 20-acre building envelope and small-scale processing facilities to a 7-acre building envelope.

Table 6-5
Total ADTs for the Project Description and Alternative 3

	Total ADTs: Project Description	Total ADTs: Alternative 3
Large-scale wineries	2,240	2,986
Large-scale processing facilities	560	746
Small-scale processing facilities	1,000	1,000
Agricultural Industry Overlay	5,050	5,890
Commercial Composting facilities	60	60
Total	8,910	10,682

Impacts to traffic therefore are considered to be *greater* than the project description.

Air Quality

Under the existing amended Uniform Rules, wineries and preparation/processing facilities in specific have the potential to generate operational and mobile emissions that greatly exceed the 25 lbs./day ROC or NO_x threshold of significance for emissions. Correlatively, allowing winery and preparation/processing facilities to further expand would result in *greater significant impacts* relative to the project description.

Groundwater Resources

The only difference between this alternative and the project description is increases in the size of winery facilities and other crop preparation facilities could occur on smaller size parcels. Consequently, there is the potential that a greater number of such facilities up to 20 acres in size could be located within the County's agricultural preserve areas. The water demand estimated for a 20-acre winery does not exceed any of the thresholds set for the groundwater basins currently in a state of overdraft. So, even if Alternative 3 allows more 20-acre facilities to be developed, it would *not increase* the level of impact to groundwater resources on a project by project basis. The situation for larger market preparation facilities is different. It has been assumed that such facilities would average about 15 acres in size which has been typical of such facilities currently located in agricultural areas of the County. The question posed by this alternative is: would allowing larger facilities on smaller parcels encourage market preparation facilities to increase in size? There is some evidence of preparation facilities located in urban areas increasing in size over time and this might indicate that a facility built today would be larger than past experience. The analysis of potential water demand by large-scale preparation facilities for the project description indicates potential for impacts to basins in a state of overdraft. Under Alternative 3, these facilities would continue to have a *similar significant impact* to groundwater resources as the project description, and potentially of an even greater magnitude.

6.5 ALTERNATIVE CONSIDERED AND REJECTED

The Department of Conservation actively participated in the enactment of SB985 (Johnston: ch1081 Statutes of 1999) that narrowed the definition of compatible recreational uses on contracted land. Since 1999, DOC "...has consistently advised local agencies and landowners that a variety of dedicated recreational uses, including soccer fields, playing fields and golf courses are incompatible uses on

Williamson Act land when they require alteration from the “natural or agricultural state” of the land (Government Code §51201(n)).”

Inclusion of playing fields as a compatible use in agricultural preserves was considered by the Agricultural Preserve Advisory Committee (APAC) as directed by the Board of Supervisors. Over a period of 22 months the APAC explored options with the Department of Conservation for allowing playing fields in agricultural preserves. Ultimately, the APAC concluded that playing fields could not be included in the Uniform Rules as a compatible use nor as an alternative to the project description in the EIR.

In November 2004, with respect specifically to June Fields in Carpinteria, the AYSO informed the County that the owner of the contracted land was under contract to produce sod seed and requested the County to re-examine compatibility of playing fields on land in active agricultural production. The request was forwarded to DOC and their concerns were outlined in a letter to the Agricultural Commissioner dated March 15, 2005. In this letter DOC offered tests for consistency with the Williamson Act for playing fields alone or in conjunction with a sod seed operation:

- ◆ If the County determines the primary use of the land, or a significant fraction, is for recreation rather than agriculture, it must consider the Act’s restrictions on compatible recreation.
 - Soccer and other playing fields are inconsistent with the Williamson Act when they require alteration of the land from the “natural or agricultural state”.

- ◆ If no physical alteration of the land is required for the recreational use, the impact of the use and related facilities must be evaluated against other Williamson Act provisions intended to support long-term restricted agricultural uses.
 - If the contracted land to be played upon is in an agricultural state, it would be the County’s burden to demonstrate compatibility with that commercial agricultural operation and crop. Issues to address would include timing of the recreational use in relation to planting, harvesting and other agricultural practices necessary to successfully produce and sell the crop on a commercial basis, and whether or not the agricultural enterprise is a bona fide commercial operation or whether the “crop” is primarily for the “... convenience of and intended to justify a primary recreational purpose (DOC, 2005).”

- ◆ For either situation above:
 - The activity would need to be found consistent with the Williamson Act principles of compatibility (Government Code 51238.1) that, among other things, state uses shall not (1) significantly compromise the long-term productive agricultural capability of the contracted land or adjacent contracted land; (2) significantly displace or impair current or future agricultural operations on the contracted land or adjacent contracted land;
 - The use shall not hinder or impair agriculture by increasing the temporary non-agricultural population in agricultural areas (Government Code 51220.5). Such an increase could have

secondary implications for traffic safety and road degradation, or pose conflicts with right-to-farm protection of agricultural operations.

- ◆ Additionally, the County would have health and safety concerns for youth playing in an area that could expose them to pesticide residues, attractive nuisances or other potential hazards.

The Department of Conservation concluded that land uses and recreational activities that result in the significant interference with or cessation of agricultural pursuits on contracted land or adjacent agricultural land “clearly undermines the [Williamson Act] program’s integrity and should not be allowed on contracted parcels (DOC, 2005).” Even if no physical alteration of the land is required for the recreational use, the potential conflicts posed by temporary increases in the non-agricultural population, potential for nuisance complaints against agricultural operations, potential for exposure to pesticide drift and other agriculturally-related hazards, have the potential to result in significant interference with and/or cessation of commercial agricultural pursuits on the land or surrounding agricultural area. This recent information from DOC reaffirms the APAC’s original determination to reject consideration of playing fields as a compatible use.

Inconsistency with the Williamson Act was not the only reason for the APAC’s determination. As stated above, one of the project objectives is to ensure the continuing integrity of its Agricultural Preserve Program. The 2001 DOC audit of the County’s Uniform Rules questioned the eligibility of superprime land for Williamson Act contracts. In response to the DOC audit, the proposed Uniform Rule amendments include specific changes to justify the County’s superprime category including greater agricultural production requirements. Allowing playing fields on contracted land could place the County’s Agricultural Preserve program at risk and potentially threaten the continued eligibility of superprime lands for Williamson Act contracts.

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7.3 LIST OF PREPARERS AND CONTRIBUTORS

This Final EIR was prepared by the Santa Barbara County, Office of Long Range Planning. Project team members are listed below.

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Consultants

Rincon Consultants, *Revised Draft EIR- Cumulative Impact Discussion, 2007*

Joe Power, Principal Planner

Rob Mullane, Senior Planner

Associated Transportation Engineers

Scott Schell, Principal Planner

Dan Dawson, Senior Transportation Planner

8. RESPONSE TO COMMENTS

8.1 RECEIPT OF COMMENTS

The California Environmental Quality Act (CEQA) provides the opportunity, during a specified public review period, for any person or entity to submit comments to a Lead Agency concerning any environmental effects of a project being considered by the Lead Agency. CEQA requires that the Lead Agency evaluate comments on the environmental issues received from persons who commented on the Draft Environmental Impact Report, and prepare written responses for inclusion in the Final EIR.

If the Lead Agency determines that changes are warranted, revisions are made to the EIR analysis. Revisions may also be made to the proposed project to mitigate anticipated impacts. The responses must provide a detailed rationale as to why comments were not incorporated if the Lead Agency is at variance with the recommendations and objections raised in the comments. In either case, CEQA requires good faith and reasoned analysis in responses.

Comments which do not address environmental issues but speak to the merits or drawbacks of the project itself are forwarded to the decision makers along with all the comments and responses to the Draft EIR.

8.2 LIST OF COMMENTERS

During the public review period, a total of 27 comment letters on the Draft EIR were submitted by individuals and agencies in addition to comments made at public hearings. Letters have been categorized by commenter and assigned a letter and number. Letters assigned an **A** refer to Public Agencies and those with a **B** refer to the General Public.

LETTER	DATE / COMMENTER
A1	October 21, 2005 Vijaya Jammalamadaka, Santa Barbara County Air Pollution Control District
A2	October 26, 2005 Santa Barbara County Public Health Department
A3	October 27, 2005 Dennis O'Bryant, Department of Conservation
B1	September 23, 2005 Eric Hvollbøll, Price, Postel & Parma, LLP
B2	September 28, 2005

Eric Hvollbøll, Price, Postel & Parma, LLP

B3 October 3, 2005
Jean Naughton

B4 October 9, 2005
Sig Hansen

B5 October 17, 2005
Jean Naughton

B6 October 19, 2005
Donald Landry, Valley Compost and Topsoil, Inc

B7 October 27, 2005
Douglas Zeigler, Bar Z Ranch

B8 October 27, 2005
Jean Naughton

B9 October 28, 2005
Patricia Paulsen

B10 October 28, 2005
Andy Caldwell, COLAB

B11 October 28, 2005
Eugene Mitty

B12 October 31, 2005
Bill and Gail Giorgi

B13 October 31, 2005
San Lucas Ranch

B14 October 31, 2005
Patricia Beltranena, Central Coast Wine Growers Association

B15 October 31, 2005
Patricia Beltranena, Wineries, Ranches and Estate Group, MNS Engineers

- B16 October 31, 2005
 David H. Andersen, Rancho Aldea Antigua, LLC

- B17 October 31, 2005
 Willy Chamberlin

- B18 October 31, 2005
 Susan Petrovich, Hatch & Parent

- B19 October 31, 2005
 Andy Mills, Hollister Ranch

- B20 October 31, 2005
 Richard Quandt, Grower-Shipper Vegetable Association of Santa Barbara and San
 Luis Obispo Counties

- B21 October 31, 2005
 Janice Evans, Santa Barbara County Flower & Nursery Growers Association

The close of the comment period for the Draft EIR was October 31, 2005 at 5:00 p.m. The letters listed below were received after the close of the public review period, however, the letters have been included and responses have been provided.

- C1 October 31, 2005
 Pat Elton, American Youth Soccer Association

- C2 October 31, 2005
 Jim DeArkland

- C3 October 31, 2005
 Landon Stableford, Aquajitos Ranch

- C4 November 2, 2005
 Andy Mills, Hollister Ranch

8.3 COMMENTS AND RESPONSES TO COMMENTS

Provided on the following pages are copies of letters received during the public review period and the responses to comments contained in those letters. Each comment within a letter has been assigned a number (1, 2, 3, etc.). The response to each comment is identified accordingly and immediately follows the referenced letter.

Following the response to written comment is a transcript of the public hearing and a summary of public comments and staff's responses to those comments received during the environmental hearing held in Solvang on October 17, 2005. No comments were received at the hearing in Santa Barbara on October 18, 2005.



**Santa Barbara County
Air Pollution Control District**

October 19, 2005

Peggy Burbank
Jane Gray
Comprehensive Planning
County Executive Office
Santa Barbara County
30 E. Figueroa St., 2nd Floor
Santa Barbara, CA 93101

SUBJECT: Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones: Draft EIR

Dear Peggy and Jane:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Air Quality section of the Draft EIR for the above-mentioned project.

1 | Comments are attached in a ~~strikethrough~~/underline format. In general, our comments focus on correcting inaccuracies in the air quality setting, thresholds of significance and impact analysis. There is no substantive change to the air quality impact conclusions or to the mitigation measures presented in the Draft EIR.

It was a pleasure working with you on this important project. If you have questions regarding the comments please call me, at (805) 961-8893 or e-mail me: VLJ@sbcapcd.org.

Sincerely,

Vijaya Jammalamadaka

Vijaya Jammalamadaka, AICP
Air Quality Specialist
Technology and Environmental Assessment Division

Encl: SBCAPCD Comments (12 pp.)

cc: Bobbie Bratz, Public Information and Community Programs Supervisor
Project File (County of Santa Barbara Uniform Rules for Agricultural Zones)
TEA Chron File

\\SBCAPCD.ORG\SHARES\GROUPS\PCA\WP\PCACORR\COUNTY UNIFORM RULES FOR AG ZONES DEIR

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October 21, 2005

Vijaya Jammalamadaka, Santa Barbara County Air Pollution Control District

Letter A1

Response to Comment:

A1-1 Section 3.5 has been revised to reflect the comments submitted by your agency.

Santa Barbara County
PUBLIC Health
DEPARTMENT

Environmental Health Services

225 Camino Del Remedio • Santa Barbara, CA 93110
805/681-4900 • FAX 805/681-4901

Elliot Schulman, MD, MPH *Director / Health Officer*
Richard Merrifield, REHS *Director of Environmental Health*

October 26, 2005

Peggy Burbank
County of Santa Barbara Comprehensive Planning Division
30 E. Figueroa Street, 2nd Floor
Santa Barbara, CA 93101

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S.B. COUNTY
COMPREHENSIVE PLANNING

Dear Ms. Burbank,

Subject: **Draft EIR for the Uniform Rules Update**
04EIR-08; SCH#: 2004081159

Environmental Health Services (EHS) has reviewed the subject Environmental Impact Report (EIR) for the revision of the Uniform Rules for Agricultural Preserve land use. As the permitting authority under the California Integrated Waste Management Board for composting activities, EHS provides the following comments as information for your Division and for the readers of the EIR:

1. In addition to meeting local land use requirements, all facilities that intend to compost materials other than green or agricultural waste must obtain a full solid waste facilities permit (SWFP) issued by EHS and concurred with by the CIWMB at a public hearing. Prior to permit issuance the applicant must demonstrate compliance with the California Environmental Quality Act (CEQA). The applicant must apply for the SWFP at least 180 days prior to commencing operations, provide a report of composting site information, prepare an odor impact minimization plan (OIMP), and be subject to unannounced monthly inspections by EHS.
2. The full SWFP is also required for compostable materials chipping and grinding facilities that process more than 500 tons per day (TPD).
3. For agricultural materials, the operator that sells or gives away unlimited amounts, or for green material operations that have on site at any time no greater than 12,500 cubic yards of material, a composting permit and OIMP are required with quarterly inspections.
4. Any amount of biosolids composting at a publicly operated wastewater treatment plant, research composting or in-vessel composting with less than 5,000 cubic yards on site at any time, or chipping and grinding operations with less than 200 TPD, are each subject to the composting permit, OIMP and quarterly inspection requirements.

5. Chipping and grinding activities whose volumes range between 200 and 500 TPD will require a registration permit issued by EHS with monthly inspections. CEQA compliance will also be necessary.
6. A number of compost activities are excluded from permit as follows:
- a. Agricultural material derived from an agricultural site and returned to the same site or agricultural site owned or leased by the owner, parent, or subsidiary
($\leq 1,000$ yd³ given away or sold annually)
 - b. Vermicomposting
(Note: The handling of compostable materials used as growth medium is not excluded)
 - c. Mushroom farming
(Note: The handling of compostable materials used as growth medium is not excluded)
 - d. Green material generated on-site
(≤ 500 yd³, $\leq 10\%$ food material)
($\leq 1,000$ yd³ given away or sold annually)
 - e. (A) An activity, located at a facility with a tiered or full permit and a Report of Facility Information that identifies and describes the activity, which will use the material on-site, or
(B) Temporary storage of biosolids at a Publicly Operated Treatment Works, or
(C) An activity located at the site of biomass conversion and used for biomass conversion, or
(D) Silvicultural operation or wood, paper, or wood product manufacturing operation, or
(E) Temporary storage or processing of agricultural material not used in the production of compost or mulch, or
(F) Chipping and grinding of materials applied to land owned or leased by the owner, parent, or subsidiary, or
(G) Chipping and grinding of agricultural material produced on lands owned or leased by the owner, parent, or subsidiary for use in biomass conversion, or
(H) Animal food manufacturing or rendering, or
(I) Storage of yard trimmings at a publicly designated site for the collection of lot clearing necessary for fire protection, or
(J) Materials handled in such a way as to preclude the materials from reaching 122 degrees Fahrenheit
 - f. Noncommercial composting provided all compostable material is generated and used on-site (< 1 yd³ food material)
 - g. Storage of bagged products (< 5 yd³)
 - h. Within-vessel composting (< 50 yd³)
 - i. Beneficial use

Thank you for the opportunity to comment on the draft EIR. Please do not hesitate to contact me at (805) 681-4942, if you have any questions about this letter.

Sincerely,

Lisa Sloan
Senior Environmental Health Specialist

Cc: John McInnes, Comprehensive Planning
David Brummond, EHS

October 26, 2005

Santa Barbara County Public Health Department

Letter A2

Response to Comment:

A2-1 Thank you for providing permit requirement information for composting facilities. As the permitting authority under the California Integrated Waste Management Board, Environmental Health Services would review any future application for compost facilities for compliance with applicable state and local regulations.



DEPARTMENT OF CONSERVATION

A3

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

 PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

October 27, 2005

Ms. Peggy Burbank
 Santa Barbara County Planning and Development
 Comprehensive Planning Division
 123 East Anapamu Street
 Santa Barbara, CA 93101

Subject: Draft Environmental Impact Report (DEIR) Agricultural Preserve Uniform Rules Update Project SCH# 2004081159

Dear Ms. Burbank:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the Santa Barbara County Agricultural Preserve Uniform Rules Update project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The purpose of the Update project is to bring the Uniform Rules into conformance with legislative amendments to the Williamson Act and to consider additional changes that would be beneficial to the Agricultural Preserve Program and the long-term viability of agriculture in Santa Barbara County. Among some of the changes proposed are the following:

- Incorporate principles of compatibility from the WA. (Rule 2-1.1)
- Update definition of recreational use to require that land be in its "agricultural or natural state" (Rule 2-5)
- Eliminate sanitary fill waste disposal (Rule 2-7) and golf courses (Rule 2-5) as compatible uses on contracted lands.
- State rational for inclusion of superprime parcels into the Agricultural Preserve Program
- Clarify size eligibility requirements for parcels and preserves. (Rule 1-2.2)
- Propose revised agricultural production and reporting requirements (Rule 1-2.3)
- Changes to residential allowances to provide more housing opportunities on contracted land (Rule 1-4.1)

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- Increase flexibility of facilities for the preparation and processing of agricultural products (Rule 2-2) including development of agricultural facilities under an Agricultural Industry Overlay (Rule 2-6)
- Adding lot line adjustments as a means to add parcels smaller than the allowable minimum size to existing contracts (Rule 1-2.4)
- Adding an allowance for small-scale guest ranches (Rule 2-4)
- Commercial composting facilities subject to certain requirements (Rule 2-7)
- Allowance for temporary filming and special events (Rule 2-11)

We offer the following comments with respect to the project's potential impacts on Williamson Act contracted agricultural land.

The Williamson Act (WA) program was enacted to preserve agricultural land so that it would continue to be available into the future, and to discourage the premature or unnecessary conversion of agricultural and open space land to nonagricultural uses. As provided for in the Act, the principal use of land under contract, with a few specific exceptions, is intended to be producing an agricultural commodity for commercial purposes. A Williamson Act contract between a local governing jurisdiction and the landowner creates a set of enforceable restrictions on the contracted land which, by their nature, are intended to limit what the land can be used for.

The overarching purpose of the Williamson Act is to curb "the rapid and virtually irreversible loss of agricultural land to residential and other developed uses" (Sierra Club v. City of Hayward 1981 28 Cal. 3d 840,850). The Williamson Act was intended to protect farmland from conversion into scattered, low density, single family subdivisions. (Honey Springs Homeowners Assn. V. Board of Supervisors (1984) 157 Cal. App. 3d 1122, at 1139)).

1 The State of California Attorney General's Office has several times opined that **subdividing contracted lands for the primary purpose of residential development is prohibited by the Williamson Act** (See, 75 Ops. Att'y Gen. 278 (1992); 62 Ops. Att'y Gen. 233 (1979); 54 Ops. Att'y Gen. 90 (1971)). These opinions dealt with proposed subdivisions on land enrolled in Williamson Act contracts.

In legislation that became effective January 1, 2000 (SB 985, Chapter 1018, Statutes of 1999), the Legislature specifically adopted these opinions as declaratory of existing law (see uncodified Section 15 of the bill) in amending Government Code section 66474.4 (relating to subdivision of land subject to enforceable restrictions, including Williamson Act contracts). In adopting these opinions, the Legislature stated its intent to concur in these interpretations by clarifying that a landowner's right to subdivide is subject to the

Williamson Act and that the subdivision of enrolled lands for residential purposes is prohibited by both the Williamson Act and Government Code section 66474.4.

1 In 2003, AB 1492 (Laird; Chapter 694, Statutes of 2003) was enacted and was effective January 1, 2004. The newly enacted section 51250 created an enhanced penalty for what is now termed a material breach of a Williamson Act contract. While AB 1492 contains no new restrictions on building residences on contracted land (if such residences are incidental to the purpose of producing agricultural commodities for commercial purposes on the land), it does provide for serious penalties associated with construction of buildings that are incompatible with a contract, local rules, or the Williamson Act on contracted lands. Although construction of single-family homes and compatible outbuildings for resident farmers and ranchers is unaffected by AB 1492, the construction of an incompatible building on contracted property, including a residence on a parcel that contains little or no commercial agricultural use, or that is to be occupied by persons unrelated to the underlying agricultural activities, may give rise to an action for material breach of contract.

SMALL SCALE GUEST RANCHES

Uniform Rule 2-4 would allow small-scale guest ranches for up to fifteen guests accommodated in no more than six rooms. On parcels 100 acres or greater additional lodging within the residential development envelope could be constructed to be used for guest accommodations.

DOC Response

2 The Department notes that the County has changed the definition of small scale guest ranches to require that the "guest ranch shall be consistent with the compatibility guidelines set forth in section 2-1 of these Rules." A guest ranch is defined as: agricultural tourism that provides accommodation to paying guests incidental to or in conjunction with the principal commercial agricultural operation (derived from Article III). Project Description on page 2-7 for small scale guest ranches states that a "guest ranch facility must be incidental to the agricultural use on the premises." However, there is no explanation of how the County will ensure that guest ranch facilities and guests will actually be "incidental" to the agricultural use on the premises, or how the County will monitor the facilities to ensure that such facilities and guests are actually participating and linked to the production of agricultural products.

In general some "agri-tourism" type uses would probably conflict with the legislative finding in Government Code section 51220.5 regarding the temporary and permanent increase in population. Even though visitor oriented destinations and experiences are

Ms. Peggy Burbank
October 27, 2005
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2 supposedly centered on an agricultural theme, the act of visiting does not produce an agricultural commodity of food and fiber; nor could it be considered an agricultural use. Therefore, it is the opinion of the Department that it would be problematic to define agritourism activities, that would increase the temporary and permanent population on enforceably restricted contracted land, as a compatible use. Further, any new residential buildings constructed for guest use would not meet the test of being related to the production of a commercial agricultural commodity, and could result in a material breach of contract.

RESIDENTIAL USE

Santa Barbara County's existing Uniform Rules allow only one principal dwelling per single contract, regardless of the number of parcels that make up the contract. The proposed Uniform Rules 1-4.1.B.2 would change this to allow a maximum number of three principal dwellings per contract under certain criteria. Contracts of multiple parcels that are 100 acres or greater would be allowed one principal dwelling on each qualifying parcel, up to a maximum of three units.

DOC Response:

3 The proposed rules include a provision to allow for contracts with multiple parcels with a zoning of minimum parcel size of 100 acres or greater to have a maximum of three principal dwellings, provided each dwelling is located on a separate legal parcel at least 100 acres in size. However, if larger acreages under contract are allowed to be subdivided into multiple parcels with three principal dwellings, it may have the effect of reducing the economy of scale of presently viable agricultural operations, and could encourage the use of parcel maps or subdivisions. If the reason for providing this provision is to allow family members to live on the contracted land, we recommend that the requirement of Government Code section 51230.1 that provides for transfer of ownership to an immediate family member be incorporated, specifically the requirement for a written joint management agreement between the immediate family members that are parties to the transfer of land.

RESIDENTIAL AGRICULTURAL UNIT (RAU)

The RAU is proposed to provide additional housing for the property owner, family member, employee, or renter, or a potential additional income source.

While the Williamson Act provides for the farmer or rancher to build a single family dwelling, in addition to farm related structures and agricultural labor housing, "providing housing opportunities on agricultural land enrolled in the Agricultural Preserve Program"

runs counter to the intent of the Williamson Act Program, particularly Government Code §51222, which states that the "Legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase the density of the permanent or temporary human population of the agricultural area. For this reason, cities and counties shall determine the types of uses to be deemed "compatible uses" in a manner which recognizes that a permanent or temporary population increase often hinders or impairs agricultural operations."

4 | The provision to allow as a lease or rental opportunity an attached or detached single family dwelling under a Residential Agricultural Unit (RAU), in addition to a principal one-family dwelling, would result in more intensive residential uses in agricultural preserves, and may have the same effect on the property and agricultural operation as would a minor subdivision. The Department reiterates previous comments provided on the subject that unless the provision is specifically limited to agricultural operators and farm or ranch workers, the County should not include RAUs as an allowable use on land enrolled in contracts or allow clustering of such units, thereby creating de facto subdivisions.

The Williamson Act allows residences to be termed compatible only if they are related to the agricultural use of the property. Agricultural use is defined as the production of a commercial agricultural commodity for commercial purposes. The State Attorney General was even more specific in defining compatible residential use, opining that residences, which are not "incidental" to the agricultural use, are in violation of the Act. Residences built on contracted lands that are not related to agriculture, as described above, are likely to be found to be material breaches, subjecting the owners to significant monetary penalties, even if County zoning allowed such uses. We strongly caution the County against approving this type of use, which would expose its landowners to these very significant fines.

LOT LINE ADJUSTMENT

In Project Objectives and Overview it states that Rule 1-2.4 is for addition of lot line adjustments as a means to add parcels smaller than the allowable minimum size to existing contracts.

DOC Response

5 | Government Code Section 51257 provides a process to facilitate lot line adjustments on land enrolled in Williamson Act contracts. The purpose of Section 51257 is to facilitate minor adjustments to parcel boundaries that will improve the agricultural use or management of the land. The Board of Supervisors must make all the findings required

5 | and resulting parcels must meet the minimum size parcel requirements. Creation of new parcels or configurations that increase residential use is not allowable.

ANIMAL BOARDING AND BREEDING FACILITIES

The County proposes to allow incidental animal boarding and/or breeding facilities, whether for commercial or personal use as a compatible use on contracted land and defines the facilities and parcel size allowed.

DOC Response

The general purpose of Williamson Act contracted land is to preserve agricultural land for production of an agricultural commodity for commercial purposes. An agricultural commodity means any and all plant and animal products produced in California for commercial purposes. The provisions for principal boarding and breeding of animals, (i.e., horses) is based on the requirement that at least 20 acres of irrigated pasture be maintained. The County considers that the irrigated pasture constitutes the incidental use of an agricultural operation on the land and that horse breeding and boarding is a compatible use. Given the relative values of these uses, it appears that the pasture is indeed incidental to the boarding facility. Usually irrigated pasture is used to graze cattle, which is considered an agricultural use. The Department does not consider horse breeding and boarding to be a compatible use related to the intent of the Williamson Act. We note that horses are not defined as an agricultural commodity in the Food and Agriculture Code.

AGRICULTURAL INDUSTRY OVERLAY

Currently the Agricultural Industry Overlay to allow larger scale agricultural support facilities to prepare and process crops grown in the region is limited to non-contracted land that is zoned AGT-II and is outside of the coastal zone. The County proposed changes to extend Agricultural Industry Overlay into areas enrolled in Williamson Act contracts. The County anticipates that three facilities could be developed and remove up to 45 acres (15 acres each).

6 | **DOC Response**

The Agricultural Industry Overlay would allow large industrial agricultural processing facilities. Generally, the Department considers that large industrial agricultural processing facilities should be placed on non-contracted land, as is the current requirement in Santa Barbara County. Usually facilities related to processing agricultural products are limited to agricultural products grown on the processing site or

Ms. Peggy Burbank
October 27, 2005
Page 7 of 7

6 | local farms. The County should ensure that there are sufficient requirements to limit the area served by the facilities to agricultural commodities produced locally.

WILLIAMSON ACT CONTRACTS FOR RECREATION OR OPEN SPACE

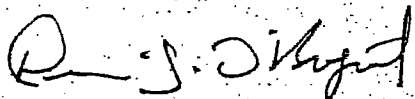
The County currently has Uniform Rules related to Williamson Act contracts for Recreation and Open Space that was adopted in 1975 and amended in 1984. These Rules apply to Williamson Act contracts solely for recreation, or open space, where no agriculture is taking place. Land used exclusively for recreation or open space is not eligible for a Farmland Security Zone contract.

DOC Response

7 | Certain recreational and open space uses can be considered compatible with the primary agricultural uses of land enrolled in Williamson Act contracts. However, contracts for such lands must be consistent with Government Code Section 51201 (j) through (o). It is important to note that there is an affirmative responsibility on the County to ensure that contracts for lands not in agriculture specifically meet the requirements for the categories of open space defined in that section, and the County has carried out its responsibilities in that section. For instance, before allowing contracts for the open space category of "wildlife habitat area", the County must designate the land as "an area of great importance for the protection or enhancement of the wildlife resources of the state", after consulting with the Department of Fish and Game and considering their recommendations. We also caution that lands with open space contracts are not included in the statutory definition of residence compatibility.

Thank you for the opportunity to comment. We commend the County for revising its Williamson Act Uniform Rules to comply with current statutory requirements and emphasize that any changes approved should not have the effect of allowing uses that would be in conflict with the intent of the Williamson Act. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

Sincerely,



Dennis J. O'Bryant
Acting Assisting Director

October 27, 2005

Dennis O'Bryant, Department of Conservation

Letter A3

Response to Comments:

A3-1 The Department of Conservation comments on the EIR are predominantly focused upon the proposed Uniform Rules consistency with the Williamson Act. The amended Uniform Rules provide greater flexibility for landowners participating in the Agricultural Preserve Program through increased residential and compatible use opportunities. These amendments will help ensure the continuation of agriculture as a viable industry in Santa Barbara County and discourage the premature conversion of agricultural lands to non-agricultural uses.

Proposed Rule 1-4.1.B.2 does not facilitate subdivision; rather it helps to retain larger blocks of agricultural land in a single ownership contract and preserve the tradition of family farms in the County by reducing one of the reasons farms and ranches are sold and divided into smaller properties (e.g. to address estate and tax issues). Proposed building envelope restrictions, coupled with the requirement for consistency with the compatibility principles (Gov. Code Section 51238.1) minimize the impact on agricultural operations. The maximum development area allotted to residential uses for qualifying premises would be insignificant on large contracted premises, yet would bolster the preservation of agriculture by meeting the needs of farming and ranching families in the County.

Further analysis performed subsequent to the DEIR and included in the proposed FEIR (Section 3.1.3), using the Land Evaluation and Site Assessment (LESA) model, suggests that confining residential development to an envelope no greater than two acres in size on any one parcel would not constitute a significant impact to agricultural resources.

A3-2 Proposed Rule 2-4 would allow Small Scale Guest Ranches as a new compatible use. Rule 2-4 was modeled after the California Agricultural Homestay Act (AB 1258), passed in July 1999, which provides opportunities for more farmers and ranchers to offer agri-tourists overnight visits. The bill exempts farms and ranching operations that offer overnight stays from the more stringent requirements of operating a commercial restaurant. To qualify for overnight stays, the farms and ranches must produce commercial agricultural products as their primary land use. Additionally, farmers are limited to six guest rooms and 15 visitors a night. The County's proposed Rules are consistent with these allowances from the Act.

A3-3 Residential uses expand the opportunities for residential development on contracted land from one principal dwelling per premises to three principal dwellings per premises, each

located on separate legal parcels 100 acres or greater (Rule 1-4.1). Under this provision, each residential dwelling would need to be sited in accordance with the compatibility principles and in a manner which minimizes intrusion into agricultural areas in order to preserve productive agricultural land to the greatest extent feasible. The total development envelope for these residences would be limited to 3 acres, distributed among the two or three dwellings; if only one principal dwelling were established, then the envelope would be limited to the lesser of 2 acres or 3% of the parcel. These restrictions help to maintain the integrity of the Agricultural Preserve Program and consistency with the purpose and intent of the Williamson Act, which is to preserve productive agricultural land in the long-term. The intent of this expansion is to address the growing needs of family farmers and to provide an incentive to landowners to maintain large blocks of land under a single ownership contract. Failure to address residential requirements of some landowners could encourage the replacement of large individual contracts with multiple smaller contracts, which would be more susceptible to development and conversion in the future. At the same time, the limits placed on the development envelope allow less land for residential uses than would be the case for separate premises. Thus, this provision serves to preserve agriculture into the future, while allowing residential development that is compatible with the agricultural operation on the premises. Therefore, the amended Uniform Rules are potentially consistent with the Williamson Act in terms of residential development.

Proposed Rule 1-4.1.B which would allow up to three residential dwellings on qualifying premises, does not change the County's requirements for subdivision of agricultural land including the need to demonstrate agricultural viability.

Rule 6.2.D Transfer of Ownership, incorporates provisions for the transfer of land to an immediate family member per Government Code §51230.1 of the Williamson Act.

- A3-4** The proposed rules do not amend the current Uniform Rule provision allowing for a Residential Agricultural Unit as a compatible use on contracted land; and consequently no environmental impacts have been identified as this was the subject of a previous EIR. The *Agricultural Clustered Development (ACD) & Residential Agricultural Unit (RAU) Ordinance Amendments EIR* (State Clearinghouse #97021014) states:

The primary objective of the RAU (Residential Agricultural Units) program was to preserve the County's agricultural lands by providing alternatives to standard subdivision of agricultural lands. Specifically, the RAU program was aimed at reducing development pressure on the agricultural lands in rural areas where the needs of farm employees and their families exist. This provision serves to preserve larger farming parcels intact through the allowance of onsite labor as well as makes

agriculture more viable in general by expanding the range of option open to farmers.

- A3-5** Proposed Uniform Rule 1-2.4.B and 1-2.2.D would allow property owners to adjust lot lines between parcels which are too small individually to qualify for an agricultural preserve contract provided the resulting adjusted parcels meet the individual parcel size requirements and minimum preserve requirements for Williamson Act contracts. Consistent with Government Code §51257, the Board of Supervisors would need to make findings that the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment (Rule 1-3.H).
- A3-6** The proposed rules contain a criterion requiring the AIO facilities to provide a direct benefit to agriculture on land in contract in the immediate vicinity, thus ensuring the facility will serve local producers.
- A3-7** Proposed Uniform Rule 3-2 incorporates the definition of open space use from the Williamson Act along with the definitions and provisions of Government Code §51201 (j) to (o) (“wildlife habitat area”, “saltpond”, “managed wetland area”, “submerged area” and “recreational use”). Further, it prohibits structural development, including residential structures, except as provided for in Government Code Section 51238(a).

PRICE, POSTEL & PARMA LLP

B1

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SEP 23 2005

S.B. COUNTY
COMPREHENSIVE PLANNING

September 23, 2005

County Executive Office
Comprehensive Planning
30 East Figueroa Street, 2nd Floor
Santa Barbara, CA 93101-2010

Attention: Peggy Burbank

Re: *Draft EIR Uniform Rules for Agricultural Preserves and Farm Land Security Zone, Santa Barbara County, August 2005, 04EIR-08, SCH #. 2004081159*

Gentlemen/Mesdames:

This letter is written on behalf of Parks Land & Cattle Company, and its manager, Mr. Glenn E. Parks.

Mr. Parks and his family have been engaged in farming in Santa Barbara County for several generations. Recently the *Santa Barbara News-Press*, on July 31, 2005, wrote that Mr. Parks' family is thought to be the last on the Gaviota Coast earning a living exclusively from agriculture, where Mr. Parks oversees the production of approximately 330,000 avocado trees (copy enclosed).

The Parks family's 700+ acre avocado ranch is enrolled in the County's agricultural preserve program under the Williamson Act.

Mr. Parks has requested for several years that the storage of water well drilling equipment be permitted as a compatible use on contracted land. Specifically, Mr. Parks requests that Uniform Rule 2.9(b) (or another appropriate section) include language that the storage of commercial water well drilling equipment, when used for drilling and maintaining agricultural water wells on agricultural land, is a compatible use on contracted land.

As we pointed out, such a provision would be consistent with the compatibility guidelines set forth in the Uniform Rules as water well drilling equipment is an essential tool used by farmers in the production of their agricultural products.

We do not understand the County staff's continuing hostility to Mr. Parks' very reasonable request that these essential tools of irrigated agriculture (which has been extant continuously on the Gaviota Coast since the 1790s) be allowed. (See, for example, Planning and Development Department letter dated March 26, 2002.)

Mr. Parks' proposal has received the endorsement of former Supervisor Gail Marshall

Comprehensive Planning
Attn: Peggy Burbank
September 23, 2005
Page 2

(see enclosed April 4, 2003, Memorandum), and he has been repeatedly advised by the Planning and Development Department that it wishes to provide him with an opportunity to address the Board of Supervisors on this matter.

Therefore, in light of the Department's explicit policy, it is imperative that the final EIR on the Uniform Rules update *include* the change proposed by Mr. Parks in its analysis so that the decision-makers will have an opportunity to favorably consider his request should they choose to do so.

The revised Rule 2.9(b) can easily be analyzed in the final EIR, in the "alternatives" section, if necessary.

Mr. Parks is very much looking forward to appearing personally before the Board of Supervisors at your Department's invitation and at that time it would clearly not be fair or reasonable for County staff to take the position that Mr. Parks' request cannot be granted because it was not included in the environmental analysis.

For your background information, I am enclosing copies of letters:

- Planning and Development Department letter dated December 19, 2001;
- Price, Postel & Parma letter dated January 9, 2002;
- Planning and Development Department letter dated March 26, 2002;
- Planning and Development Department letter dated May 20, 2002;
- Price, Postel & Parma letter dated May 30, 2002;
- Planning and Development Department letter dated August 5, 2003;
- Parks Land & Cattle Co., Inc. letter dated June 24, 2004;
- Planning and Development Department letter dated July 12, 2004;
- Price, Postel & Parma letter dated July 20, 2004;
- Parks Land & Cattle Co., Inc. letter dated September 20, 2004;
- Price, Postel & Parma letter dated September 23, 2004;
- Price, Postel & Parma letter dated July 13, 2005; and
- Planning and Development Department letter dated July 18, 2005.

Please ensure this letter as well as all of its enclosures are included in the final EIR.

Thank you.

Very truly yours,



Eric P. Hvolbøll
for PRICE, POSTEL & PARMA LLP

EPH/symt
Enclosures
By regular mail and facsimile (568-2076)

c: Mr. Glenn Parks
Mr. William Gillette
Ms. Dianne L. Meester

September 23, 2005

Eric Hvollbøll, Price, Postel & Parma, LLP

Letter B1

Response to Comments:

B1-1 Land uses allowed by the Uniform Rules may be more restrictive than those uses allowed by the relevant zoning ordinance in order to comply with the intent of the Williamson Act. The scope of the project, as defined by the Agricultural Preserve Advisory Committee's recommendations, does not include substantive changes to the Uniform Rules which would require amendments to the County's zoning ordinances. Commercial storage of water well drilling equipment is not allowed under current agricultural zoning. It is County practice to maintain consistency between the Uniform Rules and land use requirements in the zoning ordinance.

The suggested inclusion as an alternative of storage of water well drilling equipment does not constitute an alternative under CEQA. Article 9, §15126.6 of the CEQA Guidelines requires consideration and discussion of alternatives to the proposed project. The purpose of alternatives are to "mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code §21002.1); the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The request to include storage of water well drilling equipment as a compatible use on contracted land has not been included in the Draft EIR since the storage of water well drilling equipment is not currently allowed under agricultural zoning and the request does not meet the CEQA standard for discussion and analysis of alternatives to the proposed project.

B2

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September 23, 2005

County Executive Office
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30 East Figueroa Street, 2nd Floor
Santa Barbara, CA 93101-2010

Attention: Peggy Burbank

Re: *Draft EIR Uniform Rules for Agricultural Preserves and Farm Land Security Zone, Santa Barbara County, August 2005, 04EIR-08, SCH #. 2004081159*

Gentlemen/Mesdames:

I am writing with comments regarding the above-referenced draft environmental impact report.

A. Page 2-6

First, there is a misstatement on page 2-6, Section 2.4.1, upon which the draft report's analysis is based, i.e.: "[T]he existing Uniform Rules allow only one principal dwelling per premises (all land under a single contract), regardless of the number of parcels that make up the premises." This statement is made without reference to the existing Uniform Rules, which are enclosed in the draft EIR as Appendix 4. Current Uniform Rule No. 6(I)(D)(2)(a) states: "Only one residential building site shall be allowed for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.)" *emphasis added.*

While the Agricultural Preserve Advisory Committee and the Planning and Development Department may have interpreted current Uniform Rule 6(I)(D)(2)(a) as stated on page 2-6, such an interpretation is inconsistent with the Uniform Rule as adopted by the Board of Supervisors, and the final EIR should base its analysis on Uniform Rule 6(I)(D)(2)(a) as adopted by the Board.

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S.B. COUNTY

B. Definitions - "Agricultural Employee"

Second, the project description and definition should be expanded to specify that an "agricultural employee" may be a partial owner of the ranch or farm on which she or he is employed.

As background, I am enclosing a copy of a County Counsel memorandum dated April 2, 1998, which was provided to me by the County Counsel's Office. Surprisingly, the County has in the past taken the position that a person owning a partial interest in a farm or ranch could not also be an employee of that agricultural operation and therefore could not reside on the farm or ranch in agricultural employee housing.

2 On February 16, 2001, in response to a suggestion from the Planning and Development Department, I requested that the Agricultural Preserve Advisory Committee discuss the type of property ownership which is required in the farm employee situation (copy enclosed). I was surprised on April 2, 2001, to receive a curt telephone call from Denise Grimes of County Counsel's Office in which she said the County Counsel's office would not allow the Committee to discuss the question.

The current effort to update the County's Uniform Rules provides an excellent opportunity for the County Board of Supervisors to address the questions raised by the definition of "agriculture employee" in the 1998 County Counsel memo and my 2001 inquiry.

The Agricultural Preserve Advisory Committee's interpretation that a person holding an ownership interest in the farm or ranch on which she or he is employed full time *disqualifies* her or him from living in agricultural employee housing is completely inconsistent with the centuries-old tradition of family farming - - it prohibits a family from having two or more generations living on a farm or ranch once important ownership transfers begin as a common element of estate planning. At a time when many families are working hard to continue a tradition of family farming and pass on agricultural operations to succeeding generations, the County should, in my view, make this opportunity explicit by adopting an expanded definition of "agricultural employee". Such an expanded definition would be unlikely to have significant environmental impact.

C. Page 2-7

3 Third, in Section 2.4.2 a definition of "incidental" is necessary. Our understanding is that "incidental" refers to incidental *land use* vis-a-vis an incidental component of the *economic return* of the farm or ranch.

D. Page 3-7

4 Last, at page 3-7, there is an unstated assumption that "barbell", "peninsula" or "finger" configurations intrude into agricultural areas and are to be avoided for policy reasons. The draft EIR offers no factual evidence to support this assumption and, in fact, there

Comprehensive Planning
Attn: Peggy Burbank
September 26, 2005
Page 3

are certainly situations where such configurations *minimize* intrusion into active agricultural areas in a preserve.

4 Therefore, to be consistent with the agricultural land preservation goals of the Williamson Act, the proposed Uniform Rule should state: "minimize 'barbell', 'peninsula', and 'finger' type configurations unless otherwise required to minimize impact on agricultural areas."

Please ensure that this letter and its enclosures are included in the final EIR.

Thank you for your consideration of these comments.

Very truly yours,



Eric P. Hvolbøll
for PRICE, POSTEL & PARMA LLP

EPH/symt
Enclosures
By regular mail and facsimile (568-2076)

September 28, 2005

Eric Hvollbøll, Price, Postel & Parma, LLP

Letter B2

Response to Comments:

B2-1 One of the goals of the Update to the Uniform Rules is to increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program. This includes codifying existing administrative practice of the Agricultural Preserve Advisory Committee (APAC). Under CEQA, the baseline should reflect existing conditions on the ground as closely as is possible. It is therefore appropriate for the purpose of this CEQA analysis that the baseline used is the practice of the Uniform Rules as administered by the APAC. The allowance of one principal dwelling per premises is the interpretation and practice which has been employed by the County since inception of the program. The first line in Sec. 2.4.1 has been revised to reference the administrative practice rather than the text of the current Uniform Rules.

B2-2 Thank you for your comment and suggestion to revise the definition of an “agricultural employee.” This issue could also involve revisions to the zoning ordinances and therefore goes beyond the scope of the Uniform Rules Update project. Your request will be forwarded to the Board of Supervisors for their consideration.

Proposed Uniform Rule 1-4.1 Principal Dwelling expands the residential options on qualifying parcels to encourage multi-generational farming and retention of larger premises under contract. With these allowances, family members are able to live and work the premises without the need to change or expand the definition of Agricultural Employee or Agricultural Employee Housing.

B2-3 In section 2.4.2, for example, use of the term “incidental” refers to the actual physical use of the structure and land. The small-scale guest ranch use must be secondary and incidental to the primary agricultural production on the premises.

B2-4 Thank you for your comment. In order to preserve productive agricultural land to the maximum extent feasible, Rule 1-4.1.D states “...the development envelope shall minimize ‘barbell’, ‘peninsula’ and ‘finger’ types of configurations.” This requirement has been included to avoid the encroachment of non-agricultural structures upon cultivated agriculture so maximizes the amount of land onsite devoted to the primary agriculture use. The Agricultural Preserve Advisory Committee evaluates proposed development envelope configurations on a case-by-case basis, taking into consideration agricultural resources on the premises as well as other physical limitations on the premises. Rule 1-4.1.D provides flexibility for the APAC to recommend development

envelope adjustments which preserve productive agricultural lands to the maximum extent.

Jean Naughton
P.O. Box 201
Los Alamos, California 93440
c: 323-854-9822
email: jeannaughton@verizon.net

October 3, 2005

Peggy Burbank and the County of Santa Barbara Comprehensive Planning Division
30 East Figueroa Street
Santa Barbara, California 93101

Subject: Request for Additions to the Draft EIR Uniform Rules for Agricultural Preserves
Farmland Security Zones August 2005

Dear Peggy and Comprehensive Planning Division:

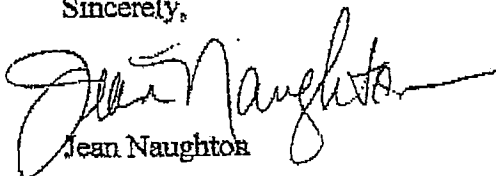
I have read the draft for the EIR Uniform Rules for Agricultural Preserves and Farmland Security Zones and noticed that Los Alamos was rarely mentioned throughout the entire document. I plan on attending one of the October meetings to discuss these items with you. At this time, the fifteen suggestions are only some of the items I am requesting to be added to the EIR document. Please consider the following list of items as additions to the EIR document in regards to Los Alamos:

1. Land Enrolled in the Agricultural Preserve Program : p3-4 If applicable, the definition of San Antonio Creek should include the words "prime and nonprime land" as well as the percentage of agricultural land enrolled in the Agricultural Preserve Program. See the definition for Santa Ynez Valley for example.
2. Land Use Element—Los Alamos Plan Area Agricultural Goal LU-LA-1: Expansion of urban development outside of urban limits is to be denied as long as infill development is available.
3. Land Use Element—Los Alamos Plan Area Land Use Goal: The agricultural economy and rural qualities of the area should be preserved.
4. Land Use Element—Los Alamos Plan Area Land Use Policy LU-LA-1.1: Prime agricultural lands should be preserved for agricultural use only. Preservation of lesser grades of presently producing or potential agricultural land should be actively encouraged.
5. Land Use Element—Los Alamos Agricultural Goal: Agriculture should be preserved and protected as one of the primary economic basis of Los Alamos.
6. Land Use Element—Los Alamos Land Use Goals: Promotion and protection of agriculture as an industry.

7. Land Use Element—Los Alamos Plan Area Land Use Goal WAT-LA-1: Promotion and protection of water as a natural resource.
8. Policy Land Use Element— Los Alamos Plan Area Goal: Residential and commercial development shall be scaled to protect resources such as environmentally sensitive habitat, visual resources, steep slopes, ridge tops and water.
9. Agricultural Compatibility/Urbanization—Land Use Element Goal—Los Alamos Land Use Goal LUR-LA-1: Future residential and commercial development should not be located outside the current urban boundaries. The beauty of the land and unique character of the area should be preserved by limiting urbanization to within the current town boundaries and create buffer zones to maintain the rural character of Los Alamos as described in the Los Alamos Community Plan March 1994, as well as maintain the individual character of each town.
- 2
10. Visual Resources—Policy VIS-LA-1.1: Prominent public view corridors (U.S. 101 & State Route 135) and public view sheds (Los Alamos/Solomon Hills, Purisma Hills and San Antonio Creek) should be protected.
11. Visual Resources—Policy-VIS-LA-1.1: Significant scenic and visual natural resources in Los Alamos shall be protected in order to preserve the semi-rural character of the Los Alamos Valley.
12. DevStd VIS-LA: Development shall only be within the urban limits of the town and designed to minimize disruption of important public view corridors and view sheds, minimization of grading of slopes, landscaping and minimization of sound walls.
13. County Visual Resource Policy-- Night Sky Protection: The County shall require future residential, commercial and agricultural development to protect the environment by utilizing lighting which does not cause light trespass and where possible, lighting that is only traffic actuated or timed.
14. Housing Element Policy—Los Alamos Plan Area Goal LUR-LA-1: The County shall encourage development within the existing urban boundaries of Los Alamos and preserve and protect the rural land outside the urban boundaries.
15. Goal Traffic CIRC-LA-1: The County shall allow reasonable development of parcels within the urban boundaries of Los Alamos while minimizing or denying traffic patterns which impact or surround current residents and support the Los Alamos Community Plan Policy N-LA-1.1

If would like to speak to me about these items, please call me on my cell number which I have supplied for you or contact me by email. Thank you.

Sincerely,


Jean Naughton

October 3, 2005

Jean Naughton

Letter B3

Response to Comments:

B3-1 The general description on page 3-6 of the DEIR includes the total acres under contract and the percentage of agricultural land in the San Antonio Creek Region. The text has been amended to add a general description of cultivated agriculture and grazing land in the region.

B3-2 The Agricultural Preserve Program is applied within the wider land use context defined by the County's Comprehensive Plan and zoning ordinances. Land uses allowed by the Uniform Rules may be more restrictive than those allowed on non-contracted lands in order to comply with the intent of the Williamson Act. Similarly, a proposed land use may still not be allowed if it does not comply with all applicable zoning regulations and policies of the Comprehensive Plan.

The policies and development standards that you propose will be forwarded to the decision makers should they wish to undertake an update to the Los Alamos Community Plan in the future.

Oct 09, 2005

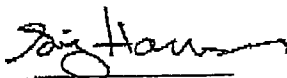
To: Jane Gray, Planner
From: Sig Hansen – Trustee VTH Family Trust

Re: Ag Uniform Rules Review

I would like to submit three specific comments regarding the proposed uniform rules update.

- 1) Regarding driveways devoted exclusively to the primary residence. I would strongly recommend that for Ag preserve parcels 40 acres and above, that the net area of the driveway NOT be included in the 2 acre development envelope limit. All properties are unique, and the appropriate homesite may in many cases require relatively long driveways. For larger parcels, even a long driveway represents a very small percentage of the total ag use.
- 2) Regarding multiple ownerships for contiguous parcels. Assuming it does not violate CA state requirements, why not allow multiple ownership Ag Preserve contracts? After all, the land doesn't know who owns it, what matters is how it is used.
- 3) Regarding the requirement to merge or lot line adjust small parcels prior to placing contiguous land under contract. Why add this extra cost and paperwork burden to the property owner? It would seem to serve no practical purpose of protection, and SB County staff is already overburdened with processing applications and forms and permits.

Sincerely,



 Sig Hansen

October 9, 2005

Sig Hansen

Letter B4

Response to Comments:

- B4-1** As a matter of clarification, dual-use roads serving both agricultural uses and non-agricultural uses are not counted towards the 2-acre or 3% building envelope limitation. Exclusive roads and driveways serving residences are not agriculturally-related structures and would remove productive soils from potential agricultural uses, therefore, they are not exempt from the development envelope limitations.
- B4-2** Thank you for your comment. Nothing in the current Uniform Rules specifically prohibits multiple owners on premises so long as the owners each have an undivided interest in the whole. Proposed Uniform Rule 6-2 contains an explanation of joint management provisions.
- B4-3** Thank you for your comment. Both the Williamson Act and County Uniform Rules establish eligibility requirements pertaining to the minimum size for an agricultural preserve contract. Existing Uniform Rule 6.I.E.4 requires that the lot lines between parcels in the same ownership which are too small to individually qualify, be eradicated. Proposed Uniform Rule 1-2.4.B would provide an additional option for the property owners to use a lot line adjustment as an additional method to meet Williamson Act requirements for minimum parcel size eligibility.

Jean Naughton
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COMPREHENSIVE PLANNING

October 3, 2005

Peggy Burbank and the County of Santa Barbara Comprehensive Planning Division
30 East Figueroa Street
Santa Barbara, California 93101

Subject: Request for Additions to the Draft EIR Uniform Rules for Agricultural Preserves
Farmland Security Zones August 2005

Dear Peggy and Comprehensive Planning Division:

I have read the draft for the EIR Uniform Rules for Agricultural Preserves and Farmland Security Zones and noticed that Los Alamos was rarely mentioned throughout the entire document. I plan on attending one of the October meetings to discuss these items with you. At this time, the fifteen suggestions are only some of the items I am requesting to be added to the EIR document. Please consider the following list of items as additions to the EIR document in regards to Los Alamos:

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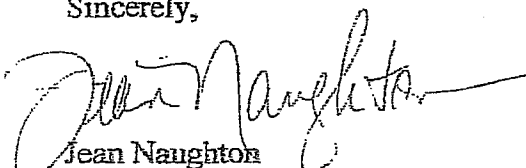
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If would like to speak to me about these items, please call me on my cell number which I have supplied for you or contact me by email. Thank you.

Sincerely,


Jean Naughton

To the Santa Barbara County Planning Division
 30 Figueroa Street
 Santa Barbara, California 93101

October 3, 2005

We, the undersigned residents of Los Alamos, support the fifteen items requested for addition to the Environmental Impact Report Uniform Rules for Agricultural Preserves and Farmland Security Zones August 2005, to maintain responsible growth within the urban boundaries and promote positive agricultural land uses, as specified in Jean Naughton's letter to you dated October 3, 2005.

NAME	ADDRESS in Los Alamos, 93440	OPTIONAL PHONE/EMAIL
Jean Naughton	21 Chamiso Dr.	jeannaughton@verizon.net
Nancy Junt	17 Chamiso Dr.	nancyart@verizon.net
John Miller	17 Chamiso Dr.	344-2006
Lauree Dye	320 Savanna	299-9375
Julia Hensel	319 Savanna	344-4262
Vee Kang	313 Savanna Dr.	344-3818
John Kang	313 Savanna Dr.	344-3818
Wally Hoel	307 Savanna Dr.	264-6325
John Hoel	301 Savanna Dr.	deweycj@cox.net
Nichole James	13 Chamiso	344-1872
Erin	15 Chamiso	344-1872
RJ	24 Chamiso	344-4648
Bob Miller	15 Chamiso dr	344-5370
Paula Renard	11 Chamiso dr	344-1640
Steve	19 Chamiso Dr.	344-1577
Sarah Mesher	19 Chamiso Dr.	" "

October 17, 2005

Jean Naughton

Letter B5

Response to Comments:

B5-1 Thank you for your comment. The text in Section 3.1 regarding the San Antonio Creek Rural Region has been revised. As your comment has already been submitted in a previous letter, please see letter **B3**, response to comment 1.

B5-2 Thank you for your comment. As you have already submitted this comment in a previous letter, please see letter **B3**, response to comment 2.

Valley Compost & Topsoil, Inc.

P.O. BOX 1019 • BUELLTON, CA 93427
 (805) 688-3926 or 965-6617 • FAX (805) 733-7319



The Good Humus Man®

Date : October 17, 2005

To : Multi-Jurisdictional Solid Waste Task Force (MJSWTF)

From : Donald G. Landry, Vice President
 Valley Compost & Topsoil, Inc. (VCT)

RE : Uniform Rule 2-7, Draft EIR ,8-11-05
 Composting on Agricultural Preserve Contracted Land

Since 1984, VCT has had agricultural composting operations at several sites in Santa Barbara County; Rancho Jonata, Gardner Ranch, Magness Arabians and our current site Rancho De La Laguna. Our view is that composting operations are compatible uses on contracted land. All members of the MJSWTF are welcome to visit our site for a tour. We sell composted Ag. products and topsoil blends through our distributors in Ventura, SB and SLO Counties. As a commercial composting operation in the SB County, we see no reason not to allow operations on contracted land as a compatible use, but to include composting "facilities" in this category is a grave error.

This memo provides our review of the memorandum from County of Santa Barbara, County Executive Office, dated 8-11-05, proposed Uniform Rule 2-7 amendment to land enrolled in the County Agricultural Preserve Program. Further it will review, existing rules and regulations that pertain to the compost industry as set forth in Title 14, Code 7 of the California State code relating to the types of composting.

The definition of a "Composting Facility" in California Public Resources Code Section 17852(m) means a facility that is operated for the purpose of producing compost. A "Composting Facility" includes:

- 1) Green Material composting Facilities that have greater than 1,000 cubic yards of feedstock and active compost on-site at any one time;
- 2) Animal material composting facilities, and;
- 3) Sewer Sludge composting facilities, and ;
- 4) Mixed Solid Waste Composting Facilities.

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Page Two

The definition of a Composting Operations in California Public Resources Code Section 17852(n) means an operation that is operated for the purpose of producing compost. A composting operation is a solid waste handling operation that does not constitute a composting facility that would require a solid waste facilities permit. "Composting Operations" include:

- 1) Research operations
- 2) Agricultural Materials Composting Operations , and;
- 3) Green Material/operations that have up to 1000 cubic yards of feedstock and active compost.

As you see, both the definitions provide for "the purpose of making compost" but are regulated drastically different in the types and quantity of feed stock. VCT is an Agricultural Materials Composting Operation as defined under State Code Section 17852(n) & in the Santa Barbara County Siting Element (Section 3.11).

There are three classes of compost; Type A - Agricultural Material Compost

Type B - (MGW) Green Waste Compost

Type C - Mixed Solid Waste (MSW) & Biosolids Compost

The Draft EIR must be consistent with the Williamson Act, and may be more restrictive, but at no time can the requirement be more lenient (pg 1-3 Draft EIR). The County Draft EIR is inconsistent with PRC 17852(m) & 17852(n) and Santa Barbara County Code Chapter 17 & 35 definitions. The Draft EIR amendment defines a Composting Facility , "a commercial facility that is operated for the purpose of producing compost from on/off site organic material fraction of the waste stream and is permitted, designed, and operated in compliance with applicable regulations. No commercial composting operations that is part of an agricultural operation is not included within the definition."

1 | To be consistent with applicable State Title 14, Code 7, section 17852(m) & Section 17852(n) should be utilized by Planning and Development to define Composting Facilities and Composting Operations. The rationale for this suggestion is based upon the need to maintain consistency in regulatory language contained in the Rules and Regulations of AB939. CIWMB oversight is maintained to provide for uniformity in describing composting facilities and to provide varying degrees of permit requirements based upon the quantity and source of compostable materials. Compost Facilities have more stringent permitting requirement standards on one end of the spectrum, and composting operations have less stringent permitting requirements on the other end.

It would not be prudent for the MJSWTF to compromise existing State/County definitions for composting in the Draft EIR update. VCT believes that the Draft EIR uniform rule 2-7 though flawed in its terminology, has good intent to allow for composting as a compatible use. Given the following review, composting facilities are not compatible and compost operations are compatible on contracted land.

2) Also, the MJSWTF should not consider changes proposed by the MNS memo, included as a possible changes to the Draft EIR, in memo dated Aug. 03, 2005. They should be disregarded as unnecessary. The existing language in the Draft EIR provides sufficient oversight.

On the surface, the perception in the Draft EIR is that the Cattlemen's Association and the Santa Barbara Vintners Association supported these changes in Uniform Rule 2-7 with 40 separate suggestions on composting. In fact, the 40 suggestions were provided before this draft language, and the "list" of 40 suggested changes is no where to be found. Has anyone seen or read these suggested amendments ?. VCT has requested copies of these suggestions, but as of this writing they are unfound in Planning and Development. Even so, if found the amendments were specifically intended to reflect the six proposed changes in the April 8, 2003 Planning & Development document. It does not reflect or concur with the findings to the proposed changes provided for in the above mentioned MNS engineering document dated August 3, 2005 or changes made by staff after the culmination of public meetings, in August 2004.

BACKGROUND

The rules and regulations of AB939 and county code Chapter 35 provide the equine centers, vineyards and other wineries and agribusinesses on contracted land the ability to compost without stringent permitting requirements by the State or County. The inclusion of Uniform Rule 2-7 is applaudable, but must be addressed with care. In fact, the Williamson Act as noted by the Department of Conservation, while maintaining consistency with Title 14, Chapter 3.0 that composting facilities are the "only waste disposal facilities that could be considered potentially compatible" on contracted land. This is hardly "come one, come all" language.

Those acceptable facilities are considered composting operations as defined above, they do not include any/all types of composting facilities. This is critically important. It maintains that the waste (feedstock) used and its quantity (or flow) as the mitigating factor when considering this type of facility site requirements and its permitting tiers.

VCT has maintained, since the inception of AB939 in 1989, through implementation of County Code Chapter 17 & County Code Chapter 35, that compost operations as defined in Section 17852(n) are compatible uses on contracted land. However, to date both composting facilities and composting operations are not compatible in Santa Barbara County on contracted land.

Our position is composting operations, reflect the DOC opinion and are compatible uses because they utilize a specifically defined agricultural feedstock that has benefits not impacts to the land. A simple illustration is VCT's leachate is sold as compost tea, the same cannot be said of leachate generated from a MSW/MGW facility. In VCT's case, all incoming feedstock is tested for herbicides and pesticides, including clopyralid, to 1 part billion before import of that agricultural feedstock.

SUGGESTED CHANGES:

1) The Draft EIR Uniform Rule 2-7, begins its title "Waste Disposal Facilities". The definition of "Solid Waste Disposal Facility" should be used as a title. A Solid Waste Disposal Facility includes: "a solid waste transfer or processing station, a composting facility, a transformation and a disposal facility". As a result the title for Uniform Rule 2-7 should be : Solid Waste Facilities" to be consistent with Title 14, Code 7, Article 2, Section 40194.

3 This is relative to language in Uniform Rule 2-7, and should be changed as this definition has a firm foundation that has weathered countless meetings of changes made by government and industry officials alike during the implementation of the Rules and Regulations for AB939 in the 1992-1995 time frame.

2) Section B begins : "Composting Facilities".....This should be changed to reflect proper terminology i.e. "Solid Waste Facilities". The word "Facility" that is used in Section B subpart (1), (2), (3), (4) and (5) be removed and be replaced with the word "Operation(s)".

a.) It is important to provide here review of changes to Draft Uniform Rule 2-7, that is being submitted by MNS Engineering in the memo to the MJSWTF dated August 3, 2005. The changes suggested to staff, are not appropriate for the compost industry which may rely on a multitude of feed stocks, from a large geographical area. These changes to Section B (2), that inserts language ..."obtains its input solely from Santa Barbara and San Luis Obispo Counties and the facility.....". This is a restrictive clause that has commerce clause implications and provides for the elimination of future competition.

Page Five

Our position is that the agricultural community is better served by existing Draft EIR language. This is merely an attempt to restrict future composters that may rely on feedstock from other jurisdictions. If you review Chapter 17 of the County Code (Section 17-16) it states, "that the flow of material is controlled to the solid waste facility the County chooses". In siting a solid waste facility, the operator must substantiate, as basis for permits from Resource Recovery and Waste Management Division that the facility will not negatively affect existing or future public solid waste facilities and infrastructure. So utilizing the argument that if we don't make the suggested MNS changes that composting facilities will open up everywhere is literally a "chicken little" discussion.

- 3). Section B (3), The existing language in the draft EIR is sufficient for grading and drainage plan.
- a.) The changes per the MNS memo are inconsistent with the three CIWMB standards for the "type" of feedstock and quantity of feed stock handled at potential sites. VCT's believes the suggested change not be considered. Our view is that the existing Draft EIR; Section B(3) "Construction of the facility will require little to no grading or other ground disturbance" provides ample protection for contracted land and is consistent with State Code and County Code.

The Williamson Act specifically addresses this issue of grading. To reduce the requirements for composting facilities on contracted land, which per the Draft EIR has Class I impacts is not consistent with the Williamson Act and the CIWMB Rules and Regulations (Title 14, Code 7, Chapter 3.1). Consider here Uniform Rule 2-6, "has other alternatives been deemed unfeasible". How can feasibility be determined, if this topic never received public debate? Given the uncertainty of the direction the MJSWTF is going to take regarding the future flows to :

- A) Co-Generation Plant
- B) Tahiquas Landfill
- C) Projected Santa Maria Landfill
- D) Exclusive Franchise Haulers
- E) Transfer Stations
- F) Compost Facilities

Question (1) - Will there be sufficient solid waste feedstock to supply all expanded support industries?

Page Six

Also, the Draft EIR Uniform Rule 2-6, the Agricultural Industry Overlay, provides in para(1) page 32, that "...it may be necessary to consider siting some regional supportive facilities on contracted land when the benefits to the agricultural and the public can be demonstrated and other alternatives are unfeasible." The AIO provides criteria in subparagraph A,B,C, & D from which to draw conclusions as to the choices based on the best information available at the time.

Subpara (A) " Is there an available site...that is not on contracted land "? The answer is yes. There is industrially zoned property both public and private on the South Coast. Some owned by City of Santa Barbara located by the Airport. May we suggest a facility there or somewhere similarly zoned using in-vessel composting. Transportation and its impact on roads would be an immediate benefit. Given the uncertainty of future support facilities, any changes that are inconsistent with the County's Plan should be tabled until the solid waste industry is given direction by the MJSWTF as to its decisions and scope of the support facilities needed.

A.) Section B(4) language in the MNS Draft should be eliminated also, using same rational as Section B (3).

5). MSN Engineering memo added changes to Uniform Rule 2-7B (7) states ; "The foot print of the facility occupies no more than 10% of the premises, and in no event more than 35 areas, and is incidental to the primary agricultural use of the premises".

4
First and foremost, this is restrictive to composting operations. Some contracted lands are small (5 acres) some larger 10,000 acres. Compost facilities and operations are foot printed on incoming daily tonnage. Currently, VCT is located at Rancho De La Laguna, a 118 acre farm, we lease 37 acres of said ranch or 31% of the total acreage. Following the formula provided, VCT would be limited to approximately 12 acres in total. Our company rotates its composting pad every 2-3 years to incorporate our by product into the soil for farming operations, which happens to be in lettuce at this time. This is how compost operations benefits agriculture. There are prohibitive costs to compost pad rotation for compost facilities once sited they do rotate pads and they do not put the soil back into agricultural production until closure and site remediation.

Good natured in its attempt, it restricts our ability to grow in size, without moving to a larger parcel where our footprint is within the arbitrary constraints highlighted here.

Page Seven

An example given by Mario Borgatello at the May 22, 2005 MJSWTF meeting provided information on a proposed Composting Facility at Palmer Road and the 101 Freeway in Los Alamos, and that that facility would have a footprint of 30 acres on a 300 total acreage available with a 250 incoming daily tonnage.

QUESTION 1 : If established, what parameters for growth are there ?

QUESTION 2 : Should sales not keep up with the manufacturing, how much storage should be allowed?

The storage of unsold compost, from our 20+ years experience, requires much more land than the actual composting pad/process area which poses significantly higher potential for spontaneous combustion. The result will be a constant encroachment of the storage yard into more contracted land on the premises Denial of the future expansion would doom any facility.

OVERVIEW

The MJSWTF prior to making major changes in the Draft EIR, with those suggested by the MNS Engineering memo dated August 3, 2005 should consider further the potential impacts in siting a "composting facility", its feedstock requirements and how these facilities may or may not affect the future flow requirements of the Santa Barbara County Integrated Waste Management Plan. Most importantly for the simple lack of public debate on the changes presented to the Board in the MNS Draft.

i.e.: The County Executive Office presentation by John McGinness (5-22-05) on the update of the Co-gen digester facility. This facility will require a predictable flow of feedstock.

VCT would surmise that composting facilities using MSW or MGW will consequently be competing intensely for feedstock if permitted. As stated on pages 3-14 under UR2-7 in the Draft EIR these composting facilities are permanent in nature and have Class I impacts. Further they do not support agriculture. To the contrary, the (proposed) facility will import MSW/MGW from the Santa Barbara and Goleta waste sheds. There is the true benefit. This in our view does not support agricultural industries as stated in the MNS memo. It supports the waste sheds of Santa Barbara and Goleta. Existing public infrastructure and mulch businesses will be impacted, VCT's agricultural composting operation put at risk and existing compost markets will be damaged leading to failures of the existing composters in Santa Barbara County. In stark contrast however, composting operations are not permanent in nature, do not compete for feedstock with public infrastructure or facilities and have bonafide benefits, not impacts on agricultural lands. VCT is a prime example of how to run effectively, market and if necessary move a commercial composting operation, while continuing to maintain its growing market for agricultural compost products.

Another aspect of a MGW/MSW facility that has not gotten very much debate is that the (proposed) facility will be operated for the benefit of public good. Shouldn't it follow that the public provide for assets (land) to accommodate these quasi public/private businesses? If public lands, feed stocks and assets are all necessary for the facilities success, it would be best to acknowledge this fact and provide what is appropriate to insure a successful project.

The last thing the Board and public want to hear about is a facilities failure. Failure in the solid waste business has large and expensive repercussions. Any facility, public or private, should provide the Board and the Public detailed plans on how the facility that imports MGW and MSW is going to export the resulting products, a destination point, how much (tonnage/price), competitive factors, etc. Is it experience that provides marketing assumptions ?. Our experience is that compost is easier to make, than it is to market. And if you can't sell it, you need storage space and time. Examples of failures are close by and easy to research:

- A) Shoreline Organics , Oxnard.
- B) Cal Wood Products, Camarillo

In the cases of Cal Wood and Shoreline Organics, both composted imported public green waste from haulers in both Ventura and Santa Barbara Counties, but each shut down due to lack of sales. In our conversations with the owners of the failed facilities, both highlighted a fatal flaw to their business plan and success. The fatal flaw was public competition. In essence their conclusion was it is tough to sell a product, even a quality product, when your competition give their products away "free".

VCT attended a Local Enforcement Agent(s) training seminar held at the Ventura Government Center on September 15, 2005. Many jurisdictions, gave some examples. One case is the City of Moorpark, which have contracts with the City of Los Angeles to chip and screen MGW. After processing the mulches are free for the taking or if necessary includes transportation. It is difficult to sell these products, if not impossible, when like products are flooding potential retail markets with "free" products at below the cost to produce.

This scenario is not so dissimilar from ongoing recycling activities here in Santa Barbara County. The County of Santa Barbara chips and screens MGW, then sells it at \$ 10/ton delivered to cover fuel costs of delivery . In the private sector, that makes for formidable competition and is a fatal flaw for those businesses marketing similar products. Further, these public MSW facilities compete directly with one another, and with any company in the business of diverting green waste.

Adding agricultural wastes to these MGW facilities reduces the quality of composted products and virtually extinguishes any market already developed by agricultural composting operations. Our suggestion would be to divert agricultural wastes to agricultural composting operations and leave the green waste problem or scenario described herein for the public until the County and its integrated waste management partners have determined what feedstock flows are needed to support their infrastructure. We have included for MJSWTF review, our overview of how to isolate agricultural waste from MSW/MGW waste stream in the attachment we presented 3rd District Supervisor Brooks Firestone and representatives from Santa Barbara County Resource Recovery and Waste Management Division on April 27, 2005, entitled "Agricultural Waste and Untapped Resource."

Attempts by private haulers to compete with the public infrastructure have failed in the past. Our experience predicts failure for similarly situated composting facilities.

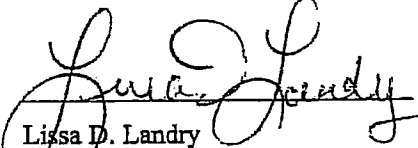
Another tidbit of information from the LEA training seminar was the number of compost facilities and operations now permitted in the State of California. According to Jeff Watson (CIWMB Local Enforcement) there are some 200 compost operators active in the State. Of the 200; 193 are publically supported facilities; 5 are private nurseries that produce compost for their own exclusive use and only 2 commercial composters. Valley Compost is one of the two. This is a very poignant fact and important to consider when determining the public need and requirements to insure a successful operation. The lack of compost marketing experience locally, in flow control conditions combined with public competition, is a fatal flaw to any potential private commercial composter. Success in MSW/MGW composting has only occurred when publically supported. If the facilities were to fail, the owners would be in front of the Board with "hat in hand" waiting for public monies to save them or like Cal Wood and Shoreline Organics, file bankruptcy. This scenario has played out and has been proven across the State..


Finally, waste management on contracted land by agribusinesses has many options for disposal ; composting, land spreading, hauling their own material, trucking services. VCT charges \$ 20.00/ton for agricultural waste disposal, which is reasonable given the \$ 63.00/ton tip fee charged by the County at the landfill. So there are "cost effective" waste management services available to a wide spectrum of agribusinesses. Its difficult for VCT to understand the MSN memo regarding how expensive it is to take materials to a composting operation. Composting operations have overhead processing materials, VCT makes it as economical as possible for the agribusinesses to manage their waste.

Page Ten

We hope this review has been informative. No points in our review are hyperbole. Our viewpoints come from 21 years of commercial composting and marketing experience in Santa Barbara County on contracted land. We are available to discuss this issue with you at your convenience.

Thank You ,


Lissa D. Landry
President/CFO


Donald G. Landry
Vice President/ COO

Encl: VC&T document - "Agricultural Waste An Untapped Resource"

CC: Santa Barbara County Board of Supervisors
Multi Jurisdictional Solid Waste Task Force
Mr. Ron Cortez, County of Santa Barbara, County Executive Office
Mr. John McGinness, County of Santa Barbara, Comprehensive Planning Division
Mr. David McDermott, County of Santa Barbara, County Counsel
Mr. David Brummond, County of Santa Barbara Environmental Health Services
Mr. Mark Schleich, County of Santa Barbara Resource Recovery and Waste Mgmt. Division
Ms. Peggy Burbank, County of Santa Barbara Planning & Development Department
Mr. Willy Chamberlin, Santa Barbara Cattlemen's Association
Mr. Jim Fiolec, County of Santa Barbara Vintners Association
Mr. Bill Gillette, County of Santa Barbara Agricultural Commissioner
Ms. Nikki Mizwinski, CIWMB Office of Local Assistance
Mr. Jeff Watson, CIWMB Compostable Materials Dept
California Integrated Waste Management Board of Directors
Mr. Andy Mills, Santa Barbara Cattlemen's Association
Mr. Todd Stanley, Regional Water Quality Control Board

October 19, 2005

Donald Landry, Valley Compost and Topsoil, Inc

Letter B6

Response to Comments:

B6-1 Thank you for your comment. The definition of composting facility in the Proposed Uniform Rules is purposefully general and should not pose a conflict with State regulatory requirements.

B6-2 Thank you for your comment.

B6-3 Thank you for your comment. Throughout the 18 month period of consultation with the public, the Agricultural Preserve Advisory Committee formulated the project description which is contained in the EIR. Your concern cannot be incorporated into the EIR at this time as it would require a new project description and subsequent analysis. Your letter will be forwarded to the Planning Commission and the Board of Supervisors for consideration. Should these decision-makers find it prudent to incorporate your suggestion, the Board is empowered to do so at the time this matter goes to public hearing.

B6-4 The assumptions for footprint size were derived from testimony made at the February, 2005 APAC meeting by industry representatives. As your concern was not incorporated into the project description included in the EIR it would require a new project description and subsequent analysis. Your letter will be forwarded to the Planning Commission and the Board of Supervisors for consideration. Should these decision-makers find it prudent to incorporate your suggestion, the Board is empowered to do so at the time this matter goes to public hearing.

Bar Z. Ranch
Douglas M. Ziegler, Owner
P.O. Box 587
10104 Alisos Canyon Road
Los Alamos, CA 93440
(805)344-3131
Fax (805)344-3307

October 27, 2005

Re; Comments on Draft EIR, Uniform Rules for Agriculture Preserves and Farmland Security Zones.

Dear Ms. Burbank;

I am a small cattle rancher in the Los Alamos valley, 342 acres under Williamson Act Contracts and I serve as a director of the Santa Barbara Cattlemens Association.

After careful review of the Draft EIR I have the following comments;

1. The person who wrote the EIR doesn't understand agriculture. Without support facilities, agricultural operations cannot occur. Packing sheds, barns, cooling facilities, family homes, are all necessary facilities and do not take land out of agricultural production, they make ranching and farming possible.
2. Mitigation AG-1-The idea of limiting the size of the support facilities to some arbitrary size does not recognize the ever changing nature of agriculture. Different agricultural operations require different size support facilities, this is only common sense.
3. Impact AG-2-Regarding composting and composting facilities, composting of agricultural waste should be encouraged not discouraged. It is important the agricultural waste be returned to the land to improve the soil, composting enables the farmer to make his soil better in an environmentally friendly way we should encourage this practice and it certainly does not take land out of production it make the production possible.

I would have further comments on this document but I believe it is fatally flawed and needs to be redone by someone else, someone who understands agriculture. If agriculture is to continue in Santa Barbara County the county government needs to stop regulating ag and start promoting ag!

Douglas M. Ziegler
Rancher

October 27, 2005

Douglas Ziegler, Bar Z Ranch

Letter B7

Response to Comments:

B7-1 Thank you for your comment. Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.

B7-2 The AIO buildout assumptions (page 3-13 of the Draft EIR) were derived by reviewing the size and scale of existing representative cooling and packing facilities in the County. The comment letter received from the Grower-Shipper Vegetable Association (letter **B20**) provided additional information from industry experts indicating the produce industry trend is toward consolidation of facilities into larger cooling/packing facilities to handle in excess of 15 million cartons annually. Such a facility would require 30 acres (approximately 111,250 square feet per million cases).

Based upon the new information from the produce industry regarding consolidation trends and the likely need to develop larger facilities, Mitigation Measure AG-1 is proposed to be amended. In addition, Table 3.1-5 and the impact analysis in Section 3.1.3.A (Rule 2-6) has been revised in the FEIR to incorporate the Grower-Shipper Vegetable Association suggested buildout assumption of two larger coolers of 30-acres each and two medium coolers of 15-acres each. Using their buildout assumption, the estimated acreage conversion for Rule 2-6 would be changed from 45 acres to 90 acres.

B7-3 Proposed Uniform Rule 2-7 applies to commercial composting operations and not private composting on agricultural land. The new provision would allow commercial composting facilities on contracted land as a compatible use. A permanent commercial facility would take agricultural land out of production (of food or fiber) which has been identified in the EIR as a potentially significant impact. The text of the proposed Final EIR has been revised to refer specifically to commercial composting.

Jean Naughton
 P.O. Box 201
 Los Alamos, California 93440
 323-854-9822
www.jeannaughton@verizon.net

October 24, 2005

Peggy Burbank and the County of Santa Barbara Comprehensive Planning Division
 30 East Figueroa Street
 Santa Barbara, California 93101

Subject: Additions to the EIR Uniform Rules for Agricultural Preserves Farmland Security Zones August 2005

Dear Peggy and Comprehensive Planning Division:

Since I attended your public meeting in Solvang on October 17, 2005, I would like to suggest another change to be included with my original letter to you dated October 3, 2005. Please, I would like to see the above change made to the EIR Uniform Rules document as follows:

1. Page 3-4 the definition for the San Antonio Creek: The San Antonio Creek is within the Los Alamos Valley. The definition should be for the Los Alamos Valley and not the San Antonio Creek. Reasoning: The United States Geological Survey recognizes this area as the Los Alamos Valley which includes the San Antonio Creek. Also, the recent Legacy Estates Environmental Impact Report done by the Santa Barbara Planning and Development Division included a map (Figure 4.4-1) where the Los Alamos Valley was clearly designated. I have enclosed a copy of maps for your perusal.

Proposed definition is as follows:

Los Alamos Valley: The Los Alamos Valley is home to a wide range of agricultural activities. The Los Alamos Valley agriculture occurs on land surrounding and within the San Antonio Creek watershed and this land is almost entirely engaged in agriculture. The Los Alamos Valley has 77,637,000 acres zoned for agriculture which include 82 individual contracts totaling nearly 64,000 acres. These 64,000 acres cover 80% of the agricultural land in this region on both superprime, prime and nonprime lands. These 82 individual contracts within the Los Alamos Valley occur on parcels larger than 100 acres. Plus, 16 contracts are less than 100 acres. Agricultural crops include wine grapes, cattle grazing, vegetables, grains and field crops, orchards, and horse breeding and boarding operations.

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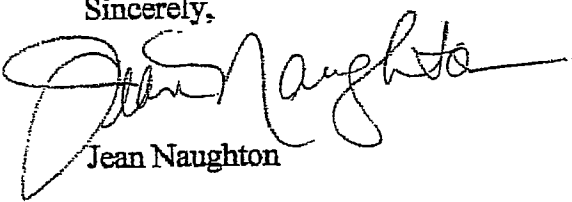
S.B. COUNTY
 COMPREHENSIVE PLANNING

2 Please note that I have added the "superprime" designation. I would like this included for the reasons that the Los Alamos Valley is as "highly productive due to the combinations of soils and climate . . . able to support commercially viable agricultural operations even on smaller properties" as the Carpinteria Valley. The Los Alamos Valley, due to its western onshore breezes, is also a microclimate which experiences the same weather patterns as the Carpinteria Valley.

- 3) 2. Rural and semi-rural character should be defined.
- 4) 3. Agricultural character should be defined.

If you need to speak to me about these requests, I may be reached by the phone number or email address written above. Thank you for your efforts in regards to the EIR document.

Sincerely,



Jean Naughton

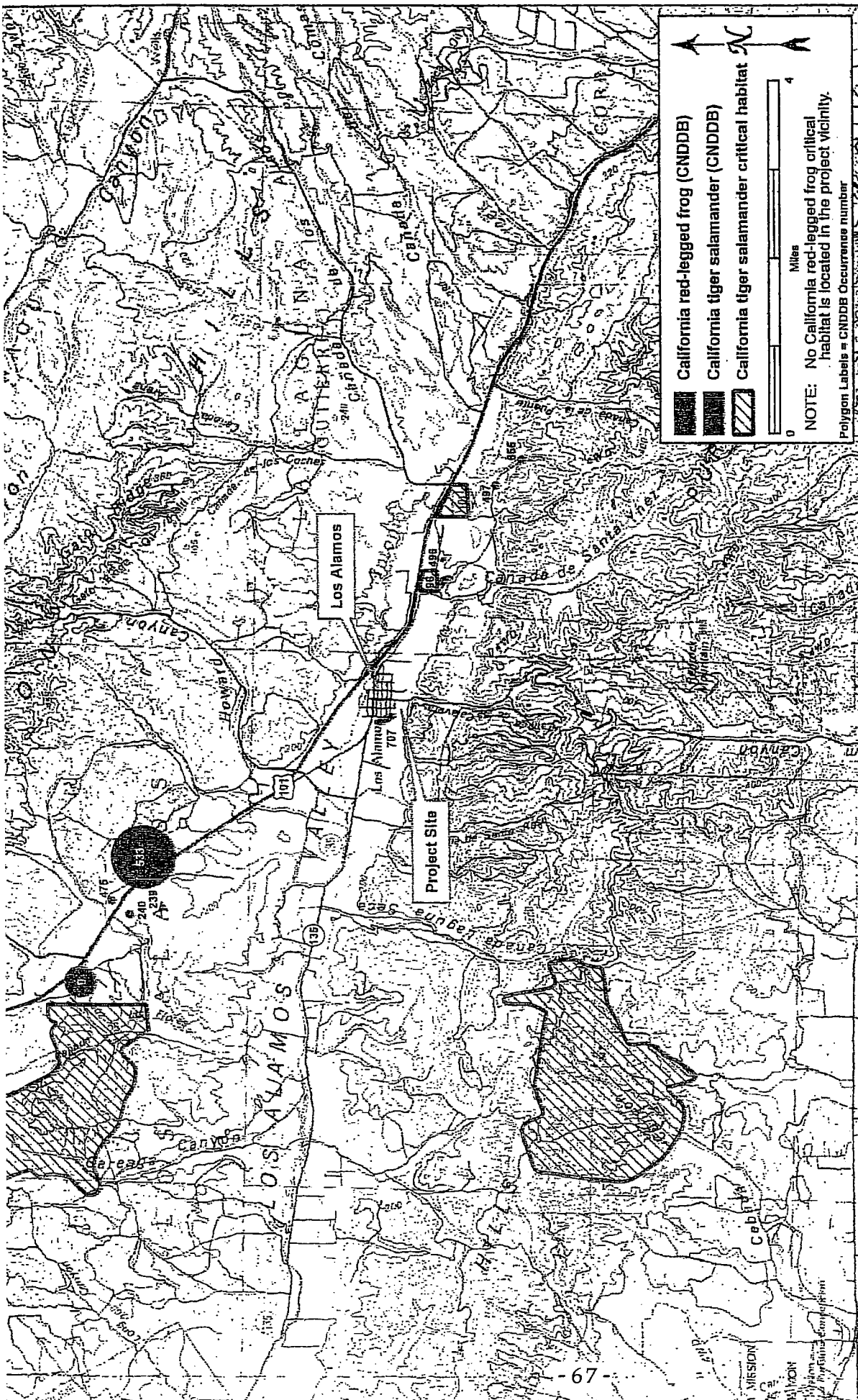
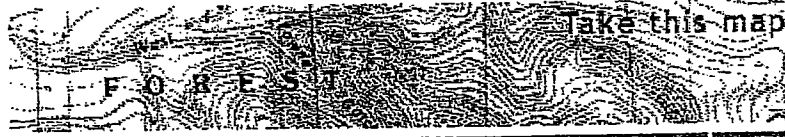


Figure 4.4-1. Sensitive Species Occurrences and Critical Habitat in the Project Vicinity

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UTM 10 749163E 3848073N (WGS84/NAD83)

USGS LOS ALAMOS Quad

View *TopoZone Pro* aerial photos, shaded relief, street maps, interactive cc and elevation data

Map/Photo Info

Topo Download

Photo Download

USGS Topo Maps

1:24K/25K Series

1:100K Series

1:250K Series

Map Size

Small

Medium

Large

View Scale

1 : 100,000

Update Map

Coordinate Format

UTM

Coordinate Datum

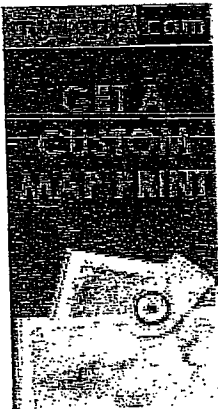
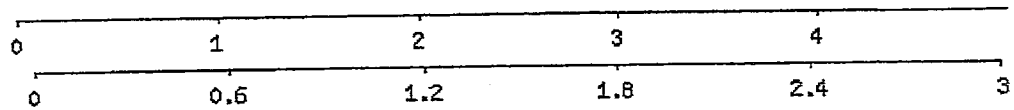
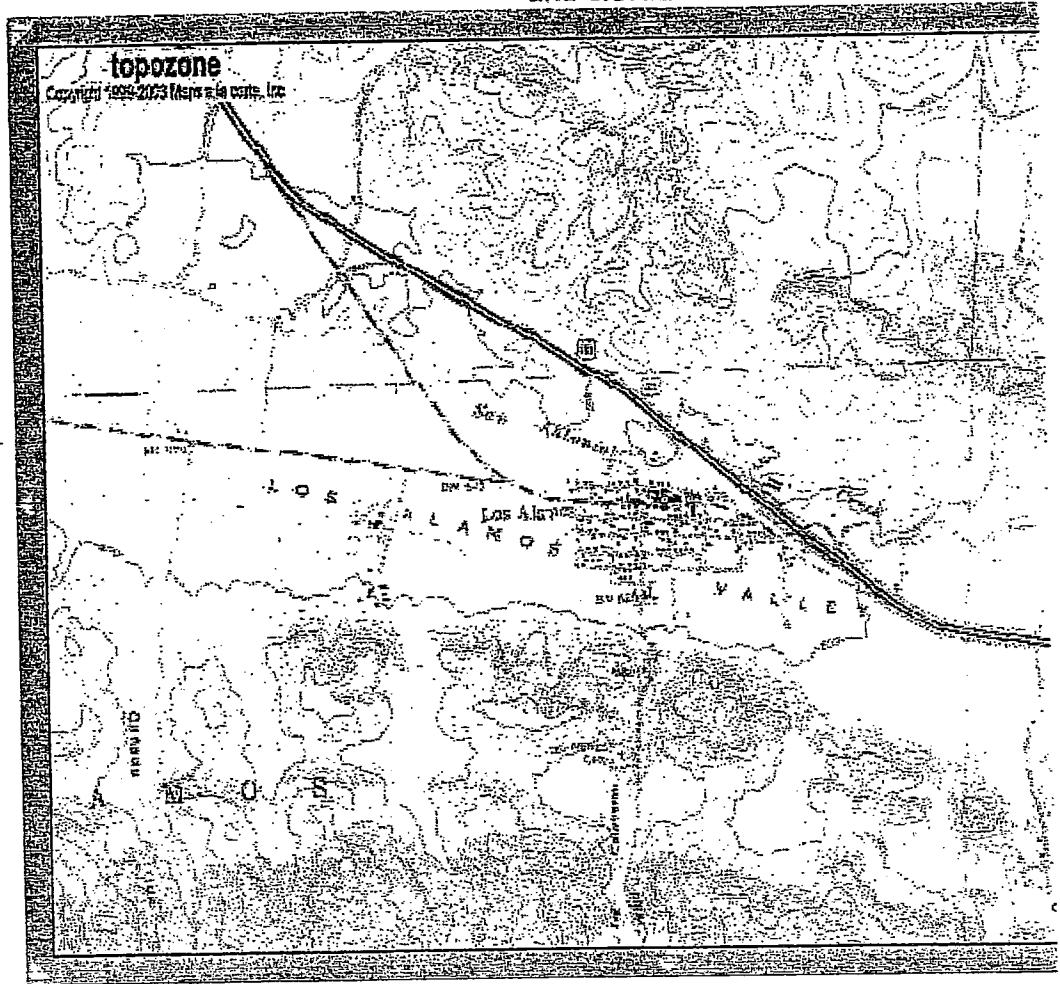
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October 27, 2005

Jean Naughton

Letter B8

Response to Comments:

- B8-1** Thank you for your comment. The text in Section 3.1 regarding the San Antonio Creek Rural Region has been revised. As your comment has already been submitted in a previous letter, please see letter **B3**, response to comment 1.
- B8-2** The proposed Uniform Rules include a definition of prime land (pages 8-9) and specific eligibility requirements in Section 1-2.3. The superprime land category is a subset of prime land and only applicable to prime land south of the Santa Ynez Mountains and east of Gaviota Pass, and found predominantly within the Carpinteria Valley. Land north of the Santa Ynez Mountains, including the Los Alamos Valley, may be eligible for inclusion in the Agricultural Preserve Program with a contract either for prime or non-prime land if all eligibility requirements of the Uniform Rules can be met.

October 25, 2005

Food for Thought on Ag Preserve Environmental Impact Review

If anyone has been following the news lately they may have heard that the world's consumption of fossil fuel is ever increasing with the ever-rising world population and industrialization. In the very near future the worldwide demand for oil will outpace the worldwide production by a significant margin, and it will be unable to sustain, the ever-increasing world energy demands. Therefore, in the very near future, our diminishing natural resources, especially fossil fuel may very well have a drastic affect on our current lifestyle.

So what does this have to do with agriculture and the proposed ag preserve program?

Did you know that:

1. Pesticides are made from oil;
2. Commercial fertilizers are made from ammonia, which is made from natural gas, which peaks (as we are presently witnessing) as oil prices skyrocket.
3. With the exception of a few experimental prototypes, all farming implements such as tractors, generators etc. are constructed and powered using oil;
4. Food storage systems, processing facility supplies, and farming implements, are distributed through oil-powered transportation networks.
5. Water for irrigation is pumped from wells that operate either on oil, or electricity that most often comes from natural gas or coal.
6. In the US, on the average, food is transported almost 1,500 miles from where it is produced to where it is consumed, again using oil powered transportation networks.

Modern agriculture along with our whole economy is quite dependent upon abundant oil, which is quickly reaching its peak. We are all witnessing how support from government and relief agencies can be greatly strained during a natural or economic disaster. It is time to take a fresh look at the agriculture community in this county, and reflect on how we can help our community and nation move into these changing and challenging times. We do play a key role, in educating the people since we are the local providers of one of the basic needs of life, food.

As a director of an organic farm and cattle ranch in the northern Santa Barbara County, I support the following:

Uniform Rule 2-4.2: *The addition of farm stay and small-scale guest ranches on the large rural parcels.* This can provide a means to educate youth and adults in hands-on

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learning of sustainable organic agriculture, Rudolf Steiner's biodynamic farming, animal husbandry and alternative-energy devices. It can also provide a means where people can come and reflect on their relationship with the environment, and their responsibility as custodians of our Earth garden. Thirdly, small organic farmers are up against corporate giants, we need to be more creative to survive. Therefore, I support the additional lodging for guest and educational accommodations, especially in the large rural areas.

Uniform Rule 2.4.3: Small Scale Processing: I support this ruling especially on the larger rural parcels, mainly because in the near future, we may be more and more dependant on foods grown locally, especially if oil- transportation networks become more and more cost prohibitive. Also more and more people today want to know where their foods are grown. It would be a boost to the community to process some of the produce we grow other than wine grapes, such as tomatoes, fruits etc.

Also organic natural beef, and dairy products are in more and more demand, especially with the scare of mad cow disease. Organic local beef and dairy may require local processing, instead of being mixed in with the commercial stock. The ranches, including us, now ship all our cattle to the commercial sales yard, again hundreds of miles away using oil-transportation networks. Therefore I support small scale processing of produce meats and dairy products.

Uniform Rule 2.4.1 B.2 Residential Use. I support the expansion of residential dwellings, especially on large rural parcels. As people retire from the agriculture labor force after working and living a good part of their life on the land, where do they go if no one in their household is now farming, what do you do? Also it helps keep family members together. Of course there has to be restrictions, but in this day and age, especially on the large rural parcels, where we are farming on some of the most expensive real estate in the nation, the residential housing is too restrictive. With proper guidance this can be a way to keep the community of ranching and farming alive and well.

Thank you for your time in reviewing this letter.

Sincerely,



Patricia Paulsen.
P.O. Box 130
Buellton, CA 93427

Mailed on October 25, 2005 to Comprehensive Planning,
Santa Barbara County

October 28, 2005

Patricia Paulsen

Letter B9

Response to Comments:

B9-1 Thank you for your comment in support of the proposed changes to the Uniform Rules. It is precisely the issues raised in your letter, amongst others, which have prompted this project.



The Coalition of Labor, Agriculture & Business

10-28-2005

County Executive Office
 Comp Planning
 30 E. Figueroa Street, 2nd Floor
 Santa Barbara, CA 93101-2010
 Attention: Peggy Burbank

2005 OCT 28 PM 3:53
 COUNTY OF SANTA BARBARA
 CLERK OF THE
 BOARD OF SUPERVISORS

Uniform Rules EIR Comment Letter:

1 One of the basic flaws coursing throughout this document lies in the fact that the document considers some 589,640 acres of non-irrigated, non-cultivated land as land in agricultural "production". It considers this non-irrigated, non-cultivated land as "harvested acreage". It lumps this land together with land that is planted and truly harvested each and every year. To indicate that creating a processing facility on this land with the requisite new plantings required on site will result in taking the land out of "ag production" makes a mockery of this EIR and the Agricultural Element. The EIR needs to make a distinction between the impacts of intensification on these different types of land.

The goal of this EIR was to update the Uniform Rules to enable agriculture to survive by increasing flexibility to landowners to increase the value of their land and their ability to stay in agriculture via intensification of land use permitted under the Williamson Act and existing zoning. What we got instead is a biased, flawed and downright stupid analysis of the proposed update by a county staff that had another goal in mind, namely the preservation of passive agricultural land use throughout the county. Page 3-27, "Agriculture has helped to maintain scenic open vistas and preserve the rural character of much of the county...Limited improvements...may be present on these properties, but they are generally consistent with the existing rural character and are not prominent features INTERRUPTING THE RURAL LANDSCAPE." The bias and agenda of staff is evident in the fact that their solution in the form of mitigation measures for each and every imagined fantasy of each supposed Class One Impact is to reduce the size of the permitted use in order to preserve "low intensity".

2 The bottom line is that county staff has used the opportunity of this EIR to reinterpret the County Ag Element in an attempt to control land use as versus facilitate this planning effort to update the Uniform Rules. Staff has it's own agenda and that agenda is to consider intensification as a Class One Impact even though intensification is the goal of the Ag Element. Staff considers intensification, in and of itself, to be a Class One Impact, regardless of the circumstances.

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2 Section 3.1.4 Cumulative Impacts says it all. "Coupled with the current and future loss of agricultural land to agricultural processing facilities...the continued conversion of grazing lands to more intensive cultivated agriculture that brings with it more people, traffic, and agricultural support facilities that may conflict with the low-intensity rural land uses of the agricultural areas of the county, the cumulative impacts are considered to be potentially significant."

The EIR makes no bones about the fact that it considers ag intensification an impact to agricultural resources! This is simply ludicrous. The goal of the Ag Element is intensification and therefore the staff goal herein is in itself inconsistent with the Ag Element. This EIR is a piece of trash. The staff members responsible for this worthless effort should be terminated for wasting the public's time and money.

The EIR likes to use the word "conversion" instead of the word "intensification" when speaking of the phenomenon of introducing irrigation and the plow to property that was previously only grazed (example Section 3.1.1 page 3-2). In effect these "conversions" are treated as if the low intensity ag were being converted to urban uses. Intensification is not conversion. Intensification is not an impact to agricultural resources. The same holds true for the creation of processing facilities. See page 3-26 Cumulative Impacts.

3 Let me cite one of the dumbest examples from the EIR. On page 3-25, the document speaks of Mitigation AG-5 placing restrictions on the size and frequency of events on ag zoned lands because the person who came up with this measure is concerned that the event could possibly interfere with the agricultural operations on the very same premises! Hello? Let me get this straight. Joe Rancher agrees to host a wedding reception on his property. Staff is more worried about Mr. Rancher's cows than he is and feels that the requirements of CEQA mandate the protection of the ranch from Mr. Rancher's poor judgement and stewardship. The cows will suffer from the crowds, the traffic, the noise, the visual impacts and the disruption of the neighborhood? See Uniform Rule 2-11 page 3-20 and 21.

4 The fact that the EIR considers wineries, coolers and the like "non-ag" use is ridiculous. You can't have row crops without the means of processing and packaging the product. Crops can't pack themselves. They can't cool themselves. They can't stack themselves into a truck and drive themselves to the market. The huge non-event in this EIR is what will happen to our ag lands if more processing facilities are NOT BUILT. Why is there no discussion of this fact, for instance on page 3-10, when the unmet winery needs are being discussed? Not having sufficient processing capacity in this county for today and tomorrow's crops is the real Class One Impact to Agricultural Resources, because if processing facilities are not close by, the product can perish or the cost of transportation can be so prohibitive as to make the whole exercise a losing proposition. Therefore, the document should consider each and every opportunity to facilitate intensification a beneficial impact to ag, because there is no ag without these facilities. Except of

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course, the kind of ag staff wants doesn't need these types of facilities, for it is "low-intensity". In reality, the document makes clear that staff covets pasture lands for the commensurate open space values and is therefore striving to preserve low-intensity ag from being "converted" to high intensity because the result violates their personal goal of preserving open space. See Section 3.1.2

5 | There are several references to mobile cooling facilities throughout this document. I spoke to a couple of growers because I have never seen one- they told me they don't know of them either.

6 | The document states that many of the proposed uses are incompatible with grazing operations (e.g. Impact AG-2 page 3-21). Ranchers typically rotate the cows throughout the ranch. The entire ranch isn't grazed at one time. Nor are there enough cows on any ranch to graze the entire ranch. In other words, most cattlemen have some room to spare, especially if they can realize a return. For a cattleman to be able to supplement his income by allowing other uses is not going to hurt the ranching operation at all due to issues of incompatibility, but it might save the ranch from the typical low return realized from raising cows to make a living. What is really going on here? In staff's estimation, the use is incompatible because it is an impact to the "rural character of the area". Again, staff bias- their subjective view and goal of preserving low intensity uses because that is what they want the rural area to look like.

7 | Can anybody explain Impact AG-4? Why is intensification of South County ag land beneficial but a Class One impact in the North County? The high price of land threatens ag throughout the county. Encouraging more cultivation by creating greater capacity for processing will help ag survive throughout this county, not just on the South Coast.

8 | Page 3-23 includes an interesting statement about the AG Element and "premature" conversions. We would maintain that anybody willing to put up the land and the cash to build a processing facility is proof positive the effort is not premature and therefore, in accordance with the Ag Element, should be encouraged!

9 | Mitigation AG-1 is a beaut. Just when is an applicant supposed to find out if there is an unmet regional need? After he has been through the planning process? Please explain how this will work? Who defines the standard by which the judgement calls inherent in this measure will be made? Who determines what a "need" is? If the property owner needs more income, is that a need? Or does somebody outside of the county need to testify to the Board that they have a "need"? Who decides what a proper concentration is? How big an area is included in the concentration analysis? What is wrong with concentration anyway? Oh, I forgot, that violates the law of rural character and low intensity...

10 | Mitigation A-4- is grazing land considered ag production? The document implies the same earlier. Does this mean that no cattleman can have a building envelope bigger than 10,000 sq feet?

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11 | Mitigation A-5- why are non-winery lands being held to such a strict standard on how many events and people can attend? Some ranches are so large that there will not be any impacts to anybody by having a wedding or a filming event. What is the problem here?

12 | Mitigation A-6- is simply punitive. If somebody owns a 10,000 acre ranch- are you telling me that they can only have a total of two acres for the home, the road, the barn and the lawn area?

13 | The discussion on page 3-29 never comes clean with the truth of the matter as it pertains to visual resource protection in this county. Namely, only views from scenic highways are protected. Private views are not. The EIR needs to be redone to separate out all those areas of the county where views are not protected and eliminate the implication of impacts and mitigation measures accordingly.

14 | Page 3-33, another example of the real goal of county staff. "The proposed requirements listed above for guest ranches on contracted land will help to keep guest ranches small scale and low-intensity... & ...only low-intensity recreational uses shall be considered compatible.

15 | Uniform Rule 2-11 page 3-34 speaks of the possibility of temporary potential events taking on a "permanent" (weekly) presence. So what, if ag is still the predominant use of the property?

16 | Impact VIS-1 speaks of public and private viewsheds. There is a distinction as to the rights afforded (or not) in county ordinances, but the EIR fails to identify the distinction, as if both are protected equally.

17 | Section 3.2.4 reveals the bias of county staff in favor of protecting the rural character of the county from any and all development. The document never comes out and states the fact that over 90% of Santa Barbara County is rural and that agricultural development is a permitted land use on ag zoned lands and therefore should not be considered an impact to ag zoned property at all. The county staff can't have it both ways. If this land is considered by staff as being in production and harvested acreage, the Update is not therefore triggering a new use.

18 | Mitigation Measure VIS-1 which prohibits more than a 10 acre allowance for ag prep and processing facilities if visible from a State designated scenic highway is an arbitrary and capricious standard. It doesn't work for the ag community in terms of the area that they need. This is a taking. Additionally, the difference of visual impacts between a 10 or 20 acre site while traveling down a road way at 55-65 miles per hour is deminimus. Especially in view of the fact that the entire development will not be visible from the road. Do county staffers anticipate a ten acre linear development? What difference does it make to visual impacts if the only thing visible from the Is the back of the building a visual impact? Is a retention basin located away from the public's view really a visual impact?

19 | VIS-2 is also arbitrary and capricious. The flat out prohibition of having an AIO along a state

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scenic highway exceeds the county's authority.

20 Why is there even a discussion of the potential impacts from noise when the document acknowledges that "The Right to Farm Ordinance protects agricultural operations from nuisance complaints from neighboring residential use as long as the agricultural activities are properly conducted?

21 Section 3.3.6 speaks of "noticeable" increases in traffic related noise as contributing to "incremental buildup of noise generating uses and activities" on contracted land as a Class One impact. This is simply ridiculous. An increase is not an impact unless it exceeds specific thresholds. More cars does not necessarily mean higher volumes of noise. Neither does more activities mean more noise that everyone will be able to hear. The fact is most contracted land in this county is large enough that sound won't leave the premises on a level that violates any objective standards.

22 There is a huge disconnect in the discussion of road capacity in this EIR. The document clearly states that all of the major roadways in this county, with the exception of Casitas Pass Road, are operating at a mere fraction of their capacity. There is no conceivable way the limited agricultural development anticipated in this Update is going to trigger Class One Impacts of any kind to roadways in this county.

23 The entire Air Quality section needs to be thrown out. It is based upon assumptions, erroneous projections and the APCD has no established short-term thresholds. Additionally, our county is in compliance and the Uniform Rules amendments have been accounted for in the 2004 CAP. The chances of these primarily seasonal operations scattered throughout the county to impact air quality is nil. The vast bulk of air quality emissions are generated by vehicular traffic that will continue to be in this county or going through this county anyway whether these relatively few projects get built or not. There is no way so few projects operated primarily on a seasonal basis scattered throughout the county will result in Class One impacts to Air Quality.

24 The entire Ground Water Resources Section needs to be redone because it assumes overdraft in several basins that does not comport with actual groundwater levels. Nowhere is this more clear than in the Santa Maria Valley, in which case a Superior Court decision, replete with expert testimony disagrees with Mr. Baca's (who is not a water expert) assessment. Additionally, there is no mention of the impacts of State Water upon the Santa Maria Valley watertable. Finally, the EIR fails to address the fact that farmers have water rights! The county will have no authority to curtail the use of the water lying under a specific property based upon the generalized speculation herein. In other words, if a farmer's well has a high enough production rate, it doesn't matter one iota what the rest of the basin looks like.

In the discussion section on page 4-2 and page 4-13, the EIR states that the amended Uniform Rules provides greater flexibility for landowners and that these opportunities will help to "retain

COLAB

25 larger blocks of ag land in a single ownership contract and preserve the tradition of family farms in the County by reducing one of the reasons farms and ranches are sold and divided into smaller properties." Unfortunately, this is not the case because this document by limiting the number of homes on single contracts will actually encourage the cancellation of the single contracts in favor of smaller contracts. The county needs to allow housing allowance credits for the larger contracts based upon the number of smaller contracts that could be created so as to avoid the disincentive.

26 We are not sure how the county staff keeps a straight face in the discussion of policy consistency. The document claims the policies of the Update are consistent with the AG Element but of course the required mitigation measures and conditions of approval speak otherwise. On page 4-5 the various Ag Element Goals and Policies clearly state the county will allow and permit support facilities and services with no caveat due to the subjectively applied and exaggerated visual impacts, traffic or population concerns raised in this EIR. The policies in and of themselves may be consistent but the mitigation measures make them inconsistent as applied.

27 The biased agenda of staff (low-intensity is the goal) comes through loud and clear once again on page 4-7 which speaks to the impacts of the AIO. "These land uses are considered part of agriculture so while they would introduce more industrial-like buildings into the rural area, they are also part of the rural character. *Nevertheless*, the larger wineries and preparation facilities allowed on larger premises could simply be of such a scale *they would appear disconnected from the surrounding agriculture.* Mitigation measures...would bring the facilities back down to a scale that is less obtrusive and more visually compatible with their rural setting." I guess appearances are everything?

28 Buried on page 4-8 is the following very important statement, "The amended Uniform Rules do not authorize any development on agricultural land which is not otherwise permitted by the applicable zone district and in fact CONSTRAINS the development envelope to a smaller size than could be allowed under the applicable zone."

Herein lies the Achilles heel of this EIR. First, the fact that this update that was supposed to create flexibility is being used to *instead* constrain means the policies and mitigation measures are themselves an impact to agriculture in that they will create an incentive for property owners to exit their contracts.

29 Second, if all these uses are already permitted uses, then by definition they are not new uses- so why is environmental review being done at all as if the impacts from the same are not new? Why is mitigation required, as if this were a new project, for a use that is already a permitted use in the zone district? Getting in or out of the Williamson Act is not subject to environmental review. If the activity is a permitted use on non-contract land and there is nothing preventing farmers and ranchers from not renewing, why all the Class One impact designations as if the only way these projects will occur is if this Update is approved?

COLAB

20 | The EIR needs to be recirculated because there is a big mistake on page 4-11. This section which is supposed to consider a policy consistency analysis for air quality is missing the discussion section. In error, staff duplicated the policy section where the discussion section should go. There is no discussion section, therefore the public will be denied the opportunity to offer meaningful comments on this section.

31 | On page 5-2, footnote 37 indicates that "Agricultural land is defined by the state as open space land. The text of Section 5.1.5 speaks of the development of open space as being growth inducing. The problem herein is that regardless of what the state says, the document fails to address the fact that our comprehensive plan policies and goals make a clear distinction between open space and ag zoned lands. Ag intensification is a permitted and preferred use of ag lands and our county policies do not consider the development of ag lands for ag uses as having an impact upon open space because the two are not synonymous in our land use planning regimen.

32 | Section 5.4.1 includes a statement that is downright wrong. It states, "With respect to the expanded opportunities for more and/or larger agricultural support facilities, the requirements of the Uniform Rules dictate that such facilities will only occur on contracted land that is actively engaged in commercial agricultural production, as opposed to grazing land or open space. Therefore it is unlikely that these projects would result in significant impacts to biological resources....In cases where habitat or a sensitive species does exist and would be impacted by development, those projects would need to be found consistent with existing policies in the course of the permit process, which DICTATE that agricultural intensification or expansion be BALANCED with biological resource protection. Excuse me? The words dictate and balance do not appear in the Ag Element. Whereas resource constraints must be considered, there is no requirement that DICTATES a BALANCE on any one project must be achieved.

The point here is two fold. Most ag properties (that have not already been intensified) in this county are going to be located on large parcels with rolling hills, they will have plenty of room to spare for future intensification and any prudent need for resource "balancing". The odds are, the contracts are large enough that new facilities could be constructed on land that is not currently cultivated and that the area in general will not be completely developed because of resource constraints (topography) which will serve to protect biological resources on the property.

We regret what the county staff has done with this project via the exaggeration of impacts and the punitive application of arbitrary and capricious mitigation measures that render the laudable goal of the program null and void.

J. Andrew Caldwell
Executive Director
COLAB

October 28, 2005

Andy Caldwell, COLAB

Letter B10

Response to Comments:

B10-1 Thank you for your comment. Several commenters have suggested that the methodology used for analyzing significance of agricultural impacts should be statistically based using a comparative approach. However, neither CEQA nor the County's environmental thresholds employ a comparative standard for determining the significance of impacts to agricultural resources.

"Agricultural conversion" for CEQA purposes is best defined as the loss of land capable of being directly used for generation of plant and animal products, rather than land being used for supportive activities, however beneficial, such as processing and shipping. This interpretation is supported by: (a) the fact CEQA addresses physical impacts; (b) the Land Evaluation and Site Assessment Model addresses land productivity only; (c) the differentiation between "agricultural use" and "compatible use" in the Williamson Act; and (d) the absence of the proposed alternative definition in case law researched to date. Therefore, the identification of a Class I impact for the conversion of agricultural lands to other uses as a result of the Uniform Rules update, even if those uses are integral to or supportive of agriculture, is appropriate.

Under CEQA, when determining whether a project may have a significant effect on the environment, "the lead agency should normally limit its examination to changes in the *existing physical conditions* in the affected area" (CEQA Guidelines §15126.2(a)). Also CEQA Guidelines §15064(d) states "in evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.". "Significant effect" is defined as a substantial adverse impact on the environment (Pub. Res. Code §21068), and "environment" is defined as the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance (Pub. Res. Code §21060.5.)¹

¹ CEQA's definition of substantial evidence itself requires evidence of physical impacts. CEQA specifically provides that "...evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence" (Pub. Res. Code §21082.2(c).)

This focus on the change in the physical environment is reflected in the thresholds of significance developed by the state and the County for agricultural resources. The focus of CEQA inquiry for “Agricultural Resources” is whether the project will convert defined farmland to non-agricultural (i.e. non-cultivated) use. (CEQA Guidelines, Appendix G.) In addition, the County has adopted thresholds of significance to use in the determination of the significance of environmental effects, per CEQA Guidelines §15064.7(a). Non-compliance with these qualitative levels means the effect will normally be determined to be significant by the agency. (*Ibid.*) Under its agricultural resource thresholds, the County asks whether the proposal will result, among other things, in the impairment of agricultural land productivity. The County uses a detailed weighted point system to assign relative values to particular characteristics of a site’s agricultural productivity (parcel size, adjacent land uses, water availability, comprehensive plan designation, agricultural preserve potential, existing land use, soil classification, agricultural suitability, and combined farming operations), and asks whether a discretionary act would result in the physical conversion of existing agriculturally viable and productive land to non-agricultural uses, or would substantially disrupt surrounding agricultural operations. If so, the project is considered to have a significant effect on the environment.

The conclusion that the “farmland conversion” analysis required by Appendix G and the County’s CEQA Guidelines narrowly focuses on the loss of productive lands for cultivation is supported by the following additional two factors.

(a) LESA Model

CEQA provides that agencies may use the California Agricultural Land Evaluation and Site Assessment (LESA) Model, an “optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process” (Pub. Res. Code §21095). The LESA model addresses land suitability for crops, soil categories, project size, water resources, and surrounding agricultural and protected resources. There is no adjustment or credit in LESA for conversion of agricultural lands to agricultural support facilities. Therefore, this alternative CEQA significance threshold contemplates impacts to agricultural resources as impacts to the land itself, and suitability of the land itself for growth of plant and animal products. CEQA’s specific allowance for the use of LESA as a means to assess the significance of loss of agricultural lands indicates legislative intent that conversion impacts are based on the quality of the land and its capacity for actual onsite plant and animal growth.

(b) Williamson Act

Agricultural use is defined in the Williamson Act as "... use of land for the purpose of **producing** an agricultural commodity for commercial purposes." (Emphasis added; Gov. Code §51201(b).) Compatible use is separately defined as "any use determined by the county ... or by this act to be compatible with the **agricultural**, recreational or open space **use...**" (Emphasis added; Gov. Code §52101(e).) Moreover, Government Code §51238.1 emphasizes principles of compatibility, and clarifies that uses which significantly compromise the long-term agricultural productivity of the parcel are not compatible but may be conditionally approved if (among other findings) the use "is consistent with the purposes of this chapter to preserve agricultural ... land...." Of particular importance, "[u]ses that significantly displace agricultural operations ... may be deemed compatible if they relate directly to the production of commercial agricultural products ... including activities such as harvesting, processing, or shipping."

Thus, under the Williamson Act, compatible uses are defined as uses that are not agricultural operations or use themselves, but which support agricultural use. This differentiation supports the EIR's analysis and determination that the conversion of agricultural lands to non-agricultural uses, even compatible ones, is a potentially significant and unavoidable environmental impact.

- B10-2** The purpose of CEQA is to provide information to decision makers about the potential environmental impacts of a proposed project or program. The environmental process does not render a decision on the proposal nor does an EIR contain a recommendation on the project description, the alternatives or even the proposed mitigation measures to the decision makers. It is simply an information document for decision makers to take into consideration when making their decision. CEQA even provides the procedure and format for a decision-making body to follow should it decide to override any Class I (significant and unavoidable) impacts or proposed mitigation measures identified in the EIR.

In conducting the analysis of impacts, each resource or environmental issue is examined individually, as required by CEQA. Agricultural resources and visual resources are two separate resources among many that must be evaluated in the EIR. The comments you quote from page 3-27 of the DEIR are in the section on visual resources and only address the value of and potential impacts to that resource. Development of agricultural land (whether in crops or for grazing) even for supportive agricultural uses such as wineries, packing and cooling facilities, changes and therefore impacts the County's rural visual resource. In that context, and also as explained in response to comment 1 above in the context of agricultural resources, converting the land to structures and buildings for agricultural support facilities may constitute an environmental impact. The County has a

legal obligation under CEQA to report the potential for impacts by these facilities, but that does not negate the potential benefits to agriculture of providing such facilities nor change existing County land use policy encouraging their development.

- B10-3** As stated in the Draft EIR (page 3-20), special events on contracted land could result in temporary population increases in the rural agricultural areas of the County. Depending on the frequency and number of attendees associated with special events, impacts could result to rural roads, adjacent lands and surrounding agricultural operations as well as the agricultural operations of the subject parcel.

Government Code 51220.5 of the Williamson Act specifically addresses such temporary uses stating, "The Legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase density of the permanent or temporary human population of the agricultural area. For this reason, cities and counties shall determine the types of uses to be deemed 'compatible uses' in a manner which recognizes that a permanent or temporary population increase often hinders or impairs agricultural operations."

Permit regulations and processing requirements for winery special events are addressed in Article III, Section 35.292j (Wineries), while non-winery special events are permitted in Section 35.283 (Temporary Uses). Allowances for non-winery special events tend to be more permissive in regards to the number of events and attendees permitted. Land uses allowed under the Uniform Rules may be more restrictive than those uses allowed by the relevant zoning ordinance in order to comply with the intent of the Williamson Act. The special event permit levels identified in Mitigation Measure AG-5 are similar to those allowed at a winery with a land use permit and ensure the principal use of the contracted premises is for commercial agricultural production, consistent with the Williamson Act.

- B10-4** For the purposes of CEQA and the Williamson Act, agricultural lands is defined as the use of land (soils) for the production of food, fiber and animal products. The characterization of agricultural support uses as "non-agricultural" uses, was derived from this definition.

The writers of the EIR are aware of the concerns of the agricultural community and acknowledge that references in the EIR to "non-agricultural uses" have given the impression that such uses are not considered integral or beneficial to agriculture. Staff fully recognizes the utility and benefit of support uses to agriculture, thus the inclusion and expansion of their use allowances in the Update to the Uniform Rules. All references to "non-agricultural" uses in the context of agricultural support facilities have been re-characterized in the proposed Final EIR.

Government Code 51220.5 of the Williamson Act specifically addresses such temporary uses stating, "The Legislature finds and declares that agricultural operations are often hindered or impaired by uses which increase density of the permanent or temporary human population of the agricultural area. For this reason, cities and counties shall determine the types of uses to be deemed 'compatible uses' in a manner which recognizes that a permanent or temporary population increase often hinders or impairs agricultural operations."

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B10-12 The current Uniform Rules allow one residential envelope per contract (not to exceed 2 acres in size) for non-prime grazing land. Mitigation Measure AG-6 has been deleted in the proposed Final EIR.

Please refer to response to letter **B18**, response to comment **15**.

B10-13 The EIR analyzes the proposed project's impact on scenic views and other substantial visual resources in the County. While not all of these views are protected by County, state, or other regulations or policies, CEQA requires an analysis of the potential environmental impacts to these visual resources resulting from the proposed project. The analysis provided in the proposed Final EIR is appropriate, and no revisions are necessary.

Please refer to letter **B18** responses to comments **75** and **76**.

B10-14 This comment addresses the merits of the proposed Uniform Rules' amendments and will be forwarded to the decision makers for consideration.

B10-15 Please see response to comment **3** above.

B10-16 Please refer to the response to comment **13** above.

B10-5 Thank you for bringing this to our attention. All references to mobile cooling facilities have been corrected to refer to mobile packing units or facilities in the proposed Final EIR. Please also refer to letter **B18**, response to comment **48**.

B10-6 Please see Section 3.1.3.B which provides a detailed discussion of potential impacts to land use in terms of the introduction of incompatible land uses or structures.

B10-7 The EIR does not analyze or state that “agricultural intensification” (i.e. converting grazing land to cultivated agriculture) is a significant impact to agriculture. The EIR does analyze the potential secondary impacts through development of large support facilities which may permanently remove soils from future production, and/or increase the temporary or permanent population.

Impact AG-4 relates to superprime land only. Superprime land is a sub-class of prime land as defined by the Williamson Act, to allow parcels as small as 5 acres to qualify for Agricultural Preserve status provided they comply with other eligibility criteria, among which are criteria for amount of land in cultivation and value of annual production. Because it is a subset of prime land, it does not apply to grazing lands. The superprime category only applies to agricultural land south of the Santa Ynez Mountains and east of Gaviota Pass because of the unique combination of characteristics for commercial cultivation found in this area. The proposed amendments to Rule 1-2.3 would increase the required amount of land in cultivation and the value of annual production pro-rated to size of parcel in a superprime contract. Since this will increase the agricultural production on superprime land, it is considered a beneficial impact.

B10-8 This comment relates to policy in the Agricultural Element of the County’s Comprehensive Plan and will be forwarded to the Board of Supervisors for their consideration.

B10-9 Thank you for your comment. Mitigation Measure AG-1 has been revised to address the concerns you have raised. Also, please refer to letter **B20**, response to comment **5**.

B10-10 Thank you for your comment. Mitigation Measure AG-4 has been deleted in the Proposed Final EIR. Also, please refer to letter **B18**, response to comment **13**.

B10-11 As stated in the DEIR (page 3-20), special events on contracted land could result in temporary population increases in the rural agricultural areas of the County. Depending on the frequency and number of attendees associated with special events, impacts could result to rural roads, adjacent lands and surrounding agricultural operations as well as the agricultural operations of the subject parcel.

B10-17 Under CEQA, it is the physical impacts of project which are being analyzed. In the case of visual resources, the proposed Uniform Rules would allow agricultural support facilities on contracted land up to six times larger (e.g. potential 30-acre AIO facilities, see letter **B20** response to comments 2 and 3), than currently allowed. These facilities would have a greater likelihood of impacting visual resources by introducing additional sources of light, glare and industrial-scale development which is not part of the existing rural character of Santa Barbara County.

B10-18 Please refer to letter **B18**, response to comment 75.

B10-19 Please refer to letter **B18**, response to comment 76.

B10-20 Please refer to letter **B18**, response to comment 19.

B10-21 Please refer to letter **B18**, response to comment 19.

B10-22 As stated in the thresholds on page 3-58 of the DEIR, a general threshold appropriate to a programmatic analysis of traffic impacts has been used. The threshold identifies the generation of substantial additional traffic movement in relation to existing traffic loads and capacity of the streets, as a potentially significant impact. The fact that traffic loads experienced on many rural County roads are currently low means that it doesn't take many vehicular trips to generate a substantial increase. Since the location of future land uses generating the vehicular trips is unknown, the potential exists that any rural road could be affected. The number of additional traffic movements identified in Table 3.4-5 could double or triple the traffic load for some roads, resulting in a potentially significant impact. In addition, application of the Circulation Element's "Special Roadway Condition Factors" (see Section 3.4.2 of the proposed Final EIR) would reduce the acceptable capacity for many rural roads.

B10-23 Please refer to letter **A1**, response to comment 1.

B10-24 Please refer to letter **B18**, response to comment 22.

B10-25 The EIR does not, through mitigation, limit the number of single-family dwellings potentially allowed per proposed Uniform Rule 1-4.1

B10-26 While analysis of consistency of a project or program is conducted on a policy by policy basis, in application, the policies of the Agricultural Element must be read in conjunction with all other policies of the Comprehensive Plan. The conditions and mitigation measures that place limits on prospective agricultural support facilities located on contracted land serve the purpose of making such facilities consistent with other policies,

in particular with the Williamson Act, while at the same time increasing the opportunities and scale of such agricultural support facilities allowed on land enrolled in the Agricultural Preserve Program. Ultimately, the Board of Supervisors will determine the project's consistency with existing County policies.

B10-27 Please see response to comment 26 above. The text in Table 4.2-1 (on page 4-7 of the DEIR) has been revised in keeping with further analysis done on visual impacts and the need for mitigation. Also, please refer to letter **B18**, responses to comments 75 and 76.

B10-28 The requirements of the Uniform Rules for contracted lands may be more restrictive than requirements for the underlying zoning to ensure consistency with the Williamson Act. This has always been the case. The proposed amendments to the Uniform Rules allow for a greater array of uses on contracted land and allow for increases in size and/or numbers of compatible uses than are presently allowed. Nevertheless, many of the rules would continue to be more restrictive than the underlying zoning, ensuring consistency with the policies of the Comprehensive Plan, as well as with the Williamson Act.

B10-29 As stated in response to comment 28 above, the requirements of the Uniform Rules may be more restrictive than the underlying zone district would allow on the non-contracted land. The project description for which the environmental review was conducted is the basis of the CEQA analysis, not the zoning ordinance.

B10-30 Please refer to letter **B18**, response to comment 92.

B10-31 Section 5.1.5 has been revised to clarify the Uniform Rules amendments will not result in a growth inducing impact with respect to development of open space/vacant lands.

B10-32 Thank you for calling this to our attention. The text of Section 5.4.1 has been revised for clarity.

OCTOBER 27 2005

PEGGY BURBANK
COUNTY EXECUTIVE OFFICE
COMPREHENSIVE PLANNING
30 E FIGUERA ST 2ND FLOOR
SANTA BARBARA, CA 93101-2010

RECEIVED
OCT 28 2005
S.B. COUNTY
COMPREHENSIVE PLANNING

RE: DRAFT EIR UNIFORM RULES FOR AG PRESERVES

1 DRAFT EIR IS FLAWED IN RESIDENTIAL USE COMMENTS. WRONG BASIS USED ON UPDATE DRAFT PAGE 2-6 2.4.1 FIRST PARA GRAPH. WHERE IN EXISTING RULES IS ONE DWELLING LIMITED TO A SINGLE CONTRACT? PLEASE REFER TO PAGE 10 UNIFORM RULE # 6 D.2.2. TABLE 2-3 PAGE 2-6 BECAUSE OF INCORRECT PRECEDING COMMENTS ALSO IS INCORRECT. TABLES IN DRAFT UPDATE AND

2 DRAFT UNIFORM RULES SHOULD SHOW CORRECT MAXIMUM RESIDENCES ALLOWED UNDER PRESENT RULES AND ACREAGE AFFECTED IN THE 550,000+ ACRES PRESENTLY IN AG PRESERVES.

SUBMITTED IN EVIDENCE AT THE 10-17-05 SOLVANG HEARING WAS A BLANK LONG FORM RECORDED CONTRACT WITH ACCOMPANYING LETTER. PLEASE INCLUDE THESE WITH MY DRAFT EIR COMMENTS.

3 | DRAFT UNIFORM RULE 1-2.2. PAGE 12 LISTS
A SUBSECTION B.4 BUT IT DOESN'T EXIST!
THERE IS A 1-2.2.C. ON PAGE 13 AND A
1-2.2.C. ON PAGE 15

4 | HOW DOES DRAFT UNIFORM RULE 1-2.2.B,
PAGE 13 AFFECT AN EXISTING CONTRACT
WHICH HAS LEGAL PARCELS OWNERSHIP
EXPANDED TO INCLUDE IMMEDIATE FAMILY
MEMBERS ALTHOUGH ONE OF THE PARCELS IS
LESS THAN 40 ACRES NON PRIME?

5 | DRAFT UNIFORM RULE 6.2.D. PAGE 52
USES THE WORD "ALL" IN FIRST PARAGRAPH.
SECTION 51230.1 OF THE WILLIAMSON ACT
DOES NOT USE THE WORD "ALL" ONLY "PORTION"
IS REFERRED TO.

6 | DRAFT UNIFORM RULE 1-4.1.B. 1. & 2.
NEEDS CLARIFICATION FOR EASIER
UNDERSTANDING.

7 | ~~THE~~ PRESENT AND DRAFT UNIFORM RULES
DO NOT HAVE A MECHANISM TO INFORM
PRESENT AND FUTURE PARTICIPANTS IN AG
PRESERVES OF CHANGES. NO ONE WITH
CONTRACT(S) HAS BEEN ADVISED OF CHANGES
SINCE 1970 TO PRESENT THAT I AM AWARE
OF, YET WE FILL OUT REPORTS WHEN ASKED
TO.

ONCE AGAIN I REMIND YOU OF THE
WORDING IN THE LAND CONSERVATION
CONTRACTS WE SIGNED AND OPERATE
UNDER, PAGE 2 PARAGRAPH 4. FOR
EXAMPLE.

THANK YOU

EUGENE E. MITTY ET AL
410 OAKHILL DRIVE
LOMPOC, CA 93436-1111

70-AP-146

72-AP-173



GEORGE P. KADING
County Counsel

OFFICE OF THE
COUNTY COUNSEL

105 E. Anapamu St.
Santa Barbara, Calif. 93101
Telephone 966-1611

December 7, 1971

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Marvin Levine
Don H. Vickers
Michael R. Dougherty

Mrs. Emma M. Buell
Post Office Box 14
Buellton, Ca 93427

Re: Agricultural Preserve 70-AP-146

Dear Mrs. Buell:

I am enclosing three copies of a one page short form contract together with a six page long form contract. The long form contract you may keep for your records. The short form includes the six page contract as the long form has been recorded at the County Recorder's Office.


Please sign the short form contracts and have your signature notarized. Please return the signed and notarized short form contracts to this office immediately.

The purpose of this change is to insure that you continue to receive the benefits of the agricultural preserve contract. If you do not choose to sign the short form contracts, the Board of Supervisors will file a note of non-renewal and your ten year period will gradually run out and the assessment on your land will go up from year to year.

Thank you for your cooperation.

Very truly yours,

GEORGE P. KADING, COUNTY COUNSEL

By 
MELBOURNE B. WEDDLE
DEPUTY COUNTY COUNSEL

MBW:hh
Encls:

LAND CONSERVATION CONTRACT

THIS CONTRACT, made and entered into this _____
day of _____, 19____,

BY AND BETWEEN

_____ hereinafter referred to as OWNER,

AND

COUNTY OF SANTA BARBARA, a
political subdivision of the State
of California, hereinafter referred
to as COUNTY,

WITNESSETH THAT:

WHEREAS, OWNER possesses certain real property located in COUNTY, which property is presently devoted to agriculture and uses compatible to agriculture and is generally described in Exhibit "A" attached hereto; and

WHEREAS, said property is located within the boundaries of an agricultural preserve established by COUNTY pursuant to California Government Code Sections 51201(d) and 51242 and COUNTY Resolution No. _____ and is generally described in Exhibit "B" attached hereto; and

WHEREAS, both OWNER and COUNTY desire to limit the use of said property to agriculture and uses compatible to agriculture in order to deter and discourage its premature conversion to urban use, recognizing that such land has substantial value to the public as open space and that the preservation of such land in agricultural production constitutes an important physical, social, aesthetic, and economic asset to COUNTY to maintain the agricultural economy of COUNTY and the State of California; and

WHEREAS, the parties have determined that the highest and best use of the above-described land is for agriculture. This Contract is intended to be an enforceable restriction under the provisions of Art. XXVIII of the California Constitution, California Revenue and Taxation Code Section 422 and California Land Conservation Act as amended.

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree:

1. Contract made pursuant to Land Conservation Act. This Contract is made and entered into pursuant to the California Land Conservation Act of 1965, as amended in 1969, commencing with Section 51200, et seq. of the California Government Code, and is subject to all the provisions thereof applicable thereto and such other provisions of said Act as are herein incorporated by reference.
2. Term of Contract. This Contract shall be effective commencing the first day of January, 19____, and shall remain in effect for a period of ten years therefrom. This Contract shall terminate on the thirty-first day of December of the tenth full year thereafter; provided, however, each first day of January shall be deemed to be the annual renewal date of this Contract. This Contract shall be subject to an unlimited number of one-year extensions unless notice of nonrenewal is given as provided in Government Code Section 51245. Each one-year extension shall be added to the term of this Contract so as to commence immediately following the above-stated termination date for this Contract or the termination date of the most recently added one-year extension, whichever is later in time to the end that at all times during the continuation of this Contract as renewed, there shall be a ten-year term of restriction unless notice of nonrenewal has been given. A notice of nonrenewal, irrespective of which party gives the notice, shall be recorded by the County. Under no circumstances shall a notice of renewal be required of either party to effectuate the automatic renewal option of this paragraph unless otherwise required by law.
3. Limitations upon the use of the land. During the term of this Contract, the above-described land shall not be used for any purpose other than "an agricultural or compatible use" as the same is defined in the Zoning Ordinance No. 661 (attached as Exhibit "C") and in the uniform rules for the agricultural preserve in which said land is situated (attached as Exhibit "D"). Said uniform rules have been and will continue to be adopted for the lands in said preserve by resolution of the COUNTY'S Board of Supervisors for the purpose of achieving the purposes and objectives of said Land Conservation Act. No structure shall be erected upon said land except such structures as may be directly related to authorized uses of the land. A personal residence shall qualify as "directly related" if it is occupied by a person who devotes a substantial portion of his time to the authorized use, or if it is the personal residence of the owner of the real property (or of the major shareholder, officer, partner, or beneficiary of a corporate or trust owner).
4. Permissible uses may be added but not subtracted without consent. The COUNTY'S Board of Supervisors may, from time to time and during the term of this Contract or any extensions thereof, by resolution add to the compatible uses of said land; provided, however, said Board shall not eliminate, without the written consent of OWNER, a compatible use during the term of this Contract or any renewals thereof.
5. Consideration. OWNER shall not receive any payment from COUNTY in consideration for the obligations imposed,

it being recognized that the execution of the Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to OWNER as a result of assessing the value of the land based upon the restrictions imposed upon its use.

6. Contract runs with the land. Contract shall run with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto. In the event the land under this Contract is divided, a Contract identical to the Contract then covering the original parcel shall be executed by OWNER on each parcel created by the division at the time of the division. Any agency making an order of division or the COUNTY shall require, as a condition of the approval of the division, the execution of the Contract provided for in this paragraph.

7. Cancellation by mutual consent. This Contract may be cancelled in accordance with the provisions of Government Code Sections 51280 to 51285, inclusive. OWNER may petition the COUNTY'S Board of Supervisors for cancellation of any Contract as to all or any part of the subject land. The Board may approve the cancellation of a Contract only if they find:

- (a) That the cancellation is not inconsistent with the purposes of the Land Conservation Act; and
- (b) That cancellation is in the public interest.

The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a Contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed that the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the Contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put. Upon such cancellation and as soon thereafter as the land to which it relates is reassessed by the COUNTY Assessor in accordance with Section 51283 of the Government Code, the OWNER shall pay COUNTY, as deferred taxes, an amount equal to fifty percent (50%) of the cancellation valuation of the land; provided, however, if after the date the Contract was initially entered into the publicly announced COUNTY ratio of assessed to full cash value is changed, the percentage payment in this paragraph shall be changed so no greater or lesser percentage of full cash value will be paid to COUNTY than would have been paid had there been no change in ratio.

8. Cancellation as a result of hardship. OWNER or his personal representative may petition COUNTY for a cancellation and a public hearing therefor under the provisions of Government Code, Sections 51280 to 51285, inclusive. COUNTY may approve the cancellation under the terms of this paragraph, if the following conditions are fulfilled;

(a) The COUNTY'S Board of Supervisors finds that it is in the public interest to waive a percentage of the cancellation fee described in paragraph 7 of this Contract and Section 51283(b) of the Government Code;

(b) The cancellation is caused by an involuntary transfer or change in the use of the land;

(c) The land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to OWNER;

(d) The COUNTY'S Board of Supervisors has determined it is in the best interest of the program that a percentage of the cancellation payment be waived.

In no event shall the requirements for cancellation under the terms of this paragraph be less restrictive than the statutory provisions set forth in Section 51283 of the Government Code.

9. Distribution of payment to local tax agencies. Upon the cancellation of the Contract and receipt of deferred taxes, said taxes shall be distributed as provided in Government Code Section 51283(d), except references to the COUNTY Treasurer shall be construed to refer to the Auditor of COUNTY.

10. When deferred tax payment creates a lien. Government Code Section 51283.3 shall be applicable to the deferred tax payments.

11. Enforcement of Contract. Any conveyance, contract, or authorization (whether oral or written) by the OWNER or his successors in interest which would permit use of the above-described land contrary to the terms of this Contract, or the uniform rules referred to in paragraph 3 hereof, may be declared void by the COUNTY'S Board of Supervisors; such declaration or the provisions of this Contract may be enforced by COUNTY by an action filed in the Superior Court of the COUNTY for the purpose of compelling compliance or restraining breach thereof. It is understood and agreed that the enforcement proceedings provided in this Contract are not exclusive and both the OWNER and COUNTY may pursue their legal and equitable remedies.

12. Effect of Condemnation. When any action in eminent domain for the condemnation of any land described in Exhibit "A" is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person, this contract shall be governed by the terms of Section 51295 of the California Government Code which are herein incorporated by reference as though fully set forth in this paragraph.

13. Substitution. In the event that the State Legislature changes assessment practices that affect land in an agricultural preserve which is under a Contract, COUNTY or OWNER may request renegotiation of this Contract. This Contract shall be superseded if it is replaced by a new Contract containing enforceable restrictions authorized by the Land Conservation Act or by Article XXVIII of the California Constitution. The new Contract, if not less restrictive than this Contract as to permitted uses of the land subject thereto, shall be deemed the equivalent of the Contract as to any vested rights of owners of other lands in the same preserve which are then subject to similar agreement or similar contracts. If any provisions of the Land Conservation Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions of this Contract which can be given effect without the invalid provisions, and to this end the provisions of this Contract are severable.

This paragraph shall not impair or prevent the right of the parties to this Contract from incorporating by reference any changes in the Land Conservation Act, providing such incorporation by reference does not invalidate any of the provisions of this Contract which are more restrictive than the Act.

14. Valuation. It is hereby agreed and understood by and between COUNTY and OWNER that the valuation by the County Assessor's office of OWNER'S real property during the full effectiveness of this Contract shall be determined in accordance with Section 421 to 429, inclusive, of the Revenue and Taxation Code.

15. Removal of land equivalent to a notice of nonrenewal. The effect of removal of any land under this Contract from an agriculture preserve, except as provided in paragraph 16, shall be equivalent to a notice of nonrenewal by the COUNTY, and COUNTY shall at least sixty (60) days prior to the next renewal date following the removal, serve a notice of nonrenewal as provided in Section 51245 of the California Government Code and record the notice of nonrenewal as provided in Section 51248 of the California Government Code.

16. Annexation of land by a city. On the annexation by any city in the COUNTY of any land under an agricultural preserve contract, the city shall succeed to all rights, duties and powers of the COUNTY unless the land being annexed was within one mile of such city at the time this Contract was initially executed, the city protested the execution of the Contract pursuant to Section 51243.5 of the California Government Code, and the city stated its intention not to succeed to the Contract in its resolution of intention to annex. If the city does not exercise its option to succeed to the Contract, it shall become null and void as to the land actually being annexed on the date of annexation. Such nulling and voiding of this Contract shall be treated as a cancellation under the terms of Section 51283 of the Government Code. The deferred taxes paid under that Section shall be distributed in accordance with paragraph 9 of this Contract.

17. Notices. Any notices required to be given here-
under or required to be given by law upon COUNTY shall be given
by United States certified mail, return receipt requested, to
COUNTY in care of the Clerk of the COUNTY Board of Supervisors.

IN WITNESS WHEREOF, the parties hereto have here-
unto set their hands the day and year first above written.

OWNER

By _____

COUNTY OF SANTA BARBARA

By _____
Chairman, Board of Supervisors

ATTEST:

County Clerk

APPROVED AS TO FORM:
GEORGE P. KADING, COUNTY COUNSEL

By _____

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)

ss.

Notary Public in and for said
County and State

MBW:cmk
8/12/71

October 28, 2005

Eugene Mitty

Letter B11

Response to Comments:

B11-1 One of the goals of the Update to the Uniform Rules is to increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program. This includes codifying existing administrative practice of the Agricultural Preserve Advisory Committee (APAC). Under CEQA the baseline should reflect existing conditions on the ground as closely as is possible, so it is appropriate for the purpose of this CEQA analysis, that the baseline used is the practice of the Uniform Rules as administered by the APAC. The allowance of one principal dwelling per premises is the interpretation and practice which has been employed by the County since inception of the program. The first line in Sec. 2.4.1 of the EIR has been revised to reference the administrative practice rather than the text of the current Uniform Rules.

B11-2 Thank you for your comment. The tables in the Uniform Rules EIR reflect the maximum number of residences which are allowed on contracted lands. As a matter of procedure and practice, the APAC as the administrating body of the Uniform Rules, has allowed one principal dwelling per contract. One of the stated objectives of the Uniform Rules Update process is the codification of procedure for implementing the existing Uniform Rules in a manner consistent with the requirements of the Williamson Act. The County's Uniform Rules constitute the basic requirements of all contracts and are incorporated as a part of each contract, by reference. As a part of every contract, therefore, any changes in the County's Rules applies to every contract currently in effect, with the exception of rules that are specifically applied prospectively, and those compatible uses permitted under §51238.3 of the Williamson Act.

B11-3 Thank you for your comment. Draft Uniform Rule 1-2.2 will be corrected to reference the appropriate subsection. Section 1-2.2.D is now correctly numbered.

B11-4 Rule 1-2.2.B clarifies that land within a single contract, which does not meet the current minimum parcel size requirements (as specified in Rule 1-2.2.C) whether retained by the current owner or assumed by a new owner, continues to be eligible for inclusion in the agricultural preserve so long as the current contract boundaries are not altered. Therefore, it would not matter whether or not the 40 acres is prime or nonprime; it would continue to be eligible. Should the landowner, however, decide to adjust parcel boundaries, or transfer ownership of one or more parcels necessitating replacement

contracts for the remaining and new premises, then all the requirements of the aforementioned rules would apply.

- B11-5** The expressed goals of the Williamson Act are the protection of agricultural resources, preservation of open space and the promotion of efficient urban growth patterns. To achieve these goals, the State has given local jurisdictions the power to “provide for restrictions, terms, and conditions, including payments and fees, more restrictive than or in addition to those required by this chapter” (Article 3, §51240). Thus, the act allows local jurisdictions to be more restrictive than the act, but not more lenient.
- B11-6** Thank you for your comment. Staff acknowledges that Uniform Rule 1-4.1.B.1 and 2 require clarification. The APAC and County staff are working to refine the language of the rule.
- B11-7** Thank you for your comment. Presently there is no formalized administrative mechanism to inform owners of contract-related issues. This concern can be raised for discussion with the Agricultural Preserve Advisory Committee. Your comment will be forwarded to the APAC for discussion on how best to inform contract holders.

Bill and Gail Giorgi
Nojoqui Falls Ranch
Rt.1 Box 4
Gaviota, California 93117
October 30, 2005

Comments to the EIR for the proposed uniform rules.

I would like to state that I am commenting on the Uniform Rules EIR as an individual.

I would like to respectfully request that the EIR be rewritten and re-circulated based on the public comments you have received. Susan Petrovich has detailed the whole EIR and documented the errors and what needs to be changed. I won't reiterate what Ms. Petrovich has already stated, but I do agree with her comments and I would like to make several other general comments.

1 The EIR seems to stand logic on its head. The uniform rules were written over a one and a half year time period with lots of meetings between the APAC and agriculturalists to write a set of rules that would promote agriculture and retain the creditability of the Agricultural Preserve Program and also address environmental issues. The EIR as written totally constrains Agriculture. I just don't understand how the proposed changes rise to a level of significance stated in the EIR. It appears that the drafters of the EIR were biased in that they didn't want any intensification of Agriculture from grazing land. They understood the issues raised by agriculturists after one and one-half years of meetings, yet found that the 396 acres out of 555,394 total acres in the Ag Preserve Program that would be affected by changes to the uniform rules would be a class one unmitigable impact. The Drafters never analyzed what would happen if the proposed rules weren't implemented. I contend that the flexibility contained in the proposed uniform rules which would allow Agricultural Intensification, would be a class four beneficial impact and would allow land to be maintained in Agricultural Production instead of being converted to urban uses.

2 I would also like to request that other alternatives be studied in the re-circulated EIR. There appears to have been a misunderstanding between the APAC and Agricultural Representatives regarding the ability to build more houses under one contract. I would like to request that three two- acre building envelopes be allowed per contract if the required number of legal parcels exists under that one contract. I would also like an RAU to be included in the study.

3 I would also like to request that the study include the ability to rent a house out to non-employees.

I appreciate the opportunity to comment on the EIR and look forward to working with the county on this important issue. A workable Agricultural Preserve Program will allow Agriculture and all of its benefits to be a part of our County's future.

Bill and Gail Giorgi, Nojoqui Falls Ranch

October 31, 2005

Bill and Gail Giorgi

Letter B12

Response to Comments:

B12-1 Thank you for your comment. Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.

CEQA Guidelines §15126.6 requires that the EIR analyze alternatives and include a discussion of the “No Project” alternative (see Sec. 6.1 of the EIR.) In the EIR, the “No Project” alternative does analyze a scenario in which the proposed changes are not implemented, in other words, if the Uniform Rules were not updated and persisted in their current form. Thus, while the “No Project” alternative results in environmental impacts which are less significant than impacts associated with the Project Description, this alternative fails to meet any of the project’s objectives.

B12-2 The alternatives you have requested are planning alternatives, rather than a “CEQA” alternative intended to avoid or minimize potentially significant impacts associated with the potential project. Please refer to letter **B1**, response to comment 1.

The California Agricultural Land Evaluation and Site Assessment (LESA) model (see Appendix 8) was specifically developed for CEQA application to provide lead agencies with a tool for assessing impacts to agricultural resources by measuring the physical changes of converting agricultural soils used for the production of food and fiber to other developed uses. The LESA model considers the following criteria: 1) land suitability for crops; 2) soil categories; 3) project size; 4) water availability; 5) proximity to surrounding agricultural land and protected resources.

LESA model analyses for large-scale agricultural support facilities and residential development are included in Appendix 8. In general, the results indicate projects removing 7 acres or more (e.g. development footprint) of soils from current and/or potential commercial agricultural production would be a significant project impact (see LESA model summary table, page 2, Appendix 8). The significance threshold (i.e. 7 acres) may be slightly higher or lower on a given site depending upon: 1) percentage of prime soils; 2) amount of surrounding protected agricultural lands (i.e. Williamson Act contracts, agricultural conservation easements); and 3) extent of surrounding agricultural land.

Since both a 2-acre and a 3-acre development envelope were analyzed using the LESA model and generally found to be less than significance, the Board of Supervisors could rely upon the environmental analysis contained in the proposed Final EIR if they desire to amend the development envelope requirement in proposed Rule 1-4.1.

B12-3 The existing Uniform Rules currently allow a renter to occupy a Residential Agricultural Unit. In specific, Uniform Rule 1-4.2, states: "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 agriculturalist and his/her family or a potential 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, and employee of the agricultural operation or a renter."

SAN LUCAS RANCH

October 31, 2005

Ms. Peggy Burbank
County Executive Office
Comprehensive Planning
30 E. Figueroa Street, 2nd Floor
Santa Barbara, CA. 93101-2010

VIA FAX (805) 568-2076

Dear Ms. Burbank:

I am aware that numerous organizations who are well-qualified with agricultural experience have responded to the Draft EIR, Uniform Rules.

I must concur with the comments of Susaa Petrovich and others who are demanding that this Draft EIR be disposed of immediately and reformulated by someone who has agricultural experience. Unfortunately, this document demonstrates a serious lack of understanding of what agriculture even is, much less how it works.

Nothing personal should be taken by these comments, but the import of this program is the difference between the life and death of agriculture in Santa Barbara County that one must be forceful in stating the disaster this document is.

Thank you for your attention to this very important program.

Sincerely,



Nancy Crawford-Hall,
Owner

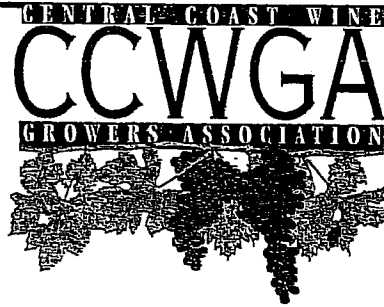
October 31, 2005

Nancy Crawford-Hall, San Lucas Ranch

Letter B13

Response to Comments:

B13-1 Thank you for your comments. Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.



October 27, 2005

County of Santa Barbara Executive Office
 Comprehensive Planning
 30 E. Figueroa Street - 2nd Floor
 Santa Barbara, CA 93101-2010
 Attn: Peggy Burbank

RECEIVED

OCT 31 2005

S.B. COUNTY
 COMPREHENSIVE PLANNING

**RE: Ag. Preserve Uniform Rules Draft EIR and Project Description Comments
 and Suggested Alternatives.**

Dear Peggy:

As you know, I participated in the collaborative effort to develop the new draft rules as a representative of the Central Coast Wine Growers Association. I believe that in many areas of these new rules, we reached good consensus on not only the specific language; but also the cumulative background information that will guide the interpretation and justification of that language. However, we are very disappointed that, after spending so many valuable, volunteer hours working on thresholds that met the Agricultural Preserve Advisory Committee's goals and the needs of the wine industry, staff has systematically undone much of that work in the Draft EIR.

In January of 2004, we supported the Committee's recommendation to increase the processing envelope in direct relationship to the size of the property involved to allow a maximum of 20 acres on very large vineyards (1600 acres and above). If we are ever going to see the economic benefits of even one large scale processing facility in one of our larger vineyards, we need this provision. However, after the January meeting on processing facilities, where the accord was reached, staff created a new table, which eventually replaced our original, cooperative agreement as part of the project description. Then, to add insult to that injury, staff created mitigation measures in the Draft EIR that further erode what was agreed upon by our organization and other industry representatives during the collaborative effort.

First, with respect to staff going back on our agreement and creating their own table, there are in fact, a number of existing wineries on vineyard parcels of between 200 and 499 acres that also need relief from the current restriction of five acres. Right now there are wineries out there that are either not in compliance with your rules as they exist or as they are drafted. These wineries are afraid to come in for permits for improvements or expansions, because they know that they will not be able to comply with the five-acre envelope restriction. Entrance roads, portions of dual-use roads, parking lots and truck turnarounds sufficient to meet new Planning & Development standards and Fire Department requirements all take up a great deal of space. (NOTE: We do not agree that dual purpose agricultural roads leading up to a winery should be included in the facility envelope.) In addition to roads, all landscaping (much of which is required for facility and parking lot screening), must be counted and it also takes up space.

In September of 2004, we asked that the EIR for the Ag. Preserve Uniform Rules Update include an analysis of the original, agreed-upon formula as shown in the table below. The analysis of this alternative

1 is Alternative 3 – Expanded Facility Development. We believe that the analysis in the EIR is exaggerated and inaccurate. One acre of land for each 40,000 cases of production is not realistic. The wastewater treatment ponds alone, for a winery producing 100,000 cases, use up more than an acre of land. We would be very interested in seeing staff's analysis of the seven example wineries, because we believe there are major flaws in their numbers.

2 Also, as mentioned above, we do not support the need for mitigation measures as proposed in the Draft EIR to reduce the cap on envelope size to 15 acres (AG-1) and to further reduce it to 10 acres along scenic highways (VIS-1). Our new development standards for wineries created by the CCWGA Wine Industry Task Force fully address and mitigate all visual impacts that a winery might have and reductions in the size of the allowable building envelope caps in the form of mitigation measures are not necessary.

For all of the aforementioned reasons, the ratios of facility envelope to contract size shown in the table below are more appropriate to equitably and effectively address the needs of all vineyards from three hundred to three thousand acres. It is certainly more equitable to vineyards and wineries of all sizes. Right now the increased facility envelope as proposed in the Draft document would only benefit the 13 largest vineyards in our County. Let's not leave the large number of vineyards and wineries between 200 and 499 acres out of this formula, because they too need relief. In fact, there are over twice as many vineyards in that acreage range than the 13 vineyards that are over 500 acres.

CONTRACT SIZE	FACILITY ENVELOPE
100 Acres	5 Acres
200 Acres	6 Acres
300 Acres	7 Acres
400 Acres	8 Acres
500 Acres	9 Acres
600 Acres	10 Acres
700 Acres	11 Acres
800 Acres	12 Acres
900 Acres	13 Acres
1000 Acres	14 Acres
1100 Acres	15 Acres
1200 Acres	16 Acres
1300 Acres	17 Acres
1400 Acres	18 Acres
1500 Acres	19 Acres
1600 Acres	20 Acres

The CCWGA also has another suggestion regarding the proposed envelopes for processing facilities. The new wastewater treatment regulations and oversight by the Regional Water Quality Control Board often require treatment ponds instead of leach line systems. Our local winery owners are exploring creative and

3) ecologically superior solutions such as created wetlands; but those solutions take up a great deal of space when included in the facility envelope. We understand that the Agricultural Preserve Advisory Committee does not want barbell or peninsula shaped building envelopes; but when wastewater treatment ponds are sited away from the main winery and tasting room, it is unavoidable. We suggest a provision in the rules that would allow for remotely sited wastewater treatment facilities to have their square footage quantified as a separate wastewater treatment footprint or envelope, and counted as a part of the total allowable development envelope. This remote wastewater envelope should be included in the environmental review as an alternative for analysis.

The bottom line is that we are only asking for one additional acre out of every 100 acres to accommodate agricultural processing facilities that support and enhance the viability, sustainability and local economic benefits of our vineyards.

Another concern we have is the last sentence of the August 2004 Draft Uniform Rules - Page 28, B. 2. "At least 20% of the case production shall be from grapes grown on the parcel with the winery." During our collaborative effort with the APAC, we did not support this requirement because we believe that the "premises" of a winery is a more appropriate basis for the justification of a winery case capacity than the single legal parcel where the actual winery structure is located. Tier I Land Use Winery facilities must have approximately 60% of their grapes on the premises. And for Tier II and III wineries, the zoning ordinance and Development Plan process provide adequate protections and analysis of the percentages of on-premises versus off-premises vineyards.

Case in point -- Foxen Winery would like to put a small 20,000-case winery on a 100-acre parcel down next to Foxen Canyon Road. That legal parcel has 11 acres of vineyard on it. Under the new rules as proposed, they would only be able to have a 16,500 case winery! The current formula used by P & D is 300 cases per acre, so multiply 11 acres of vineyard that are planted on the parcel where they want to do the winery by 300 and that equals 3300 cases. That sets your 20% amount, so if you multiply that by 5 to get to your 100% case capacity cap ... 5×3300 is a 16,500 case capacity allowance.

On the contiguous "premises" (Parcels in Ag. Preserve up on the mesa above Foxen Canyon Road), they have plenty of vineyards that need to be processed at their new facility. So what should they do? As the rules are drafted, the only answer is to plant more vineyards down below. Is it right to force a winery to plant token vineyards just to reach an arbitrary percentage to placate the APAC and enable them to qualify for 20,000 cases? Why are we forcing farmers to plant crops in the wrong place for the wrong reason?

Many existing Ag. Preserve wineries could not meet this test, so they too are affected because they will not be able to apply for any permits to expand or make changes to their facility for fear of triggering APAC review. On the one hand, the APAC tells us that they want us to put structures and other uses on the least productive land and avoid taking out crops, and then with the other hand they penalize us because the site we choose for a structure is not the productive land. You can't have it both ways. The

4) CCWGA would like to see an alternative where this provision is deleted included in the final environmental document.

5 Thanks to the hard work of the Central Coast Wine Growers' Association Wine Industry Task Force, our new Tiered regulations and development standards for wineries provide ample protection against all of the exaggerated impacts in the EIR. Instead of adding new mitigations, the EIR should just cite the section of Article III that now addresses and mitigates all of the potential impacts from a winery including light, noise, and visual impacts. Our development standards for wineries already protect us against wineries that would look like large industrial buildings, yet staff claims that only reducing our allowable building envelopes will prevent it. If you read Article III Sec. 35-292j. Wineries (attached), with special attention to the part that begins on page 350.12... Additional Development Standards for Winery Facilities, you will see that none of the visual impacts cited in the Draft EIR are even possible under today's regulations. You have all of the percentages and design standards you need in the zoning ordinance. We don't need another layer of Development Standards in the Uniform Rules.

The last point we need to make is that the Williamson Act requires that we enact rules that will minimize the amount of land taken out of "agriculture" for other non-agricultural uses such as homes, pools and tennis courts. But we do not think that wineries take land out of agriculture, we view wineries as agricultural processing facilities. Wineries are integral and necessary agricultural uses. Wine grapes must have a place where they can be crushed and made into wine, either on the site or somewhere else. Wine grapes cannot be picked and shipped to the consumer in their raw state like most other produce. Wineries, chillers and other processing facilities are part of agriculture, they do not take land out of agriculture, therefore our preferred alternative would be to do away with the processing facility envelope altogether.

6 The Draft EIR on the Agricultural Preserve Uniform Rules should have been a Mitigated Negative Declaration had the impacts been correctly classified in the Initial Study. We believe that most of the changes that are proposed have Class IV, beneficial impacts to agriculture and minimal impacts to the environment. A fraction of a percent of the total agricultural land in this County might house a few more workers and family members, and that land might accommodate a few more agricultural processing facilities. There is no nexus between such a low percentage of affected land and the highest environmental threshold of Class I negative impacts.

7 The Central Coast Wine Growers Association requests that the Board of Supervisors' authorize a complete rewrite of the Draft EIR. The CEQA review of the proposed changes to our Uniform Rules must more accurately depict the many beneficial impacts of the proposed changes and the reality that there are not significant Class I impacts to agriculture and the environment that will be caused by this program. We ask that mitigation measures AG-3, AG-7, VIS-1 and VIS -2 be deleted from the new, Draft EIR due to the less than significant impacts to agriculture and visual resources. We also request that staff be directed to amend the alternatives to the Project Description to incorporate the suggested changes such as the remote envelope for wastewater facilities, elimination from the envelopes of dual purpose roads, the elimination of building envelopes altogether and the elimination of the August 2004 Draft Uniform Rules - Page 28, B. 2. last sentence which reads "At least 20% of the case production shall be from grapes grown on the parcel with the winery."

October 27, 2005

Page 5 of 6

We need Uniform Rules that will allow our agricultural industry to flourish, not regulations that work like a tourniquet to prevent growth and prosperity. We need Uniform Rules that are sensitive to the needs of the people who live and work on the land, not another layer of zoning. Thank you for this opportunity to comment on CCWGA's proposed alternatives to the currently initiated Project Description and the Draft EIR on the proposed changes to the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

Sincerely,



Patricia "Tish" Beltranena, Principal Planner

Wineries, Ranches and Estates Group for the Central Coast Wine Growers' Association

fbetranena@mnsengineers.com

c: Dianne Meester, Assistant Director of Planning
Michael Brown, County CEO
Ronald Cortez, Deputy County Executive Officer
Bill Gillette, Santa Barbara County Ag. Commissioner

1st District Supervisor Salud Carbajal
2nd District Supervisor Susan Rose
3rd District Supervisor Brooks Firestone
4th District Supervisor Joni Gray
5th District Supervisor Joseph Centeno

1st District Planning Commissioner C. Michael Cooney
2nd District Planning Commissioner Marc McGinnes
3rd District Planning Commissioner Parker Montgomery
4th District Planning Commissioner Joe Valencia
5th District Planning Commissioner Jack Boysen

Agricultural Advisory Committee Members:

Jack Adam
Peter L. Adam
Lon E. Fletcher
Darren Gee
Dorothy Laine
Jim Poett
Richard S. Quandt
Ernest Righetti II
LeRoy Scolari
Mark James Sheridan

Landon Stableford
Carl F. Stucky
June Van Wingerden

Simon Graves, President, CCWGA
Kevin Merrill, President CCWGA Foundation
Steve Hollister, COO, Fess Parker Ranch LLC.
Susan Petrovich, Hatch & Parent
Andy Mills, Chair, Santa Barbara County Cattlemen's Association Land Use Committee

October 31, 2005

Patricia Beltranena, Central Coast Wine Growers Association

Letter B14

Response to Comments:

B14-1 Please refer to letter **B18**, response to comment **12**.

B14-2 Please refer to letter **B18**, response to comment **12**.

B14-3 The alternative you requested is a planning alternative rather than a "CEQA" alternative intended to avoid or minimize potentially significant impacts of the proposed project. Your comment requesting an additional alternative will be forwarded to the Planning Commission and the Board of Supervisors for their consideration.

B14-4 Your comment pertains to the merits of the project rather than the adequacy of the EIR. Your letter will be forwarded to the Planning Commission and the Board of Supervisors for consideration. Proposed Uniform Rule 2-2.1.B.2 requiring 20% of the case production to be from grapes grown on the parcel with the winery is not included in the "No Project" alternative (see Sec. 6.1 of the EIR).

B14-5 Please refer to the response to letter **B18**, response to comment **75**.

B14-6 Section 5.5 in the proposed Final EIR provides a discussion of beneficial impacts. The text in this section has been expanded from the DEIR.

B14-7 Please refer to the response to comment **4** above and to letter **B18**, response to comments **12, 16, 75** and **76**.



ENGINEERS ▼ SURVEYORS ▼ CONSTRUCTION MANAGERS

Quality Infrastructure Services

October 28, 2005

County of Santa Barbara Executive Office
 Comprehensive Planning
 30 E. Figueroa Street – 2nd Floor
 Santa Barbara, CA 93101-2010
 Attn: Peggy Burbank

RE: Ag. Preserve Uniform Rules Draft EIR Rewrite & Suggested Alternatives to the current Project Description

Dear Peggy:

The first purpose of this letter is to endorse the comprehensive comments submitted by Susan Petrovich of Hatch & Parent. That alone saves all of us another 28 pages. And it is that testimony, along with the comments submitted by the Central Coast Wine Growers and numerous other County Associations and individuals which leads me to the conclusion that only a complete re-write of the Project Description Alternatives and CEQA document will suffice to adequately address the task at hand.

The second purpose of this letter is to ask our Board of Supervisors, Planning Commissioners and Agricultural Advisory Committee to reconsider some of the eligibility requirements for non-prime contracts in pages 13 – 15 of the August 20, 2004 Draft Uniform Rules. Within these pages (that are now the Project Description), our ranching families are being told that they will have to merge or do a costly Lot Line Adjustment to eliminate any legal parcels under 100 acres in size.

As you know, recent changes in County Policy mandate that ranches must seek Certificates of Compliance for their property before they can permit new development. These Parcel Validity Studies often result in numerous parcels of unpredictable sizes and shapes. Additionally, many of the older agricultural preserve contracts are a collection of sub-100-acre parcels bound together into one agricultural operation premises by one contract.

This unnecessary eligibility rule will definitely discourage new contracts. It will also prevent properties under older contracts from making improvements on their land, because it would trigger the need to adhere to these eligibility requirements.

The Williamson Act does not require our farming and ranching families to give up existing legal parcels to be eligible for an Agricultural Preserve, so why is Santa Barbara County requiring it? A lot line adjustment is a very costly (tens of thousands) and lengthy process, and it is only a solution when the landowner has enough acreage to bring all parcels up to 100 acres each. Otherwise, the only alternative for people under old contracts is to do an involuntary, voluntary merger and devalue their land.

As long as the size of the contiguous, contracted land is adequate for the agricultural operation under contract; the Agricultural Preserve Advisory Committee should not be concerned with how many legal parcels exist. They should look at contracts as a whole.

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S.B. COUNTY

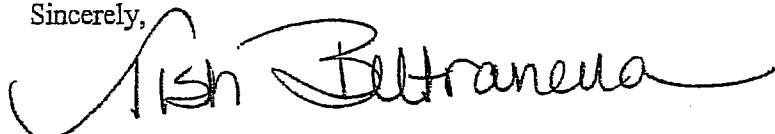
October 28, 2005

Page 2 of 3

Again, I ask our Board of Supervisors, Planning Commission and Agricultural Advisory Committee to order a comprehensive re-write of the Project Description Alternatives and CEQA document to address the many concerns that have been presented in public comments. In doing so, I ask that they also reconsider some of the eligibility requirements for non-prime contracts and present for analysis an alternative to the current proposal that would simply require that the total acreage of contiguous land under one ownership and ag preserve contract would need to meet the minimum acreage for that type of contract.

Thank you for the opportunity to comment on these issues.

Sincerely,



Patricia "Tish" Beltranena, Principal Planner
Wineries, Ranches and Estates Group
tbetranena@mnsengineers.com

c: Dianne Meester, Assistant Director of Planning
Michael Brown, County CEO
Ronald Cortez, Deputy County Executive Officer
Bill Gillette, Santa Barbara County Ag. Commissioner

1st District Supervisor Salud Carbajal
2nd District Supervisor Susan Rose
3rd District Supervisor Brooks Firestone
4th District Supervisor Joni Gray
5th District Supervisor Joseph Centeno

1st District Planning Commissioner C. Michael Cooney
2nd District Planning Commissioner Marc McGinnes
3rd District Planning Commissioner Parker Montgomery
4th District Planning Commissioner Joe Valencia
5th District Planning Commissioner Jack Boysen

Agricultural Advisory Committee Members:

Jack Adam
Peter L. Adam
Lon E. Fletcher
Darren Gee
Dorothy Laine
Jim Poett
Richard S. Quandt
Ernest Righetti II
LeRoy Scolari

October 28, 2005

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Mark James Sheridan

Landon Stableford

Carl F. Stucky

June Van Wingerden

Willy Chamberlain

Simon Graves, President, CCWGA

Kevin Merrill, President CCWGA Foundation

Steve Hollister, COO, Fess Parker Ranch LLC.

Susan Petrovich, Hatch & Parent

Andy Mills, Chair, Santa Barbara County Cattlemen's Association

October 31, 2005

Patricia Beltranena, Wineries, Ranches and Estate Group, MNS Engineers

Letter B15

Response to Comments:

B15-1 Thank you for your comments. As these comments pertain to the merits of the project rather than the adequacy of the EIR, they cannot be addressed in the context of this document. Your letter will be forwarded to the Planning Commission and the Board of Supervisors for their consideration.

David H. Anderson

ATTORNEY AT LAW

Admitted to Practice in State of California, State of Wyoming (inactive), Federal Courts

LAND CONSERVATION & NON-PROFIT GOVERNANCE

October 31, 2005

County of Santa Barbara
Comprehensive Planning Division
Attention: Peggy Burbank
30 East Figueroa Street, 2nd Floor
Santa Barbara, California 93101

Subject: Draft EIR • Agricultural Preserve Program Uniform Rules Update

Dear Ms. Burbank:

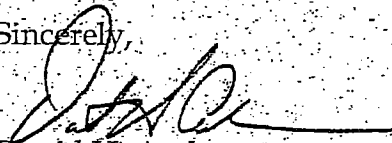
I am writing this letter as a rancher/farmer with approximately 1500 avocado trees on 23 acres which are being converted to organic production in the Carpinteria foothills. My property has been under Williamson Act contract for many years.

2 | I have reviewed the Draft EIR and find the coverage of the various issues to be clear and understandable.

While I share some concerns regarding the impacts associated with more residential and industrial development on agricultural properties, I believe that such uses may be necessary to support the viability of agriculture and control the conversion of agricultural lands to urban uses.

The Williamson Act provides protection of agricultural and open space lands into the future, but it is not a permanent solution. Whatever changes are made to the Williamson Act policies for Santa Barbara County, there needs to be a much more active encouragement of long term protection through the use of conservation easements.

Sincerely,



David H. Anderson
President
Rancho Aldea Antigua LLC

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OCT 31 2005

S.B. COUNTY
COMPREHENSIVE PLANNING

October 31, 2005

David H. Andersen, Rancho Aldea Antigua, LLC

Letter B16

Response to Comments:

B16-1 Thank you for your comment. Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.

Willy Chamberlin
 P. O. Box 356
 Santa Ynez, CA 93460
 688-6341
willyc@hwy246.net

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OCT 31 2005

S.B. COUNTY
COMPREHENSIVE PLANNING

October 31, 2005

County Executive Officer
 Comprehensive Planning
 30 E. Figueroa Street, 2nd Floor
 Santa Barbara, CA 93101-2010

Email: pburban@co.santa-barbara.ca.us

Re: Comments on Draft EIR, Uniform Rules for Agricultural Preserves and
 Farmland Security Zones

Dear Ms. Burbank;

I worked with representatives of the agricultural industry to develop the recommendations for modification of the Uniform Rules that were brought to the County Board of Supervisors by the Agricultural Advisory Committee. As you recall, I also attended most of the Agricultural Preserve Advisory Committee (APAC) meetings as the Committee diligently worked through all of the modifications proposed by the agricultural industry, as well as modifications proposed by County Staff. I believe that the APAC worked very hard, and came up with a project description that will form a very good basis for the decisions makers to discuss and adopt a final project description.

Please let this letter address two concerns that I have. The first is the adequacy (or lack thereof) of the Environmental Review set forth in the Draft EIR, and the second addresses alternatives to the project description that I believe should receive environmental review to properly allow the decision makers to consider and adopt modifications to the proposed project description.

First, the adequacy of the environment review as set form in the Draft EIR and excess restrictions identified in the mitigations:

I submit that this EIR is fatally flawed and I strongly request that this document be withdrawn from the approval process. The thresholds set forth in the Draft EIR to which the projected impacts of the adopted project description are to be analyzed have been totally ignored throughout the document. The process should be re-initiated with a completely unbiased approach. A new team should be contracted to initiate a completely new Draft EIR for the above project using the adopted project description, including realistic alternatives that will be of benefit to the Agricultural industry, which this program sets out to "preserve."

Page 3-5, paragraph 3.1.2 states the Thresholds of Significance for which impacts should be analyzed.

These thresholds all include the premise that a use will convert agricultural land to a non-agricultural use or impair the agricultural productivity of agricultural land to be a significant impact.

1 The Agricultural Element of the Santa Barbara County Comprehensive Plan defines agriculture as "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." The Agricultural Element goes on to define "Agricultural Improvements," "Agricultural Development," and "Agricultural Support Use."

The Thresholds of Significance as set for in section 3.1.2 when further defined by the adopted Agricultural Element of the Comprehensive Plan make it very plain that impacts must be measured by effects on the agricultural production of the operation and not on impacts to any specific acre of land that would support production facilities in lieu of crops.

No where in the Thresholds of Significance do I see where converting from one form of agricultural use to another form of agricultural use, including agricultural support facilities, to be an impact, let alone a potentially significant impact; yet the Draft EIR continually refers to converting from low intensity agricultural to a more highly intensity of agricultural as a potentially significant impact. In my view, when the agricultural output is increased by a modification to the land, either by changing the cropping pattern, or by constructing processing facilities, the resultant impact should be a class 4 beneficial impact, particularly when measured against the thresholds identified in section 3.1.2.

Both the impacts to agricultural identified throughout the document, and the mitigations to reduce the impacts are totally groundless. The mitigations required do nothing to truly mitigate an imaginary impact of any intensification that an agriculturist may wish to do; other than to restrict their size and possibly the total number allowed, regardless of the need or the desires of the producer.

2 The project description allows for composting facilities and or operations if conditions are met (Appendix 2, page 33). The mitigations imposed unnecessarily restrict both the size of the operations and the number of operations to be allowed. **I submit that the restrictions identified in the mitigations are overly restrictive and arbitrary in nature and not truly related to the use or the need for composting facilities or operations within the agricultural areas.**

3 The project description allows the County to approve an Agricultural Industry Overlay on contracted land under defined circumstances. **I submit that the restrictions identified in the mitigations are overly restrictive and arbitrary in nature and not truly related to the needs of the agricultural areas.**

Second, additional alternatives to the project description need environmental analysis to allow the decision makers to adopt well thought out modifications to the Uniform Rules.

4 | The project description allows a maximum of three primary residences per contract under certain circumstances Appendix 2, page 21). I had assumed that the project description would allow the same maximum acreage per primary residence as currently allowed – two acres. Unfortunately I had not realized that the project description was written to allow a maximum of three acres with three primary residences, including a Residential Agricultural Unit (RAU). I request that a project alternative be analyzed that will allow for a maximum of two acres per primary residence and a single additional acre for a RAU.

5 | The project description puts a ceiling on the number of acres that may be devoted to Supportive Agricultural Uses (Appendix 2, pages 27-29). I request that a project alternative be analyzed that will remove the maximum acreage allowed and allow what is needed for the agricultural operation as long as the rules of compatibility are followed.

6 | The project description restricts compatible recreational use by prohibiting “sport fields,” and “motor vehicles” by stating they are not compatible. I request that a project alternative be analyzed that will not prohibit “sport fields,” or “motorized vehicles” simply out of hand, but will allow all forms of recreation as long as the compatibility test and general restrictions of the Williamson Act are followed.

Thank you for accepting these remarks relative to the environmental review and the project description.

Sincerely,

Willy Chamberlin

October 31, 2005

Willy Chamberlain

Letter B17

Response to Comments:

B17-1 Thank you for your comment. With respect to the thresholds, the County is charged with preparing a legally defensible CEQA document, fully disclosing potential environmental impacts to agriculture. In this regard, the impact analysis of farmland conversion under CEQA specifically focuses on the conversion of existing agricultural lands usable for the actual production and cultivation of food or fiber to other uses, even those compatible with cultivation. This focus is a particular result of the requirement of CEQA to disclose changes in existing physical conditions, and is not a judgment on the wisdom or merits of the program.

It cannot be overemphasized that the particular impact analysis of the conversion of farmland usable for the actual cultivation of food and fiber to agricultural support or compatible uses is not dispositive of whether the Uniform Rules Program is beneficial to agriculture. Indeed, here, the proposed program has numerous beneficial or Class IV impacts which support its adoption even though the specific analysis of the conversion of cultivated or productive agricultural land to non-cultivation uses is potentially significant.

CEQA analysis of farmland conversion requires that the discussion focus on impacts to the physical productivity of land for growing crops or raising livestock. The proposed Uniform Rule changes allow for increased agricultural support facilities and residences because such uses are integral to or supportive of agricultural productivity. Before the Board can approve the proposed revisions, state law requires the County to prepare an environmental document to "inform the governmental decision makers and the public about the potential, significant environmental effects of the proposed activities." (Title 14, Cal. Code of Regs. (CEQA Guidelines) §15002(a)(1).) The preparation of an adequate EIR is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 86; CEQA Guidelines §15003(d).)

CEQA is not concerned with the ultimate decision reached by the agency on a proposed project, only the content of the EIR. Whether right or wrong, the ultimate decision of the agency "is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." (Santiago County Water Dist. v. County of Orange (1981) 118 Cal. App. 3d 818, 829.)

In this way, the environmental document does not establish policy or evaluate the merits of a proposed project. Rather, the potential environmental impacts identified in the EIR are then considered by the decision makers along with relevant County policies and any social and economic factors when weighing the benefits and drawbacks of a proposed project.

Under CEQA, when determining whether a project may have a significant effect on the environment, “the lead agency should normally limit its examination to changes in the *existing physical conditions* in the affected area” (CEQA Guidelines §15126.2(a)). Also CEQA Guidelines §15064(d) states “in evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” “Significant effect” is defined as a substantial adverse impact on the environment (Pub. Res. Code §21068), and “environment” is defined as the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance (Pub. Res. Code §21060.5.)²

This focus on the change in the physical environment is reflected in the thresholds of significance developed by the state and the County for agricultural resources. The focus of CEQA inquiry for “Agricultural Resources” is whether the project will convert defined farmland to non-agricultural use. (CEQA Guidelines, Appendix G.) In addition, the County has adopted thresholds of significance to use in the determination of the significance of environmental effects, per CEQA Guidelines §15064.7(a). Non-compliance with these qualitative levels means the effect will normally be determined to be significant by the agency. (*Ibid.*) Under its agricultural resource thresholds, the County asks whether the proposal will result, among other things, in the impairment of agricultural land productivity. The County uses a detailed weighted point system to assign relative values to particular characteristics of a site’s agricultural productivity (parcel size, adjacent land uses, water availability, comprehensive plan designation, agricultural preserve potential, existing land use, soil classification, agricultural suitability, and combined farming operations), and asks whether a discretionary act would result in the physical conversion of existing agriculturally viable and productive land to non-agricultural uses, or would substantially disrupt surrounding agricultural operations. If so, the project is considered to have a significant effect on the environment.

² CEQA’s definition of substantial evidence itself requires evidence of physical impacts. CEQA specifically provides that “...evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence” (Pub. Res. Code §21082.2(c).)

The conclusion that the “farmland conversion” analysis required by Appendix G and the County’s CEQA Guidelines narrowly focuses on loss of productive agricultural lands for cultivation is supported by the following additional two factors:

(a) LESA Model

CEQA provides that agencies may use the California Agricultural Land Evaluation and Site Assessment Model (LESA), an “optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process” (Pub. Res. Code §21095). The LESA model addresses land suitability for crops, soil categories, project size, water resources, and surrounding agricultural and protected resources. There is no adjustment or credit in LESA for conversion of agricultural lands to agricultural support facilities. Therefore, this alternative CEQA significance threshold contemplates impacts to agricultural resources as impacts to the land itself, and suitability of the land itself for growth of plant and animal products. CEQA’s specific allowance for the use of LESA as a means to assess the significance of loss of agricultural lands indicates legislative intent that conversion impacts are based on the quality of the land and its capacity for actual onsite plant and animal growth.

(b) Williamson Act

Agricultural use is defined in the Williamson Act as “... use of land for the purpose of **producing** an agricultural commodity for commercial purposes.” (Emphasis added; Gov. Code §51201(b).) Compatible use is separately defined as “any use determined by the county ... or by this act to be compatible with the **agricultural**, recreational or open space **use...**” (Emphasis added; Gov. Code §52101(e).) Moreover, Government Code §51238.1 emphasizes principles of compatibility, and clarifies that uses which significantly compromise the long-term agricultural productivity of the parcel are not compatible but may be conditionally approved if (among other findings) the use “is consistent with the purposes of this chapter to preserve agricultural ... land....” Of particular importance, “[u]ses that significantly displace agricultural operations ... may be deemed compatible if they relate directly to the production of commercial agricultural products ... including activities such as harvesting, processing, or shipping.”

Thus, under the Williamson Act, compatible uses are defined as uses that are not agricultural operations or use themselves, but which support agricultural use. This differentiation supports the EIR’s analysis and determination that the conversion of agricultural lands to non-agricultural uses, even compatible ones, is a potentially significant and unavoidable environmental impact.

Having said all of the above, Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.

- B17-2** The alternatives you have requested are planning alternatives, rather than a “CEQA” alternative intended to avoid or minimize potentially significant impacts associated with the potential project. Please refer to letter **B1**, response to comment 1.

The California Agricultural Land Evaluation and Site Assessment (LESA) model (see Appendix 8) was specifically developed for CEQA application to provide lead agencies with a tool for assessing impacts to agricultural resources by measuring the physical changes of converting agricultural soils used for the production of food and fiber to other developed uses. The LESA model considers the following criteria: 1) land suitability for crops; 2) soil categories; 3) project size; 4) water availability; 5) proximity to surrounding agricultural land and protected resources.

LESA model analyses for large-scale agricultural support facilities and residential development are included in Appendix 8. In general, the results indicate projects removing 7 acres or more (e.g. development footprint) of soils from current and/or potential commercial agricultural production would be a significant project impact (see LESA model summary table, page 2, Appendix 8). The significance threshold (i.e. 7 acres) may be slightly higher or lower on a given site depending upon: 1) percentage of prime soils; 2) amount of surrounding protected agricultural lands (i.e. Williamson Act contracts, agricultural conservation easements); and 3) extent of surrounding agricultural land.

Since both a 2-acre and a 3-acre development envelope were analyzed using the LESA model and generally found to be less than significance, the Board of Supervisors could rely upon the environmental analysis contained in the proposed Final EIR if they desire to amend the development envelope requirement in proposed Rule 1-4.1.

- B17- 3** The current Uniform Rules place a cap on proposed agricultural supportive facilities of five acres. The purpose of the cap is to retain consistency with the Williamson Act requirement that the maximum amount of agricultural land be used or available for production of agricultural commodities. The proposed rules would allow for an increase up to 20 acres dependent on the size of the parcel where the facility would be sited. One alternative evaluated in the DEIR would allow the increased support facility to commence at a lower initial parcel size threshold. Additionally, inclusion of a proposed

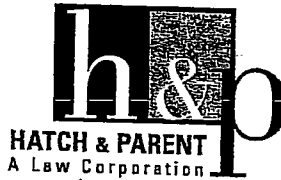
rule allowing AIO facilities on contracted land provides additional flexibility for supportive agricultural facilities. In conjunction with this latter proposal, staff is recommending in the final EIR that the acreage cap on AIOs on contracted land in Mitigation Measure AG-1 be deleted. (Please refer to letter **B20**, response to comment 4.)

Your comment requesting a change to the proposed rules is beyond the scope of this environmental process, and will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

B17-4 In allowing for compatible recreational use on land under an agricultural preserve contract, proposed Rule 2-5 is based on the definition of recreational use in the Williamson Act, Sec. 51201(n) but, as allowed for by the Act, is more restrictive. The Department of Conservation has advised the County that inclusion of golf ranges and sports fields are not deemed to be compatible uses under the Act. Indeed, the proposed rules remove golf courses from the list of compatible uses contained in the current rules in response to the audit performed by DOC in 2001. The use of motorized vehicles for recreational purposes is not excluded by the proposed rule; it is qualified to avoid impacts to the productivity of the land.

Your comment requesting a change to the proposed rules is beyond the scope of this environmental process and will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

21 East Carrillo Street
Santa Barbara, CA 93101
Telephone: (805) 963-7000
Fax: (805) 564-6530



Susan F. Petrovich
Direct Dial: (805) 882-1405
SPetrovich@HatchParent.com

October 31, 2005

By Hand Delivery

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S.B. COUNTY
COMPREHENSIVE PLANNING

County Executive Office
Comprehensive Planning
30 E. Figueroa Street, 2nd Floor
Santa Barbara, CA 93101-2010
Attn: Peggy Burbank

Re: Comments on Draft EIR, Uniform Rules for Agricultural Preserves and Farmland Security Zones

Dear Ms. Burbank:

On behalf of COLAB and the Santa Barbara County Cattlemen's Association, we submit the following comments to the Draft EIR (DEIR):

GENERAL BACKGROUND INFORMATION

As acknowledged in the DEIR, agriculture is the County's leading production industry, generating a gross product value of \$902,891,898.00 last year. Santa Barbara County is ranked 13th in agricultural production value out of 58 counties in California and 19th nationwide. Of the 750,521 acres of land zoned for agriculture, 709,755 acres are engaged in agricultural activities. The fact that 94% of all lands zoned for agriculture are actively engaged in agricultural production demonstrates a strong commitment and dedication, on the part of the local agricultural community, to continuing viable agriculture in the long-term. This is not a County where agriculturalists are simply "banking the land" in anticipation of lucrative purchase offers from urban developers.

Agricultural use is defined in the Williamson Act (GC §51201) as: "use of land for the purpose of producing an agricultural commodity for commercial purposes". As indicated in the DEIR, enrollment of 555,394 acres in the Agricultural Preserve Program further demonstrates the agricultural community's long-term commitment to preserve agriculture.

The stated goals of the Uniform Rules Update (the project) are to: 1) conform to the Williamson Act; 2) respond to 2001 Department of Conservation Audit; 3) clarify the Rules; 4) ensure the program's integrity; and 5) promote commercial agriculture. The Uniform Rules Updates were developed through a lengthy deliberative process comprising hours of meetings involving representatives of the agricultural community, the Agricultural Commissioner, Agricultural Preserve Advisory Committee members, and County planning staff. The project description developed for environmental review represents a collaborative effort for the purposes of achieving the objectives listed above. The active participants in the process believe that the project description meets *most* of the objectives of the agricultural community. As a compromise adopted by the Agricultural Preserve Advisory Committee, it does not incorporate

100% of the changes desired by farmers and ranchers, but it provides much greater clarity, protection, and flexibility of use for agriculturalists than do the existing Uniform Rules.

The DEIR for this important, well-reasoned, and thoughtful consideration of the Uniform Rules is unfortunate. Most of the text of the DEIR characterizes in an unfavorable light a project that has been viewed by farmers, ranchers, and the Agricultural Preserve Advisory Committee as a positive effort to promote, protect, enhance, and sustain agriculture. The basic principals and premises that led to the Update have been lost or reversed by the "mitigation measures" proposed by the DEIR. The DEIR lacks a sound approach to analyzing the level of impacts associated with the Updated Rules and is deficient in factual and accurate evidence to support the conclusions reached. The analysis and mitigation measures proposed in the DEIR do **not** meet the purpose and requirements for an EIR under CEQA, which calls for adequacy, completeness, and a good faith effort at full disclosure. (CEQA Guidelines Section 15151)

EXECUTIVE SUMMARY

1 P. 5, Executive Summary, **Alternative 2** – the last sentence in this discussion improperly characterizes the effect of Alternative 2. Land occupied by agricultural support facilities is not "taken out of agricultural production." In fact, agricultural support facilities enhance the production of the land under contract. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. Agricultural support facilities are simply a different kind of agricultural production than the vegetation and animal grazing. The reference to Alternative 2 not "compromising the integrity of the Agricultural Preserve Program" implies that the project as described *will* compromise the integrity of the program. This is incorrect, subjective, and prejudicial. The project not only does **not** compromise the integrity of the County's Agricultural Preserve Program, it enhances the long-term viability of the program in a County (indeed, a nation) where agricultural viability is under siege. The proposed amendments to the existing Rules were carefully considered and include input from planners as well as representatives of the agricultural community. This offensive language should be removed from the document.

3 P. 5, Executive Summary, **Alternative 3** – the last sentence of this discussion states that providing for larger preparation and winery processing facilities "is less consistent with the purpose and intent of the Williamson Act, which is to preserve the maximum amount of agricultural land in production." For the reasons stated above, this conclusion is erroneous. It assumes that land on which preparation and winery processing facilities are placed is not in agricultural production. That is simply untrue. These facilities are part of agriculture and integral to agricultural production on all of the land under contract. In short, these facilities are necessary to "produce" the agricultural commodity that justifies the Williamson Act contract. As such they are neither inconsistent with the Williamson Act nor do they take agricultural land out of production.

4 P. 5, Executive Summary, **Environmentally Superior Alternative** – for the reasons set forth below, we do not concur that the environmentally superior alternative is Alternative 1. We

4 | believe that the project is the environmentally superior alternative, when compared to the limited range of alternatives included in the document.

CLASS I (SIGNIFICANT AND UNAVOIDABLE) IMPACTS

5 | P. 6, Executive Summary, **Impact AG-1, Conversion of agricultural land and loss or impairment of agricultural production** – this is not a Class I impact. In fact, it is not even a *significant* adverse impact. Facilities that provide support to agriculture make agricultural production more efficient, economical and profitable, a recipe for long-term success and viability. These facilities also can result in a better quality product, allowing the agricultural operator to compete more successful in the marketplace. The broccoli that is cooled, packed, and prepared for shipping in or very near the field will hold its flavor longer so that it can travel further distances to market. The strawberries that are cooled in the field stay fresh and resist mold and rot to increase their shelf life. As stated on Page 3-5, in Section 3.1.2, “Santa Barbara County’s Initial Study checklist states that a project’s impact on agriculture could be significant if it would: Impair the agricultural productivity of prime or nonprime agricultural land.” The key to this sentence is the understanding and acknowledgment that support facilities do not impair the agricultural productivity of land -- they enhance, promote, and protect agricultural productivity. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. Under CEQA, a significant effect on the environment “shall be limited to substantial, or potentially substantial, adverse changes in the physical conditions that exist within the area.” [Public Resources Code section 21100(d)]

6 | Even if one were to accept the premise that using agricultural land for agricultural support facilities constitutes “taking land out of agricultural production” (a premise that we do not accept for the reason stated above and because the Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture), to consider the potential “conversion” of 396 acres of agricultural land, out of the DEIR’s estimated of 750,521 acres of land zoned agricultural (this doesn’t include an unacknowledged several thousand acres of land zoned Mountainous Area in agricultural production), of which an estimated 555,394 acres are enrolled in Williamson Act contracts, is a Class I impact is ludicrous.

8 | The construction of a residence, the placing of compost on land, and the construction of agricultural support facilities does not constitute “permanently eliminating these lands from agricultural production.” Structures age and eventually are demolished. The land remains available for agriculture. Compost can easily be removed from property or simply worked into the soil to enhance the soil’s properties. There are only a few ways to permanently eliminate lands from agricultural production – contaminating it to the point that it can’t ever again be used for agriculture, building urban uses on it, etc. Where are the facts to support a finding of a Class I impact for Impact AG-1?

Because we do not concur with the determination of significant impact, we do not agree that any

mitigation measures are necessary. If the County's conclusion is contrary to that position, the proposed mitigation measures should be revised as follows:

9 | **Mitigation AG-1:** delete the 15-acre maximum because the size of the facility must be flexible to meet the need it serves. A fifteen (15) acre size cap is completely arbitrary. The DEIR provides no logical explanation for selecting this limit. Why not 5 acres, or 20, or 30 or 50? An arbitrary size restriction has no justification. It is legally unsupportable. At this point in the County's history, there is no basis for *any* acreage limit for these facilities because the County, the agricultural community, and other citizens have nothing upon which to base a number. The permissible size should be based upon the particular facts of any application. Because these facilities can be justified only if they are necessary to allow agriculture to thrive, their size will be driven by the needs of the agricultural uses that they serve. Delete the requirement that the Board find that the AIO "will not result in concentration of agricultural industry facilities on contracted land within any particular region." Agriculture can survive only when it changes with the times. Farmers and ranchers must compete with agricultural products from other states and other nations. They must respond to market forces and to disease that can wipe out an entire species from production. No one can predict what kind of agriculture will be successful at any given time in a "region" (a term which should be defined if this mitigation measure retains any part of this language). If particularly intense agriculture calls for more than one AIO in a "region" and the Board concludes that these facilities address an unmet regional (again, the term needs clarification) need, meeting the needs of agriculture should be enough to justify the facilities.

10 | **Mitigation AG-2:** there is no justification in the DEIR text for limiting the footprint and enclosure (what difference does it make if the facility is enclosed by fencing or protective shelter?) of the composting facility. The proposed Rule already requires that the facility have limited grading, meet compatibility requirements, provide a direct benefit/link to onsite and offsite agriculture, and be appropriately scaled and sited to avoid interference with onsite and offsite agriculture. The proposed mitigation measure imposes limitations without explaining how these limitations would avoid or reduce potentially significant impacts. Composting, like agricultural support facilities, should be deemed to be agricultural production if it provides a place for agricultural waste (plant and animal) to be sent for composting or if it provides compost suitable for agricultural use.

12 | **Mitigation Measure AG-3:** delete this measure. As noted above, agricultural support facilities are agricultural production. The Land Use Element of the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. The land underlying an agricultural support facility may not be growing the crop or grazing the animals, but the land where the facility is sited *is* producing a marketable agricultural product. Placing artificial caps upon the number of acres to which these facilities may be devoted, with all of the other land use restrictions already imposed, has no basis in agricultural practice or experience and creates the risk that the Rule will result in the facility not filling legitimate agricultural need. It is arbitrary and without evidentiary support.

13 | **Mitigation Measure AG-4:** delete the artificial cap of 10,000 square feet for the

14 building envelope. The committee considered carefully whether a super-prime property could continue to support viable agriculture justifying a Williamson Act contract and whether the designated envelope size would be ancillary to the agricultural production on the property, using the sizes noted in the proposed new Rule. The conclusion was that allowing increased envelope size in exchange for increased production on the land would result in **enhanced** agricultural productivity and greater long-term agricultural viability. Encouraging landowners to *increase* agricultural production on their available acreage is entirely consistent with the Williamson Act. The few additional square feet that the amendment proposes to make available for the designated development envelope will have a de minimis effect upon the overall agricultural production on the property. The environmental impact of the proposed amended Rule will be beneficial because it will increase the total planted acreage required on a super-prime property in exchange for a slightly larger building envelope. The long-term trade-off will increase prime agricultural production, which is entirely consistent with the Williamson Act and is a *beneficial impact*.

15 **Mitigation Measure AG-6:** delete this mitigation measure. The impact of one additional acre for principal dwelling homesites is miniscule when compared to the thousands of acres of agricultural land that would be affected by the Rule. The purpose of having additional primary dwellings (Residential Agricultural Units) was to allow farming families to stay intact or, if the RAU is to be used as a rental, to provide supplemental income to the agricultural operation to enhance its economic viability. In either instance, the RAU enhances long-term agricultural viability. It is unrealistic to try to crowd two reasonably sized principal dwellings, with ancillary structures, landscaping and roadways onto two acres. Adding up to one acre to account for the additional homesite has a minimal impact upon agricultural production yet makes the RAU a practical and realistic option for agriculturalists.

16 **Mitigation Measure AG-7:** this mitigation measure has potential to result in adverse impacts upon biological, geologic, and cultural resources. The amended Rule was written with acknowledgment that not every property lends itself to a set percentage of the property being devoted to agriculture. Steep slopes, sensitive habitat, riparian and wetland areas, and other constraints could result in an otherwise viable agricultural property not being suited to the kind of rigid requirement that the "Mitigation Measure" proposes. A mitigation measure that itself can result in potentially significant environmental impacts may not be proposed unless the potential impacts of the mitigation measure undergo an adequate "worst case" analysis with the impacts being fully disclosed. This proposed mitigation measure could result in grading on steep slopes, thereby having geologic, soil stability, and aesthetic impacts, and in the removal of sensitive habitat areas.

17 **Impact AG-2:** this impact is incorrectly described and identified as a Class I impact. The basic premise of the impact is that residences within the designated building envelope, composting facilities, wineries, and agricultural support facilities are *incompatible with or would impair the ability of agriculturalists to fully engage in their agricultural operations*. What is the evidentiary basis of this premise? All of these uses are supportive of agriculture. They do not impair agricultural viability. Because of the fundamental flaw in the basic premise upon which this impact is based, the identification of the impact as Class I is equally flawed. The

proposed mitigation measures, for the reasons stated above and in greater detail below, are inappropriate and are equally flawed.

18 **Impact VIS-3:** the mitigation measures proposed do not appropriately reduce or avoid the impact. Mitigation Measure AG-1 will not affect night lighting and glare to a measurable degree. Limiting the size of an agricultural support facility will have little effect on night lighting and glare. Instead, the mitigation should be directed toward limiting night lighting to that necessary solely for safety, premises security, and operational needs. During harvest, operations at a winery can be expected to continue through the night. During most of the rest of the year, night lighting can be greatly reduced. Mitigation Measure AG-2 applies to composting facilities, which require little or no night lighting. Mitigation Measure AG-3, for the reasons stated above for Mitigation Measure AG-1, will have little effect on night lighting and glare. As for residences and small guest ranches, the most effective mitigation measure is to impose the existing standard County requirements of minimizing exterior lighting so that it is adequate for safety and premises security, but not excessive, and requiring that exterior lights have shields and be directed downward. The DEIR description of this impact does not clearly identify who or what would be impacted. Most facilities will be located on such large parcels that light sources controlled in the manner already required for a County Land Use Permit won't be visible off the property or, at most, will be visible from a long distance. All of this analysis should be in the context of permitted agricultural operations in agricultural areas that require and expect night activities (requiring lights), such as night harvesting of crops. The lights generated during grape harvest cause light and glare but are essential to night harvest activities. These activities require no permitting and can occur with or without implementation of the project'.

19 **Impact Noise-1:** given the County's long-standing noise controls, this is not a Class I impact because the County doesn't allow new facilities to generate noise that exceeds 65 dB at the property line. Furthermore, the proposed mitigation measures do not fit the identified impact. The appropriate mitigation measure for agricultural support facilities, composting facilities, and special events that have a potential to impact sensitive noise receptors is to require that noise from these facilities not exceed 65 dB at the exterior line of the land under the contract upon which the facility is located. The mitigation measures proposed bear little or no rational relationship to the impact identified. A smaller facility has the same potential to generate noise as a larger one that performs the same function. When it comes to noise generation, size doesn't necessarily matter. Special events also can be subjected to limitations as to noise levels at the property line and hours of operation to avoid loud noises late at night. The County has imposed these standard conditions upon development plans and conditional use permits for years with great success. Why keep suggesting the same "canned" mitigation measures for every identified impact? Some creativity is in order here. Some knowledge and acknowledgment of existing County land use regulations also would be helpful in analyzing the potential for impacts and in recommending new mitigation measures.

20 **Impact CIRC-4:** because of the high levels of ambient traffic on Highways 1, 154, and 246, there is a significant flaw in the premise that new residences, composting facilities, and agricultural support facilities that the proposed amended Rules would allow would result in a Class I impact. These roadways have significant available capacity and support high levels of

20 traffic today. It is ludicrous to conclude that the potential new facilities and operations described in these Rules, scattered throughout thousands of acres of agricultural land in the County, will result in a significant traffic impact upon these highways. As noted on Page 5-2 of the DEIR, the additional residential units are expected to provide housing for "farm managers and other employees, or family members of landowners involved in the agricultural operations presently commuting from urban areas." These units, then, are expected to move people from urban areas into housing that is closer to where they work, resulting in less traffic. This should be acknowledged throughout the EIR's discussion of traffic and air quality impacts resulting from the amendment of the Rules to permit more onsite principal residences.

22 **Impact GW-1:** With one exception, none of the groundwater basins in the County ever have been legally determined to be in overdraft. Although the Goleta groundwater basin has been adjudicated, the water levels in that basin have been rising steadily for years and the court's judgment has allocated all of the water in that basin to avoid future overdraft. The DEIR identifies the Santa Maria Groundwater Basin as being in overdraft. A recent Superior Court decision disagrees. In fact, water levels in that basin and other County water basins have been rising steadily during the past several years. The entire discussion of groundwater impacts must be re-examined based upon actual science, not upon supposition or speculation.

CLASS II (SIGNIFICANT BUT MITIGABLE) IMPACTS

23 **Impact AG-3:** the growth and population increases possible under the proposed amended Rules are so minimal, when spread across the thousands of acres of agricultural property in the County, that they are adverse but not significant. The mitigation measures proposed do not truly mitigate population growth. Mitigation Measure AG-1 simply proposes to limit the size of the Agricultural Industry Overlay. Realistically, how does this reduce growth and population increases throughout the County's agriculturally zoned lands? Mitigation Measure AG-2 would limit the size of composting facilities. How does this reduce growth and population increases throughout the County's agriculturally zoned lands? Mitigation Measure AG-5 would limit the size and frequency of certain special events. How does this reduce growth and population increases throughout the County's agriculturally zoned lands? Mitigation Measure AG-7 requires that, for a preparation facility, more land be placed into commercial production on the parcel. How does this reduce growth and population increases throughout the County's agriculturally zoned lands? If anything, this mitigation measure could increase population because it could increase the number of workers needed onsite to work the expanded agricultural land. **Impact AG-3 should be downgraded to Adverse but Not Significant.**

25 **Impact VIS-1:** the mitigation measures are overly restrictive and, especially Mitigation VIS-1 limiting the size of facilities, are inappropriate. More effective mitigation measures that allow the facilities to be located where agricultural demands dictate while still preserving views are to mandate screening and to require design and location that reduces the visibility of the facility from State designated scenic highway.

26 **Impact Noise-1:** the proposed mitigation measures do not fit the identified impact. The appropriate mitigation measure for agricultural support facilities, composting facilities, and

26 special events that have a potential to impact sensitive noise receptors is to require that noise from these facilities not exceed 65 dB at the exterior line of the land under the contract upon which the facility is located. The mitigation measures proposed bear little or no rational relationship to the impact identified. A smaller facility has the same potential to generate noise as a larger one that performs the same function. When it comes to noise generation, size doesn't necessarily matter. Special events also can be subjected to limitations as to noise levels at the property line and hours of operation to avoid loud noises late at night. The County has imposed these standard conditions upon wineries, development plans and conditional use permits for years with great success. Why keep suggesting the same "canned" mitigation measures for every identified impact? Why not utilize the County's actual experience with controlling noise generation from wineries, other agricultural support facilities and special events?

27 Pg. 2-6, 2.4.1 – the first sentence is untrue. The present Rules (Uniform Rule 6.D.2.a) state: Only one residential building site shall be allowed for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.), not "one principal dwelling per premises (all land under a single contract)." Although some newer contracts state that they allow only one principal residence building envelope per contract, the older contracts do not. There are far more older contracts than new ones. Therefore, it is incorrect to state that "Uniform Rule 1-4.1.B.2 would expand opportunities for principal residential dwellings from the current limit of one per premises to a maximum of three principal residential dwellings per premises if certain criteria are met."

28 In truth, the proposed new Rule is more restrictive than the wording of the existing Rule. Under the proposed Rule, more than one residential building site would be permitted only on land zoned AG-II-100, would be allowed only where multiple legal parcels (not undivided acreage units) are under one contract, and only up to three residential units per contract regardless of the number of legal parcels or acres under the contract. The only "loosening" of the Rules proposed is to allow up to 3 acres total for all residential buildings, but not more than a 2-acre building site on any single legal parcel. The first three columns Table 2-3 are incorrect for this reason and should depict the difference in potential new dwellings under the precise wording of the existing Rule, as well as those available under the proposed Rule. The baseline, of course, remains the existing number of residential units on contracted lands. This figure presently appears nowhere on Table 2-3 so there is no way to put into perspective the potential for new units, either under the existing or proposed Rule. Therefore, there is inadequate evidence in the record upon which to base a finding regarding the significance of the impact.

29 Page 2-7, 2.4.1 -- The last paragraph acknowledges that as a result of the project, new lands will be eligible to enroll in the Agricultural Preserve Program, but would not result in additional residential development. This statement reflects the fact that the Agricultural Preserve Program is more restrictive in allowing residential development than what is allowed under the County's Zoning Ordinances. The DEIR does not take into account the fact that encouraging new lands to enroll in the Program reduces potential residential development on agricultural lands. This should be acknowledged as a *beneficial impact* of the project.

311 Page 2-7 & 2-8, 2.4.2 – the DEIR fails to state an evidentiary basis for selecting 2.5% of eligible

31 | contracts as being likely sites for future small guest ranches or the basis for the average number of guests at each of these ranches. Have existing guest ranches in the County or on contracted lands elsewhere in California been surveyed? If not, upon what information does the DEIR base the guest count? For example, parcels of less than 40 acres must house guests within the principal dwelling. It is patently ridiculous to forecast that local farmers will be housing an average of 7 guests within their homes every weekend! How many farmhouses have more than 1 to 2 guest rooms? Upon what evidence is the information in the DEIR based?

32 | Page 2-9, Table 2-6 – the last column for Existing Processing Capacity has a serious typographical error, identifying the existing processing capacity on contracted lands at 712,000 million.

33 | Page 2-10, Table 2-7 – the arbitrary selection of a 50-50 split between new small wineries and new large wineries is unsupportable. The reason why there haven't been more large wineries in the past is that the County ordinances and the Uniform Rules together haven't accommodated truly large wineries. Based upon recent testimony before the Agricultural Advisory Committee, it appears that the 20-acre cap on wineries probably is too small. That 20-acre limit was selected based upon limited evidence before the Agricultural Preserve Advisory Committee while it was formulating the project description and does not represent actual experience within the County.

34 | A more reasonable analysis of projected new winery demand to meet existing vineyard needs is to select two models, one with a 50-50 split between small and large wineries and one with a 30-70 split (with 70% being the larger wineries) for environmental analysis.

Page 2-10, Future Demand – the same 30-70 split should be applied (in addition to analysis based upon a 50-50 split) to future winery demand based upon additional planted acreage.

34 | Page 2-11, Table 2-8 and Table 2-9 -- these should be revised to include the results of projections that include a 30-70 split as described above. The distribution of the new wineries should be based upon information as to available acreage for additional plantings in the areas considered to be prime vineyard microclimates (e.g., Happy Canyon, Santa Rita Valley).

35 | Page 2-12, Table 2-10 – Table 2-10 has a column entitled "Acreage Conversion" in describing potential acreage that would be devoted to small scale processing facilities for crops **grown on the premises**. The title to this table uses the term "Acreage Converted." This terminology is improper, incorrect and demonstrates a fundamental lack of understanding of agriculture and the use of agricultural land. These modest support facilities make it economically feasible for the premises to be used for agricultural production. They are part of the agricultural production of the land. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. Therefore, the land is not being "converted" from agriculture to non-agricultural use when it is devoted to a vital support facility that makes it possible for the farmer to prepare crops grown on site for marketing. In short, allowing small scale processing facilities under the restrictions proposed by the new Rule would not result in a loss of agricultural land, but rather an enhancement of agricultural production on agricultural land.

AGRICULTURAL RESOURCES AND LAND USE

- 36 Page 3-3, **Land Enrolled in Agricultural Preserve Program** -- This section should include an analysis that goes beyond how many acres of land are currently enrolled in the Agricultural Preserve Program and discusses the extent of production on these lands. The DEIR should include statistical information disclosing the present state and integrity of the Agricultural Preserve Program in Santa Barbara County, adequate to allow the reader to know how many new contracts have been entered into, and how many requests for non-renewal have been made, using the past 5, 10, 15 year time periods.
- 37 Page 3-3, **first full paragraph** -- add to the end of the paragraph the following sentence: "At the same time, it is important to acknowledge that agriculture is a business that, to remain viable and to provide this rural character, must be profitable in the long term to stave off the pressures for conversion to urban uses."
- 38 Page 3-3, **Land Enrolled in the Agricultural Preserve Program, South Coast, line 6** -- add after "greenhouses" the words "and nurseries."
- 39 Page 3-3, **Gaviota Coast** -- upon what information is the statement made that "Agriculture along the Gaviota Coast is primarily made up of nonprime grazing land"? How is the Gaviota Coast delineated for this purpose? The map that is Figure 1? Is the statement based upon total acreage or upon value of production? In terms of value of crops, the statement is untrue. Depending upon where its location is designated, the "Gaviota Coast" includes substantial fruit orchards and fertile farmland, which produces extremely high value crops.
- 40 Page 3-6, **Uniform Rule 1-2.3. Commercial Production and Reporting Requirements, Line 3** -- change the "15 acres" to "19,999 acres" to be more accurate.
- 41 Page 3-7, **Uniform Rule 1-4.1. Principal Dwelling, Paragraph 1** -- this discussion requires revision because it is based upon a faulty reading of the existing Rule (see discussion of Section 2.4.1 above). The discussion should acknowledge that the amended Rule actually reduces the potential for new principal dwelling sites from those available under the wording of the existing Rule. That error notwithstanding, it is acknowledged that the baseline that the DEIR must use is the existing number of principal dwelling units. The discussion is based upon the faulty premise that construction of new principal dwellings will either "impair the agricultural productivity of prime or nonprime agricultural land" or result in "structures and/or land use incompatible with existing land use." Construction of residences to house the owners of farms or ranches so they don't have to commute from urban areas to their farms and ranches, leaving the farms and ranches unguarded at night, falls under neither of these categories.
- 42
- 43 The finding of a potentially significant environmental impact as a result of the potential devotion of up to 158 acres of land to residential use by farmers and ranchers, among the 555,394 acres of contracted lands and the 750,521 acres to total agriculturally zoned land (again, this doesn't include the thousands of acres of Mountainous Area lands devoted to agriculture) is ludicrous and unsupportable. 158 acres equals .028% of 555,394 acres of contracted lands and .021% of

47 | agriculturally zoned lands in Santa Barbara County. What kind of threshold is the DEIR using for significance and upon what standard is that threshold based? Certainly not the County's own adopted thresholds of significance for impacts upon agricultural land.

49 | Page 3-7, Uniform Rule 1.4.1 Principal Dwelling, Paragraph 3 -- this discussion improperly characterizes the impact of this Rule as it applies to superprime contracts as *adverse but less than significant* when the Rule actually results in a *beneficial impact* upon agriculture. In exchange for a modest increase in residential building envelope, the owner is required to add land to agricultural production far in excess of a 1:1 ratio to the increased building area. This increase in agricultural production results in a net beneficial impact to the County's agricultural resources.

45 | Page 3-8, Table 3.1-2 -- for the reasons stated above responding to Section 2.4.3, Table 3.1-2 should be revised to provide an alternative assumption that 70% of new winery acreage will be for large wineries, not small wineries. Even assuming that a large winery is only 20 acres (an assumption that should be revisited based upon recent evidence presented to the Agricultural Advisory Committee), 36 acres of new winery acreage won't go very far. With several large vineyards of hundreds of acres each, it is unreasonable to expect that only 1 or 2 new large wineries should be anticipated to meet the demands of these large vineyards.

The same addition of a second analysis (of a 30-70 split) should be applied to future wineries necessary to meet the needs of new vineyard plantings.

46 | Page 3-10, Winery Facilities -- for the reasons stated above for Section 2.4.3, the following statement is untrue and inaccurate: "the loss of 47 acres of productive agricultural land could be significant, especially if concentrated in a few specific locations." The conclusion that this alleged "conversion of productive agricultural land" is *potentially significant* is equally inaccurate. Devoting land to essential supportive uses that enhance, preserve, and protect the long-term agricultural viability (and economic feasibility) of cropland is not a conversion of agricultural land. It is an integral part of agricultural production. It is agricultural production. Without wineries, how is the wine grape grower's crop marketable? What happened to the criteria for potential significant impacts to agriculture stated on Page 3-5 (impairment of agricultural productivity and structures or land uses incompatible with existing land use)? Please explain how wineries meet either of these two thresholds.

48 | Page 3-10, Preparation of Raw Agricultural Products -- the same faulty approach to wineries is repeated in this section. The fourth sentence in the first paragraph states: "In addition, many operations use mobile cooling facilities, thus negating the need for a permanent preparation facility on the premises." This is not entirely accurate in Santa Barbara County. The DEIR writer should investigate this statement further. In consultation with industry experts, we have learned although some of the equipment used for cooling may be *technically* mobile, these mobile cooling facilities tend to be used by operators whose crops have limited seasons. Because this equipment is so costly, operators with shorter growing seasons tend to transport their equipment to various sites to be utilized for different crops, as growing seasons alternate. This is not generally true in the portions of Santa Barbara County where coolers are used.

48 | Because of the nearly year round growing season, it is unlikely that an owner will relocate a cooling unit. These coolers tend to be permanent fixtures.

49 | Page 3-11, the statement in the first paragraph claiming "Much of the demand for these facilities is currently met within the urban areas of Santa Maria and Lompoc, where large-scale facilities can benefit from the established infrastructure and workforce" does not acknowledge that these facilities are taxing the urban infrastructure. Land use conflicts and increasing pressure from surrounding urban development are jeopardizing the future of these facilities within urban areas. The long-term practicality of maintaining these facilities with urban areas, rather than locating them on or adjacent to lands producing the product that they support, is uncertain.

50 | Page 3-11, **first paragraph, last sentence** assumes up to 30 acres (i.e. two-15 acre facilities) will be required to accommodate existing and future demand for larger scale facilities for the preparation of non-wine grape crops. This assumption is not predicated on fact and represents yet another inaccuracy in the document. The DEIR states no factual basis for this assumption, translated into a mitigation measure to address large-scale facilities in the Agricultural Industry Overlay. Based upon recent testimony before the Agricultural Advisory Committee, a 15-acre limitation is so arbitrary and impractical that it will prevent the construction of the types of facilities needed. It is ridiculous to propose a 15-acre size limit to mitigate potentially significant impacts to agriculture, visual resources, noise, transportation, and air quality. Upon what factual basis does the DEIR conclude that this size limit will reduce these impacts to acceptable levels? This entire discussion must be expanded to acknowledge the inherent *beneficial impacts* to the long-term sustainability of agriculture resulting from location of agricultural support facilities on and adjacent to productive agricultural lands.

Although the discussion acknowledges that certain of these facilities "could increase the agricultural productivity of the premises by allowing crops to be processed on site and reducing the need to truck crops off-site for production, thus increasing the long-term sustainability and viability of the agricultural operations," the DEIR fails to identify this as a *beneficial impact*. Instead, the DEIR concludes that because up to 30 acres (erroneously characterized as "loss") could be devoted to these vital uses, the Rule results in a *potentially significant impact* on agricultural resources. Thirty (30) acres? These facilities are agricultural production. Once again, we ask, what happened to the criteria for potential significant impacts to agriculture stated on Page 3-5 (impairment of agricultural productivity and structures or land uses incompatible with existing land use)? Please explain how these facilities meet either of these two thresholds.

51 | Page 3-12, **Percentage of Grapes Grown on the Premises** – for the reasons stated above for Pages 3-10 and 3-11, there is no evidentiary or logical basis for concluding that providing an opportunity for a grower with discontinuous vineyards to process grapes from that farmer's other vineyards in one winery (to accomplish economies of scale and to increase efficiency – both important factors in maintaining an economically efficient agricultural enterprise to increase its likelihood of success) would result in adverse environmental impacts. To the contrary, the minimal increase in total number of acres devoted to these agricultural support uses (10 acres) would be increasing the long-term viability of the landowner's vineyards, a *beneficial impact*.

52 Page 3-13, Small-scale Processing – small scale processing facilities under the proposed Rule are anticipated to use up to 36 acres of land and, like wineries, will provide to growers an essential facility to make their crops marketable. For example, the olive oil producer can have a press and storage area to turn olives into marketable oil. To characterize these facilities as *adverse but less than significant* manifests a fundamental misunderstanding of the nature of these facilities. Just as the farmer must have a barn to store hay or a grain silo to protect these crops from the elements so the crops can be marketed, some farmers need wineries, coolers, and limited processing facilities to bring a crop to market. Is a barn or silo considered to be a facility that takes agricultural land out of production? If so, the DEIR should be re-written to include in the analysis the fact that barns and silos are not considered to be agricultural uses under the proposed Rules.

53 Page 3-14, Uniform Rule 2-6. Agricultural Industry Overlay – the Agricultural Industry Overlay is designed to provide the same kind of support facilities as those described above (wineries, coolers, small-scale processing) but at a higher intensity and serving a larger area of agriculturally productive lands. Some support facilities are so specialized and expensive that they must be sized and located to serve the needs of lands beyond the premises upon which they are located. They are no less vital to the success of agricultural production in the area that relies upon them. The DEIR concludes that the devotion of up to 45 acres of land to facilities fitting within this overlay will have a *potentially significant* adverse impact upon agriculture. Putting aside the absurd notion, discussed in greater detail in earlier comments, that devotion of 45 acres out of 555,394 of contracted lands or of 750,521 total agriculturally zoned lands constitutes a *potentially significant impact*, and disregarding the obvious *beneficial impacts* of the Agricultural Industry Overlay to agriculture, what happened to the criteria for potential significant impacts to agriculture stated on Page 3-5 (impairment of agricultural productivity and structures or land uses incompatible with existing land use)? Please explain how agricultural support facilities of the nature required to justify the findings that the County must make to approve an Agricultural Industry Overlay meet either of these two thresholds.

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55 Page 3-14, Uniform Rule 2-7. Waste Disposal and Composting Facilities – the discussion fails to acknowledge the potential benefits to agriculture from composting facilities, providing a receiving location for agricultural waste (plant and animal) and a source of agricultural compost to boost soil productivity. More important, the discussion concludes that devoting up to 70 acres of land to composting is a *potentially significant impact*. How can the use of 70 acres out of 555, 394 acres of contracted land or 750,521 of total agriculturally zoned land be a *potentially significant impact* on agriculture, particularly in light of the restrictions incorporated into the proposed Rule (including the mandatory compatibility finding)?

56 Page 3-15, Section B. Incompatible Land Uses and Structures” – this section should be entitled “Compatible Land Uses and Structures.” The Williamson Act refers to principals of compatibility as uses that will not compromise the long-term productive agricultural capability of the contracted land and will not displace or impair current or reasonably foreseeable agricultural operations. The Act describes uses deemed to be compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or on parcels or neighboring lands, including activities such as harvesting, processing or shipping. By definition,

54 then, wineries and agricultural preparation/processing facilities are compatible uses. The Act further allows the local jurisdiction to enumerate those uses that it considers to be compatible. The proposed Rules do so. References to non-agricultural uses contained within the draft text of Uniform Rule No. 2 should be amended to refer to "compatible, complementary, or agricultural support uses", as appropriate.

57 Page 3-15, Uniform Rule 1-4.1. Principal Dwelling -- this discussion is incredibly wrong-headed. The introduction of new principal dwellings to a farm or ranch is not incompatible with the agricultural operation. These are folks who own the property and have an interest in safeguarding it. Rather than degrading the rural character of the agricultural lands and increasing the potential for trespass, thievery, vandalism, injury to livestock, and other nuisances, these residences will reduce these ills, enhance agricultural land uses and protect agricultural equipment and structures. Trespass, theft, killing, harassing, and injuring livestock, vandalism to equipment and structures, and other similar activities occur when outsiders are able to enter agricultural land, undetected because the land is unguarded, and commit these crimes and outrages to the agricultural operation. Does the DEIR writer seriously believe that those who own and operate the agricultural enterprise commit these kinds of activities? These additional principal dwellings will increase the agricultural viability of the land and allow farming families to stay together, living on and protecting the land. As the older generation no longer can conduct the agricultural operation, their children can live on the land with their parents (in separate houses) to carry on the legacy. As noted on Page 5-2 of the DEIR, the additional residential units are expected to provide housing for "farm managers and other employees, or family members of landowners involved in the agricultural operations presently commuting from urban areas." These units, then, are expected to move people from urban areas into housing that is closer to where they work, resulting in less traffic. This should be acknowledged throughout the EIR's discussion of traffic and air quality impacts resulting from the amendment of the Rules to permit more onsite principal residences.

This is a *beneficial impact upon agricultural land uses and structures*.

58 Page 3-15, Uniform Rule 2-2.1. Preparation and Processing -- for the reasons stated above, the preparation and processing facilities would be permissible under this Rule solely if they could be justified by the crop production that they support. In what way do they fail to meet the criteria for potential significant impacts to agriculture stated on Page 3-5 (impairment of agricultural productivity and structures or land uses incompatible with existing land use)? These facilities have a *beneficial impact upon agricultural land uses and structures*. They are compatible with agricultural land uses because they would promote and enhance these uses; they do not conflict with them. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture.

59 Page 3-16, Uniform Rule 2-6. Agricultural Overlay -- for the reasons stated above, the limited number of facilities that can satisfy the findings required for approving an Agricultural Industry Overlay will occupy a total number of acres that is miniscule and will provide essential support to agricultural production. As such, they have a *beneficial impact upon agricultural land uses* rather than, as the DEIR suggests, a *potentially significant impact*. The DEIR simply does not

59 | acknowledge how important agricultural support facilities, large and small, are to the long-term viability and economic efficiency of agriculture in Santa Barbara County. They certainly are not incompatible with the agricultural land uses surrounding them, which land uses the facilities support. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. Neither the Williamson Act nor the proposed Updated Uniform Rules permit these facilities if they are incompatible with agriculture.

60 | Page 3-17, Uniform Rule 2-7. Waste Disposal and Composting Facilities – for the reasons stated above, composting facilities can provide agricultural support. More to the point, the potential for these facilities to occupy a mere 70 acres of land throughout the County requires that they either be acknowledged as have a *beneficial impact upon agricultural land uses* or an *adverse but not significant impact upon agricultural land uses*. The sole stated bases for land use incompatibility is the potential for 30 vehicle trips per day and nuisances such as dust, noise, and odor that affects neighbors, but the DEIR ignores the clear wording of the proposed Rule, requiring that there be little or no grading, the facility meet the land use compatibility requirements set forth in Section 2-1, and the facility be sited and scaled so as not to interfere with agricultural operations onsite or offsite. There simply is no basis for a conclusion that such limited facilities that are required to by the proposed Rule to provide “a direct benefit/link to the agricultural operation on the premises and other agricultural lands in the vicinity” would have a *potentially significant impact upon agricultural land uses*.

61 | Page 3-18, Uniform Rule 2-2.1. Preparation and Processing – the DEIR concludes that preparation and processing facilities, including wineries, would result in *potentially significant growth inducement and potentially significant population increases* because these facilities might increase the number of farm workers and temporary visitors, with the related traffic and other impacts that these workers would generate. Growth inducement as discussed in CEQA typically refers to permanent expansion of urban uses. The DEIR should acknowledge that these facilities could result in more jobs, a *beneficial impact*. These jobs will offset the housing/jobs imbalance within the North County, where much of the contracted land is located.

Total, the DEIR predicts up to 160 additional employees for large-scale preparation facilities and up to 107 employees for wineries. The DEIR fails to identify the total number of existing farm workers spread throughout the County’s agricultural lands, but 267 additional employees (or, potentially, existing farm workers who are not now fully employed now having full-time jobs) spread over 555,394 acres of contracted agricultural lands and 750,521 total agriculturally zoned lands just isn’t a sufficient basis for concluding that they would generate a *potentially significant impact*. The DEIR fails to provide any statistical basis or threshold standards for its conclusion of significance. It simply states as fact that this small number of employees will be significant. Without stating how many farm workers presently work on agricultural land throughout the County, the DEIR analysis is flawed because it lacks a baseline figure against which to compare the anticipated increase in employees.

62 | Page 3-20, Agricultural Industry Overlay – the DEIR estimates that the agricultural support facilities associated with approval of the Agricultural Industry Overlay could have *potentially*

62 *significant growth inducement and potentially significant population increases* because an estimated 240 employees would serve these facilities, bringing with them traffic and other secondary impacts. Like the Preparation and Processing facilities and their related employees, 240 employees spread throughout the County's vast agricultural lands simply doesn't provide a basis for a finding of a *potentially significant impact*. The DEIR fails to provide any statistical basis or threshold standards for its conclusion of significance. It simply states as fact that this small number of employees will be significant. Without stating how many workers presently work on agricultural land throughout the County, the DEIR analysis is flawed because it lacks a baseline figure against which to compare the anticipated increase in employees.

Pages 3-21 and 3-22 – for the reasons set forth above, we find no evidentiary basis in the DEIR to conclude that the facilities and uses described above will result in *potentially significant impacts on agricultural productivity, agricultural land uses and structures, or result in significant growth inducement or population increases*. Instead, many of the impacts that should be designated as *beneficial impacts* have been mischaracterized because the DEIR writers misunderstand the agricultural importance of the facilities in question. Apparently, the DEIR writers do not understand or acknowledge that these activities will enhance and sustain the long-term ability of farmers and ranchers to engage fully in economically viable agricultural operations.

63 Page 3-22, *Cumulative Impacts* – the conclusion that the Rules will result in *potentially significant cumulative impacts upon agriculture* results from the fundamental misunderstanding of the interrelationship between the additional residences or the agricultural support facilities described and the agricultural operations of which they are an essential component. Devoting agriculturally zoned land to these uses does not constitute a "conversion" or a "loss" of agricultural land. It constitutes a change in the way the land is used, a change that provides overall benefit to the farming operation. If this were not so, the farmer would not invest valuable capital in these improvements. By equating the "conversion" (which really is just an alternative agricultural use) of grazing land to more intensive (and profitable) crops, the construction of an owner's house on a farm, the construction of preparation of processing facilities, and other agricultural support facilities to city annexations and urban development, the DEIR demonstrates a complete lack of appreciation of what makes agriculture viable and sustainable. The very reference to "conversion" of grazing land to more intensive agricultural use reveals an uncomfortable bias on the part of the DEIR writers, who seem to be suggesting that intensification of agriculture is a bad thing. In truth, it is a *beneficial impact* because it enhances the long-term productivity of contracted lands and of all lands suitable for, or devoted to, agricultural operations. Intensification tends to increase the profitability of the agricultural enterprise. As with any other business, increased profits translates to a longer life for the operation.

64 Under CEQA, the cumulative impacts described in an EIR are impacts that are "created as a result of the combination of the project evaluated in the EIR together with other projects **causing related impacts**. (emphasis added) [CEQA Guidelines section 15130(a)(1)]. The impacts of permanent conversion of agricultural land to urban uses, taking the land out of agricultural production and placing urban uses adjacent to other agricultural lands is not a "related impact" to

64 the agricultural support facilities and principal residences that the proposed Rules would allow. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. In short, the cumulative impact analysis of this DEIR is inadequate under, and inconsistent with, the requirements of CEQA.

Page 3-23, Mitigation Measures – the discussion at the top of this page begins with the faulty premise that the land uses discussed above constitute “non-compatible uses and premature urban development or other land conversion.” The described land uses are none of these. Nothing in the proposed updates to the Uniform Rules suggests that land uses be approved that are contrary to the County’s Comprehensive Plan, Local Coastal Plan, applicable Community Plans, or the Agricultural Element.

65 The discussion in this section uses the terms “agricultural resource” and “rural character of the area” interchangeably. Once again, the DEIR writers disclose a lack of understanding of agriculture as a business, a side benefit of which may be maintenance of a rural character. There is a distinct difference between agricultural resources that involve the use of land for the purpose of producing an agricultural commodity for commercial purposes (as described in the Williamson Act) and the rural character of the area. While agriculture generally provides open vistas and a rural ambiance, the preservation of agriculture is patently distinct from the protection of the rural character. Agriculture must change if it is to compete in a global marketplace. In most cases, this means intensification of the use of the land. Intensification could change the appearance of the land and could affect the “rural character of the area.” The logical alternative, if agriculture ceases to be economically viable and is not allowed to intensify, is long-term loss of productive agricultural land.

The Agricultural Element defines “Agricultural Support Use” as “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-premises production and marketing, and that are directly associated with on-site agricultural or ornamental crop, or animal raising operations.”

Goal I of the Agricultural Element states: “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 encouraged.**” In light of this language, how can the DEIR propose “conversion” of grazing land to more intensive crops as a cumulative impact of the proposed Rules? The Agricultural Element already mandates intensification of agriculture. The Agricultural Element also underwent an EIR.

Goal V of the Agricultural Element states: “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. implementing Goal V states: “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.

implementing Goal V states: "Santa Barbara County should allow areas for supportive agricultural services within reasonable distance and access to the farm user."

The Agricultural Element Land Use Definitions section begins with the following policy statement:

65 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.

The final sentence of the Agricultural Element states: "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."

Nothing in the proposed Uniform Rules is inconsistent with the Agricultural Element. To the contrary, the proposed changes to the Rules assure and enhance the continuation of agriculture as a major viable production industry.

For that reason, and for all of the reasons set forth above for the impacts identified in the DEIR as *potentially significant*, mitigation measures are not necessary or appropriate.

Page 3-24, Mitigation Measures –

Mitigation AG-1 – this mitigation measure is entirely unnecessary and could have the unintended consequence (by limiting the size of Agricultural Industry Overlay facilities) of proliferating the facilities or of preventing the siting and sizing of facilities that respond to agricultural demand. As such, the potentially significant environmental impacts of the mitigation measure must be analyzed in the DEIR. They have not been analyzed so the DEIR is inadequate. A size limit of 15 acres is completely arbitrary.

66 There is no evidence in the DEIR that the mitigation measure will meet the major project objectives (as CEQA requires any mitigation measure to do) or that the size cap will avoid or reduce potentially significant impacts of the Rule as proposed. The mitigation measure (and the discussion in the DEIR) ignores the strict criteria, imposed by the Agricultural Element to the Comprehensive Plan, upon approval of an Agricultural Industry Overlay (Agricultural Element, Page 17). These criteria include, in part, a finding that the placement of the designation will provide particular and specific benefits which will advance the purposes and policies of the Agricultural Element and that the use must be directly related to agriculture. This mitigation measure allegedly mitigates Impacts AG-1, AG-2, and AG-3, but AG-1 addresses conversion of agricultural land and loss or impairment of agricultural productivity. Lands receiving an Agricultural Industry Overlay will provide agricultural support and will become part of

agricultural productivity rather than impairing it. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. An Agricultural Industry Overlay is a component of agricultural operations, not a conversion of agricultural land. Impact AG-2 deals with incompatible land uses and structures. By its very nature, and the requirements of the Agricultural Element, an Agricultural Industry Overlay must be compatible with agricultural land uses and structures. Impact AG-3 deals with growth inducement and population increases.

66 A size limit might limit the number of new employees at a particular Agricultural Industry Overlay site, but these sites will be approved only in response to agricultural demand. Proliferation of these facilities by limiting their size will not reduce the number of total employees at all Agricultural Industry Overlay sites built to meet demand throughout the County. In fact, the contrary may be true – smaller size could contribute to inefficiency and greater expense to accomplish the same total output. This mitigation measure is ineffective in mitigating any of the three impacts that it purports to avoid or reduce and could result in adverse unintended consequences. The suggestion that the Board of Supervisors must find that the AIO will not result in concentration of agricultural industry facilities on contracted land within any particular region is inexplicable from the text of the DEIR. Any such limitation also could have the unintended consequence of siting facilities at an unjustifiable distance from the croplands that the AIO supports, resulting in increased trucking and lost time, inefficiency, and increased spoilage/loss of shelf life. This aspect of the mitigation measure would result in potentially significant environmental impacts that have not been analyzed in the DEIR. The DEIR is inadequate as a result. The only identified land use impacts of the AIO were related to the potential new employees of these facilities. As discussed in more detail above, the number of new employees likely to result for approval of AIO facilities is insignificant in light of the immense agricultural acreage within the County. Furthermore, the DEIR doesn't identify the number of farm workers presently working in the agricultural lands around the County so the document fails to provide a frame of reference against which to compare the potential number of new employees.

In short, the proposed mitigation measure does not meet major project objectives and fails to mitigate the impacts that it purports to target. It also lacks evidentiary basis.

67 **Mitigation AG-2** -- the proposed size limit is arbitrary and without any evidentiary support in the DEIR. There is no evidence in the DEIR that the mitigation measure will meet the major project objectives (as CEQA requires any mitigation measure to do) or that the size cap will avoid or reduce potentially significant impacts of the Rule as proposed. The mitigation measure requires that the composting facility not be enclosed, without any evidence in the record of any environmental impact that would result from fencing or otherwise enclosing such a facility. The mitigation measure (and the discussion in the DEIR) ignores the requirements in the Rule that a composting facility be consistent with the compatibility requirements in Section 2-1 of the proposed Uniform Rules,, that there be a direct benefit/link to the on-site agricultural operation and to other agricultural lands in the vicinity, that there be little or no grading, and that the facility be scaled and sited to avoid interference with agriculture onsite and on adjacent lands. This mitigation measure allegedly mitigates Impacts AG-1, AG-2, and AG-3, but AG-1

67 addresses conversion of agricultural land and loss or impairment of agricultural productivity. To gain approval, a composting facility must have a direct benefit/link to agriculture so it will provide agricultural support and will become part of agricultural productivity rather than impairing it. Impact AG-2 addresses incompatible land uses and structures, but the Rule as proposed specifically requires that the composting facility meet the Uniform Rules compatibility requirements. Impact AG-3 deals with growth inducement and population increases. A footprint size limit may or may not limit the number of new employees at a particular composting facility, but nothing in the DEIR provides evidence of this alleged cause and effect. There is no evidence in the record that this mitigation measure is effective in mitigating any of the three impacts that it purports to avoid or reduce.

In short, the proposed mitigation measure does not meet major project objectives and fails to mitigate the impacts that it purports to target.

68 **Mitigation Measure AG-3** – this mitigation measure is based upon the faulty premise that preparation or processing facilities are not agricultural production. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. This mitigation measure allegedly mitigates Impacts AG-1, AG-2, and AG-3, but AG-1 addresses conversion of agricultural land and loss or impairment of agricultural productivity. Preparation and processing facilities are an invaluable component of agricultural operations, not a conversion of agricultural land. Impact AG-2 deals with incompatible land uses and structures. By its very nature, a preparation and processing facility is supportive of and must be compatible with agricultural land uses and structures. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. Impact AG-3 deals with growth inducement and population increases. The size and siting limits proposed by the mitigation measure are unsupportable for facilities that support agriculture. The only potentially significant impact of these facilities described in the DEIR relates to the number of employees. As discussed in more detail above, the number of potential new employees resulting from new preparation and processing facilities is so small in comparison to the number of acres of productive agricultural land in Santa Barbara as to be insignificant. Furthermore, the DEIR doesn't identify the number of farm workers presently working in the agricultural lands around the County so the document fails to provide a frame of reference against which to compare the potential number of new employees. Therefore, this mitigation measure is ineffective in mitigating any of the three impacts that it purports to avoid or reduce.

69 **Mitigation Measure AG-4** – this proposed mitigation measure, which purportedly addresses Impact AG-1 (conversion of agricultural land and loss or impairment of agricultural productivity), completely misses the point of the proposed new Rule. The only way a farmer can enjoy the benefits of a slightly enlarged building envelope is to substantially expand agricultural production. This proposed Rule results in a *beneficial impact to agricultural productivity and converts otherwise fallow land to agriculture*. The "mitigation measure" would be a step in the opposite direction. It would block an incentive to expand agriculture on parcels subject to the Rule.

70 Mitigation Measure AG-6 -- this mitigation measure is unnecessary and unjustified. The proposed new Rule replaces an existing Rule that would allow far more land to be devoted to residential building sites. The new Rule severely limits the amount of land that may be devoted to residential building sites while providing much-needed flexibility to farming families who want to live on their land, thereby protecting and preserving it for future generations. The minimal amount of land that will be taken out of production for this purpose is more than offset by the benefits to agricultural viability of the family being able to live on their land.

71 Mitigation Measure AG-7 -- this mitigation measure is based upon the faulty premise that preparation or processing facilities are not agricultural production. This mitigation measure allegedly mitigates Impacts AG-1, AG-2, and AG-3, but AG-1 addresses conversion of agricultural land and loss or impairment of agricultural productivity. Preparation and processing facilities are an invaluable component of agricultural operations, not a conversion of agricultural land. Impact AG-2 deals with incompatible land uses and structures. By its very nature, a preparation and processing facility is supportive of and must be compatible with agricultural land uses and structures. Impact AG-3 deals with growth inducement and population increases. The size and siting limits proposed by the mitigation measure are unsupportable for facilities that support agriculture. The only potentially significant impact of these facilities described in the DEIR relate to the number of employees. As discussed in more detail above, the number of potential new employees resulting from new preparation and processing facilities is so small in comparison to the number of acres of productive agricultural land in Santa Barbara as to be insignificant. Furthermore, the DEIR doesn't identify the number of farm workers presently working in the agricultural lands around the County so the document fails to provide a frame of reference against which to compare the potential number of new employees. Therefore, this mitigation measure is ineffective in mitigating any of the three impacts that it purports to avoid or reduce.

72 Pages 3-25 and 3-26, Residual Impacts, Impact AG-1, AG-2, and AG-3 -- for all of the reasons set forth above, not only are the proposed mitigation measures ill-conceived and incapable of mitigating the impacts that they purport to avoid or reduce, they are unnecessary because the impacts are not significant. We do not concur with the conclusion that the residual impacts are *significant and unavoidable (Class I)*.

73 Page 3-26, Cumulative Impacts -- the conclusion that the proposed Rules will result in *potentially significant cumulative impacts upon agriculture* results from the fundamental misunderstanding of the interrelationship between the additional residences and the agricultural support facilities described and the agricultural operations of which they are an essential component. Devoting agriculturally zoned land to these uses does not constitute a "conversion" or a "loss" of agricultural land. It constitutes a change in the way the land is used, a change that provides overall benefit to the farming operation. If this were not so, the farmer would not invest valuable capital in these improvements. By equating the "conversion" (which really is just an alternative agricultural use) of grazing land to more intensive (and profitable) crops, the construction of an owner's house on a farm, the construction of preparation of processing facilities, and other agricultural support facilities to city annexations and urban development, the

DEIR demonstrates a complete lack of appreciation of what makes agriculture viable and sustainable.

73 Under CEQA, the cumulative impacts described in an EIR are impacts that are "created as a result of the combination of the project evaluated in the EIR together with other projects **causing related impacts**. (emphasis added) [CEQA Guidelines section 15130(a)(1)]. The impacts of permanent conversion of agricultural land to urban uses, taking the land out of agricultural production and placing urban uses adjacent to other agricultural lands is not a "related impact" to the agricultural support facilities and principal residences that the proposed Rules would allow. In short, the cumulative impact analysis of this DEIR is inadequate under, and inconsistent with, the requirements of CEQA.

For these reasons, we do not concur with the conclusion that the cumulative impacts of the proposed Rules upon agriculture are *significant and unavoidable (Class I)*. In fact, it is counter-intuitive to conclude, as the DEIR does, that "the increase in the intensity of use" (apparently, this includes changing grazing land to row crop and other more productive and profitable crops) is an adverse environmental impact upon agricultural productivity.

VISUAL RESOURCES

Because visual impacts are entirely subjective, beauty (and ugliness) being in the eye of the beholder, in most cases we do not take issue with the DEIR's conclusion that development permitted by the proposed Rules could result in *potentially significant impacts on visual resources*. We do take issue, in some instances, with the conclusion that an identified visual impact cannot be mitigated to insignificance. Because agricultural land holdings in Santa Barbara County tend to be very large, the impact of new agriculturally-related land uses on public viewing areas, including designated scenic highways, is unlikely to be significant or even noticeable.

74 Page 3-30, Incompatible Development, Uniform Rule 1-4.1. Principal Dwelling – the DEIR incorrectly identifies the principal dwelling on contracted land as being incompatible development. The Williamson Act and the proposed Rules both expressly prohibit any incompatible development anywhere within contracted lands. To characterize the owner's residence as incompatible is misguided and would suggest that, under the law and Rules, no owner could live on the farm or ranch. What are they supposed to do? Commute from urban areas? Are only hired farm workers allowed to live on the farm or ranch under this approach? In short, the reference to "incompatible development" regarding the principal dwelling should be removed from the EIR.

75 Page 3-37, Mitigation VIS-1 – a size limitation is not the most effective mitigation measure for facilities visible from a State designated scenic highway, because even within a limited envelope the size, bulk, scale, orientation, and location of a facility can have greater impact than a more sensitively sited and designed larger facility. It imposes a 10-acre size cap "if visible" from a State designated scenic highway. The DEIR fails to states what standard it uses for visibility. Does it include a brief glimpse? Does it mean visible from miles away? Does it mean a small

75 reflection or a dim light in the distance? A more appropriate mitigation measure (in lieu of size limitation) is that such facilities be designed, screened, and sited in a manner to reduce to the extent feasible adverse visual impacts upon a scenic highway. Use of trees, pleasing architecture, topography, berms, and similar methods to reduce the profile and intrusive appearance of a facility truly will preserve views from scenic highways. A size limitation is too simplistic an approach and won't necessarily accomplish the desired visual resource protection.

76 Page 3-37, Mitigation VIS-2 – simply prohibiting AIOs within the viewshed is equally simplistic and could defeat the agricultural purpose of choosing a particular location. The purpose of AIOs is to serve agricultural needs. A more appropriate mitigation measure (in lieu of size limitation) is that such facilities be designed, screened, and sited in a manner to reduce to the extent feasible adverse visual impacts upon a scenic highway. Use of trees, pleasing architecture, topography, berms, and similar methods to reduce the profile and intrusive appearance of a facility truly will preserve views from scenic highways. A flat prohibition is too simplistic an approach and is over-kill, particularly in light of the importance of AIOs to agricultural productivity.

77 Pages 3-37 and 3-38, Mitigation VIS-3, VIS-4, and VIS-5 -- these mitigation measures, too, are overly simplistic. All are directed toward simply limiting the size of the facility in question. Instead of imposing arbitrary size limitations, the DEIR should use the more creative methods suggested above for modifying VIS-1 and VIS-2. Require screening, setbacks, topography, and design approaches that avoid or reduce visual impacts. In that way, the major project objectives are met while visual resources are protected.

78 Page 3-38, Impact VIS-1 – the discussion suggests that Mitigation VIS-1 and VIS-2 will result in the visual impacts on public viewsheds from large-scale preparation facilities, wineries, and agricultural support facilities developed under an AIO will be *significant but mitigated (Class II)* with the implementation of Mitigation VIS-1 and VIS-2. We disagree. Limiting the size and location of these facilities will not adequately mitigate their impacts on visual resources. Instead, the mitigation measures that we have suggested above (landscape screening, setbacks, use of topography, and pleasing architectural design, etc.) will provide far superior mitigation and will not impede attainment of major project objectives of the Uniform Rules Update, which is to provide for the siting of these facilities in the places where they best meet the needs of agriculture.

79 Page 3-38, Impact VIS-2 – we disagree that Mitigations AG-1, AG-2, and AG-3 will contribute in any detectable manner to mitigation of impacts upon visual resources. We do believe, however, that the mitigation measures that we have described above would mitigate the potentially significant impacts of the structures and facilities permitted under the new Rules. We do not believe that the residual impacts will be *significant and unavoidable (Class I)*. The facilities that will be possible under the proposed Rules will be spread over hundreds of thousands of acres of land. The DEIR provides insufficient detail, and no clear demonstration of the impact, to support its position that this is a Class I impact.

80 Page 3-39, first full paragraph – there is no evidence in the DEIR to support a finding that the

80 addition of the described facilities will result in *significant and unavoidable (Class I)* impacts from night lighting. The impacts of these facilities on the night sky can be mitigated quite effectively by including a policy that limits night lighting at the designated facilities to necessary security lights, manually operated lighting for night operations, and the standard downward directed, shielded lighting that the County requires for every new development plan and conditional use permit.

81 Page 3-39, **Cumulative Impacts** – if the mitigation measures that we propose are implemented, the cumulative impacts of the potential new development on visual resources in agricultural areas can be mitigated to a level of non-significance. The scattering of these facilities over hundreds of thousands of acres alone provides the basis of a finding of *adverse but not significant impacts*. But, venturing beyond that simple perspective, landscape screening alone would reduce the level of impact to *adverse but not significant*. The imposition of requirements for sound design, setbacks, and building orientation to the scenic highways (all of which already are incorporated into County planning documents) will avoid or substantially reduce the potential cumulative impacts of the project. As noted above, under CEQA, the cumulative impacts described in an EIR are impacts that are “created as a result of the combination of the project evaluated in the EIR together with other projects **causing related impacts**. (emphasis added) [CEQA Guidelines section 15130(a)(1)]. The DEIR states that this Class I impact upon visual resources results from “the incremental degradation of public viewsheds and the rural character of the County’s agricultural lands.” This requires one to accept the premise that the scattered facilities and structures permitted by the new Rules, despite the small number of acres that potentially could be devoted to these uses (396 acres) and the large expanses of agricultural land (555,394 acres of contracted lands and 750,521 acres of agriculturally zoned lands), these facilities and uses together will *significantly* degrade the views from designated scenic highways and the rural character of these hundreds of thousands of acres of agricultural land. The DEIR provides no credible evidence that this premise is valid. With the mitigation measures that we propose (not the ones proposed by the DEIR), the result would be *adverse but not significant* impacts upon visual resources. In short, the cumulative impact analysis on visual resources included in the DEIR is inadequate under, and inconsistent with, the requirements of CEQA.

NOISE

82 Page 3-45, **Proposed Mitigation Measures** – once again, we find that the sole mitigation measures proposed are imposing size limitations on facilities and imposing size and frequency restrictions upon special events on non-winery contract land. As noted above, limiting the size of a facility is an overly simplistic and uninspired approach to mitigation and can thwart major project objectives. Limiting the size and frequency of special events makes no sense in light of the statement on Page 3-44 that winery special events are subject to specific conditions to avoid or reduce noise impacts upon sensitive receptors and other neighboring land uses. This DEIR should include the mitigation measures appropriate for the identified potential noise impacts. In the case of special events, the DEIR could apply the same approach as that already utilized for winery special events. For other sources of noise impacts resulting from the project, the DEIR includes no discussion or evidence that could lead one to conclude that reduction of the size of the facility has any direct mitigation value. Mitigation measures should be tailored to the use

82 that the Rules propose to allow and the impacts resulting from that use. The DEIR has failed to take this approach and has opted for the easy, but improper, recommendation that facility size be reduced. As a result, the DEIR is inadequate under, and inconsistent with, the requirements of CEQA because of the lack of evidence that there is any relationship between facility size and level of noise impact.

Page 3-45, **Residual Impacts** – we disagree that Mitigation AG-1, AG-2, and AG-5 would mitigate the noise impacts. It is imperative that the mitigation measure fit the impact. These three mitigation measures miss the mark. We do agree with the conclusion that noise impacts from the Rules are *significant but mitigable (Class II)*.

83 Page 3-45, last paragraph – there is no evidence in the DEIR that traffic increases as a result of the proposed Rules would result in cumulative *significant and unavoidable (Class I)* impacts. Traffic from these facilities and uses will be scattered throughout 750,000 acres of agriculturally zoned land. The DEIR doesn't even state the total linear miles of agricultural roadways throughout the County, but there are many hundreds of miles of the agricultural roads winding throughout the County's agricultural lands. Where is the evidence that traffic from the cumulative development of 396 acres (which number includes 158 acres of added building sites for principal dwellings for the owners who live on their farms and ranches!) will result in *significant and unavoidable* noise levels resulting from traffic? As noted on Page 5-2 of the DEIR, the additional residential units is expected to provide housing for "farm managers and other employees, or family members of landowners involved in the agricultural operations presently commuting from urban areas." These units, then, are expected to move people from urban areas into housing that is closer to where they work, resulting in less traffic. This should be acknowledged throughout the EIR's discussion of traffic and air quality impacts resulting from the amendment of the Rules to permit more onsite principal residences.

AIR QUALITY

84 Page 3-70, **Impact AQ-2, Short-term Dust and PM₁₀ Generation** – construction-related dust and PM₁₀ emissions can be mitigated with the simple requirement that no dust and particulates be allowed to leave the property boundaries. The County already requires that construction sites be kept watered, stockpiled earth be covered or watered, and a host of other standard restrictions. Construction of new residences, guest ranches, large-scale agricultural preparation and processing facilities, composting facilities will require County permits so these standard County conditions will be applied routinely. As such, this potentially significant impact is *significant but mitigable*.

85 Page 3-71, **Mitigation Measures** – once again, the DEIR uses the uncreative and inappropriate ("one size fits all") mitigation measures that the discussion above demonstrates do not address a specific impact and provide adequate mitigation. The mitigation measures proposed simply say, "make it smaller" to mitigate the air quality impacts. Not only do these mitigation measures carry the risk that the "mitigated" Rule won't provide facilities adequate to meet agricultural needs, but they won't necessarily reduce air quality impacts. Emissions from trucks carrying crops long distances to reach distant preparation and processing facilities because a closer

85 facility is too small to handle the produce will be higher, and the quality of the produce lower because of the distance traveled. If the produce degrades, the economic viability of the entire operation is at risk. This is not a feasible mitigation measure and could result in *significant adverse impacts upon agriculture*. On Page 3-35, the DEIR includes a long list of new air quality protection requirements to be imposed upon new composting facilities. Why are these not the mitigation measure? Does the footprint of the total composting facility bear a direct relationship to air quality impacts? The DEIR provides no evidence of such a relationship. Given the small potential for emissions from preparation and processing facilities (other than AIOs), how does reducing the size of the facility result in identifiable reductions in air quality impacts? The DEIR includes no substantiation for the application of these mitigation measures to air quality impacts.

GROUNDWATER RESOURCES

86 Page 3-73, Table 3.6-1 – despite the contents of this table, it must be acknowledged that none of the groundwater basins in the County have been legally determined to be in overdraft. Although the Goleta groundwater basin has been adjudicated, the water levels in that basin have been rising steadily for years and the court's judgment has allocated all of the water in that basin to avoid future overdraft. The DEIR identifies the Santa Maria Groundwater Basin as being in overdraft. A recent Superior Court decision disagrees. In fact, water levels in that basin and other County water basins have been rising steadily during the past several years. The entire discussion of groundwater impacts must be re-examined based upon actual science, not upon supposition or speculation.

87 Page 3-77, first paragraph – this paragraph characterizes wineries and agricultural preparation or processing facilities as being “non-agricultural development.” This is incorrect. These land uses are an integral part of agricultural production and, as such, are agricultural development. The proposed Rules define “Agricultural use” as being “the use of land for the purpose of producing an agricultural commodity for commercial purposes.” Wineries and agricultural preparation or processing facilities fit this definition perfectly.

88 Page 3-79 – unless the DEIR can produce evidence that the groundwater basins that it alleges are in overdraft truly are overdrafted, the DEIR is incorrect when it states that “it is likely one or more of these large-scale facilities (AIOs) could locate in areas where the groundwater basin is currently is a state of overdraft.” Nothing in the DEIR includes evidence of current overdraft in any groundwater basin within the County. The sole indication of groundwater levels comes from a footnote that references information solely from County staff. In light of the fact that this DEIR was written by County staff, some independent scientific verification is absolutely necessary for the DEIR to be credible. Where is the evidence of current overdraft in any of these basins? Lacking evidentiary support, the conclusion that the impact of potential AIOs on groundwater resources is *potentially significant* lacks credibility and is legally insupportable. As a result, the DEIR does not meet CEQA standards and is fatally flawed.

89 Page 3-81, Impact GW-1: Water Demand Exceeding Groundwater Basin Safe Yield Thresholds – in concluding that the groundwater impacts of large-scale preparation and

processing facilities located within an AIO would be a *potentially significant impact*, the DEIR overlooks the fact that, absent the larger facilities, farmers will have to rely on more small facilities. The DEIR has not analyzed the difference in water consumption, cumulatively, of many smaller preparation and processing facilities in lieu of a few larger facilities. These facilities are erected only when necessary to respond to agriculturalists' needs. The need will remain, regardless of the size of the preparation and processing facility. If larger facilities are prohibited, there just will be many more small facilities to meet the need. The DEIR has failed to analyze this obvious outcome of limitations placed upon the larger facilities. In either event, the water impact will be the same. In the case of operations such as wineries, the water usage on a per acre basis may be less for a larger winery than a smaller one because of efficiency factors and economy of scale. The same may well be true for other preparation and processing facilities. Page 2-10, in the footnotes to Table 2-7, the DEIR states that it assumes that larger wineries can process an average of 40,000 cases per acre of facilities and small wineries can process an average of 25,000 cases per acre of facilities. The DEIR fails to explain why having larger facilities capable of handling more produce per acre will result in higher water usage.

89 For the reasons set forth in the previous paragraph, and because the DEIR includes no convincing evidence that any of the County groundwater basins affected by the Rules currently is in overdraft, we do not agree with the conclusion that the AIO results in a *potentially significant impact* upon groundwater resources.

Page 3-81, **Summary of Project Impacts** -- for the reasons set forth in our comment on GW-1, and because the DEIR includes no convincing evidence that any of the County groundwater basins affected by the Rules currently is in overdraft, we do not agree with the conclusion that the AIO results in a *potentially significant impact* upon groundwater resources.

Page 3-82, **Proposed Mitigation Measures** -- this paragraph continues the myth that a few larger facilities have greater water demand than several smaller facilities. We do not support imposing an artificial cap upon such facilities because the object of the Rule is to meet agricultural producers' needs in order to enhance the viability of agricultural production. Their size will be driven by present and projected demand.

Page 3-82, **Residual Impacts, Impact GW** -- the conclusion that the project will have a *significant and unavoidable impact (Class I)* on groundwater resources arises from a fundamental error, or unsupported statement, that County groundwater basins are in overdrafts. One groundwater basin has been adjudicated and the basin's water level is at a record high. The conclusion also ignores the fact that a few larger facilities will have no greater water usage impact (in fact, the impact may be smaller) than the water impacts from several smaller wineries.

POLICY CONSISTENCY ANALYSIS

90 Page 4-2, last paragraph -- development of additional principal residences and agricultural support facilities will not "result in land being taken out of agricultural production." To the contrary, these improvements will enhance the long term productivity of agricultural lands, prime and non-prime, by allowing owners to live on the ranches and farms where they live, allow

90 multi-generational farming, and provide support facilities vital to the on-going production of agriculture in Santa Barbara County. Wineries, coolers, and preparation and processing facilities all make it possible for farmers and ranchers to preserve the quality of their crops, compete successfully in the marketplace, and to get crops to market more quickly and cost-efficiently.

91 Page 4-7, **first full paragraph** – simply capping the size of a winery or preparation facility will not necessarily reduce its compatibility with the County’s visual resources policies. The proposed cap is arbitrary and capricious. The DEIR doesn’t explain the source of the cap, explain what factors were used to justify the number, or provide environmental analysis to explain how the cap will work to mitigate the individual impacts identified, nor does Alternative 2 completely explain how the smaller size proposed for the facilities is environmentally superior to the project.

92 Page 4-11 –under Air Quality, the discussion in the right-hand column is a duplicate of the left-hand column. This is a serious inadequacy in the policy consistency analysis.

93 Page 4-12, **last paragraph** – once again, the DEIR incorrectly states that agricultural support facilities are not agriculture. The Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture. The DEIR simply is incorrect in this regard, but the error is repeated throughout the document.

94 Page 4-13, **first full paragraph** – why isn’t this enlightened discussion of the benefits of proposed Rule 1-4.1 included in the main text of the DEIR? The person who wrote this particular paragraph obviously grasps that farmers and ranchers could simply obtain separate preserve contracts and build more homes (also making the parcels more readily marketable) and that this Rule makes it possible for a farming or ranching family to have additional homes without having to break up the contract. This approach should be carried throughout the DEIR when it discusses the impacts of proposed Rule 1-4.1.

Page 5-1 (bottom) to top of Page 5-2 – why cannot the rest of the DEIR acknowledge that the changes to the Rules allow more flexibility in the construction of principal residences on contracted land, thereby reflecting the well-reasoned approach in this paragraph? Bringing and keeping farm families on the land increases agricultural viability, decreases traffic, and is a *beneficial impact*.

SIGNIFICANT UNAVOIDABLE EFFECTS

95 Page 5-3 – as noted above, for the most part we do not concur with the findings of Class I impacts resulting from adoption of these Rules. In many cases, the mitigation measures proposed have not been thought through and do not provide appropriate mitigation for the impact identified. In those cases, we have proposed alternative mitigation measures. In other instances, we have identified impacts, characterized as *significant and unmitigable* as being mitigable or as being adverse but not significant. Finally, some impacts identified by the DEIR as *potentially significant* instead are *beneficial* and should be acknowledged as such.

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL ACTIONS

96 | Pages 5-3, 5-4 – we concur with the conclusion that development allowed under the proposed Rules would not result in significant irreversible changes to the environment.

BENEFICIAL IMPACTS

97 | Pages 5-5 and 5-6 – we appreciate the listing of certain *beneficial impacts* of the proposed Rules, but request that the other *beneficial impacts* identified and described in this letter be included in the list.

PROJECT ALTERNATIVES

Pages 6-1 and 6-2 – it is not entirely correct to state that the No Project alternative would eliminate or limit the opportunities for increased residential development. This is true for two reasons:

- 98 |
1. To build additional principal residences where an owner has multiple legal parcels under one contract, the owner need only “break up” the contract by non-renewing it and obtaining replacement contracts on all of the individual parcels. The No Project alternative would be environmentally inferior to the project because having individual projects under separate contracts makes them more attractive for purchase and could result in a large contracted agricultural holding being broken up into smaller pieces. For some farms and ranches, this could reduce the long-term economic benefits of retaining a larger, consolidated holding.
 2. The present Rules (Uniform Rule 6.D.2.a) state: Only one residential building site shall be allowed *for each acreage unit specified by the applied zoning designation (i.e., one site for each 100 acres in AG-II-100, etc.)*, not “one principal dwelling per premises (all land under a single contract).” Although some newer contracts state that they allow only one principal residence building envelope, the older contracts do not. There are far more older contracts than new ones. Under the older contracts, then, the wording of the Rules would allow far more residential units than under the new, tighter Rule.

99 | Page 6-2 – it is also incorrect to state that the No Project alternative will have a *less significant impact* upon agricultural resources and land use. For the reasons stated throughout this letter, the residential units and agricultural support facilities (including but not limited to wineries) will enhance and preserve long term agricultural viability. These uses are entirely compatible with agriculture. In fact, they are agricultural production. Without these facilities, agriculture in the County will be severely compromised. Grape growers will continue to truck their grapes long distances out of Santa Barbara County or from the vineyards into the urban areas for processing. Vegetable growers will not have the convenience of “in the fields” coolers and processing/preparation facilities that preserve the freshness of their product and make it more marketable and economically competitive. For this reason, the No Project alternative is *inferior for agricultural resources and land use*.

ALTERNATIVE 1 – LEGISLATIVE UPDATES AND CODIFICATION OF PRACTICE

160 Pages 6-4, 6-5 and 6-6 -- it is incorrect to state that Alternative 1 will not affect impact levels. For the reasons stated throughout this letter, the residential units and agricultural support facilities (including but not limited to wineries) will enhance and preserve long term agricultural viability. These uses are entirely compatible with agriculture. In fact, they are agricultural production. Without these facilities, agriculture in the County will be severely compromised. Grape growers will continue to truck their grapes long distances out of Santa Barbara County or from the vineyards into the urban areas for processing. Vegetable growers will not have the convenience of "in the fields" coolers and processing/preparation facilities that preserve the freshness of their product and make it more marketable and economically competitive. For this reason, the Alternative 1 is *inferior for agricultural resources and land use.*

ALTERNATIVE 2 – MODIFIED UNIFORM RULES

Pages 6-8, 6-9, and 6-10 – it is incorrect to state that Alternative 2 will have fewer impacts on agricultural resources and land use when compared to the project. The purpose of the project is to enhance and preserve long-term agricultural viability of agriculture in Santa Barbara County by making the Uniform Rules more flexible and "farmer friendly."

101 For the reasons stated throughout this letter, the residential units and agricultural support facilities (including but not limited to wineries) will enhance and preserve long term agricultural viability. These uses are entirely compatible with agriculture. In fact, they are agricultural production. Without these facilities, agriculture in the County will be severely compromised. Having additional units located on producing agricultural land, particularly when the people living in the residences have a connection to the agricultural operation, discourages trespass, vandalism, theft, poaching, and other activities that damage agriculture. Reducing the number of residential units that farm families will be allowed to have on their property impedes agriculture. Furthermore, as set forth in #1 under the discussion of the No Project alternative, eliminating the flexibility offered by the project simply forces landowners to break up their contracts. This could encourage in the sale of individual parcels once they are under separate contracts. As described in greater detail in this letter, imposing arbitrary size caps upon agricultural support facilities simply impedes the decision makers in approving projects that provide adequate support for agriculture, or forces decision makers to approve more but smaller support facilities to meet the need. The demand for agricultural support facilities should be the driving factor in determining the size and location for these facilities. Making them less convenient by forcing them to be smaller or by limiting their locations simply results in farmers and ranchers having to truck their products longer distances. Not only does this increase traffic and air quality impacts, but it increases costs for the farmer and rancher. For this reason, the Alternative 2 is *inferior for agricultural resources and land use.*

Page 6-11 – for the reasons stated in the previous paragraph, Alternative 2 can be expected to result in more traffic than the project. If farmers and ranchers have to truck their products longer distances, traffic (and the related air quality degradation) will increase. In addition, as noted on Page 5-2 of the DEIR, the additional residential units is expected to provide housing for "farm

101 managers and other employees, or family members of landowners involved in the agricultural operations presently commuting from urban areas." These units, then, are expected to move people from urban areas into housing that is closer to where they work, resulting in less traffic.

ALTERNATIVE 3 – EXPANDED FACILITY DEVELOPMENT

102 Pages 6-13, 6-14, and 6-15 – we do not agree that providing more flexibility in determining the appropriate size of agricultural support facilities will have greater adverse impacts on agricultural resources and land uses when compared to the project. Agricultural support facilities are an integral part of agricultural production. Because of the cost of construction, no farmer or rancher desires to build a facility that is larger than needed. The size limits included in the proposed Rules were based upon the limited information available to the Agricultural Preserve Advisory Committee at the time the Rules were being discussed. Recent evidence presented to the Agricultural Advisory Committee indicates that, to meet the needs of larger wine producers, the size limit is too low. The same could be true of other agricultural support facilities. What we do know is that no one can predict the future needs of agriculture. Crops change to stay competitive, especially with the increase in foreign imports, and the agricultural support facilities must be sized and located to meet the needs expressed by agriculturalists. For this reason, Alternative 3 is equivalent to, and *potentially environmentally superior* to, the project in regard to agricultural resources and land use.

103 Pages 6-16 and 6-17 – because fewer but larger wineries and other agricultural support facilities could reduce the need to truck product longer distances (as described in more detail above), Alternative 3 will not necessarily have *greater environmental impacts* than the project on traffic and air quality. Adopting Alternative 3 could reduce the impacts on traffic and air quality.

104 For the reasons stated in great detail above, we believe that this DEIR is fundamentally flawed and represents an inadequate document that fails to meet the requirements of CEQA. Based upon the numerous citations contained in this letter, the document is inadequate, inaccurate, omits vital factual support, and does not enable the decision-makers to make a decision that intelligently takes into account environmental consequences. The DEIR inappropriately characterizes impacts to agriculture and does not accurately reflect the consequences to agriculture should this program not be adopted. We request that the document be completely revised, using as a base the contents of this letter and of letters received by other commenters.

We also request that, where this letter (and others) identifies the potential need to modify the project description (e.g., the size limit on wineries and other agricultural support facilities), those changes be included as project alternatives and undergo analysis as such. One such alternative should be agricultural support facilities with no absolute size limit – the size would be determined by site-specific characteristics and industry-specific demand factors.

Although we have attempted to address every omission, short-coming, and inadequacy in the DEIR, given the scope and extent of the deficiencies we could not have caught all of the mistakes. Therefore, we request that a re-write of the document not only include responses to the comments received, but that it be treated as a new draft EIR, recirculated to the public. We

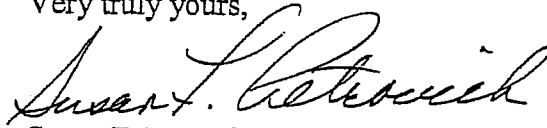
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104 | request that the revised DEIR completely re-analyze the nature and degree of environmental impacts and include additional and revised project alternatives.

Very truly yours,



Susan F. Petrovich
For HATCH & PARENT
A Law Corporation

SFP:lzm

October 31, 2005

Susan Petrovich, Hatch & Parent

Letter B18

Response to Comments:

B18-1 The proposed Uniform Rules changes allow for increased agricultural support facilities and residences because such uses are integral to or buttress agricultural productivity. Notwithstanding the beneficial impacts associated with these uses, before the Board can approve the proposed revisions, state law requires the County to prepare an environmental document to “inform the governmental decision maker and the public about potential, significant environmental effects of proposed activities.” (Title 14, Cal. Code of Regs. (CEQA Guidelines) §15002(a) (1).) The preparation of an adequate EIR is intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (No Oil, Inc. v. City of Los Angeles (1974) 13 Cal 3d. 68, 86; CEQA Guidelines §15003 (d).)

CEQA is not concerned with the ultimate decision reached by the agency on a proposed project, only on the content of the EIR. Whether right or wrong, the ultimate decision of the agency “is a nullity if based upon an EIR that does not provide the decision makers, and the public, with the information about the project that is required by CEQA.” (Santiago County Water District v. County of Orange (1981) 118 Cal. App. 3d 818, 829.)

Under CEQA, when determining whether a project may have a significant effect on the environment, “the lead agency should normally limit its examination to changes in the *existing physical conditions* in the affected area” (CEQA Guidelines §15126.2(a)). Also CEQA Guidelines §15064(d) states “in evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” “Significant effect” is defined as a substantial adverse impact on the environment (Pub. Res. Code §21068), and “environment” is defined as the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance (Pub. Res. Code §21060.5.)³

³ CEQA’s definition of substantial evidence itself requires evidence of physical impacts. CEQA specifically provides that “...evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence” (Pub. Res. Code §21082.2(c).)

This focus on the change in the physical environment is reflected in the thresholds of significance developed by the state and the County for agricultural resources. The focus of CEQA inquiry for "Agricultural Resources" is whether the project will convert defined farmland to non-agricultural (i.e. non-cultivation) use. (CEQA Guidelines, Appendix G.) In addition, the County has adopted thresholds of significance to use in the determination of the significance of environmental effects, per CEQA Guidelines §15064.7(a). Non-compliance with these qualitative levels means the effect will normally be determined to be significant by the agency. (*Ibid.*) Under its agricultural resource thresholds, the County asks whether the proposal will result, among other things, in the impairment of agricultural land productivity. The County uses a detailed weighted point system to assign relative values to particular characteristics of a site's agricultural productivity (parcel size, adjacent land uses, water availability, comprehensive plan designation, agricultural preserve potential, existing land use, soil classification, agricultural suitability, and combined farming operations), and asks whether a discretionary act would result in the physical conversion of existing agriculturally viable and productive land to non-agricultural uses, or would substantially disrupt surrounding agricultural operations. If so, the project is considered to have a significant effect on the environment.

The conclusion that the "farmland conversion" analysis required by Appendix G and the County's CEQA Guidelines narrowly focuses on loss of productive agricultural lands for cultivation is supported by the following additional two factors:

(a) LESA Model

CEQA provides that agencies may use the California Agricultural Land Evaluation and Site Assessment Model (LESA), an "optional methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process" (Pub. Res. Code §21095). The LESA model addresses land suitability for crops, soil categories, project size, water resources, and surrounding agricultural and protected resources. There is no adjustment or credit in LESA for conversion of agricultural lands to agricultural support facilities. Therefore, this alternative CEQA significance threshold contemplates impacts to agricultural resources as impacts to the land itself, and suitability of the land itself for growth of plant and animal products. CEQA's specific allowance for the use of LESA as a means to assess the significance of loss of agricultural lands indicates legislative intent that conversion impacts are based on the quality of the land and its capacity for actual onsite plant and animal growth.

(b) Williamson Act

Agricultural use is defined in the Williamson Act as "... use of land for the purpose of **producing** an agricultural commodity for commercial purposes." (Emphasis added; Gov. Code §51201(b).) Compatible use is separately defined as "any use determined by the county ... or by this act to be compatible with the **agricultural**, recreational or open space use..." (Emphasis added; Gov. Code §52101(e).) Moreover, Government Code §51238.1 emphasizes principles of compatibility, and clarifies that uses which significantly compromise the long-term agricultural productivity of the parcel are not compatible but may be conditionally approved if (among other findings) the use "is consistent with the purposes of this chapter to preserve agricultural ... land...." Of particular importance, "[u]ses that significantly displace agricultural operations ... may be deemed compatible if they relate directly to the production of commercial agricultural products ... including activities such as harvesting, processing, or shipping."

Thus, under the Williamson Act, compatible uses are defined as uses that are not agricultural operations or use themselves, but which support agricultural use. This differentiation supports the EIR's analysis and determination that the conversion of agricultural lands to other uses, even compatible ones, is a potentially significant and unavoidable environmental impact.

B18-2 The text describing Alternative 2 in the executive summary has been revised to delete the phrase: "... or compromising the integrity of the Agricultural Preserve Program."

B18-3 Please refer to responses to comments 1 and 2 above.

B18-4 For the purpose of CEQA alternative requirements, Alternative 1 was chosen as environmentally superior based on the decreased level of potential environmental impact. However, the EIR acknowledges Alternative 1 "...would meet some, but not all, of the project objectives....it would not address the changing needs of the County's agricultural industry."⁴

B18-5 Please refer to response 1 of this letter.

B18-6 Please refer to response 1 of this letter.

B18-7 Several commenters have suggested that the methodology used for analyzing significance of agricultural impacts should be statistically based using a comparative approach.

⁴ Introduction, pg. 1-4

However, neither CEQA nor the County's environmental thresholds employ a comparative standard for determining the significance of impacts to agricultural resources. Indeed, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, the Court invalidated previous CEQA Guidelines authorizing a local agency to dismiss cumulative impacts as *de minimis* based on a ratio theory.

CEQA recognizes the difficulty in assessing impacts to agriculture and therefore suggests upfront the use of the LESA model. The California LESA model was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). Thus, CEQA and the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

In response to the agricultural community's concerns, Comprehensive Planning staff ran the anticipated conversion of agricultural lands resulting from the Uniform Rules revisions through the LESA model to determine if State thresholds for significance would garner a different result from that identified in the DEIR. The LESA analysis for the Uniform Rules revisions is included in Section 3.1.3.A and Appendix 8 of the proposed Final EIR. The presented scenarios demonstrate that the conversion of 2 acres of agricultural land for residential purposes as proposed by the Rules revisions would not result in a significant impact related to farmland conversion. On the other hand, the LESA model analysis indicates conversion of 7 acres or more would be significant (evidence provided in DEIR comments from the Grower-Shipper Association suggests potential for up to 30 acres required to develop a processing facility).

The fact that the CEQA Guidelines identify the LESA model as an alternative approach suggests that if a foreseeable component of a program may trigger the LESA threshold of significance, failure to acknowledge that significant impact would render the EIR deficient. In other words, if the suggested statistical comparison were used instead of the quantitative analysis provided for in the LESA model and the weighting system provided by the County's existing thresholds, the DEIR would fail to acknowledge what would otherwise be determined to be a significant impact.

- B18-8** Potential large-scale wineries, preparation and processing facilities, and AIO facilities, all involve development with permanent foundations, soil compaction to engineering standards, and potentially extensive areas of concrete or asphalt covering agricultural

soils. The LESA model analysis has determined that conversion of 7 acres or more of agricultural soils would result in a significant impact to agricultural resources.

B18-9 Please refer to letter **B20**, responses to comments **2, 4** and **5**.

B18-10 Parameters for the mitigation measure are based on a conceptual commercial composting facility discussed at the Agricultural Preserve Advisory Committee meeting in February of 2005. The additional criteria will provide more explicit guidance for evaluating future composting operations, and restrict such operations from locating on smaller parcels where they could be in closer proximity to rural residential uses. The standards proposed in the mitigation measure would also help to ensure the composting operation would be scaled and sited appropriately relative to the principle agricultural operation on the premises and potential impacts (discussed on page 3-20 of the DEIR) would be minimized. However, even if the applicant complies with all of the standards discussed in Mitigation Measure AG-2, they must also demonstrate consistency with the compatibility principles of the Williamson Act and provide direct benefit to agriculture on the premises and in the vicinity.

The proposed mitigation measure augments the criteria already included in the rule, and would contribute toward mitigating:

- ♦ impairment or loss of agricultural productivity, by limiting the amount of land both relatively and absolutely (the lesser of 10% or 35 acres) that could be used for composting on individual premises; and
- ♦ incompatible land uses and structures, by further limiting the location of future composting facilities to larger premises (\geq 40 acres) and zoned AG-II.

Upon reconsideration in light of your comment regarding the proposed standard to not allow enclosure of a composting operation, that has been deleted from the proposed mitigation measure as the permitting process for such an operation would likely address any potential impacts resulting from an enclosure.

The commenter is correct that Mitigation Measure AG-2 does not address Impact AG-3, since the impact analysis determined composting facilities would have an adverse but less than significant impact. The proposed Final EIR has been amended to reflect this change.

B18-11 Please refer to response to comment **1** above.

B18-12 As discussed in the DEIR (pg. 3-9) less than half of the eligible contracted premises (at least 600 acres in size) with existing vineyard have enough planted acreage to warrant an expansion of their winery envelope beyond the limitations of 5 acres.

Mitigation AG-3 is supported by analysis in the DEIR (Table 3.1-3) which indicates that 12 of 13 eligible premises can maximize case production (including importation of 49%) within a winery production envelope less than 15 acres. The analysis in Table 3.1-3 (in the draft EIR) was based on an average acreage production efficiency of 40,000 cases per 1-acre winery facility for several existing large wineries in the County (see table below).

Winery	Winery Site Size	Production Capacity	Case Production Per Acre of Site
Cambria	5 acres	400,000	80,000
Curtis	1.5 acres	40,000	26,700
Dierberg	2 acres	100,000	50,000
Foley	3 acres	100,000	33,333
Gainey	2 acres	50,000	25,000
Sanford	3.5 acres	80,000	23,000
Zaca Mesa	2.7 acres	100,000	37,000

* Please note that the production capacities are based on 2003 figures.

The remaining eligible premises with the greatest vineyard acreage planted (see EIR Table 3.1-3 with 2,845 acres planted) could process all grapes planted on the premise plus another 40% imported from elsewhere, within a 15-acre envelope, if a case-production/acre rate similar to Cambria winery (e.g. 80,000 cases per acre) were achieved. Therefore, to encourage the efficient use of land under Williamson Act used for agricultural support facilities, Mitigation Measure AG-3 is warranted. The text of the proposed Final EIR has been amended to explain further the need for this measure.

The proposed cap would not preclude some larger wineries or non-grape preparation or processing facilities from locating on contracted land. But larger scale processing of a regional nature would be more appropriately located in an Agricultural Industry Overlay as allowed for under Proposed Rule 2-6. Mitigation Measure AG-1 has been amended to delete the acreage cap for AIOs.

B18-13 The commenter correctly states the intent of proposed Rule 1-4.C is to provide an incentive for agriculturists with superprime parcels greater than 10 acres to plant additional land to commercial production. Mitigation Measure AG-4 would apply to a situation where the superprime premises is fully planted or productive area significantly exceeds the minimum production solely to expand the residential development envelope beyond the 10,000-square foot limit. While this mitigation measure would prevent such removals, it could also result in unintended consequences where landowners view the rule as a liability restricting their future building options, and therefore lead to a decision not to maximize planted acreage. Due to the potential result in a reduction in overall planted acreage on qualifying superprime premises, Mitigation Measure AG-4 has been deleted in the proposed Final EIR.

B18-14 Increased production on superprime land is identified as a beneficial impact in Section 5.5 of the EIR. The reference to the proposed Rules should also include reference to Rules 1-4.1.C which has been corrected in the proposed Final EIR.

B18-15 CEQA recognizes the difficulty in assessing impacts to agriculture, and therefore suggests in its checklist in Appendix G the use of the California Agricultural Land Use and Site Assessment model (LESA). The LESA model was developed to provide lead agencies with a methodology to ensure that potentially significant effects on the environment resulting from agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code, §21095). Thus, CEQA and the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

In response to concerns voiced in several Draft EIR comment letters, Comprehensive Planning staff analyzed the anticipated conversion of agricultural lands resulting from the Uniform Rule revisions using the LESA model to determine whether or not State thresholds for significance would garner a different result from the result identified in the DEIR. Consequently, the additional acre applied to residential envelopes did not result in a significant impact. Therefore, Mitigation Measure AG-6 has been determined to be unnecessary and has been deleted in the proposed Final EIR. The impact analysis (Sec. 3.1.3.A) pertaining to proposed Uniform Rule 1-4.1 has been revised appropriately and reference to Mitigation Measure AG-6 mitigating Impact AG-1 has been deleted.

B18-16 Thank you for calling this to our attention. Mitigation Measure AG-7 has been amended to include wording similar to Rule 1-2.3.A.1 to address onsite constraints that may limit commercial agricultural production.

A key principle of the Williamson Act, a key goal of the County's program and the Uniform Rules update is to retain the maximum amount of land in agricultural production, that is, growing plants or raising animals on land in Agricultural Preserve. Consequently, a production requirement is placed on premises with wineries in the current and proposed rules (Rule 2-2.1.B.2). However, that requirement references wine case production and therefore cannot be generalized for application to other crops. The proposal to require 50% or 50 acres in crop production on the parcel containing preparation or processing facilities, as amended, is similar to proposed eligibility requirements for prime land (Rule 1-2.3.A.1); and more importantly, is consistent with the intent of the Williamson Act and the principles of compatibility.

B18-17 The analysis in Sec. 3.1.3.B of the EIR is concerned with the potential for buildings or structures that are incompatible with the existing use of the land. As a consequence Impact AG-2 is not focused on agriculture per se, rather it is focused on agriculture as a land use and on the character of existing agricultural areas. Factors considered in this analysis are density of development, and scale of operation as well as of buildings or structures relative to existing uses. The visual resource analysis evaluates the aesthetic consequences of these factors. The land use evaluation considers whether or not the proposed uses are typical of what currently exists. The use of the term “compatible” in this evaluation is not equivalent to its use in the Williamson Act or the Proposed Rules. As a result, uses such as large-scale wineries, preparation and packing facilities that unquestionably benefit agriculture, could also potentially be incompatible with surrounding land use.

The benefits to agriculture of supportive agricultural structures that would be allowed by the Proposed Rules have been expanded upon in Sec. 5.5 of the EIR. Beneficial impacts to the Agricultural Preserve Program from the proposed Uniform Rules revisions include: 1) increased opportunities for the preparation and processing of agricultural products; 2) diversification of supplemental farm income; 3) ensuring the continued viability and sustainability of agriculture; 4) the preservation of family operations; and furthers the Agricultural Program by providing greater flexibility in the Uniform Rules. In accordance with CEQA, beneficial social and economic impacts are excluded from the consideration of the severity of impacts associated with physical agricultural land conversion. Instead, the potential environmental impacts identified in the EIR are considered by the decision makers along with relevant County policies and any social and economic factors when weighing the benefits and drawbacks of the Uniform Rules revisions. When the significant and unavoidable impacts of the projects are outweighed by the “economic, legal, social, technological, or other benefits of a proposed project,” the Board may approve the project with the adoption of a Statement of Overriding Considerations.

B18-18 Analysis in the DEIR has determined that the scale and size of certain facilities, namely those facilities in the Agricultural Industry Overlay, preparation and processing and potential residential/small-scale guest ranch density will result in the increase in lighting and glare due to normal operations and security lighting required. Standard mitigation measures, like hooding and focusing light downward will be required in all cases of development, however, as stated previously, the scale and size of potential projects will be larger than what is currently allowed, or existing. Thus, it is feasible that an appreciable increase in light in the ambient night sky will be present. Limits on the size and scale of facilities will correspondingly reduce ambient artificial light and glare.

B18-19 Upon review of Section 3.3 Noise of the DEIR and in particular Subsection 3.3.5 Mitigation Measures, existing policies and standards in the County's Noise Element and adopted Community Plans and standard conditions are sufficient to mitigate potential noise impacts to acceptable levels that could result from the operation of large-scale preparation facilities, composting facilities or from staging special events. In particular, the following requirements address potential noise impacts:

Agricultural Industry Overlay (Land Use Element page 174-a):

1.g. The overlay shall not be applied where it would have a significant adverse impact on adjacent residential areas.

Conditional Use Permit Findings (Article III, Section 35-315.8 & Article II, Section 35-172.8):

2. That significant environmental impacts are mitigated to the maximum extent feasible.

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

Standard Conditions:

91. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded ... and shall be located away from noise-sensitive receptors.

The text of Subsection 3.3.5 has been reworded and Subsection 3.3.6 modified accordingly.

As stated in the DEIR, however, project buildout in conjunction with pending and approved development in the rural unincorporated areas of the County would result in noticeable increases in traffic related noise levels on primary and secondary roads. Due to the programmatic nature of this analysis, the exact location and concentration of proposed development cannot be determined. Therefore, cumulative noise impacts could be significant and unavoidable.

B18-20 One of the traffic thresholds used for this programmatic EIR is: Generation of substantial additional vehicular movement in relation to existing traffic load and capacity of the street system. Neither CEQA nor the County's guidelines quantify "substantial" in relation to this threshold. In the DEIR it is concluded that traffic generated by potential new residential development would be less than significant. Traffic generated by large-scale wineries or preparation facilities, similar large-scale facilities located in an AIO and composting facilities could adversely impact local county roads depending on where they

were located in the future. Again depending on where future facilities might be located, large-scale wineries, preparation facilities, AIO facilities and composting facilities could also adversely impact highways 1, 154 or 246 especially if more than one of these facilities were located in close proximity to each other, and also in combination with other development anticipated in the Lompoc Valley or Santa Ynez Valley rural regions.

B18-21 A primary reason for proposing increased housing options in the Uniform Rules is to provide housing for multigenerational farm families to prevent fracturing of contracts and agricultural operations. Employee housing is allowed for bonafide employees on the premises in the current rules and is unchanged in the proposed rules. However, the proposed rule to allow additional principal dwellings (Rule 1-4.1.B) could allow greater flexibility for agricultural employees. For either family members or employees, these people are already working on the land if not living on the land, and to provide housing for them would not increase vehicular trips, and could possibly reduce daily trips. Even though the DEIR in Section 3.4 evaluates the potential impacts of a reasonable worst case where all newly allowed residences contributed to traffic volumes, it concludes that new residential uses would not significantly impact traffic in rural areas.

B18-22 The information about the status of groundwater basins reported in the DEIR was taken from the Santa Barbara County Water Agency's annual groundwater report for the year 2003 and published in 2004 (the references to the 2003 report on page 3-73 of the Draft EIR is incorrect and has been corrected in the proposed Final EIR). The 2004 report's information on the status of the groundwater basins was reviewed and updated by the County Water Agency in 2005. Both these sources maintained that four basins within the County were in a state of overdraft: Cuyama, Lompoc Uplands, San Antonio and Santa Maria.

The County 2005 groundwater report has been recently accepted by the Board of Supervisors. This most recent groundwater report reaffirms the overdraft status of the Cuyama, San Antonio and Santa Maria basins; the Lompoc Uplands Basin is reported to have achieved equilibrium. The County's annual groundwater report is prepared by the qualified and knowledgeable staff in the County Water Agency (a division of the Public Works Department) in conjunction with scientist at the U.S. Geological Survey (USGS) and state Department of Water Resources (DWR) in compliance with Action Item 4.1.1 of the Groundwater Resources Section of the County's Comprehensive Plan Conservation Element which states:

"The County Water Agency shall continue to monitor water levels from existing monitoring wells and, in coordination with the U.C. Cooperative Extension/Farm Advisor, shall request on a voluntary basis, private and public water purveyors and major private groundwater users including

agricultural users, to provide periodic records of groundwater production....[The] Agency shall compile an annual report on the status of pumping amounts, water levels, overdraft conditions, and other relevant data, and shall submit this report to the Board of Supervisors for its acceptance and possible further action.”

This report is the best available information for Santa Barbara County.

Neither the previous or current annual groundwater reports nor the DEIR reported the Goleta Basin as being in a state of overdraft.

On August 3, 2005, the Court in the Santa Maria Groundwater Litigation approved and filed an Order Approving Settlement Stipulation, finding, among other things, that the Stipulation was reasonable and provided a physical solution to actual and potential problems of the groundwater basin that protects the water resource and rights and interests of all parties by ensuring the Basin’s long-term sustainability. The Court approved the Order pursuant to Article X, §2, of the California Constitution in order to impose a physical solution, finding that unless it did so, potential changes in water use could affect Basin adequacy and integrity. In doing so, it required, consistent with the requirements of Orcutt Community Plan Policy WAT-O-2 that new urban uses provide a source of supplemental water to offset the water demand associated with that development, and reserved jurisdiction to supervise the Settlement, including other provisions for new developed water and to respond to severe water shortages.

The 2005 report states:

“Litigation regarding the status and use of groundwater in the Santa Maria Basin was initiated in 1997. This litigation may affect the rights of water users within the basin and may result in development of a management process.... When final judgment is entered in this litigation, a subsequent ground-water report will contain a discussion of its implications to the groundwater resources monitored by the County.

“The Water Agency has evaluated the status of the basin, as well as the USGS, DWR, and private entities. Most all parties have agreed historically that the basin is in overdraft to a small, but significant amount. Any amount of overdraft in the basin is significant because overdraft may contribute to water quality changes; not only the buildup of nitrates, sulfates and total dissolved solids, but the threat of salt-water intrusion.

“SBCWA has an extensive network of water level monitoring wells throughout the basin and when utilized to calculate the storage of groundwater they show that there is indeed a long-term decline in the amount of stored water above sea level in the basin.

“Whatever the outcome of the litigation, SBCWA staff will continue monitoring the basin and sharing any information collected to all parties interested in protecting its water supply for the continuation of the extensive and historical agricultural base as well as urban usage and development.” (SBCWA Groundwater Report 2005, page 55.)

B18-23 According to the CEQA Guidelines, a growth inducing impact is defined as, “The way in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this definition are public works projects, which would remove obstacles to population growth.”

Referring back to the EIR assumptions stated throughout Section 2. Project Description, it has been presumed that preparation and processing facilities as well as those in the Agricultural Industry Overlay will be concentrated in particular rural regions and not dispersed throughout thousands of acres in the County. Thus, the supposition of central areas of interrelated agricultural-support uses has the potential for growth inducing impacts within these identified clusters.

Residential development and special events are likely to generate steady traffic and population swells, a higher demand on roads, water systems, etc. in the rural areas. As well, the possibility of the location for other urban services such as commercial centers, etc. becomes more probable. Likewise, in the case of preparation and composting facilities, a greater number of facilities, occupying a larger area, presumably producing and preparing more agriculturally related products will place a higher demand on roads (due to truck traffic and employee use), water systems and the potential necessity of commercial centers, or employee housing.

B18-24 Please refer to response to comment 23 above. It is assumed that there is a direct relationship between the number and scale of residences and facilities in the identified regions of growth and the impact or degree of growth inducing factors. The extent to which residences, facility development and special events can be scaled-down through the implementation of mitigation measures AG-2 and AG-5 would be commensurate with growth inducing impacts.

B18-25 Please refer to response to comment 75.

B18-26 Please refer to response to comment **19** above.

B18-27 One of the goals of the Update to the Uniform Rules is to increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program. This includes codifying existing administrative practice of the Agricultural Preserve Advisory Committee (APAC). Under CEQA, the baseline should reflect existing conditions on the ground as closely as is possible. It is therefore appropriate for the purpose of this CEQA analysis that the baseline used is the practice of the Uniform Rules as administered by the APAC. The allowance of one principal dwelling per premises is the interpretation and practice which has been employed by the County since inception of the program. The first line in Sec. 2.4.1 of the EIR has been revised to reference the administrative practice rather than the text of the current Uniform Rules.

B18-28 Section 2.4 presents buildout assumptions for the proposed Uniform Rule amendments (Project Description) and provides a basis for assessing potential environmental impacts. Table 2-3 appropriately lists the actual number of existing contracts which could potentially qualify for one or two additional residential units, as may be allowed under Proposed Rule 1-4.1.B.2. The potential change in net residential units is appropriately measured against the existing administrative practice limiting one principal dwelling per contract. The total number of existing principal residential dwellings on contracted land is not particularly relevant since the analysis for Rule 1-4 (Section 3.1.3.A) evaluates the environmental consequences of additional dwellings on a premise by premise basis, compared to the existing limitation of one principal residential dwelling per premises.

B18-29 Please refer to response to comment **28** above.

B18-30 The sentence in the last paragraph under 2.4.1 Residential Use, refers to the inclusion of lands in the Mountainous and Resource Management Zone districts and the exact statement is "...this would not result in any additional residential development in the rural areas of the County beyond what is already allowed under the County's zoning ordinances." The assertion that the Williamson Act program is more restrictive is not reflected in this statement. What is reflected is that 1) more lands will be eligible for contracts; and 2) more lands will have the ability to receive the tax benefit the Williamson Act affords; and as for all land in the County under private ownership, contracted and non-contracted, they are subject to the County zoning ordinance.

B18-31 A number of factors were employed to derive a 2.5% participation rate:

1. the number of existing guest ranches in the County;
2. the number of premises eligible to participate;
3. the potential number of small-scale guest ranches for each rural region based on the region's profile of agricultural parcels;
4. the number of small-scale guest ranches the County as a whole could likely support.
5. the number of contract holders likely to participate given the start-up costs of a small-scale guest ranch.

The assumption regarding the number of guest per small-scale guest ranch was based on the sizes allowed by the Uniform Rules and the number of guests who, on average would, most probably be accommodated during the ebbs and flows of the tourism industry in Santa Barbara.

B18-32 Thank you for your comment. This item has been corrected in Table 2-6 in the proposed FEIR.

B18-33 As is stated in the EIR, the 50-50 split was considered a reasonable assumption to use for this analysis. The Central Coast Wine Growers Association conveyed in their letter of October 22, 2004 that this was a common sense approach. There is no evidence to support the use of any other ratio to allocate future production capacity between large-scale wineries and small-scale wineries. It was felt that the 50-50 split would not unfairly portray rampant large-scale winery development resulting from the proposed amendments to the Uniform Rules yet indicate that some large-scale winery development would occur. In other words, analysis using a 50-50 split would minimize the disparity with what actually could occur in the future. This is based on the fact that only 3 premises out of 1,222 individual contracts in the County's Agricultural Preserve program have sufficient vineyard acreage and contract premises acreage to qualify for a large-scale winery greater than 10-acres in size (Table 3.1-4).

B18-34 Please refer to response to comment 33 above.

B18-35 The title to Table 2-11 (formerly 2-10) has been revised to remove the word "converted". For a discussion of the thresholds used in the analysis of agricultural resources, please see response to comment 1 above.

B18-36 Data pertaining to historic agricultural preserve contracted acreage has been added to Section 3.1.1. Please refer to Table 3.1-2 and Table 3.1-3 in the proposed Final EIR.

B18-37 Thank you for your comment. Section 3.1.1 has been revised in the proposed Final EIR. Your comment has been addressed through these changes.

- B18-38** This section has been revised to reflect the wide variety of agricultural products grown in the Capinteria Valley.
- B18-39** The Gaviota Coast Rural Region used in this EIR comprises the Gaviota Coast and North Gaviota Coast rural regions which have been defined by the County Board of Supervisors for planning purposes. The boundaries of the combined Gaviota Coast Region are identified on Figure 1 in the proposed Final EIR. Data sources include Department of Conservation Important Farmland Maps (2002) and County Assessor data for the Agricultural Preserve Program. Characterization of the region was based on acreage, not value of crops produced. Sec. 3.1 has been revised in the proposed Final EIR to distinguish between the Gaviota Coast and North Gaviota Coast regions and to provide more detailed description of agriculture within each.
- B18-40** The two parcel sizes mentioned in the third line under Uniform Rule 1-2.3 Commercial Reporting and Production Requirements, were intended as two disparate examples, not the total range for superprime parcels. The text in the proposed Final EIR and of Uniform Rule 1-2.3 has been revised for clarity.
- B18-41** The allowance of one principal dwelling per premises is the interpretation and practice which has been employed by the County since inception of the program; therefore, it is appropriate to analyze the potential net increase in residential units which may be allowed under Uniform Rule 1-4.1. Section 3.1.3.A analyzes potential impacts to agricultural resources primarily associated with taking agricultural soils out of current or future production for development of residential and agricultural support uses. This section has been revised in the Proposed Final EIR incorporating LESA model analyses (see Appendix 8). The LESA model results indicates impacts to agricultural resources would be *less than significant* for both the existing residential envelope (no more than 2-acres or 3% of the parcel, which ever is smaller), and for Proposed Uniform Rule 1-4.1.B.5 which would allow qualifying premises up to a 3-acre cumulative envelope.
- B18-42** Please refer to response to comment 41 above.
- B18-43** Impacts to agricultural resources as a result of additional dwellings was considered to be adverse but less than significant in the EIR. Further analysis using the LESA model confirmed on a parcel basis that the potential impact would be less than significant. For discussion of the analysis using the LESA model, please refer to response to comment 7 above.
- B18-44** The analysis in Section 3.1.3.A evaluates the incremental loss of agricultural soils on superprime contracted land and concludes the impact of Rule 1-4.1.C is adverse but less

than significant. Sec. 5.5 of the Proposed FEIR has been revised to include the beneficial impact to increased productivity that would result from Rule 1-4.1.C.

B18-45 Please refer to response to comment 33 above.

B18-46 Please refer to response to comment 1 above.

B18-47 The loss of agricultural soils to development regardless of the nature of the development constitutes an impact to agricultural resources by loss or impairment of agricultural productivity. This is discussed at greater length in the response to comment 1 above.

B18-48 As stated in the DEIR, the information about market preparation facilities for non-grape crops was provided through personal communication in 2004 with Frank Laemmlen, Director of Cooperative Extension for Santa Barbara County and also the advisor on vegetables and plant pathology. The way that growers prepare their field crops for market in Santa Barbara is almost as diverse as the crops that are grown. Among other factors, the types of facilities needed are determined by the form the produce is to be sold in and the marketing commitments of the growers. While some processing of local fruit or vegetable produce does occur in Santa Maria, Guadalupe and Lompoc, the bulk of production is for the fresh food market whether through wholesalers or direct to the public at regional farmers' markets. Some of the larger agricultural operations or cooperatives have their own permanent preparation facilities. At the other end of the spectrum, small operators are frequently under contract to large wholesalers. Both because their operations are small or seasonal, and margins are small, the small producers can't afford to have packing facilities on site. Harvesting is performed by contractors or provided by the wholesalers who employ custom harvesters and also provide packing units in the fields. The packing units are moved from site to site, but do not include cooling; the packed produce is then taken to a cooler. This has been corrected in the text.

This discussion in the DEIR was to determine the likely future demand for larger-scale market preparation facilities by non-grape growers for the purposes of impact analysis. The assumption in the DEIR was that in the foreseeable future two permanent large-scale preparation facilities each serving single premises or owners (i.e. not located in an AIO where it could serve multiple growers) would take advantage of the proposed new rules allowing preparation facilities larger than 5 acres and up to 20 acres in size on contracted land. The number, location or potential impacts of preparation facilities up to 5 acres in size allowed under the current rules are not analyzed in the EIR.

Table 3.1-5 and the impact analysis in Section 3.1-3.A (Rule 2-6) has been revised in the proposed FEIR to incorporate the Grower-Shipper Vegetable Association's suggested buildout assumptions of two large coolers of 30-acres each and two medium coolers of

15-acres each. Please see the attachment to letter **B20** from the Grower-Shipper Vegetable Association.

B18-49 Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region. Notwithstanding the beneficial impacts associated with allowing for larger agricultural support facilities on contracted lands, the EIR appropriately analyzes the physical impacts to agricultural soils which could occur if these large-scale agricultural support facilities are constructed as a result of the proposed Uniform Rule changes.

B18-50 The AIO buildout assumptions (page 3-13 of the DEIR) were derived by reviewing the size and scale of existing representative cooling and packing facilities in the County. The table below identifies existing facilities used to establish the buildout assumptions in the DEIR.

Facility	Location	Footprint
Bonita Cooling & Packing Facility	Santa Maria	15 acres
Frontier Cooling	Santa Maria	14.5 acres

The Grower-Shipper Vegetable Association comment letter (**B20**) provides additional information from industry experts indicating the produce industry trend is toward consolidation into larger cooling/packing facilities that can handle in excess of 15 million cartons annually. Such a facility will require approximately 30 acres (111,250 square feet per million cartons).

Table 3.1-6 (formerly 3.1-5 of the DEIR) and the impact analysis in Section 3.1-3.A (Rule 2-6) have been revised in the proposed Final EIR to incorporate the Grower-Shipper Vegetable Association suggested buildout assumption of two larger coolers of 30 acres each and two medium coolers of 15 acres each. Using this buildout assumption, the estimated acreage conversion for Rule 2-6 would be changed from 45 acres to 90 acres.

CEQA recognizes the difficulty in assessing impacts to agriculture and therefore suggests in its checklist in Appendix G the use of the California Agricultural Land Use and Site Assessment model (LESA). The LESA tool was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). Thus, CEQA and

the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

In response to the agricultural community's concerns, Comprehensive Planning staff ran the anticipated conversion of agricultural lands resulting from the Uniform Rules revisions through the LESA model to determine if State thresholds for significance would garner a different result from that identified in the draft EIR. The LESA analysis for the Uniform Rules, including the AIO buildout assumption suggested by the Grower-Shipper Vegetable Association, is incorporated in the Proposed Final EIR (Appendix 8). The LESA model analyses confirms the original Class I significant impact conclusion identified in the draft EIR (that conversion of 15 acres to a preparation and processing facility would be significant) and therefore a facility of 30 acres in size will also result in a Class I significant impact associated with converting agricultural soils to developed uses.

Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.

B18-51 The discussion regarding proposed Rule 2-2.1 (percentage of grapes grown on the premises, pages 3-17 and 18 of the DEIR) states the new rule would allow greater case production and potentially larger wine processing facilities per premises than currently allowed. While the potential development of larger and/or expanded winery facilities would take additional agricultural soils out of production, the impact is considered to be adverse but less than significant. Sec. 5.5 Beneficial Impacts in the Proposed FEIR has been expanded to include provisions for supportive agricultural facilities.

B18-52 Sec. 5.5 Beneficial Impacts in the Proposed FEIR has been expanded to include provisions for supportive agricultural facilities. For a discussion of agricultural support facilities relative to the thresholds, please refer to response to comment 1 above.

B18-53 Sec. 5.5 Beneficial Impacts in the Proposed FEIR has been expanded to include provisions for supportive agricultural facilities. Please also refer to response to comment 50 above.

B18-54 The benefit of agricultural composting has been included in Sec 5.5 Beneficial Impacts.

B18-55 Please refer to responses to comments 7 and 10 above.

- B18-56** Thank you for your comment. The title has been revised and references to non-agricultural use have been replaced in the proposed Final EIR. Santa Barbara County's Initial Study Checklist states that a project's impact on land use could be significant if it would result in "structures and/or land use incompatible with existing land use (Thresholds of Significance, Initial Study Checklist, bullet 1)." A land use considered consistent with the Williamson Act Principles of Compatibility may still have the potential to result in significant project impacts on existing land use depending upon scale and intensity of development; and therefore, it is appropriate for it to be analyzed in this environmental document.
- B18-57** Proposed Uniform Rule 1-4.1 Principal Dwelling, is considered to be adverse but less than significant with respect to potential incompatible land uses or structures (page 3-15 DEIR). It is also identified as a beneficial impact in Section 5.5 of the proposed Final EIR.
- B18-58** As discussed in Sec. 3.1.3 B of the DEIR, processing facilities may conflict with surrounding land uses and structures due to the potential industrial scale of these facilities and their potential concentration and localized affects in certain areas of the county. However, these facilities have also been included in Sec. 5.5 Beneficial Impacts.
- B18-59** As stated on page 3-16 of the Draft EIR, agricultural support facilities located in an AIO could be compatible with surrounding land uses by introducing uses of a larger scale or higher density.
- B18-60** Please refer to response to comment 59 above. As stated on page 3-17 of the DEIR, "... [composting] facilities could result in potential nuisance issues with neighboring landowners in terms of creating odor, noise and dust, depending on their locations." The benefits of agricultural composting have been included in Sec 5.5 Beneficial Impacts.
- B18-61** While larger scale or expanded processing facilities and wineries located in the agricultural areas of the County would have benefits to agriculture, they could at the same time, lead to increased numbers of people, including non-farm workers, business visitors and tourists, on the premises and surrounding agricultural lands where the facilities would be located that could have localized impacts. CEQA and the County's thresholds require analysis of this potential impact without reference to whether such potential population increases are permanent or temporary in nature. The benefits to agriculture of providing these facilities are acknowledged in Section 5.5, Beneficial Impacts.
- B18-62** Please refer to response to comment 61 above.

B18-63 In Sec. 3.1.4 Cumulative Impacts, reference to the ongoing conversion of grazing land to higher intensity cultivated agriculture has been deleted.

B18-64 Please refer to the responses to comments 1 and 63 above.

B18-65 The paragraph-referenced (top of p3-23 of the DEIR) identifies existing policies in the Agricultural Element, Land Use Element and Local Coastal Plan. These policies, which would apply to a conditional use permit application, address removal of land from agriculture for buildings or other structures, and/or protection of rural character. Directly or indirectly, these policies afford protection to productive land, thereby in part mitigating the potential impacts of future development allowed by the Proposed Rules. Protection of land for producing agricultural products and protection of rural character are two separate goals, but may be achieved through application of the same policies. The paragraph cited has been revised to remove reference to Policy II-B (which was erroneously included) and to "non-compatible uses".

B18-66 Please see responses to letter B20, comment 2, 4 and 5.

B18-67 Parameters for the mitigation measure are based on a conceptual composting facility discussed at the Agricultural Preserve Advisory Committee meeting in February 2005. The additional criteria will provide more explicit guidance for evaluating future composting operations, and restrict such operations from locating on smaller parcels where they could be in closer proximity to rural residential uses. The standards proposed in the mitigation measure would also help to ensure the composting operation would be scaled and sited appropriately relative to the principle agricultural operation on the premises and potential incompatible development impacts (discussed on page 3-17 of the DEIR) would be minimized. However, even if an applicant complies with all of the standards included in Mitigation Measure AG-2, they must also demonstrate consistency with the compatibility principles of the Williamson Act and provide a direct benefit to agriculture on the premises and in the vicinity.

The proposed mitigation measure augments the criteria already included in the rule, and would contribute toward mitigating:

- impairment or loss of agricultural productivity, by limiting the amount of land both relatively and absolutely (the lesser of 10% or 35 acres) that could be used for composting on individual premises; and
- incompatible land uses and structures, by further limiting the location of future composting facilities to larger premises (≥ 40 acres) and zoned AG-II, and prohibits composting operations within enclosed structures.

The commenter is correct that Mitigation Measure AG-2 does not address Impact AG-3, since the impact analysis (page 3-20 of the DEIR) determined composting facilities would have an adverse but less than significant impact. The proposed Final EIR has been amended to reflect this change.

B18-68 Please refer to response 12 above.

B18-69 The commenter correctly states the intent of proposed Rule 1-4.C is to provide an incentive for agriculturists with superprime parcels greater than 10 acres to plant additional land to commercial production. Mitigation Measure AG-4 would apply to a situation where the superprime premises is fully planted or productive area significantly exceeds the minimum productive acreage requirement. It would prevent taking existing planted acreage out of production solely to expand the non-agricultural development envelope beyond the 10,000-foot limit. While this mitigation measure would prevent such removals, it could also result in unintended consequences where landowners view the rule as a liability restricting their future building options, and therefore lead to a decision not to maximize planted acreage. Because of the potential to result in a reduction in overall planted acreage on qualifying superprime premises, Mitigation Measure AG-4 has been deleted in the proposed Final EIR.

Please also refer to response to comment 13 above.

B18-70 Please refer to response to comment 15 above.

B18-71 Please refer to response to comment 16 above.

B18-72 Please refer to responses to comments 15 and 16 above.

B18-73 Please refer to responses to comments 1 and 63 above.

B18-74 The impact analysis referenced in Section 3.2.3.B of the DEIR evaluates the potential for development to be visually incompatible with surrounding uses, structures or the intensity of existing structures. The analysis concludes that in general, residential development as a result of the proposed Rule 1-4.1 would be similar in size, scale and density consistent with existing rural landscapes, and therefore the impact would be *adverse but less than significant*.

B18-75 Mitigation VIS-1 was intended to apply to potential large-scale wineries and preparation and processing facilities on contracted premises along either Hwy 154 between Santa Barbara and its junction with Hwy 101 north of Los Olivos, or Hwy 1 between its junction with Hwy 101 in the Gaviota area and its junction with Hwy 246 in Lompoc.

Approval of a future large-scale winery or preparation and processing facility on contracted land located either within or outside of a scenic highway view corridor, would be contingent upon a finding of consistency with County policies addressing visual resources. Applicable design standards addressing size, bulk, scale, orientation and location, as well as the requirement for review by the appropriate Board of Architectural Review (BAR), would be applied through the permit process to all proposed facilities regardless of size.

Mitigation VIS-1 has been revised in the FEIR to allow for flexibility in evaluating each application on a case by case basis while still satisfying the Williamson Act (see below) and minimizing or avoiding potential visual impacts along designated scenic highways.

Gov. Code §51220 (Williamson Act):

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

B18-76 Santa Barbara's scenic corridors are important not only to the amenity of the rural areas for residents, but also contribute to making the County a desirable tourist destination. As noted in the DEIR, existing policies in the County's Comprehensive Plan, Local Coastal Plan, and applicable Community Plans address visual resources. Approval of a future AIO on contracted land located either within or outside of a scenic highway view corridor, would be contingent upon a finding of consistency with County policy. Furthermore, zoning ordinance design standards would address size, bulk, scale, orientation and location, and all AIO facilities would be reviewed by the appropriate Board of Architectural Review (BAR).

Currently, the AIO is not an eligible land use in Santa Barbara County's Agricultural Preserve Program. Because of their regional nature, support facilities located in an AIO are likely to be larger than preparation facilities that serve a single premises and an AIO could contain a cluster of such agricultural support facility. The revised wording of Mitigation VIS-2 would allow for flexibility in evaluating each application for an AIO on a case by case basis while still satisfying the Williamson Act (see below) and minimizing or avoiding potential visual impacts along designated scenic highways.

Gov. Code §51220 (Williamson Act):

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic

highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

B18-77 The measures you suggest are already in place in the zoning ordinance. Mitigation measures VIS-4 (AG-2 Composting) and VIS-5 (AG-3 15-acre cap on agricultural processing facilities) merely acknowledge that mitigation measures already proposed in the EIR to address impacts to agricultural resources, also address other potential impacts such as visual impacts. No additional mitigation measures, other than existing design standards and architectural review requirements, are suggested for these facilities in the proposed Final EIR.

B18-78 Please see response to comments **75** and **76** above.

B18-79 Please see response to comment **77** above. The mitigation measures address the potential visual impacts of each individual facility, not the total number of future facilities that may be located on contracted land distributed throughout the County. If two or more such facilities were to be concentrated in close proximity they could have a cumulative impact on visual resources of a particular area, however, a potential cumulative impact is not addressed by these mitigation measures.

B18-80 Please refer to response to comment **18** above.

B18-81 As stated above in responses to comments **75** through **79**, the proposed mitigation measures and existing County policy and development standards may not sufficiently mitigate visual impacts for a single facility in all cases, depending on the facility and its location. Such facility, or even one for which the existing architectural review and development standards and proposed mitigation measures did adequately mitigation visual effects, in conjunction with other development could have a cumulative impact to visual resources of the area, if for no other reason that the area would appear more developed, and be less open and rural in character. The Board of Supervisors have the option to issue overriding considerations for a Class I impact in the context of this environmental review for the Uniform Rules amendments, which could be of assistance in the future for the environmental review of individual projects.

B18-82 Please see response to comment **19** above.

B18-83 Please see response to comment **20** above.

B18-84 The project impacts stated on this page summarize potential impacts prior to application of any mitigation. Requirements for construction sites to be watered, stockpiled earth covered, etc. are mitigation measures. The Air Quality section was reviewed by the

Santa Barbara County Air Pollution Control District. As stated on page 3-71, the residual level of significance has been classified as *significant, but mitigable* (Class II).

Please refer to comment letter **A1**, received from the Air Pollution Control District, pertaining to staff's analysis of air quality.

B18-85 Mitigation measures AQ-2 and AQ-3 acknowledge that mitigation measures already proposed in the EIR to address impacts to agricultural resources, also address other potential impacts such as air quality impacts. No further mitigation measures targeting air quality impacts are proposed. Nowhere in the EIR is there a listing of "new" air quality protection requirements for composting operations. The Santa Barbara County APCD (Air Pollution Control District) does not have any thresholds by which to measure composting emissions. Instead, the facilities would be subject to abatement plan requirements.

B18-86 Please see response to comment **22** above.

B18-87 The term "non-agricultural" has been deleted from this paragraph in the proposed Final EIR.

B18-88 Please see response to comment **22** above.

B18-89 As stated on page 3-74 of the DEIR, the analysis in the Groundwater Section looks at the potential for impacts by individual large-scale facilities, not by the collective facilities, large and small, that may be demanded in the future. Any such facility will need to be assessed as to its impacts to water resources at the time of application. Because these facilities are likely to be developed over time, the status of the various groundwater basins could also be different over time. As evidenced by history, basins have been moved in and out of overdraft status, in some cases multiple times. The analysis in the EIR points out that the larger preparation and processing facilities and composting operations, which require relatively substantial amounts of water simply by virtue of being larger projects, have the potential to exceed safe yield thresholds. The DEIR analysis of potential impacts to groundwater resources does not compare the efficiency of water use by larger facilities to smaller ones as it is not relevant to the analysis of a single project.

Future specific projects may "tier off" the Uniform Rules EIR, pursuant to CEQA Guidelines Section 15152. An individual landowner wishing, for example, to build a processing facility would be able to limit the environmental review to "effects which: (1) were not examined as significant effects....in the prior EIR; or (2) are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by

the imposition of conditions, or other means.” (CEQA Guidelines Section 15152(d).) This could result in significant savings in time and expense to the agricultural community members availing themselves of the proposed Uniform Rules revisions.

B18-90 Please refer to response to comment 1 above.

B18-91 These statements have been deleted from Table 4.2-1. Please see responses to comments 75 and 76 above.

B18-92 Comment acknowledged. This was an error in the table which in no way affects the impact classification. The formerly absent discussion has been included in the proposed Final EIR.

B18-93 The text throughout the EIR has been revised to delete the use of the word “non-agricultural” with respect to agricultural supportive facilities, including the Section 4, Policy Consistency. The suggestion to qualify use of the term “non-agricultural uses” in proposed Uniform Rule 2 will be forwarded to the decision-makers for their consideration.

B18-94 Thank you for your comment on Table 4.2-1, page 4-13 and on Sec. 5.1.2 starting on page 5-1. The discussion of beneficial impacts in Section 5 of the proposed FEIR has been expanded to provide a fuller picture of the benefits of the proposed rules.

B18-95 The discussion of beneficial impacts to agricultural resources resulting from the proposed rules has been expanded in the proposed FEIR, Sec. 5.5. Additionally, a general discussion of the benefits of agriculture and agricultural industry has been included at the beginning of that section.

B18-96 Thank you for your comment.

B18-97 Please see response to comment 95 above.

B18-98 Thank you for your comment. It is possible that by not providing additional housing opportunities the “No Project” Alternative could encourage contract holders to non-renew their contracts or seek replacement contracts in order to meet their residential needs. The “No Project Alternative” (Section 6.1) has been revised to include a discussion of this. The discussion is presented in the context of the Department of Conservation’s positions that use of replacement contracts to facilitate additional residential development is potentially inconsistent with the Williamson Act.

Please refer to response to comment 27 and 28 above regarding current administrative practice limiting premises to one principal dwelling.

B18-99 The text in the No Project Alternative has been revised to clarify the relationship of the potential impacts of this alternative relative to the project description. Please also refer to responses to comment 1 above.

B18-100 The text in the Alternative 1 has been revised to clarify the relationship of the potential impacts of this alternative relative to the project description. Please also refer to response to comments 1 and 4 above.

B18-101 The text in the Alternative 2 has been revised to clarify the relationship of the potential impacts of this alternative relative to the project description. Please also refer to responses to comments 1 and 2 above.

B18-102 Please refer to responses to comments 1 and 3 above.

Correspondence received from the Central Coast Wine Growers Associated in October of 2004 supported the staff's formula to calculate the spatial requirements for winery facilities. From an environmental impact perspective, Alternative 3 has the potential to allow larger facilities on smaller acreage premises which could have greater impacts to the soil by removing an increased amount of land from crop production or potential production.

B18-103 Alternative 3 would be similar to the project description in all aspects except that the allowances for preparation and winery processing facilities would provide greater opportunities for facility expansion. Vehicle trip calculations for wineries and large scale preparation and processing facilities were developed using generation rates for similar facilities established by the Institute of Transportation Engineers (ITE), San Diego Council of Governments (SANDAG), and specialized studies such as the one developed by Sonoma County for assessing traffic impacts associated with winery development (Please refer to Appendix 6 – Assumptions and Calculations used for Estimating Traffic Volumes). These vehicle generation rates are typically based on number of employees per 1,000 square feet of facility. The Sonoma County study estimates vehicle trips by employees, trucks, business visitors and wine tasting customers in relation to increased case production. In all cases, overall vehicle trips increase with the size of the facility. Using these factors, the analysis correctly indicates that Alternative 3 would result in greater average daily trips than the proposed project.

B18-104 With respect to agricultural support facilities, further information on need has been supplied by the Growers-Shippers Vegetable Association and incorporated into the FEIR.

Response to comment 4 in letter B20 addresses the proposed cap on AIO size. Information provided by the wine grape industry on needed processing capacity was the basis for the County's proposed cap on an agricultural processing facility site envelope included by the APAC in the project description.



HOLLISTER RANCH OWNERS ASSOCIATION Box 1000 Bullito Canyon, Gaviota, California 93117 (805) 567-5020

October 31, 2005

Ms. Peggy Burbank
Santa Barbara County
Comprehensive Planning Division
30 East Figueroa Street
Santa Barbara, CA 93101

*Via facsimile to (805) 568-2076 and e-mail
to pburban@co.santa-barbara.ca.us*

Re: Uniform Rules for Agricultural Preserves – Draft Environmental Impact Report.

Dear Ms. Burbank,

The Hollister Ranch Owners Association appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the proposed updated Uniform Rules for Agricultural Preserves and Farmland Security Zones. The Hollister Ranch is a 14,500 acre working cattle ranch consisting of 136 privately owned parcels of at least 100 acres in size and all 136 parcels are in the Agricultural Preserve Program. The Association represents the interests of the owners of those parcels. The Ranch is located on the North Santa Barbara Coast between Gaviota State Park on the east and Bixby Ranch on the west and north.

General Comments

First, we applaud the open and collaborative process that was used by the County Agricultural Preserve Advisory Committee to draft the Uniform Rules Update that is the subject of this Environmental Impact Report. Representatives of the agricultural community were allowed to bring recommended Rule changes to the committee and then have a full and public discussion of those recommendations.

1 Generally, our most serious concern is that throughout the document many potential impacts that are identified as potentially significant and unavoidable (Class I) are overstated. It would be more productive to discuss ways to mitigate impacts of concern rather than stating that an impact is unacceptable, or the activity creating the impact should be reduced. One of the primary purposes of the Williamson Act, which the Uniform Rules implement, is to encourage agricultural production, not minimize it. We fear that if minor changes in agricultural and compatible residential uses are declared to be Class I impacts, this precedent could well influence review of future agricultural projects and policies and will have the effect of seriously constraining agriculture's operational flexibility and production in Santa Barbara County.

Post-It™ brand fax transmittal memo 7671		# of pages	4
To:	Peggy Burdick		From: Tom Frutkey
Co.			Co.
Dept.			Phone #
Fax #	510-2076		Fax #

Specific Comments

Executive Summary

(Page 5 - Environmentally Superior Alternative) Based upon the analysis of the potential impacts, the EIR concludes that Alternative 1 is the environmentally superior alternative. We believe that because the projected positive impacts are overstated (which I will address later in this letter), Alternative 1 is not the superior alternative because it addresses only two of the four project objectives. Most importantly, it does not address Objective #4: *"increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program."*

2

Also, Alternative 1 was identified as superior to the project because *"it would include incorporation of the 'principles of compatibility' and the clarification of one principal dwelling allowed per contracted premises."* Later, in Section 6, there is more discussion on the recent sections to the Williamson Act added in January of 2004 by legislation known as AB 1492, or the Laird Bill, regarding the principles of compatibility. The interpretation of the meaning of several components of this bill, including the discussion on compatibility and incidental use, is the subject of widespread confusion and there are several moves afoot to clarify the bill's language and intent. Alternative 1 should not be identified as superior on this basis until clarification has been achieved.

We believe that the project analyzed clearly is the Environmentally Superior Alternative.

(Page 6 - Mitigation AG-6) The new Rules propose to add one additional acre to accommodate a second family dwelling unit and this mitigation proposes to require that the additional dwelling be confined to the two acre envelope as specified in the current Rules. We offer that the impact of one additional acre for principal dwelling homesites is insignificant when compared to the thousands of acres of agricultural land that would be affected by the Rule. The purpose of having additional primary dwellings (Residential Agricultural Units or Second Residential Units) is to allow farming families to live on the property. Therefore, the Residential Agricultural Unit enhances long-term agricultural viability of the property. It is unrealistic to try to crowd two reasonably sized principal dwellings, with ancillary structures, landscaping and roadways onto two acres. Adding up to one acre to account for the additional homesite has a minimal impact upon agricultural production yet makes the RAU an important option for families and may even have a growth-discouraging impact as it would eliminate, in many cases, the need to subdivide a ranch to accommodate the needs of the family.

3

Agricultural Resources and Land Use

(Page 3-7 - Uniform Rule 1-4.1 Principal Dwelling) This page and section is a discussion on the new housing options included in the proposed Rule amendments. The EIR states that *"...the amended Uniform Rules would potentially result in the construction of up to 233 new family residential units beyond current allowances, consuming up to 158 acres of agricultural land throughout the County for residential use"*

4

4 | *and no longer available for agricultural production.* This is identified as a "**potentially significant impact.**" But with 555,394 acres under Williamson Act contract, the 153 acres represents only 0.0003% and should not be considered significant. We suggest that the beneficial impacts of keeping families working and living on the land would far outweigh such minor impacts.

5 | (Page 3-13 – Uniform Rule 2.5 Recreation) The EIR is correct in its statement that removing golf courses as an allowable use on contracted lands, and, include a new definition of "recreational use," brings the amended rules into conformity with recent Williamson Act amendments.

6 | (Page 3-22 – Cumulative Impacts) The conclusion that the additional residences and the agricultural support facilities allowed under the new Rules will result in **potentially significant cumulative impacts upon agriculture** is an overstatement. Construction of housing and support facilities on agriculturally zoned land does not constitute a "conversion" or a "loss" of agricultural land, it simply changes the way that a small portion of the land is used, a change that provides an overall net benefit to the agricultural operation. Also, the EIR should acknowledge that the Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture.

7 | (Page 3-24 – Mitigation AG-6) This mitigation suggests amending the proposed Uniform Rule 1-4.1.B.5 to reduce the area occupied by the residences and accessory structures from three acres to two. The proposed new Rule expands the size of the building envelope to provide for additional family housing. The proposed new Rule severely limits the amount of land that may be devoted to residential building sites while providing much-needed flexibility to farming families who want to live on their land, thereby protecting and preserving it for future generations. The minimal amount of land that will be taken out of production for this purpose is more than offset by the benefits to agricultural viability of the family being able to live on their land.

8 | (Page 3-26 – Residual Impacts – Cumulative Impacts) The EIR states: "*The cumulative impacts associated with the loss of productive agricultural land and the increase in the intensity of use in the rural agricultural areas of the County would remain significant and unavoidable (Class I) due to the inability of mitigation measures and provisions in the amended Uniform Rules to adequately prevent the conversion of agricultural lands to nonagricultural uses and the incremental increase in the rural population and degradation of the rural character of land uses in the County's agricultural areas as more and more development occurs.*" Given the statements elsewhere in the document about the maximum potential of such development (Tables 2-1 and 2-3) and its miniscule percentage of the agricultural land county wide that this maximum potential could effect, the conclusion that the impact would be **significant and unavoidable** is not supported. What is also missing is a discussion of the **beneficial** impacts of some of these uses and the offsetting effects on any negative impacts, as well as more discussion on the possible ways to mitigate those new uses where appropriate.

9 |

Visual Resources

16 (Page 3-31 – Project Impacts – Incompatible Development – Uniform Rule 1-4.1 Principal Dwelling) We believe that some important clarification is in order here, because the conclusion appears to state something different from what we believe the EIR authors intended to state. This is a section on Incompatible Development and the discussion centers around dwelling units. At the end of the second paragraph of this section (top of Page 3-31) there is a statement that indicates that “residential development” is an incompatible use. The implication is that the principal dwelling and any second units that may be allowed are incompatible uses under the Williamson Act. The principal dwelling, and any ag second unit that may be allowed, is a compatible use.

Policy Consistency Analysis

11 (Pages 4-2 to 4-15) Overall, the EIR does an excellent job with the Consistency Analysis. However, some of the facts incorporated into the assumptions to make that analysis are in error, and therefore, this section should be reviewed and updated for the Final EIR once those errors have been corrected.

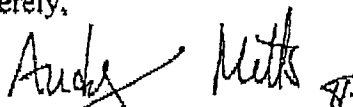
Project Alternatives

12 (Page 6-2 – No Project Alternative) The statement that the No Project alternative will have a *less significant impact* upon agricultural resources and land use should be revisited. Residential units and agricultural support facilities (including those for flower operations, horse facilities and wineries) will enhance and preserve long-term agricultural viability. These uses are entirely compatible with, and supportive to, agriculture. Without these facilities, agriculture in the County will be severely compromised. For this reason, the No Project alternative is *inferior for agricultural resources and land use*.

(Pages 6-4 to 6-6 – Alternative 1) Our comments are the same as above regarding the No Project Alternative.

This concludes our comments to the Draft Environmental Impact Report. Again, the Hollister Ranch Owners Association appreciates the opportunity to offer our input on this most important document and project. Please call me if you have any questions or if I can provide any additional information.

Sincerely,



Andy Mills, External Affairs Director
Hollister Ranch

Visual Resources

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(Pages 6-4 to 6-6 – Alternative 1) Our comments are the same as above regarding the No Project Alternative.

This concludes our comments to the Draft Environmental Impact Report. Again, the Hollister Ranch Owners Association appreciates the opportunity to offer our input on this most important document and project. Please call me if you have any questions or if I can provide any additional information.

Sincerely,

[original signed]

Andy Mills, External Affairs Director
Hollister Ranch

October 31, 2005

Andy Mills, Hollister Ranch

Letter B19

Response to Comments:

B19-1 Several commenters have suggested that the methodology used for analyzing significance of agricultural impacts should be statistically based using a comparative approach. However, neither CEQA nor the County's environmental thresholds employ a comparative standard for determining the significance of impacts to agricultural resources. Indeed, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, the Court invalidated previous CEQA Guidelines authorizing a local agency to dismiss cumulative impacts as *de minimis* based on a ratio theory.

CEQA recognizes the difficulty in assessing impacts to agriculture and therefore suggests in its checklist in Appendix G the use of the California Agricultural Land Use and Site Assessment model (LESA). The LESA model was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). Thus, CEQA and the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

LESA model analyses for large-scale agricultural support facilities and residential development are included in Appendix 8. In general, the results indicate projects removing 7 acres or more (e.g. development footprint) of soils from current and/or potential commercial agricultural production would be a significant project impact (see LESA model summary table, page 2, Appendix 8). The significance threshold (i.e. 7 acres) may be slightly higher or lower on a given site depending upon: 1) percentage of prime soils; 2) amount of surrounding protected agricultural lands (i.e. Williamson Act contracts, agricultural conservation easements); and 3) extent of surrounding agricultural land.

B19-2 Thank you for your comment. As stated in Section 6.1.2, impacts to agricultural resources and land use are expected to be less than significant under the "No Project" alternative as compared to the proposed project. The 237 acres of agricultural soils that could be converted to agricultural support uses under the proposed project would not occur under the "No Project" alternative. Based on the LESA model, analysis in Section 3.1.3.A and Appendix 8, the loss of agricultural soils for residential opportunities would

be less than significant on a project level, however, agricultural support structures removing 7 acres or more of soils from current agricultural and/or potential agricultural production would be a significant project impact.

B19-3 In response to concerns voiced in several letters, Comprehensive Planning staff analyzed the anticipated conversion of agricultural lands resulting from the Uniform Rule revisions using the LESA model to determine whether or not State thresholds for significance would garner a different result from the result identified in the DEIR. Consequently, the additional acre applied to residential envelopes did not result in a significant impact, therefore Mitigation Measure AG-6 has been determined to be unnecessary and has been deleted in the proposed Final EIR. The impact analysis (Sec. 3.1.3.A) pertaining to proposed Uniform Rule 1-4.1 has been revised appropriately and reference to Mitigation Measure AG-6 mitigating Impact AG-1 has been deleted.

B19-4 Section 3.1.3.A (Rule 1-4.1 Principal Dwelling) has been revised to incorporate LESA Model analysis for residential development. The results indicate impacts to agricultural resources would be less than significant for both the existing residential development envelope (no more than 2 acres or 3% of the parcel, whichever is less), and for proposed Rule 1-4.B.5 which would allow qualifying premises up to a 3-acre cumulative residential envelope. Therefore, Mitigation Measure AG-6 has been deleted in the proposed Final EIR.

Additionally, Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to more clearly represent the importance of providing agricultural support facilities which make agriculture more efficient, economic, and profitable thereby increasing the long-term sustainability and viability of agriculture on the premises and throughout the region.

B19-5 Thank you for your comment.

B19-6 Thank you for your comment. Please refer to letter **B18**, response to comment 7.

B19-7 Please refer to response 4 above.

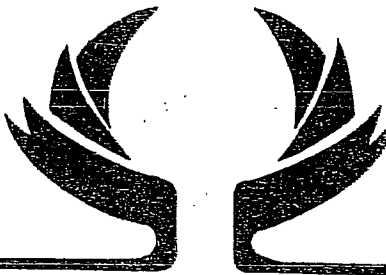
B19-8 Please refer to letter **B18**, response to comment 7.

B19-9 Beneficial impacts to the physical environment are identified in Section 5.5 of the EIR. This section has been revised and expanded based on comments to the DEIR.

B19-10 Thank you for your comment. This section has been revised in the Final EIR.

B19-11 Thank you for your comment. The Policy Consistency Analysis section (Section 4.0) has been revised for clarity.

B19-12 Please refer to response to comment 2 above.



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Grower-Shipper Vegetable Association
of Santa Barbara and San Luis Obispo Counties

October 31, 2005

RECEIVED

OCT. 31 2005

**S.B. COUNTY
COMPREHENSIVE PLANNING**

Ms. Peggy Burbank
County of Santa Barbara
Comprehensive Planning Division
30 East Figueroa Street, 2nd Floor
Santa Barbara, California 93101

RE: Comments to the Santa Barbara County Agricultural Preserve Uniform Rules Update Project Draft Environmental Impact Report (04 EIR-08)

Dear Ms. Burbank:

This comment letter addresses the environmental analysis and mitigations proposed in the above document surrounding Uniform Rule 2-6, which would allow lands with an Agricultural Industry Overlay (AIO) designation to be eligible for the Agricultural Preserve Program under proposed revisions to the Uniform Rules.

Produce cooling facilities are an integral part of the growing and shipping of vegetables and strawberries in the Santa Maria and Lompoc regions. The proposed AIO would expand opportunities for siting such facilities in agricultural areas enrolled in Williamson Act contracts. Our Association views this as beneficial to farming interests and to the greater community due to the following:

1. The AIO would increase ownership opportunities for local farmers who are unable to meet the capital costs of purchasing land in urban areas with industrial zoning.
2. The location of cooling facilities would be closer to growing areas reducing the amount of time and fuel for hauling crops from harvesting sites to coolers.
3. There would be a reduction in diesel emissions as a result of hauls being reduced, thus improving air quality.
4. There would be a regional benefit by redirecting produce trailers and refrigerated trucks away from urban areas reducing traffic conflicts and congestion within the cities of Santa Maria and Lompoc.
5. Highly perishable crops could be cooled in a shorter period of time following harvest resulting in less spoilage and increasing their marketability.
6. Land use conflicts associated with noise, night activities including lighting and the accidental release of anhydrous ammonia are greatly reduced when cooling facilities are located away from populated urban areas.

7. The income derived from the cooling of vegetables adds value to the product economically benefiting the producer. This encourages production, thus stabilizing agricultural land uses and reducing development pressures in the North County.
8. The AIO reduces pressures to annex agricultural lands to urban areas to increase the inventory of industrial zoned land.

1 | It is unclear whether those who prepared the EIR fully understand these project objectives or fully appreciate these environmental benefits. They are not set forth in the project overview Section 2.3 or recognized as beneficial impacts in Section 5.5 of the Report.

2 | This Association believes the AIO build out assumptions set forth on Page 3-13 of the Report are understated. Based on Santa Barbara County Crop Reports, the number of cartons for lettuce, broccoli, cauliflower, celery and strawberries has increased by 16 million cartons between 1994 and 2004. That increase in carton volume should continue due to increases in per acre yields.

We also foresee existing cooling facilities in urban areas being forced to relocate due to encroaching residential development. Cooling facilities, especially in the Blosser Road area on the west side of the city of Santa Maria, will ultimately need to relocate to avoid land use conflicts.

3 | Moreover we do not agree that these facilities will be limited to 15 acres in size. The produce industry has been consolidating, as retail stores have merged. This has created pressures on farmers to consolidate their volume. This leads to individual farmers forming business partnerships and building a single large cooling facility that can handle in excess of 15 million cartons annually. Such a facility will require approximately 30 acres. This calculation is based on a ratio of 111,250 sq feet per million cartons which is the planning scenario followed by other Santa Maria area coolers. These calculations were developed by Dick Crabb of Post Harvest Engineering L.L.C. in Salinas, who is widely considered the most knowledgeable in developing produce coolers in California. A copy of these ratios is enclosed. This should be included in the Appendix to the EIR:

Therefore we believe that Table 3.1-5 on Page 3-14 needs to be revised for Rule 2-6 and the estimated converted acres changed from 45 to 90 acres. We base this on two large coolers, of approximately 30 acres each, and two medium coolers of approximately 15 acres each. The size requirement of a cooling facility is proportional to the number of cartons.

4 | Proposed mitigation measure AG-1 limits the size of any facility located in an AIO to 15 acres. We believe this mitigation is not feasible and undermines the objective of the AIO. We have reviewed the EIR and can find no basis for this 15-acre limitation. It is completely arbitrary. Moreover this mitigation under staff's analysis does not reduce the impact level. This mitigation would have unintended consequences as farmers would have to build separate coolers, each one limited to 15 acres, instead of consolidating into a single cooling facility. We view consolidated facilities as reducing environmental impacts in rural areas. We fail to understand the logic behind a 15-acre limitation. It is arbitrary and poorly thought out.

5 | Moreover, the proposed mitigation AG-1 also requires the Board of Supervisors to find that the AIO "will not result in concentration of agricultural industry facilities on contracted land within any particular region." As we have previously pointed out these facilities need to be located near growing areas. In all probability, all such facilities and AIOs will be in the Santa Maria region. There is no environmental benefit in requiring that large-scale cooling facilities be dispersed to regions where vegetables are not being grown. This would increase truck traffic, fuel consumption, air emissions and crop spoilage. We believe the consolidation and concentration of cooling facilities in areas adjacent to where crops are grown provides both environment benefits to the community and economic benefits to agriculture. This should be encouraged, not restricted.

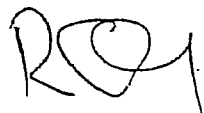
In summary, we believe Policy 2-6 allowing an Agricultural Industry Overlay on contracted lands benefits agriculture. The policy requires the Agricultural Preserve Advisory Committee to make recommendations to the Board of Supervisors regarding siting criteria and design elements to minimize impacts to highly productive lands. We support the flexibility provided in the revisions to the Uniform Rules.

6 | Mitigation Measure AG-1, on the other hand, would impose an arbitrary and absolute 15-acre size limitation and not allow for the concentration of facilities within a particular region. It reflects on erroneous assumption that the dispersal of a large number of smaller coolers is environmentally superior to the consolidation of such facilities within a single agricultural region. That might be the opinion of Comprehensive Planning staff, but is not based on any CEQA related analysis. The EIR process should not be used by Comprehensive Planning so that their policy recommendations are inserted under the guise of a mitigation. We urge that this mitigation be deleted. This arbitrary mitigation would undermine the use of the AIO because it fails to recognize the perishable nature of vegetables and that cooling needs to occur as soon as possible following harvest. It also fails to understand continuing increases in production and consolidation that is occurring in the produce industry. This is resulting in the need for large cooling facilities that can accommodate the volume requirements of retailers.

7 | Accordingly, that portion of the Environmental Impact Report analyzing the Agricultural Industry Overlay needs to be revised, including build out assumptions, beneficial impacts, and Mitigation Measure AG-1, consistent with these comments.

Thank you for extending the comment period.

Sincerely,



Richard S. Quandt
President

bk

enclosure

POST HARVEST ENGINEERING, LLC.

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October 1, 2005

From: Dick Crabb

Per our teleconference of September 29, I am providing herewith the basic criteria commonly utilized to determine the size and scope of a proposed produce precooling and shipping facility. We have utilized the past 5 years of production trending to project the next five years of volumes and potential market shifting of the mix of commodities. The 5 year projected volumes have been used to determine phase 1 of the proposed facility while insuring the phase one infrastructure (electrical, refrigeration, drainage, water supply, offices, parking and the like) has adequate space allocations for expansion.

Facility operating economics determine the facility form with regard to total throughput cost. The unit cost will be each carton of produce received, cooled and shipped and the related burden by commodity within that carton as each commodity requires its own unique post harvest cooling method which can vary greatly as to capital, energy and labor costs. These costs are generally in the under \$ 25 for handling but undersized facility can impact these costs greatly in terms of double handling, warehouse "trapping", offsite overflows and relocation costs. An over sized facility can cause stranded capital burdens and higher energy costs. Pre-cooling costs are substantially higher, generally \$.50 to \$1.50 per carton depending on the method employed. Stranded capital in the form of non revenue producing expenditures and off-season dormant cooling equipment and warehouse space are a major impact on the competitive nature of the business. Never was the phrase "form follows function" more appropriate than in the produce business.

Due to the seasonality of the various commodities in the Santa Maria Valley, a 500% volume fluctuation by month during a year is a consideration although the peak months must be used for facility design purposes.

At an 8,000,000 carton per year production requirement (5 years), the peak month will require 1,116,867 carton throughput with a daily average of 43,000 cartons per day including holdovers and will require 120 trucks per day given historical loading averages of 357 cartons per truck. We can anticipate up to 25% of the daily line trucks to being staged at one time or about 25 staging spots.

There are about 50 commodities each with a few packing and packaging configurations. The average carton count per pallet is 42 with a range of 36 to 112. at 43,000 cartons/ 42 cartons per pallet will require a storage capacity including holdover of 900+ pallets. The insulated building excluding support structures is at about 78 square feet per pallet or about 70,000 sq ft plus support. Pallet racking will be used to increase capacity after 5 years which should allow for an additional five years of operation before building expansion (phase 2) is considered. (Three Santa Maria area facilities have followed this expansion planning with some acceleration in the past 12 years). Using conventional ratios tempered with the conceptual drawings to date, Phase one area are:

Refrigerated enclosure.	70,000 sq. ft.
Line truck traffic and parking.	160,000 sq. ft.
Receiving and precooling	120,000 sq. ft.
Support bldgs (refrigeration, electrical, batteries, office)	20,000 sq.ft.
Field supplies	480,000 sq.ft.
Pov traffic and parking	20,000 sq.ft.
Landscaping	20,000 sq.ft.
Retention basin unknown at this time	
Phase II not included	
Total conceptual facility at 8,000,000 units/yr.	890,000 sq.ft.

This facility will require a 21 acre site for phase one only with an expected requirement of 8 acres to support phase II.

These figures are preliminary and will be adjusted over the next few weeks as final commodity plans and design phases are completed. Please let me know if I can provide further information .

October 31, 2005

Richard Quandt, Grower-Shipper Vegetable Association of Santa Barbara and San Luis

Obispo Counties

Letter B20

Response to Comments:

B20-1 Section 2.3 Project Objectives generally states the proposed Uniform Rules amendments are intended to increase the flexibility of the Uniform Rules to ensure continued participation in the program. Notwithstanding the beneficial impacts associated with these uses, state law requires the County to prepare an environmental document to “inform the governmental decision-makers and the public about the potential significant environmental effects of the proposed activities” (CEQA Guidelines Sec. 15002(a)(1)).

Section 3.1 Agricultural Resources, and Section 5.5 Beneficial Impacts, have been amended to describe in greater detail the importance of agriculture in Santa Barbara County and the many economic and land use benefits of maintaining and promoting a strong agricultural economy.

B20-2 The AIO buildout assumptions (page 3-13 of the DEIR) were derived by reviewing the size and scale of existing representative cooling and packing facilities in the County. The table below identifies existing facilities used to establish the buildout assumptions in the DEIR.

Facility	Location	Footprint
Bonita Cooling & Packing Facility	Santa Maria	15 acres
Frontier Cooling	Santa Maria	14.5 acres

The Grower-Shipper Vegetable Association comment letter provides additional information from industry experts indicating the produce industry trend is toward consolidation into larger cooling/packing facilities that can handle in excess of 15 million cartons annually. Such a facility will require approximately 30 acres (111,250 square feet per million cartons).

Table 3.1-6 (formerly 3.1-5 of the DEIR) and the impact analysis in Section 3.1.3.A (Rule 2-6) have been revised in the proposed Final EIR to incorporate the Grower-Shipper Vegetable Association suggested buildout assumption of two larger coolers of 30 acres each and two medium coolers of 15 acres each. Using this buildout assumption, the estimated acreage conversion for Rule 2-6 would be changed from 45 acres to 90 acres.

CEQA recognizes the difficulty in assessing impacts to agriculture and therefore suggests in its checklist in Appendix G the use of the California Agricultural Land Use and Site Assessment model (LESA). The LESA tool was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). Thus, CEQA and the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

In response to the agricultural community's concerns, Comprehensive Planning staff ran the anticipated conversion of agricultural lands resulting from the Uniform Rules revisions through the LESA model to determine if State thresholds for significance would garner a different result from that identified in the draft EIR. The LESA analysis for the Uniform Rules, including the AIO buildout assumption suggested by the Grower-Shipper Vegetable Association, is incorporated in the Proposed Final EIR (Appendix 8). The LESA model analyses confirms the original Class I significant impact conclusion identified in the draft EIR (that conversion of 15 acres to a preparation and processing facility would be significant) and therefore a facility of 30 acres in size will also result in a Class I significant impact associated with converting agricultural soils to developed uses.

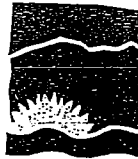
B20-3 Please see response to comment 2 above.

B20-4 Proposed Mitigation AG-1 identifies a 15-acre facility limitation based upon the size and scale of anticipated development assumed in the draft EIR. Based upon the new information from the industry regarding consolidation trends and the likely development of facilities up to 30 acres in size, Mitigation AG-1 has been amended to eliminate the cap.

B20-5 Upon further review, the requirements for applying the AIO in the Land Use Element (LUE page 174), the Article III conditional use permit findings (Sec. 35-315.8), and the criteria proposed as part of Rule 2-6, will adequately address the expressed concerns. The proposed Board finding in Mitigation AG-1 that the "AIO will not result in concentration of agricultural industry facilities on contracted land within any particular region" has been revised and now reads: "the AIO will not significantly compromise the long-term productivity of adjoining and surrounding agricultural land."

B20-6 Please see responses to comments 4 and 5 above.

B20-7 Please see responses to comments 1, 2, 4 and 5 above.



Santa Barbara County
Flower & Nursery Growers Association

HAND DELIVERED

October 30, 2005

County Executive Office
Comprehensive Planning
30 East Figueroa Street
Santa Barbara, CA 93101
ATTN: Peggy Burbank

RE: Uniform Rules for Agricultural Preserves and Farmland Security Zones
Draft EIR

Dear Ms. Burbank:

Unfortunately, the reading of this document was too reminiscent of the Carpinteria Valley Greenhouse Program and the Toro Canyon EIRs. There is minimal information as to the Project Description's amended Policy conformance with the Williamson Act. There are numerous assumptions as to why any new construction (i.e., agricultural residential or processing facilities), should or should not be permitted, based on highly questionable projections. There is the continuing theme of "command and control", as if "less is more". This document once again fails to provide the data that makes for a complete, and honest representation of the facts, in order to provide a Full Disclosure document for public deliberation.

A This entire EIR is predicated on the assumption that 396 acres of agriculturally zoned property will be intensified (the County's erroneous term is "converted"), to another agricultural use. This assumption has no basis of fact other than a speculative projection of what could possibly happen some time in the future, based on the writer's worst case scenario. In other words, this document once again comes to conclusions to support preconceived notions. To base the entire document on a number (396 acres) which represents .00713% of the total agriculturally zoned property under Contract in the County, is an absurdity. To emphasize this absurdity further, the 396 acres represents .0005276% of all agriculturally zoned property in the County, not just Contract properties. However, if you wish to carry this absurdity to its extreme, agricultural properties that were previously zoned for agriculture but have now been changed to Mountainous Area in both Goleta and Toro Canyon, are not even factored into any of the projected equations, which would further reduce the percentage impact of the 396 acres.

RECEIVED

OCT 31 2005

Page 2

**Draft EIR Uniform Rules for Agricultural Preserves and Farmland Security Zones
October 30, 2005**

To consider that **less than one (1%) percent** of agriculturally zoned property **under Contract** will intensify to a related agricultural use and thus, become a Class I impact is ludicrous. How, and on what basis of fact, was this number of 396 acres determined?

Having learned considerably from the Carpinteria Valley Greenhouse Program EIR at the eleventh hour, that the EIR was superfluous and unnecessary because the Program was a Local Coastal Plan Amendment, how do revised Policies for an existing County Williamson Act Program under the Guidelines of the State, not warrant the same treatment? In other words, you have an existing legislative Program, with additional and revised Policy recommendations; why does this prompt a full blown EIR?

As in previous situations, there is a total lack of knowledge of agricultural operations when measured against urban development – they are two totally different subjects! Staff has ample experience with urban development, but minimal to zero experience with agricultural development. The two are totally different in aspect, resources, and needs, yet staff continues to use urban development standards in an attempt to control agricultural intensification and expansion. The EIR literally fails to recognize the magnitude of difference between the two.

The following are our comments on the Draft EIR Uniform Rules for Agricultural Preserves and Farmland Security Zones:

CLASS I IMPACTS

2 | **Page 5, Executive Summary, Alternative 2** – This Alternative specifies that agricultural residential and processing facilities would be restricted, which is a combination of the Project Description and the No Project alternative. This Alternative further states that the result would be a decrease in “land taken out of production”, or “compromising the integrity of the Agricultural Preserve Program”. How could this occur, when the housing and processing facility are directly agriculturally related and zoned? How does this result in “land taken out of production”? This is clearly a misstatement of fact and should be corrected.

3 | **Page 5, Executive Summary, Alternative 3** – This Alternative states that on the one hand it “meets the objectives of the Uniform Rules update”, but is “less consistent with the purpose and intent of the Williamson Act”. How can this be true? Either the property is zoned agriculture and is under a Contract in order to be eligible for preparation and processing facilities, or its not! Is the assumption that the property where preparation and processing facilities will be located, is not on agriculturally zoned property? The presentation of this Alternative is misleading and untrue, and needs clarification.

4 | Page 5, Executive Summary, Environmentally Superior Alternative – Staff once
again fails to understand that the “status quo” means the slow and continual demise of the
agricultural industry in this County. Again, staff has applied residential and
5 | commercial/industrial construction standards against agricultural intensification and
expansion. Once again there is a full disregard for the numerous County Policy
statements regarding the enhancement of agriculture as the County’s number one
resource. In our view, this is **not** the preferred Alternative.

6 | Page 6, Table EX-1, Agricultural Resources, Impact AG-I – The entire premise of this
particular Impact is inaccurate. 396 acres (.000713%) of agriculturally zoned property
intensifying or expanding to another agricultural use do not represent “conversion and
loss and impairment” of agricultural land. This section refers to “compatible uses” and
then goes on to state “loss of agricultural productivity” if allowed. If the uses are
compatible, then how can there be “conversion and loss of productivity”? The reader is
then referred to Table 3.1-5, which tries to explain how the 396 acres was arrived at to
justify the terms “conversion and loss of productivity”. What the Table fails to provide
however, is any **meaningful baseline data** as to numbers of principal dwelling units on
Contracted property already in existence; number of winery facilities, non-grape
preparation, and small scale processing facilities already existing; and, other types of
agricultural preparation, packing, cooling, and shipping facilities in existence. Without
any comparative data, how can anyone make an informed decision?

7 | Page 6, Table EX-1, Mitigation AG-1 – Staff proposes that any agricultural facilities
developed within an Agricultural Industry Overlay (AIO) be limited in size, even though
the facility is needed to provide a regional solution to an unmet agricultural need; but
further, should be restricted so that there is not a concentration of such agricultural
facilities. Why? What **basis of fact, data or information** is this Mitigation predicated
upon? None is offered in the EIR. Other jurisdictions have massive centralized trucking,
shipping, preparation, packing, and cooling facilities either located centrally or as close to
agricultural operations as is feasible. Further, the proliferation of smaller facilities with
the attendant traffic, dust, noise and other irritants is negated. This is an unsubstantiated
Mitigation and should be **DELETED**.

8 | Mitigation AG-3 – Again, the proposal is to limit the owners’ ability for a
preparation or processing facility on acreages of over 500 acres. Why? Where is the
baseline data that justifies this restriction? What is the public going to see on property
of 500 acres or greater? What staff fails to understand is that the soil remains, regardless
of the structures or activities upon it. Why would you force a property owner with
acreage of this magnitude to haul or truck any product anywhere else, other than his/her
own processing facility? This is an unsubstantiated Mitigation and should be
DELETED.

9 **Mitigation AG-4** – Another limitation, this one to restrict residential development to 10,000 square feet on superprime Contracted properties. What justifies this limitation of a 10,000 square foot building envelope for all residential construction? The soils will remain superprime forever, whether they are covered by a structure or not. This is a punitive requirement imposed on owners of superprime properties. What about accessory structures necessary to the agricultural operation? Even though Rule 1-4.C refers to residential structures, it is silent on all related agricultural structures. This is an unsubstantiated Mitigation and should be **DELETED**.

10 **Mitigation AG-6** – This limitation restricts all structures (residential and agricultural accessory), landscaping, and agricultural roads serving the structures, to two (2) acres maximum. This restriction flies in the face of the needs of the property owner. What justification or basis of fact warrants this restriction? Why does this County continue to insist that it can make economic and land use decisions better than the property owner? This is an unsubstantiated Mitigation and should be **DELETED**.

11 **Mitigation AG-7** – This is a “one size fits all” Mitigation measure, that is arbitrary and unwarranted. The topography of agricultural properties ranges from flat to mountainous, with hundreds of variations in between. To propose a Mitigation measure that in and of itself, could be detrimental to the environment, is unacceptable. How was this Mitigation measure quantified as being applied to some 555,394 acres of Contracted property? Was it “means tested” as to its applicability to a variety of properties? What basis of evaluation was used to arrive at the “50% of the parcel or 50 acres”? Why is the County insisting on how the property is used agriculturally? This is an unsubstantiated Mitigation and should be **DELETED**.

12 **Page 6, Table EX-1, Agricultural Resources, Impact AG-2** – This is another falsely stated premise. Wineries and agricultural support facilities are agricultural operations. How do these facilities and agricultural residential structures impair the ability of the owner/manager from fully engaging in agricultural operations? What basis of fact support this assertion? What examples can be provided that demonstrates the verity of this statement? This should not be classified as a Class I impact and should be **DELETED**. The Mitigation measures as proposed are unwarranted, and are equally as invalid as the Impact premise.

13 **Table EX-1, Visual Resources, Impact VIS-3** – Staff was successful in getting away with this little gem in the Greenhouse EIR, but its justification is highly questionable. Just what is being suggested here? Is it sunlight flashing off of windows in houses and agriculturally related structures? Is it grape harvesting during peak harvest season at night? On properties that are how big and far from residential subdivisions or commercial/industrial areas? What is the environmental effect or justification? Where is the quantified data to support this Class I impact and the size limitations proposed by

13 | staff? This is an unwarranted and unsubstantiated Class I impact and should be **DELETED**. The Mitigation measures are equally inappropriate and invalid.

14 | **Table EX-1, Visual Resources, Impact VIS-2** – Again, allowing large-scale agricultural support facilities, wineries, other facilities developed under the AIO, composting, and special events would result in visually incompatible structures and uses “*which is more intensive than what is characteristic of the County’s rural agricultural lands*”, is a purely subjective statement. My understanding of the revisions to the Uniform Rules, was the intent to provide conformity with the State guidelines, and to provide additional flexibility to accommodate essential changes in agricultural operations to retain their viability. Precisely, what is “*characteristic of ...rural agriculture*”? By what **standards** is this quantified? By who’s value judgment is a structure or use “visually incompatible ...more intensive” than what is characteristic of rural agricultural lands? This is a totally unwarranted and indefensible Class I impact and should be **DELETED**. The Mitigation measures are also unwarranted, and are inappropriate.

15 | **Table EX-1, Noise, Impact Noise-1** – This is an existing urban development standard. If the County has the resources to measure noise levels on agricultural properties of 40 acres or greater for any and all construction, the standard already exists. To assert that this is a Class I impact for the purposes of this EIR, is simply “make work”. The Mitigation measures really have no rational relationship to the supposed impact. This Class I impact should be **DELETED**.

16 | **Table EX-1, Transportation/Circulation, Impact CIRC-1** - The EIR projects supposed numbers of trips generated by the different potential agricultural activities, but provides nothing in the way of comparison related to the assumptions. What exists today? How does that compare to what might exist tomorrow given the variety of choices of new agricultural activity? There really is no substantive basis of information to provide decision makers with the data to make an informed decision. This Class I impact needs further **data and research** in order to stand the challenge of veracity.

17 | **Table EX-1, Transportation/Circulation, Impact CIRC-2** – This assessment is speculative at best, without precise verification of the problems. It is a general application of an assumption for all rural roadways. If there are problem areas or specific locations that need attention, they should be specified. This Class I impact needs **further information and site specific identification**. Since most of the rural roadways in the County are under County auspices, this Class I impact should be the County’s burden for remedial action; not the property owners of agricultural properties.

18 | **Table EX-1, Transportation/Circulation, Impact CIRC-3** – This Class I impact is another generalization related to assumptions. There is absolutely no available proof offered that supports this assertion. This Class I impact should be **DELETED**.

| The Mitigation measures proposed are unwarranted and inappropriate.

19 | **Table EX-1, Transportation/Circulation, Impact CIRC-4** – This Impact asserts that the additional levels of employees or residents that could occur as a result of the amended Rules, could add to the existing high traffic volumes on Highways 1, 154 and 246. However, there is no data that speaks to the overall annual population growth, the annual increase in the areas drivers' license issuance, or the annual increase in vehicle ownership, all of which could contribute even higher traffic volumes on the subject roads. The general assumption is that the miniscule number of new residents and employees to these additional agricultural facilities spread over hundreds of thousands of agricultural property, is somehow going to "tip the balance" to unacceptable levels of traffic without any **documentation or evidence** to support this assertion. This is unacceptable speculation, lacking supportable documentation. This Class I impact is inappropriate and should be **DELETED**.

20 | **Table EX-1, Air Quality, Impact AQ-1** – Staff really needs to discuss this Impact with Air Pollution Control District staff. There are now calculations that have been generated that can measure emissions specifically related to agricultural operations. This is a generalized statement with no supporting data. This Class I impact should be amended significantly with the **appropriate baseline data**, or it should be **DELETED**.

21 | **Table EX-1, Water Resources, Impact GW-1** – This entire discussion and assessment is inaccurate. There are no adjudicated overdrafted groundwater basins in the County. This entire Section needs to be redrafted to reflect the existing situation based on existing facts. To term this a Class I impact is purely speculative and unwarranted. However, this is another example of the limited ability of County staff to continue to write these major documents.

CLASS II IMPACTS

22 | **Page 10, Table EX-1, Agricultural Resources, Impact AG-3** – To term the potential occupants and employees of some 396 acres out of 555, 394 Contracted acres to be "growth inducing", or the actual improvement to some or all of this acreage as somehow "growth inducing", is laughable. The assertion that the population of, or physical improvement to .000713% of the total Contracted acreage in the County is unacceptable growth, is inappropriate and unwarranted. It's downright ridiculous! If staff can prove the truth of this assertion I'll be the first to eat my words. Until that time, this Impact should be either factually buttressed or **DELETED**.

23 | **Visual Resources, Impact VIS-1** – This is a highly subjective Impact! "Beauty or ugly" is always in the eye of the beholder. However, for staff to unilaterally state that buildings of any nature are unpleasant to behold from any and all so-called "public

23 | views”, and will be lessened by controlling the size of those same structures, is counter intuitive. Any construction project will be measured against the endless array of development standards that have been developed by the County. This should not even be considered an impact, and should be **DELETED**. The apparent intent here, is to prohibit anything “within a viewshed” along a designated State scenic highway. “Viewshed” needs a **legal definition** if it’s to withstand challenge.

24 | **Noise, Impact Noise-1** – Please see statement above under Class I Noise Impact.

25 | **Air Quality, Impact AQ-2** - Unless I read this Section wrong, the proposed new and revised Rules have been accounted for in the 2004 Clean Air Plan of the Air Pollution Control District. The only effect that the Project would have on air pollution, would be of the short term nature. The County already has short term conditions and requirements that are consistently applied to any new construction. If anything, this should be either a Class III impact, or **DELETED**.

I could fill numerous pages with additional comments as to the veracity or authenticity of the information presented in the EIR. However, the Project Description, and the assumptions related to the Class I and Class II Impacts are really the heart of the proposal.

To predicate the entire EIR on the so-called “significant” environmental threshold of the intensification or expansion of agricultural activities on 396 acres out of 555,394 Contracted acres in the County, is totally unacceptable. The data base to support the assertions of Class I impacts is woefully deficient. The Groundwater Section is factually wrong. The assumption that all Class I impacts can be mitigated by controlling the size and use of property is inappropriate to say the least. The fact that staff recognizes that few, if any agricultural activities are beneficial both to the agricultural and the County community, is reprehensible.

For all of the above reasons, this Draft EIR is:

- Inadequate by falsely assuming that less than one (1%) percent of Contracted agricultural properties in the County represents a **significant** environmental threat or threshold for intensification or expansion of agricultural operations;
- Deficient in its data base, comparative analysis and assertions of environmental effects;
- Incomplete in providing baseline data, interpretive data, and accurate projections to support Class I and Class II environmental results and effects;
- Subjective in its allegations of environmental impacts to land use, visual resources, traffic impacts and growth inducement;
- Is not an honest, good faith effort to provide a document as free from assumptions and subjectivity as possible.

Page 8

**Draft EIR Uniform Rules for Agricultural Preserves and Farmland Security Zones
October 30, 2005**

Once again, CEQA has been manipulated in order to find restrictive solutions to nonexistent problems. Speculation and assumptions abound throughout the EIR. This document needs a significant rewrite and additional documentation in order to fulfill the requirements of CEQA.

Very truly yours,



Janice L. Evans
Executive Director

Cc: J. Van Wingerden, President, Santa Barbara County Flower & Nursery Growers
Association (SBCF&NGA)
Board of Directors, SBCF&NGA

Jle/UniformRulesEIR10-30-05Comments

October 31, 2005

Janice Evans, Santa Barbara County Flower & Nursery Growers Association

Letter B21

Response to Comments:

B21-1 Several commenters have suggested that the methodology used for analyzing significance of agricultural impacts should be statistically based using a comparative approach. However, neither CEQA nor the County's environmental thresholds employ a comparative standard for determining the significance of impacts to agricultural resources. Indeed, in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, the Court invalidated previous CEQA Guidelines authorizing a local agency to dismiss cumulative impacts as *de minimis* based on a ratio theory.

CEQA recognizes the difficulty in assessing impacts to agriculture and therefore suggests upfront the use of the LESA model. The California LESA model was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). Thus, CEQA and the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

In response to the agricultural community's concerns, Comprehensive Planning staff ran the anticipated conversion of agricultural lands resulting from the Uniform Rules revisions through the LESA model to determine if State thresholds for significance would garner a different result from that identified in the DEIR. The LESA analysis for the Uniform Rules revisions is included in Section 3.1.3.A and Appendix 8 of the proposed Final EIR. The presented scenarios demonstrate that the conversion of 2 acres of agricultural land for residential purposes as proposed by the Rules revisions would not result in a significant impact related to farmland conversion. On the other hand, the LESA model analysis indicates conversion of 7 acres or more would be significant (evidence provided in DEIR comments from the Grower-Shipper Association suggests potential for up to 30 acres required to develop a processing facility).

The fact that the CEQA Guidelines identify the LESA model as an alternative approach suggests that if a foreseeable component of a program may trigger the LESA threshold of significance, failure to acknowledge that significant impact would render the EIR deficient. In other words, if the suggested statistical comparison were used instead of the

quantitative analysis provided for in the LESA model and the weighting system provided by the County's existing thresholds, the DEIR would fail to acknowledge what would otherwise be determined to be a significant impact.

B21-2 The text describing Alternative 2 in the executive summary has been revised to delete the phrase: "... or compromising the integrity of the Agricultural Preserve Program."

B21-3 Land uses allowed by the Uniform Rules may be more restrictive than those uses allowed by the relevant zoning ordinance in order to comply with the intent of the Williamson Act in "the preservation of [the] maximum amount of the limited supply of agricultural land..."(Government Code §51220.a). Please also refer to response to comment 1 above.

B21-4 Please refer to letter **B18**, responses to comments 1 and 7 discussing the appropriate application of CEQA analysis as it relates to potential loss of agricultural soil. Notwithstanding the beneficial impacts and policy advancement associated with the proposed Uniform Rule amendments, CEQA analysis of farmland conversion requires the discussion of impacts to the physical productivity of land for growing crops or raising livestock.

B21-5 Comment noted, thank you.

B21-6 Please refer to response to comment 1 above.

B21-7 Staff is recommending in the final EIR that the acreage cap on AIOs on contracted land in Mitigation Measure AG-1 be deleted. Please refer to letter **B20**, responses to comments 2 and 4.

B21-8 As discussed in the DEIR (pg. 3-9) less than half of the eligible contracted premises (at least 600 acres in size) with existing vineyard have enough planted acreage to warrant an expansion of their winery envelope beyond the limitations of 5 acres.

Mitigation AG-3 is supported by analysis in the DEIR (Table 3.1-3) which indicates that 12 of 13 eligible premises can maximize case production (including importation of 49%) within a winery production envelope less than 15 acres. The analysis in Table 3.1-3 (in the draft EIR) was based on an average acreage production efficiency of 40,000 cases per 1-acre winery facility for several existing large wineries in the County (see table below).

Winery	Winery Site Size	Production Capacity	Case Production Per Acre of Site
Cambria	5 acres	400,000	80,000
Curtis	1.5 acres	40,000	26,700
Dierberg	2 acres	100,000	50,000
Foley	3 acres	100,000	33,333
Gainey	2 acres	50,000	25,000
Sanford	3.5 acres	80,000	23,000
Zaca Mesa	2.7 acres	100,000	37,000

* Please note that the production capacities are based on 2003 figures.

The remaining eligible premises with the greatest vineyard acreage planted (see EIR Table 3.1-3 with 2,845 acres planted) could process all grapes planted on the premise plus another 40% imported from elsewhere, within a 15-acre envelope, if a case-production/acre rate similar to Cambria winery (e.g. 80,000 cases per acre) were achieved. Therefore, to encourage the efficient use of land under Williamson Act used for agricultural support facilities, Mitigation Measure AG-3 is warranted. The text of the proposed Final EIR has been amended to explain further the need for this measure.

The proposed cap would not preclude larger wineries or non-grape preparation or processing facilities from locating on contracted land. But larger scale processing of a regional nature would be more appropriately located in an Agricultural Industry Overlay as allowed for under Proposed Rule 2-6. Mitigation Measure AG-1 has been amended to delete the acreage cap for AIOs.

B21-9 The intent of proposed Uniform Rule 1-4.C is to provide an incentive for agriculturists with superprime parcels greater than 10 acres to plant additional land to commercial production. Mitigation Measure AG-4 would apply to a situation where the superprime premises is fully planted or productive area significantly exceeds the minimum production solely to expand the residential envelope beyond the 10,000 square foot limit. While this mitigation measure would prevent such removals, it could also result in unintended consequences where landowners view the rule as a liability restricting their future building options, and therefore lead to a decision not to maximize planted acreage. Due to the potential result in a reduction in overall planted acreage on qualifying premises, Mitigation Measure AG-4 has been deleted in the proposed Final EIR.

B21-10 Please refer to letter **B18**, response to comment 15.

B21-11 Mitigation measure AG-7 has been amended to include wording similar to Rule 1-2.3.A.1 to address onsite constraints that may limit commercial agricultural production. A key principle of the Williamson Act and a key goal of the County's program and the Uniform Rules update is to retain the maximum amount of land in agricultural production, that is, growing plants or raising animals on land in Agricultural Preserve. Consequently, a

production requirement is placed on premises with wineries in the current and proposed rules (Rule 2-2.1.B.2). However, that requirement references wine case production and therefore cannot be generalized for application to other crops. The proposal to require 50% or 50 acres in crop production on the parcel containing preparation and processing facilities, as amended, is similar to proposed eligibility requirements for prime land (Rule 1-2.3.A.1); and more importantly is consistent with the intent of the Williamson Act and the principles of compatibility.

B21-12 Please refer to letter **B18**, responses to comment **10**.

B21-13 Analysis in the EIR has determined that the scale and size of certain facilities, namely those facilities in the Agriculture Industry Overlay, preparation and processing and potential residential/small-scale guest ranch density will result in an increase in lighting and glare due to normal operations and security lighting required. Standard mitigation measures, like hooding and focusing light downward will be required in all cases of development, however, as stated previously, the scale and size of potential projects will be larger than what is currently allowed, or existing. Thus, it is feasible that an appreciable increase in light in the ambient night sky will be present. Limits on the size and scale of facilities will correspondingly reduce ambient artificial light and glare.

B21-14 Santa Barbara's scenic corridors are important not only to the amenity of the rural areas for residents, but also contribute to making the County a desirable tourist destination. As noted in the DEIR, existing policies in the County's Comprehensive Plan, Local Coastal Plan, and applicable Community Plans address visual resources. Approval of a future AIO on contracted land located either within or outside of a scenic highway view corridor, would be contingent upon a finding of consistency with County policy. Furthermore, zoning ordinance design standards would address size, bulk, scale, orientation and location, and all AIO facilities would be reviewed by the appropriate Board of Architectural Review (BAR).

Currently, the AIO is not an eligible land use in Santa Barbara County's Agricultural Preserve Program. Because of their regional nature, support facilities located in an AIO are likely to be larger than preparation facilities that serve a single premises and an AIO could contain a cluster of such agricultural support facility. The revised wording of Mitigation VIS-2 would allow for flexibility in evaluating each application for an AIO on a case by case basis while still satisfying the Williamson Act (see below) and minimizing or avoiding potential visual impacts along designated scenic highways.

Gov. Code §51220 (Williamson Act):

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

B21-15 Upon review of Section 3.3 Noise of the DEIR and in particular Subsection 3.3.5 Mitigation Measures, existing policies and standards in the County's Noise Element and adopted Community Plans and standard conditions are sufficient to mitigate potential noise impacts to acceptable levels that could result from the operation of large-scale preparation facilities, composting facilities or from staging special events. In particular, the following requirements address potential noise impacts:

Agricultural Industry Overlay (Land Use Element page 174-a):

1.g. The overlay shall not be applied where it would have a significant adverse impact on adjacent residential areas.

Conditional Use Permit Findings (Article III, Section 35-315.8 & Article II, Section 35-172.8):

2. That significant environmental impacts are mitigated to the maximum extent feasible.

5. That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area.

Standard Conditions:

92. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded ... and shall be located away from noise-sensitive receptors.

The text of Subsection 3.3.5 has been reworded and Subsection 3.3.6 modified accordingly.

As stated in the DEIR, however, project buildout in conjunction with pending and approved development in the rural unincorporated areas of the County would result in noticeable increases in traffic related noise levels on primary and secondary roads. Due to the programmatic nature of this analysis, the exact location and concentration of proposed development cannot be determined. Therefore, cumulative noise impacts could be significant and unavoidable.

B21-16 Vehicle trip calculations for wineries and large scale preparation and processing facilities were developed using generation rates for similar facilities established by the Institute of Transportation Engineers (ITE), San Diego Council of Governments (SANDAG), and specialized studies such as the one developed by Sonoma County for assessing traffic impacts associated with winery development (Please refer to Appendix 6 – Assumptions and Calculations used for Estimating Traffic Volumes). These vehicle generation rates are typically based on number of employees per 1,000 square feet of facility. The Sonoma County study estimates vehicle trips by employees, trucks, business visitors and wine tasting customers in relation to increased case production. In all cases, overall vehicle trips increase with the size of the facility.

B21-17 The proposed Uniform Rules amendments would result in impacts to the County's circulation system if: they increase traffic volumes above acceptable capacity for a County roadway or substantially above current traffic volumes; reduce traffic safety by introducing incompatible traffic or increasing the potential for conflicts between incompatible classes of traffic (such as farm vehicles and commuter passenger vehicles) on County roadways; or hasten roadway deterioration through increased traffic or introduction of heavier vehicles leading to a demand for road upgrades.

For analysis at the programmatic level, estimates of likely traffic increases have been compared to acceptable capacity and to current traffic and roadway characteristics for selected County road segments in each rural region. Specific intersection impacts have not been analyzed in this programmatic document due to the speculative nature of individual project locations, and since the proposed uses would likely occur in areas with limited controlled intersections which have few if any delay impacts due to the relatively low traffic volumes experienced in rural areas. This more detailed level of analysis would be conducted at the time a specific project taking advantage of the amended Uniform Rules is proposed. The assumptions, factor and calculations used in this analysis are contained in Appendix 6, *Assumptions and Calculations Used for Estimating Traffic Volumes*.

B21-18 Please refer to responses to comments 16 and 17 above.

B21-19 One of the traffic thresholds used for this programmatic EIR is: Generation of substantial additional vehicular movement in relation to existing traffic load and capacity of the street system. Neither CEQA nor the County's guidelines quantify "substantial" in relation to this threshold. In the DEIR it is concluded that traffic generated by potential new residential development would be less than significant. Traffic generated by large-scale wineries or preparation facilities, similar large-scale facilities located in an AIO and composting facilities could adversely impact local county roads depending on where they

were located in the future. Again depending on where future facilities might be located, large-scale wineries, preparation facilities, AIO facilities and composting facilities could also adversely impact highways 1, 154 or 246 especially if more than one of these facilities were located in close proximity to each other, and also in combination with other development anticipated in the Lompoc Valley or Santa Ynez Valley rural regions.

B21-20 The Air Quality analysis in the Proposed Final EIR employed the URBEMIS program for more specific quantitative data. As a result, the baseline data used in the analysis has changed, however, this has not resulted in a change in impact analysis or a class change to the impacts on air quality. Please refer to the Section 3.5, Air Quality and the Air Pollution Control District's review of staff's analysis in comment letter, A1.

B21-21 Please refer to letter **B18**, response to comment 22.

B21-22 Please refer to letter **B18**, responses to comments 23 and 24.

B21-23 Mitigation VIS-1 was intended to apply to potential large-scale wineries and preparation and processing facilities on contracted premises along either Hwy 154 between Santa Barbara and its junction with Hwy 101 north of Los Olivos, or Hwy 1 between its junction with Hwy 101 in the Gaviota area and its junction with Hwy 246 in Lompoc.

Approval of a future large-scale winery or preparation and processing facility on contracted land located either within or outside of a scenic highway view corridor, would be contingent upon a finding of consistency with County policies addressing visual resources. Applicable design standards addressing size, bulk, scale, orientation and location, as well as the requirement for review by the appropriate Board of Architectural Review (BAR), would be applied through the permit process to all proposed facilities regardless of size.

Mitigation VIS-1 has been revised in the FEIR to allow for flexibility in evaluating each application on a case by case basis while still satisfying the Williamson Act (see below) and minimizing or avoiding potential visual impacts along designated scenic highways. Gov. Code §51220 (Williamson Act):

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

B21-24 Please refer to response to comment **15** above.

B21-25 Please refer to response to comment **20** above.

Burbank, Peggy

From: OneStop Permits [elton1stop@yahoo.com]
Sent: Monday, October 31, 2005 5:07 PM
To: Burbank, Peggy
Subject: Re: DEIR for Uniform Rules Update

On behalf of American Youth Soccer Association, please incorporate the following concerns that we have with the Environmental Impact Report:

1. The Appendices are not accessible through the online site, and we reserve the right to comment further upon their review before the Board of Supervisors.
2. We attended many meetings in the formation of the Uniform Rules and present oral reports regarding the infeasibility and inconsistencies with the Williamson Act itself, when the County amendment excludes "outdoor games or sports fields" from the list of allowable agricultural uses in agricultural or natural state. We strongly believe that it was the legislature's intent in the original drafting of the Act itself, that recreation was a great consideration as a use under the Williamson Act, not just as a compatible use. Please refer to our testimony before the Planning Commission, our previous letters to staff for reconsideration, our reports and letters to Supervisor Naomi Schwartz and to the Agricultural Commissioner, planning staff, and the oral reports made at the APAC meetings, and incorporate them within our testimony today, copies a of which are in the planning file.
3. The County has recently completed a recreational study of the growing needs of urban playing fields in the unincorporated areas closest to urban areas. We believe that by adopting a more restrictive interpretation than the Williamson Act would require, we are ignoring the impact such a change will make on the shortage of fields reported in your own study.

We reserve the right to extend our comments at the hearing.

Pat Elton

--- "Burbank, Peggy" <Pburban@co.santa-barbara.ca.us>
wrote:

> Hi Pat,
> We can't email the DEIR to you, but here is the web link to the DEIR.
> When you get to the Uniform Rules Update Project webpage, over on the
> left side it says "DEIR". Click on that for the document text, and
> then below it are the maps that you will need to click on separately.
>
>
>
> <http://countyofsb.org/plandev/comp/programs/UniformRules/default.html>
>
>
> Let me know if you have any problems
>
> Peggy Burbank
> Comprehensive Planning Division
> County Executive Office
> Santa Barbara County
> 30 E. Figueroa Street, 2nd Floor
> Santa Barbara CA 93101
> 805-568-2019
> pburban@co.santa-barbara.ca.us
>

October 31, 2005

Pat Elton

Letter C1

Response to Comments:

C1-1 The Draft EIR, released for public review on August 1, 2005 was available free of charge to all members of the public. Notices of Completion of the document were mailed to all contract holders, emailed to interested parties, published in the Santa Maria Times and the Santa Barbara News Press. The address, telephone number and email address of Comprehensive Planning as well as the person to contact should one like to receive a free copy were included in the Notice. Thus, the public had full disclosure of how and where to obtain a free copy of the EIR. The public was able to pick-up copies of the DEIR at all of the County's offices in Santa Barbara (Comprehensive Planning and Planning and Development offices), Santa Maria (Planning and Development) and Buellton. The Draft EIR was also posted on-line for public review. After notice of an initial review period of 45 days, the review period was extended for an additional 45 days to total 90 days.

After receiving comment, Staff consulted the on-line version and found the Appendices to be accessible.

C1-2 These comments pertain to the merits of the project rather than adequacy of the EIR and will be forwarded to the Planning Commission and the Board of Supervisors for their consideration.

The Williamson Act provides for recreational uses, the intent of which were clarified in enactment of SB985 (Johnston ch1081 Statutes of 1999), which narrowed the definition of compatible recreational uses on contracted land. Since 1999, the Department of Conservation "...has consistently advised local agencies and landowners that a variety of dedicated recreational uses, including soccer fields, playing fields and golf courses are incompatible uses on Williamson Act land when they require alteration from the 'natural or agricultural' state of the land (Government Code, §51201 (n)).

Inclusion of playing fields as a compatible use in agricultural preserves was considered by the Agricultural Preserve Advisory Committee (APAC) as directed by the Board of Supervisors. Over a period of 22 months the APAC explored options with the Department of Conservation for allowing playing fields in agricultural preserves. Ultimately, the APAC concluded that playing fields could not be included in the Uniform Rules as a compatible use nor as an alternative to the project description in the EIR. In November 2004, with respect specifically to June Fields in Carpinteria, the AYSO

informed the County that the owner of the contracted land was under contract to produce sod seed and requested the County to re-examine compatibility of playing fields on land in active agricultural production. The request was forwarded to DOC and their concerns were outlined in a letter to the Agricultural Commissioner dated March 15, 2005. In this letter DOC offered tests for consistency with the Williamson Act for playing fields alone or in conjunction with a sod seed operation:

- ◆ If the County determines the primary use of the land, or a significant fraction, is for recreation rather than agriculture, it must consider the Act's restrictions on compatible recreation.
- ◆ Soccer and other playing fields are inconsistent with the Williamson Act when they require alteration of the land from the "natural or agricultural state".
- ◆ If no physical alteration of the land is required for the recreational use, the impact of the use and related facilities must be evaluated against other Williamson Act provisions intended to support long-term restricted agricultural uses.
- ◆ If the contracted land to be played upon is in an agricultural state, it would be the County's burden to demonstrate compatibility with that commercial agricultural operation and crop. Issues to address would include timing of the recreational use in relation to planting, harvesting and other agricultural practices necessary to successfully produce and sell the crop on a commercial basis, and whether or not the agricultural enterprise is a bona fide commercial operation or whether the "crop" is primarily for the "... convenience of and intended to justify a primary recreational purpose (DOC, 2005)."

For either situation above:

- ◆ The activity would need to be found consistent with the Williamson Act principles of compatibility (Government Code §51238.1) that, among other things, state uses shall not (1) significantly compromise the long-term productive agricultural capability of the contracted land or adjacent contracted land; (2) significantly displace or impair current or future agricultural operations on the contracted land or adjacent contracted land;
- ◆ The use shall not hinder or impair agriculture by increasing the temporary non-agricultural population in agricultural areas (Government Code §51220.5). Such an increase could have secondary implications for traffic safety and road degradation, or pose conflicts with right-to-farm protection of agricultural operations.

- ◆ Additionally, the County would have health and safety concerns for youth playing in an area that could expose them to pesticide residues, attractive nuisances or other potential hazards.

C1-3 These comments pertain to the merits of the project rather than adequacy of the EIR. Your letter will be forwarded to the Planning Commission and the Board of Supervisors for their consideration.

Local jurisdictions do have the right to exercise a certain degree of latitude in the administration of the Williamson Act in that they may be more restrictive; they may not be more lenient than the Act.

Comments for Submission
Draft Environmental Impact Review
Uniform Rules for Agricultural Preserves and Farmland Security Zones
Santa Barbara County

Due by 31 October, 2005

Comment 1. Section 2-5, Draft Uniform Rules (Aug 2004) Recreation (Page 32).

"Examples of uses not compatible are motor vehicle use which is detrimental to the productivity of the land, and sport fields and golf courses" (Appendix 2, Sec. 2-5 Recreation pg. 32 para. 1)

Remove the term "sports fields" from the language.

1 | **Discussion:** "Sports fields" is too broad for a term. The word "sports" is not defined. Furthermore, "sports fields" are very different with varying impacts depending on the sport involved.

2 | The basic question with conducting sports on agricultural land is whether the activity requires a change to the land from its agricultural or natural state. Some sporting activity requires no more alteration than placement of temporary boundaries or markings -- essentially no physical alteration. Some sporting activities may be considered adverse but less than significant depending on number of people, growing seasons, and type of crop.

Each sport should be evaluated by individual impact to a parcel's natural or agricultural state, rather than a broad, sweeping inclusion of all sports or activities which could be subjectively labeled as "sports".

3 | Table 4.2.1, Policy Consistency Analysis, lists the proposed Uniform Rules policy with accompanying discussion. Page 4-9 talks about "golf courses" being removed from compatible uses. However, this table does not provide discussion of "sports fields", thereby throwing in a exclusionary phrase with no accompanying discussion of the reasons for this exclusion in Appendix 2.

Jim DeArkland
Community Director
Carpinteria Region 683
jdearkland@cox.net
805 650-1967

October 31, 2005

Jim DeArkland

Letter C2

Response to Comments:

- C2-1** The intent of the term “sports fields” is intended to be broad and encompassing to all types of sports from soccer and baseball to rugby and hockey in recognition of the fact that various sports have potential for different impacts on immediate and surrounding land uses.
- C2-2** A discussion of the soccer field issue is included in Section 6 Project Alternatives, of the proposed Final EIR.
- C2-3** Thank you for your comment. The Policy Consistency Analysis specifically addresses golf courses as they were formerly considered compatible and are no longer considered as a compatible use. In that soccer fields were not previously considered a compatible use, nor are they included in the Uniform Rules Update (the project description), they do not warrant a discussion in this section.

Burbank, Peggy

From: landon stableford [aguajitos@earthlink.net]
Sent: Monday, October 31, 2005 7:57 PM
To: Burbank, Peggy
Subject: Uniform Rules EIR comments

Peggy:

Trick or treat?

It is late in the day and likely too late to file my comments on the Uniform Rules DEIR. But this has been a hellish day on many levels. I put over 500 miles on my car today (but never mind that) the first insult was spilling coffee on my laptop keyboard at 5 A.M. and totally frying that computer before backing up my documents. They are most likely lost for good, including my response to the Williamson Act updates. Perhaps just as well as you might not appreciate what I had to say. I have little confidence in the "process" any longer and you will hear what I had echoed by Susan Petrovich and others more eloquent than I.

It may suffice to say in regards to the Uniform Rules DEIR being currculated: "garbage in: garbage out." But that is too simple a criticism. Where and how this document went so far afield of over two years of voluntary input from the agriculture community, with a goal of creating broader latitude to ancillary farm activities to augment farm income within the confines of the DOC regulations is just flabbergasting. Those efforts included wide "out of box" concepts of allowable and compatible uses (all secondary to principle agriculturally generated incomes including possible second residences per contracted 'premises", Ag. related processing structures (wine and olive pressing, vegetable coolers and marketing facilities like home occupancy processing) and so on.

What resulted after a subsequent year of (mis)-interpretation by County Staff is the equivalent of bureaucratic "road-apples!" I have come to believe this further illustrates a pervasive culture of "conservationist (read environmentalist) activism" by very well paid, well intentioned, but fundamentally inexperienced "in-house" County Staff, imposing thier social values toward the preservation of "open space" and biological resources by employing construction site based regulations on an enormous and dynamic industry they very little comprehend. Over the intent of the Agricultural Element of the County Comprehensive Plan supporting and encouraging the intensification, expansion and viability of Agriculture and compatible uses.

Sincerely,

Lanny

October 31, 2005

Landon Stableford, Aquajitos Ranch

Letter C3

Response to Comments:

Thank you for taking the time to submit a letter. Your comments have been noted and will be forwarded to the decision makers for their consideration.

S.B. COUNTY
COMPREHENSIVE PLANNING

OCT 31 2005

October 31, 2005

RECEIVED

Ms. Peggy Burbank
 Santa Barbara County
 Comprehensive Planning Division
 30 East Figueroa Street
 Santa Barbara, CA 93101

*Via facsimile to (805) 568-2076 and e-mail
 to pburban@co.santa-barbara.ca.us*

Re: Uniform Rules for Agricultural Preserves – Draft Environmental Impact Report.

Dear Ms. Burbank,

The Hollister Ranch Owners Association appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the proposed updated Uniform Rules for Agricultural Preserves and Farmland Security Zones. The Hollister Ranch is a 14,500 acre working cattle ranch consisting of 136 privately owned parcels of at least 100 acres in size and all 136 parcels are in the Agricultural Preserve Program. The Association represents the interests of the owners of those parcels. The Ranch is located on the North Santa Barbara Coast between Gaviota State Park on the east and Bixby Ranch on the west and north.

General Comments

First, we applaud the open and collaborative process that was used by the County Agricultural Preserve Advisory Committee to draft the Uniform Rules Update that is the subject of this Environmental Impact Report. Representatives of the agricultural community were allowed to bring recommended Rule changes to the committee and then have a full and public discussion of those recommendations.

1 Generally, our most serious concern is that throughout the document many potential impacts that are identified as potentially significant and unavoidable (Class I) are overstated. It would be more productive to discuss ways to mitigate impacts of concern rather than stating that an impact is unacceptable, or the activity creating the impact should be reduced. One of the primary purposes of the Williamson Act, which the Uniform Rules implement, is to encourage agricultural production, not minimize it. We fear that if minor changes in agricultural and compatible residential uses are declared to be Class I impacts, this precedent could well influence review of future agricultural projects and policies and will have the effect of seriously constraining agriculture's operational flexibility and production in Santa Barbara County.

Specific Comments

Executive Summary

2 (Page 5 – Environmentally Superior Alternative) Based upon the analysis of the potential impacts, the EIR concludes that Alternative 1 is the environmentally superior alternative. We believe that because the projected positive impacts are overstated (which I will address later in this letter), Alternative 1 is not the superior alternative because it addresses only two of the four project objectives. Most importantly, it does not address Objective #4: *“increase the clarity and flexibility of the Uniform Rules to ensure continued and expanded participation in the Agricultural Preserve Program.”*

Also, Alternative 1 was identified as superior to the project because *“it would include incorporation of the ‘principles of compatibility’ and the clarification of one principal dwelling allowed per contracted premises.”* Later, in Section 6, there is more discussion on the recent sections to the Williamson Act added in January of 2004 by legislation known as AB 1492, or the Laird Bill, regarding the principles of compatibility. The interpretation of the meaning of several components of this bill, including the discussion on compatibility and incidental use, is the subject of widespread confusion and there are several moves afoot to clarify the bill’s language and intent. Alternative 1 should not be identified as superior on this basis until clarification has been achieved.

We believe that the project analyzed clearly is the Environmentally Superior Alternative.

3 (Page 6 – Mitigation AG-6) The new Rules propose to add one additional acre to accommodate a second family dwelling unit and this mitigation proposes to require that the additional dwelling be confined to the two acre envelope as specified in the current Rules. We offer that the impact of one additional acre for principal dwelling homesites is insignificant when compared to the thousands of acres of agricultural land that would be affected by the Rule. The purpose of having additional primary dwellings (Residential Agricultural Units or Second Residential Units) is to allow farming families to live on the property. Therefore, the Residential Agricultural Unit enhances long-term agricultural viability of the property. It is unrealistic to try to crowd two reasonably sized principal dwellings, with ancillary structures, landscaping and roadways onto two acres. Adding up to one acre to account for the additional homesite has a minimal impact upon agricultural production yet makes the RAU an important option for families and may even have a growth-discouraging impact as it would eliminate, in many cases, the need to subdivide a ranch to accommodate the needs of the family.

Agricultural Resources and Land Use

4 (Page 3-7 – Uniform Rule 1-4.1 Principal Dwelling) This page and section is a discussion on the new housing options included in the proposed Rule amendments. The EIR states that *“...the amended Uniform Rules would potentially result in the construction of up to 233 new family residential units beyond current allowances, consuming up to 158 acres of agricultural land throughout the County for residential use*

4 | *and no longer available for agricultural production.*” This is identified as a “*potentially significant impact.*” But with 555,394 acres under Williamson Act contract, the 153 acres represents only 0.0003% and should not be considered significant. We suggest that the beneficial impacts of keeping families working and living on the land would far outweigh such minor impacts.

5 | (Page 3-13 – Uniform Rule 2.5 Recreation) The EIR is correct in its statement that removing golf courses as an allowable use on contracted lands, and, include a new definition of “recreational use,” brings the amended rules into conformity with recent Williamson Act amendments.

6 | (Page 3-22 – Cumulative Impacts) The conclusion that the additional residences and the agricultural support facilities allowed under the new Rules will result in *potentially significant cumulative impacts upon agriculture* is an overstatement. Construction of housing and support facilities on agriculturally zoned land does not constitute a “conversion” or a “loss” of agricultural land, it simply changes the way that a small portion of the land is used, a change that provides an overall net benefit to the agricultural operation. Also, the EIR should acknowledge that the Land Use Element to the Santa Barbara County Comprehensive Plan includes agricultural support facilities within the definition of agriculture.

7 | (Page 3-24 – Mitigation AG-6) This mitigation suggests amending the proposed Uniform Rule 1-4.1.B.5 to reduce the area occupied by the residences and accessory structures from three acres to two. The proposed new Rule expands the size of the building envelope to provide for additional family housing. The proposed new Rule severely limits the amount of land that may be devoted to residential building sites while providing much-needed flexibility to farming families who want to live on their land, thereby protecting and preserving it for future generations. The minimal amount of land that will be taken out of production for this purpose is more than offset by the benefits to agricultural viability of the family being able to live on their land.

8 | (Page 3-26 – Residual Impacts – Cumulative Impacts) The EIR states: “*The cumulative impacts associated with the loss of productive agricultural land and the increase in the intensity of use in the rural agricultural areas of the County would remain significant and unavoidable (Class I) due to the inability of mitigation measures and provisions in the amended Uniform Rules to adequately prevent the conversion of agricultural lands to nonagricultural uses and the incremental increase in the rural population and degradation of the rural character of land uses in the County’s agricultural areas as more and more development occurs.*” Given the statements elsewhere in the document about the maximum potential of such development (Tables 2-1 and 2-3) and its miniscule percentage of the agricultural land county wide that this maximum potential could effect, the conclusion that the impact would be *significant and unavoidable* is not supported. What is also missing is a discussion of the *beneficial* impacts of some of these uses and the offsetting effects on any negative impacts, as well as more discussion on the possible ways to mitigate those new uses where appropriate.

9 |

Visual Resources

10 (Page 3-31 – Project Impacts – Incompatible Development – Uniform Rule 1-4.1 Principal Dwelling) We believe that some important clarification is in order here, because the conclusion appears to state something different from what we believe the EIR authors intended to state. This is a section on Incompatible Development and the discussion centers around dwelling units. At the end of the second paragraph of this section (top of Page 3-31) there is a statement that indicates that “residential development” is an incompatible use. The implication is that the principal dwelling and any second units that may be allowed are incompatible uses under the Williamson Act. The principal dwelling, and any ag second unit that may be allowed, is a compatible use.

Policy Consistency Analysis

11 (Pages 4-2 to 4-15) Overall, the EIR does an excellent job with the Consistency Analysis. However, some of the facts incorporated into the assumptions to make that analysis are in error, and therefore, this section should be reviewed and updated for the Final EIR once those errors have been corrected.

Project Alternatives

12 (Page 6-2 – No Project Alternative) The statement that the No Project alternative will have a *less significant impact* upon agricultural resources and land use should be revisited. Residential units and agricultural support facilities (including those for flower operations, horse facilities and wineries) will enhance and preserve long-term agricultural viability. These uses are entirely compatible with, and supportive to, agriculture. Without these facilities, agriculture in the County will be severely compromised. For this reason, the No Project alternative is *inferior for agricultural resources and land use*.

(Pages 6-4 to 6-6 – Alternative 1) Our comments are the same as above regarding the No Project Alternative.

This concludes our comments to the Draft Environmental Impact Report. Again, the Hollister Ranch Owners Association appreciates the opportunity to offer our input on this most important document and project. Please call me if you have any questions or if I can provide any additional information.

Sincerely,

[original signed]

Andy Mills, External Affairs Director
Hollister Ranch

November 2, 2005

Andy Mills, Hollister Ranch

Letter C4

Response to Comments:

Please refer to the response to letter **B19**.

With respect to comment **11** in this and the previously letter from Hollister Ranch Owner's Association, the discussion of the principles of compatibility in Table 4.2-1 page 4-4 of the DEIR is essentially a restatement and does not interpret the text of Sec. 51238.1 (a) of the Williamson Act. It should be noted that the concluding table in this section states that both agricultural housing and support facilities are potentially consistent with County Comprehensive Plan policies. The final determination of policy consistency is made by the Board of Supervisors.

**PUBLIC COMMENTS RECEIVED
AT THE ENVIRONMENTAL REVIEW HEARING
OCTOBER 17, 2005**

**AGRICULTURAL PRESERVE PROGRAM
UNIFORM RULES UPDATE**

**MINUTES OF THE ENVIRONMENTAL HEARING AND
TRANSCRIPT OF COMMENTS RECEIVED**

INTRODUCTION:

Rob Almy, Environmental Hearing Coordinator, made introductory comments regarding the purpose of the hearing and how to participate at the hearing.

STAFF PRESENTATION:

Peggy Burbank, Project Manager, made a Power Point presentation on the Draft EIR summarizing the DEIR's impacts and alternatives as well as the remaining schedule of the project.

COMMENTS RECEIVED AT THE HEARING:

Jean Naughton:

Um, my name is Jean Naughton, J-E-A-N, N-A-U-G-H-T-O-N. Ah, I have some handouts for you, who do I give them to? Included with my letter, I faxed this letter to Peggy last week, included with my letter is another letter, 15 of my neighbors in support of additions to the EIR. Ah, I am a resident of Los Alamos. I have read this document twice and I noticed that Los Alamos was rarely mentioned. I have 15 points that include Los Alamos. I would like to point out that Uniform Rule 1 states that county governments can adopt a stricter language than the Williamson Act and I think a stricter language could be used and should be used with this document. If I may point out in the policy consistency analysis, page 4-2 Agriculture Element Policy 3A, I'll read it, I'll read it as you have written it and how I would like to see a stronger language. This is just an example; expansion of urban development into active agricultural areas outside of urban limits is to be discouraged as long as infill development is available. And again in speaking about Los Alamos expansion of urban development outside of urban limits is to be denied as long as infill development is available. This is just one example of my 15 requests that I have. Ah, I would also, I have also noticed in the document that protection of the night sky was mentioned and briefly mentioned, and I think the County should adopt a very strict policy about this. Ah, number 13 in my letter County visual resource policy night sky protection: the County shall require future commercial,

residential and agricultural development to protect the environment by utilizing lighting which does not cause light trespass, and, where possible, lighting only that is traffic actuated or timed.

I truly believe that all residential, commercial and um agricultural facilities can adopt and use lighting that does not cause light trespass. Ah, let's see, what else? I think the language should be a lot stricter instead of saying "Should be", should leaves us open to a lot of discussion, things like "shall be preserved", "shall be denied", um a lot stronger language. And basically that's about all I have to say about my letter. I won't go over any more of it. That's it. Alright, thank you very much.

Lisa Bodrogi:

Good evening, my name is Lisa Bodrogi. It is spelled B, as in boy, O-D-R-O-G-I and I reside in Orcutt.

I have a numbers of comments on the Draft environmental document which I will be submitting in writing, but I did want to go through some of, I think, most pressing comments that I see in the document. I think fundamentally there are or I have some real concerns with the, ah premise and principals that are discussed in the document. Um, I think that if this was any other resource that would help to promote and protect that resource that it would be a much more favorable document and characterize- that resource and the impacts of the resources much more favorably. For example, if it was expanding biological habitat or enhancing air quality, I think you would get a more favorably document. Clearly, when you read the goals, the objectives of the Uniform Rules Update-that is the intent. The Uniform Rules Update came from the agriculture community as a way to expand their ability to maintain their farms and ranches, to stay economically viable in a challenging time, and to just have more uses and activities available to them so that the agricultural preserve program remains a good program and one that people are encouraged to stay in. Having said that, um, one of the fundamental problems that I have with the document relates to the identification of 396 acres out of 555,000 contracted lands, which equates to less than 1% being characterized as a significant environmental impact. No other environmental resources that I know of would be held to that standard of less than 1%. In fact, on page 313 of the document it specially says "on a pre-premise basis 1% or 1 acre land is minimal", so I don't see why that kind of logic and thinking wasn't carried threw on an overall level. Another real fundamental problem that I have with the document and actually begins in the Uniform Rules Update is the reference to compatible uses as being non-agricultural uses. Now this is actually a change because the current uniform rules do not refer to compatible uses as non-agricultural, so if that language is to remain I think the environmental document would need to elevate that characterization because in fact compatible uses are not non-agricultural they are compatible. They are intended to be compatible with agriculture. The Williamson Act defines agriculture as a use of land for the purpose of producing an agricultural commodity for commercial purposes. The Williamson Act does not define non-agricultural uses. I could think of a couple a Wal-Mart, a shopping mall, a large residential sub-division, those would clearly constitute non-agriculture uses, but again the intent of this Update was to look at those uses that are compatible with agriculture and that will help agriculture to remain viable. So again this reference I didn't see it in the current Uniform Rules, um, I think really a better change than evaluating and studying this further in the EIR, is simply to change that reference

which is found 3 times. I saw it under Uniform Rule number 2, which again talks about compatible uses, beginning with the sentence: This rule provides guidance and criteria for evaluating these non-agriculture uses; and the other places that refer to non-agricultural uses should be struck and replaced with either compatible, complimentary, or agriculture support uses. And in fact, the Williamson Act does define compatible uses and it does allow flexibility for jurisdictions to define what are compatible to ag, which is again really the premise of this exercise, what its all about. So I think there is latitude in the Williamson Act to further allow for compatible uses and again it related to enhancing and encouraging the long term viability of agriculture.

Ah, I have a number of specific comments that relate to just the characterization of ah, impacts. I, I do take exception, I'm just not clear on the logic or the process behind some of them. When there's a discussion and description of residential as being incompatible, um, but determines it to be as an adverse impact, where it describes wineries and agricultural preparation facilities as compatible and characterizes as those activists creating a significant impact. Clearly those activities again help support the long term viability of agriculture. They are agricultural related and should be allowed and not characterized as a significant impact to what we are trying to protect. Another comment that I had relates to the growth inducing impacts. Again, the characterization of that relates to some of these facilities that provide jobs and employment opportunities and this somehow is characterized as negative impact relating to growth inducement. Well, growth inducement typically means expansion of urban areas and infrastructure. If these facilities are generating new jobs, they're going to be helping the jobs-housing imbalance and those people will be still living in the urban area. So I don't think that I can or should be characterized as a negative, I think it should be characterized as a beneficial impact. I also am concerned with the characterization or really the interchangeable reference to agriculture resource and rural character of the area. It seems like those terms are used interchangeably. Agricultural resource verses Rural Character and many times agriculture resources do enhance the rural character and that's a good thing but other times agriculture resources again promote the marketability, the economic viability of agriculture and may not necessarily look pretty, but its also a good thing because its helping us in maintain our agricultural lands. So, I think there are needs to be a little bit more of a distinction between rural character and agricultural resources protection. Clearly, the agriculture element is intended to preserve and protect agricultural resources.

I also, um, have comments on the assumption made in the EIR relating to a 15 acres as being the, I don't know, there is one case, it says the average size for ag. preparation facilities, in any event it turns out to be a mitigation measure and a limitation that agriculture preparation facilities, even in the agricultural industrial overlay needs to be limited to only 15 acres in size and it seems to be an artificial limitation I don't see any facts supporting it. In fact, I have spoken with packing and cooling facilities and they can not live within that limit. Um, it's not based on a real needs and demand and how much commodity they're generating through their facility. So, um, I think either, that again, needs, and I would encourage that to be struck because I think that once you go into the ag. industrial overlay, the purpose of that is to allow you to have an ag industrial type use and there should be no limit. Um, also in looking at the

mitigation measure in the residual impacts, that mitigation measure is not reducing those significant impacts that are identified, so it doesn't seem to have any value added and it would be a real impact and to barrier to our agriculturalists.

Um, there's a couple of other references in here. I, I'll keep from going into to much more detail, um but there are some other references relating to ag. preparation and cooler facilities that I, I will be presenting to you in writing because I think that they are in error. Um, I also think that in terms that of biological resource, those resources are not, um, evaluated in this document, but I think that there should be some disclosure or discussion relating to what the impacts of preserving and protecting biological resources has on agriculture. Um, a lot of the assumptions assume that these expansions will be allowed to occur, but in many cases they may not be able to because of the restrictions resulting from policies and protection to the biological resources, so I think there needs to be some consideration for what impact that has in balancing protection of resources.

I also would like to see a definition of viewshed as seen from a scenic highway. I'd like to know if it's a little tiny spot way up on a hill if that would some how be considered a part of the viewshed. Perhaps maybe a distance would be, you know, within 1mile of something or something along that line. In any event I think that I will conclude there because you will be receiving something in writing from me by the close of the public comment, so thank you.

Trish Beltranena – Left meeting

Eugene Mitty

I'm Gene Mitty, Eugene Mitty, representing Rancho Red Rock and my first comment is, I've been going to these hearings for a couple of years and 95% of these changes in Uniform Rules are not dictated by the State Williamson Act. That's my statement, and you can go through it any way you want to, but that's what's going on. This was instigated by former Supervisor Gail Marshall and her cronies and there are things in this draft that have nothing to do, majority, like I say, 95% don't have anything to do with the State Williamson Act. Um, I would like to see-there's no chart-when I mentioned it before my comments there were 555,000 acres plus in Williamson Act contracts in Santa Barbara County. How many – if we go by the legal – as it is in the contract today – How many houses can be built on those 555,000 acres plus in this County, how many, how many houses can be built under this present zoning? Where, my – you can't answer this because you're under Article 5 of the constitution, but in the 1st paragraph of 2.4.1 on page 2-6 of the draft where in existing rules is one dwelling under single contract restricted? And I refer back to page 10 of the Uniform Rules in existence right now. And if you were to change it, you're throwing a crumb out. On 3, I don't know you came up with this 3 I don't know what it is? I've got 6 legal parcels under the contract that we signed in 1970, we are allowed 1 residence-primary residence-per legal parcel above 100 acres, which I had to rezone, not 1 per contract. Ah, in, along with this program Supervisor Marshall had a-Former Supervisor Marshall-had a program going for a change in the Santa

Ynez Valley Plan. We are split in that plan which I said at the same time was wrong and other people did at the same time you cannot have 2-zonings in a contract. That is in the Uniform Rules 6.E.2 as they exist today, yet Supervisor Marshall tried to change that with her hand picked committee. That's a no-no. So, I would have had to gone in 640 acres on the Santa Ynez side-on our land grant side-and our sectionized land, I would to have gone through Lompoc, Now where in this new draft is that covered.

Okay, please because if something happened to me and I don't get it in writing at least you'll have it. Ah, since 1970 we have never been informed of any rule changes the County of by Santa Barbara as far as the Williamson Act Preserves. Why? Why? Right up to the present never had one change in writing, by mail, whatever.

We have 2 contracts with the County of Santa Barbara 70AP146, 72AP173. I will submit to you a copy of my contracts, starting in 1970, which says you cannot change the rules with out my permission on uses.

I went through this with Mr. Lackie before and I haven't seen any change and I go by the contract I'm under and for litigation for either myself or class action with the people that went in with me in 1970&72. I will present to you now a copy of that contract if you do not have it. It's on file.

Mr. Almy – Mr. Mitty, Mr. Mitty, My understanding is that the contracts that are in effect remain in effect unchanged.

Mr. Mitty – Well that's not what I have been told.

Mr. Lackie – I can answer this question if you want. It is not EIR related.

Mr. Almy – Mr. Mitty, I think that the questions that you've raised so far pertain to your contract and to the changes in the rules and how they affect your contract.

Mr. Mitty – That's correct.

Mr. Almy – Correct; and what we are here tonight to talk about is whether the environmental effects of the proposed changes to the contract are fairly described in the EIR.

Mr. Mitty – I'm going to present it anyway because you shouldn't even be talking about this in an environmental impact report if it doesn't have any thing to do with my contract. Is that not clear?

Mr. Almy – Well, I understand what you are saying sir.

Mr. Mitty – I am reading here. Under the Uniform Rule Draft, Uniform Rule 1 it says existing prime and non-prime contracts for which no changes are proposed that meet the minimum preserve size but which

are made up of parcels which do not meet the minimum size parcel size set forth in section sub-section 1-2, see below shall continue to be eligible with respect to minimum preserve and contract size. Now my contract goes on to my heirs-way down the line, yet the State and the County have a conflict there because our smallest minimum parcel is 20 acres. I put it in preserve because of the rules under the contract I'm under I could do it at that time without obliterating a lot line. Now, if I pass it on to my children, do I have to obliterate that line? This says no I don't have to obliterate that line yet, you're in conflict in a way with the State law. So I don't know what I'm supposed to do. You haven't sent out a change in the rules in 30 some years. Um, you have, you get problems with, with family and you give off a percentage to your kids, is that a change? Nothing in the Draft answers that. Am I suppose to change my contract? I'll pull it out of the preserve before I change my contract, before I obliterate one lot line. In the Santa Ynez plan, they wanted to go to the 648 acres. I took it from tens and twenties to 100, and yet these crazies over here in Santa Ynez want to change it to 640 and my neighbors to 320. I won't do it! I'll pull it all out of the preserve.

So, like I say, 95% of this plan has nothing to do with the Williamson Act because the Williamson Act, if there's a change the County tells me, or tells the Ag Preserve Advisory Committee to change the rules then and there. They're up to date. The State wouldn't allow it any other way. Thank you.

Mr. Richard Pata – Good evening. Richard Pata. Last name Pata spelled P-A-T-A.

My brother and I are farming Lima beans and raise Cattle on Jalama Rd. south of Lompoc. Every farming or ranching operation has some worthless land that's no good for grazing or farming. You should be able to put a rental unit on that area if you desire to generate some supplemental income for your operation because in today's world with all the expenses, agriculture needs some supplemental income to survive. My brother and I are third generation we love what we do but, we could not make it just on dry land farming lima beans and dry land pastures for our cattle. In a dry year the bean crop doesn't amount to much and ah there's hardly enough grass for the cattle and we either have to buy a lot of hay or sell a lot of cattle. And when you get a wet year, if you've sold off a lot of the cattle, the cattle prices are back up so you can't afford to restock with cattle. Ah, thank you very much.

Mr. Almy – Is there anyone else that would like to provide testimony or comment on the Draft EIR for Uniform Rules? If not, I remind you that written comment are due by the 31st to the Comprehensive Planning Division. They can be submitted by email, or by letter, and I thank you for your time and I thank you for joining us this evening.

Response to Public Comment received on October 17, 2005

Jean Naughton:

Summarized her letters received on October 3, 2005. Also made the statements: "I would like to point out that Uniform Rule 1 states that county governments can adopt a stricter language than the Williamson Act and I think a stricter language could be used and should be used with this document. If I may point out in the policy consistency analysis, page 4-2 Agriculture Element Policy 3A, I'll read it, I'll read it as you have written it and how would like to see a stronger language. This is just an example; expansion of urban development into active agricultural areas outside of urban limits is to be discouraged as long as infill development is available. And again in speaking about Los Alamos expansion of urban development outside of urban limits is to be denied as long as infill development is available. This is just one example of my 15 requests that I have. Ah, I would also, I have also noticed in the document that protection of the night sky was mentioned and briefly mentioned, and I think the County should adopt a very strict policy about this. Ah, number 13 in my letter County visual resource policy night sky protection: the County shall require future commercial, residential and agricultural development to protect the environment buy utilizing lighting which does not cause light trespass, and, where possible, lighting only that is traffic actuated or timed."

Response: Language in the Uniform Rules is sufficiently restrictive and imposes further requirements beyond what is defined in the zoning code and policy documents. Proposal to amend the elements of the Comprehensive Plan are not proposed at this time, nor was this the direction of the Board of Supervisors.

Santa Barbara County does not have a dark sky ordinance. The application of Mitigation Measure VIS-3 is intended to reduce new sources of night lighting and/or glare associated with potential new development resulting from the Uniform Rules. This Mitigation Measure will reduce night lighting and glare associated with residential and small-scale guest ranch development. Impacts associated with larger preparation and processing facilities, larger wineries and AIO facilities is considered to remain a Class I impact.

It is assumed that five large-scale wineries and four AIO facilities distributed throughout the County would primarily be located in the Santa Ynez, Lompoc and Santa Maria Valleys and San Antonio Creek rural regions. Please refer to responses to letter **B3**, comments **1** and **2**, and letter **B5**, comment **2**.

Lisa Bodrogi:

Concerned that resources and impacts were not characterized favorably.

Questioned the identification of 396 acres as a Class I impact and also concerned that the term “non-agricultural uses” is used inappropriately. The commenter discusses the limitation of large-scale and AIO facilities to 15-acres. Finally, the commenter is concerned with the definition of viewshed.

Response: Please refer to responses to letter **B18**, comment **1** and the discussion in the final EIR, Sec. 5.5, Beneficial Impacts.

The term “non-agricultural uses” has been deleted from the document where appropriate, and re-characterized as supportive agricultural uses.

Please refer to responses to letter **B20**, comments **2** and **4**.

Please refer to response to letter **B18**, comment **76**.

Eugene Mitty:

Summarized his letter received October 28, 2005.

Response: Please refer to responses to letter **B11**, comments **1** through **6**.

Richard Pata:

The Uniform Rules do not prohibit the rental of a guest house or residential unit on Williamson Act contracted land.

Response: County zoning ordinances prohibit the rental of a guest house. The County Residential Agricultural Unit Ordinance allows for the rental of either the principal residential dwelling or the RAU.

8.4 LIST OF COMMENTERS – Cumulative Impact Analysis

Santa Barbara County Planning and Development Department, serving as Lead Agency, completed a Revised Cumulative Impact Discussion (RCID) of the Uniform Rules Final Environmental Impact Report to analyze potential cumulative impacts of the project under requirements of the California Environmental Quality Act (CEQA). The RCID was circulated through the State Clearinghouse for a 45-day public review and comment period from July 20, 2007 to September 4, 2007. Letters assigned a **D** refer to public agency comments and those with an **E** refer to comment letters from the public. Letters assigned an **F** were received after the close of the public review period; however, the letters have been included and responses have been provided.

LETTER	DATE / COMMENTER
D1	August 6, 2007 Marc Bierdzinski, Planning Director, City of Buellton
D2	August 9, 2007 Vijaya Jammalamadaka Santa Barbara County Air Pollution Control District
D3	August 16, 2007 Joseph Londono Caltrans, District 5
D4	September 4, 2007 Kim Rodriguez, Planning Director County of Ventura Resource Management Agency
E1	August 6, 2007 (e-mail comment) Scott Putnam
E2	August 15, 2007 Mark Oliver Santa Ynez Valley Alliance
E3	August 15, 2007 Robert B. Field

- E4 September 4, 2007
 Nicki Carlsen
 Weston, Benshoof, Rochefort, Rubalcava, & MacCuish LLP
- E5 September 4, 2007 (e-mail)
 June Van Wingerden
- E6 September 4, 2007
 Catherine McCammon
 League of Women Voters of Santa Barbara
- E7 September 4, 2007
 James B. North III
- E8 September 4, 2007
 J. Andrew Caldwell
 Coalition of Labor, Agriculture & Business (COLAB)
- E9 September 4, 2007
 Lillian Smith
- E10 September 4, 2007
 Sam Cohen, Santa Ynez Band of Chumash Indians
- E11 September 4, 2007
 Sam Cohen, Santa Ynez Band of Chumash Indians
- F1 September 4, 2007 (e-mail received at 5:51 pm on September 4, 2007)
 Linda Krop, Environmental Defense Center
- F2 September 4, 2007 (received September 5, 2007)
 Kalon Kelley, Citizens Planning Association
- F3 September 5, 2007 (via FAX)
 Vincent Armenta, Tribal Chairman Santa Ynez Band of Chumash Indians

8.5 COMMENTS AND RESPONSES TO COMMENTS

A total of 17 comment letters were submitted by individuals and agencies. Each comment within a letter has been assigned a number (1, 2, 3, etc.), and staff's response to each comment is identified accordingly and immediately follows the referenced letter. A transcript of the environmental comment hearing held in Solvang on August 15, 2007, and staff's responses to those comments, is also included.



City of Buellton Planning Department

August 6, 2007

David Matson, Project Manager
Santa Barbara County, Office of Long Range Planning
30 E. Figueroa Street, 2nd Floor
Santa Barbara, CA 93101

RE: Notice of Availability
Uniform Rules Update Draft EIR – Revised Cumulative Impact Analysis.

Dear Mr. Matson,

Thank you for allowing the City of Buellton to provide comments on the Notice of Availability for the County of Santa Barbara Uniform Rules Update Draft EIR – Revised Cumulative Impact Analysis. We have the following comment on the document:

D1-1

1. Table A-2 correctly notes that the City of Buellton has terminated its Sphere of Influence (SOI) study on July 12, 2007. However, the sections on the Santa Ynez Valley on Pages 3.7-37 and 3.7-47 still reference the SOI as an active project. Please delete Buellton's SOI changes from these sections.

Please send us the Final EIR when it is completed.

Sincerely,

Marc P. Bierzinski, AICP
Planning Director

MPB/cb

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August 6, 2007

Marc Bierzinski, Planning Director, City of Buellton

Letter D1

Response to Comment:

D1-1 Thank you for your letter. The text in the RCID referring to the City of Buellton Sphere of Influence Study has been revised per your comment.



Santa Barbara County
Air Pollution Control District

D 2

August 9, 2007

David Matson, Project Manager
County of Santa Barbara
Planning and Development
Office of Long Range Planning
30 E. Figueroa St. 2nd Floor
Santa Barbara, California 93101

Re: **Agricultural Preserve Program Uniform Rules Update: Revised DEIR for Cumulative Impacts**

Dear Dave:

The Santa Barbara County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the revised Draft Environmental Impact Report (DEIR) focusing on Cumulative Impacts of the Agricultural Preserve Program Uniform Rules Update Project. Although the County's adopted interim, long-term air quality thresholds of significance are now higher than when the first DEIR was released, the APCD concurs with the classification of air quality impacts in the revised DEIR.

Since the revised DEIR focuses on cumulative impacts, we remind you that global climate change is a growing concern that needs to be addressed in CEQA documents. We recommend the discussion on global climate change and any increase in greenhouse gas emissions due to a project be included under cumulative impacts.

D2-1

In particular, carbon dioxide emissions from the fermentation of wine in new and expanded wineries should be disclosed in the cumulative impact analysis. For fermentation of wine, the carbon dioxide emission factor is: 882 lb CO₂/1000 gallons red wine and 819 lb CO₂/1000 gallons white wine.

There are, to date, no published thresholds for measuring the significance of a project's cumulative contribution to global climate change. A project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases. Therefore, we strongly recommend all feasible measures to reduce the emissions of greenhouse gases be included as mitigation for this project.

Please contact me at 961-8893 or by e-mail at VLJ@sbcapcd.org if you have questions.

Sincerely,

Vijaya Jammalamadaka
Air Quality Specialist
Technology and Environmental Assessment Division

cc: Project File
TEA Chron File

August 9, 2007

Vijaya Jammalamadaka, Santa Barbara County Air Pollution Control District
Letter D2

Response to Comment:

D2-1 Thank you for your comment letter related to the need to consider greenhouse gas emissions in the analysis of cumulative impacts. Thank you also for providing the carbon dioxide (CO₂) generation factors for wine fermentation. The cumulative impacts analysis will be revised to include in the Air Quality section the following discussion of greenhouse gas emissions and potential effects on global climate change.

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, seeks to address global climate change from the perspective of greenhouse gas reduction. AB32 caps California's greenhouse gas emissions at 1990 levels by 2020. Greenhouse gases (GHGs) are those gases that trap heat that would otherwise radiate into space. Some greenhouse gases occur naturally in the atmosphere, while others result from or are concentrated by activities such as burning of fossil fuels such as oil, natural gas, and coal. Greenhouse gases include water vapor, carbon dioxide, methane, nitrous oxide, and ozone. Carbon dioxide and water vapor are the primary GHG components, and carbon dioxide is the primary target for reducing GHG and addressing global climate change as this is more effectively regulated than some of the other GHG.

There are no published thresholds for determining the significance of a project's contribution to global climate change. Such thresholds may be available in 2008, as AB 32 directs the California Air Resources Board to develop thresholds, methodologies and targets by January 1, 2008.

In the absence of adopted thresholds of significance for greenhouse gas emissions, the cumulative impact analysis includes an estimate of the project-specific CO₂ emissions and an estimate of the CO₂ emissions from the cumulative projects list and compares these to the statewide CO₂ emissions. (The analysis focuses on CO₂ emissions since these are the major GHG component and since the URBEMIS emissions model provides information on CO₂ emissions expected from various residential and non-residential uses.) The analysis compares CO₂ emissions expected from the buildout under the Uniform Rules changes and the emissions expected from the buildout of the cumulative projects to the statewide generation of CO₂.

The methodology used to calculate CO₂ emissions is conservative in that CO₂ emissions were calculated based on unadjusted land use inputs reflective of buildout conditions. No emission reduction adjustments were made for mixed use developments or transit use, nor have adjustments been made for uses in close proximity that, unless adjusted, would lead to double counting of the vehicle trips. Hence, the CO₂ emissions data should be considered as a conservative estimate of GHG emissions.

The CO₂ emissions estimated to result from the proposed revisions to the Uniform Rules include those resulting from changes in land use. A subset of these is the increased CO₂ emissions from

an increase in winery development. These winery fermentation emissions are reported in Table 1. Since such emissions differ depending on whether white (819 lbs CO₂ per gallon wine produced) or red (882 lbs CO₂ per gallon wine produced), an assumption on the proportion of red to white wine production was made: 40% of the wine was assumed to be white, and 60% to be red.

Table 1: Estimated CO₂ Emitted During the Wine Fermentation Process (New and Expanded Wineries)^a

Case Production Scenarios	Estimated Case Production (<i>Envelope Size</i>)			
	80,000 (7 total acres)	400,000 (10 acres)	520,000 (13 acres)	800,000 (20 acres)
40% White / 60% Red	570,792 lbs/CO ₂	815,661 lbs/CO ₂	1,060,731 lbs/CO ₂	1631,322 lbs/CO ₂

^a The CO₂ emitted during the fermentation of wine was based on the following emission factors provided by the Santa Barbara County Air Pollution Control District: 882 pounds CO₂/1,000 gallons of red wine and 819 pounds of CO₂ per 1,000 gallons of white wine.

The Uniform Rules project description assumes that two 7-acre wineries (both expanded from existing 5-acre operations), and one each at 10 acres, 13 acres, and 20 acres would result from approval of the rule changes. Therefore, in this assumption, estimated case production would be a total 1,880,000 cases (80,000 + 80,000 + 400,000 + 520,000 + 800,000). This yields annual CO₂ emissions estimated at about 4.6 million pounds, which is equivalent to about .002 million metric tons.

Other sources of CO₂ emissions can be modeled with URBEMIS and are reported in Table 2. The sum of the winery emissions and the URBEMIS modeling represents the total estimate of stationary and mobile CO₂ emissions resulting from the proposed rule changes. The sum of emissions is also reported in Table 2, at the bottom of the table. The estimated annual CO₂ emitted as a result of projected buildout under the proposed Uniform Rule changes is estimated at about 84 million pounds, which is equivalent to about .038 million metric tons.

Table 2: Estimated CO₂ Emitted as a Result of Projected Buildout Under Proposed Uniform Rule Changes

Emission Source	CO ₂ Emissions (lbs/day)	CO ₂ Emissions (lbs/year)
Long-Term Operation		
Area (stationary)	5,115	1,866,975
Vehicle (mobile)	213,109	77,784,785
Wine Fermentation	12,738	4,649,298
Total Operational Emissions (Area + Vehicle + Wine Fermentation)	230,962	84,301,058

Source: URBEMIS 2007 v.9.2. See Appendix 5 for results and assumptions. Wine fermentation emissions from Table 1.

A similar methodology was used for cumulative projects. As shown in Table 3, cumulative development would generate annual CO₂ emissions estimated at 1.25 billion pounds, which is equivalent to about 0.57 million metric tons. Uniform Rule changes would contribute approximately 84 million pounds, or 6.7%, of the estimated cumulative + project CO₂ emissions at buildout.

Table 3: Estimated CO₂ Emitted as a Result of Cumulative + Project Development

Emission Source	CO ₂ Emissions (lbs/day)	CO ₂ Emissions (lbs/year)
Long-Term Operation		
Area (stationary)	412,921	150,716,165
Vehicle (mobile)	2,780,390	1,014,842,350
Wine Fermentation ^a	230,962	84,301,130
Total Operational Emissions (Area + Vehicle + Wine Fermentation)	3,424,273	1,249,859,645

Source: URBEMIS 2007 v.9.2. See Appendix 5 for results and assumptions.

The California Energy Commission (CEC) has developed an inventory of statewide GHG emissions. According to the CEC, in 2004 (the most recent year for which data is available), California sources contributed 431 million metric tons of CO₂. Table 4 compares CO₂ emissions generated by project-specific development and cumulative development to overall statewide CO₂ emissions. The contribution of 0.038 million metric tons of CO₂ estimated as a result of the

Uniform Rules buildout is approximately .009% of the statewide emissions. The contribution of 0.57 million metric tons of CO₂ estimated as a result of the buildout in the cumulative projects list is approximately 0.13% of the statewide emissions. Given these small percentages, neither project-specific nor the cumulative impacts on GHGs would be seen as significant impacts. The project-specific and cumulative impacts would therefore be considered Class III (less than significant).

Table 4: Project-Generated and Cumulative CO₂ Emissions Compared to Statewide CO₂ Emissions

Emission Source	CO ₂ Emissions (million metric tons/year)	% of Statewide annual CO ₂ Emissions
State of California (2004)	431	100%
Uniform Rules buildout	0.038	.009%
Cumulative Projects	0.57	0.13%

Source: California Energy Commission, <http://www.energy.ca.gov/>, 2007 and URBEMIS 2007 v.9.2. See Appendix B for results and assumptions.

While mitigation of less than significant impacts is not required under CEQA, the intent of AB 32 is to reduce greenhouse gas emissions. Project-specific mitigation measures, such as AG-1 and AG-2, would serve to limit the size of certain large-scale wineries, non-grape preparation and processing facilities, and commercial composting facilities would limit GHG emissions. Furthermore, although the County has not adopted specific GHG emission reduction policies to date, a number of existing policies contained in the Air Quality Supplement to the Land Use Element of the County Comprehensive Plan serve to minimize the generation of a variety of air pollutants, including GHG. Some of the relevant policies from the Air Quality Supplement, which is incorporated by reference, are listed below.

- Policy A – Direct new urban development to areas within existing urbanized areas without endangering environmentally sensitive areas or open space resources.
- Policy B – Promote the conservation and rehabilitation of existing urban development.
- Policy C – Increase the attractiveness of bicycling, walking, transit, and ridesharing.
- Policy D – Restrict the development of auto-dependent facilities.
- Policy E – Improve the integration of long-range planning and project approval procedures with air quality planning requirements.

The County has also undertaken a number of specific measures to implement these policies. These are listed in the Air Quality Supplement.

The regulation of emission sources by the Santa Barbara County APCD through its review of source permits would also serve to reduce GHG emissions for a given activity or source often through the requirement of employing Best Available Control Measures and Technology. For example, the emission reduction measures would be incorporated through the APCD permitting process for certain large-scale wineries, as discussed on page 3.7-55. Other measures to reduce

GHGs would be implemented through the policies and programs of the SBCAPCD Clean Air Plan (CAP), as well as review of any proposed amendments to the CAP.

With incorporation of such measures and permitting requirements, GHG emissions associated with individual projects would be reduced to the degree feasible. Residual impacts would remain less than significant (Class III) as no significant impacts have been identified.

DEPARTMENT OF TRANSPORTATION

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D 3

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August 16, 2007

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 Santa Barbara County
 30 E. Figueroa St., 2nd Floor
 Santa Barbara, CA 93101-2010

**REVISED ENVIRONMENTAL IMPACT REPORT – SANTA BARBARA COUNTY
 AGRICULTURAL PRESERVE UNIFORM RULES UPDATE**

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced documents and offers the following comments:

- D3-1
1. The EIR indicates that roadways on the South Coast will be minimally impacted by further development. Highway 192 in and around Carpinteria on the South Coast is a very narrow, rural highway with 10 1/2 foot lanes. Most roadway segments have 0-2' of shoulder. Semi-truck traffic accessing the many nurseries along the route has an impact on the overall quality of the roadbed because the roadway was never built to handle large trucks. Any increase in truck traffic on Highway 192 as a result of this project would increase traffic volumes on Highway 192 impacting roadway capacity, reducing safety, increasing conflicts and the need for maintenance or upgrades.
- D3-2
2. (Reference page 3.7-43, Table 3.7-6 Cumulative Traffic Forecasts - State Highway Segments Within Santa Barbara County) The table erroneously shows the intersection of 192/Casitas Pass@Linden. This should read Rte 192/Foothill Rd. @ Linden.

If you have any questions, or need further clarification on item discussed above, call me at (805) 549-3615.

Sincerely,

Joseph A. Londono
 District 5 Development Review Coordinator

RECEIVED

AUG 21 2007

August 16, 2007

**Joseph Londono, Caltrans District 5
Letter D3**

Response to Comment:

- D3-1** Thank you for your letter. The comment indicates any increase in semi-truck traffic on Highway 192 would result in impacts to the highway. The proposed Uniform Rules are projected to add traffic to Highway 192, this increase in traffic would be almost exclusively passenger vehicles. However, little if any increase in truck traffic on Highway 192 is expected as a result of the Uniform Rules Update. Therefore, even if a cumulative increase in truck traffic were to occur on Highway 192, the proposed project would not contribute substantially to this increase. As noted in Section 15130(a) (1) of the CEQA Guidelines, "an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR."
- D3-2** The comment points out a needed correction to intersection references in Table 3.7-6 of the revised Uniform Rules Cumulative Impacts Discussion. In response to this comment, the two entries for Route 192 in Table 3.7-6 will be revised to read as follows:
- Route 192-Foothill Road @ Linden Avenue
 - Route 192-Foothill Road @ Toro Canyon Road

RESOURCE MANAGEMENT AGENCY
county of ventura

Planning Division

Kimberly L. Rodriguez
Director**D 4**

September 4, 2007

County of Santa Barbara
Attn: David Matson, Project Manager
Office of Long Range Planning
30 E. Figueroa St. 2nd Floor
Santa Barbara, CA 93101-2010

FAX #: 805-568-2076

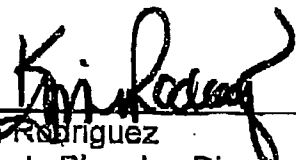
Subject: Notice of Availability for a Revised Cumulative Impact Analysis for the Uniform Rules Update Draft EIR for the Agricultural Preserve Program Rules

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Chuck Anthony, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Chuck Anthony at (805) 654-3683.

Sincerely,



Kimberly L. Rodriguez
County Planning Director

Attachment

County RMA Reference Number 07-052

AUG 30 2007

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Chuck Anthony, Planning

DATE: August 29, 2007

FROM: Alicia Stratton *AS*

SUBJECT: Request for Review of Notice of Availability for a Revised Cumulative Impact Analysis for the Uniform Rules Update Draft Environmental Impact Report for the Agricultural Preserve Program Rules, Santa Barbara County (Reference No. 07-052)

D4-1

Air Pollution Control District staff has reviewed the subject project, which is a proposal for changes to several provisions of Santa Barbara County's Uniform Rules in order to bring the rules into conformance with recent legislative amendments to the Williamson Act, address discrepancies in the rules identified in a 2001 audit and increase clarity and flexibility of the Agricultural Preserve Program.

We have no comments to submit on air quality issues pertaining to this project.

If you have any questions, please call me at (805) 645-1426.

September 4, 2007

**Kim Rodriguez, Planning Director, County of Ventura Resource Management Agency
Letter D4**

Response to Comment:

D4-1 Thank you for your letter. The letter states the Ventura County Air Pollution Control District has no comments to submit on air quality issues pertaining to the RCID. No further response or revisions are required.

From: Malinda Putnam [mailto:malindajane@gmail.com]
Sent: Sunday, August 05, 2007 11:02 AM
To: Matson, David
Subject: Revised Draft EIR (Ag Preserve Program)

This is a comment on the Revised Draft EIR, submitted by a resident of the county:

E-1

On pages 3.7-24 and 3.7-25 there is a discussion of potential conversions and losses of ag lands due to increases in resident and visitor numbers. The discussion is unbalanced and incomplete. It does not mention potential enhancement of ag lands that could occur due to increases in resident and visitor numbers. In Europe, South Asia, Southeast Asia and East Asia more intensive and productive forms of agriculture have evolved in response to population pressures. The discussion as drafted appears to assume that the ag land under review cannot be managed more intensively or productively over time.

Scott Putnam
Gaviota, California

August 6, 2007
Scott Putnum
Letter E1

Response to Comment:

E1-1 Thank you for your letter. The comment states the RCID does not contain a discussion of the potential enhancement of agricultural lands that could occur due to increases in visitors and residents. Please refer to the Proposed Final EIR for the Uniform Rules Update (August 2006), Section 5.5 Beneficial Impacts, for a thorough discussion of the beneficial impacts to agricultural resources associated with the proposed Uniform Rules amendments.

VA

August 15, 2007

*Santa Ynez
Valley Alliance*

David Matson, Long Range Planning
County of Santa Barbara
30 E. Figueroa Street
Santa Barbara, CA 93101

Dear Mr. Matson:

As you know, the Santa Ynez Valley Alliance has submitted testimony in the past expressing our concerns about the Uniform Rules Update and the cumulative impacts residing outside the Draft Environmental Impact Report document for the Rules Update.

EZ-1

Today, we want to express our concerns about the timing of this hearing, as well as the hearing held last week for the Santa Ynez Valley Community Plan Draft EIR. Other than December, August is the worst possible month to hold public hearings. People are on vacation, involved in back to school activities and simply not focused on community issues like these. The public simply has not been given enough time to consider these documents that are of such critical importance to the residents of the Valley.

We appreciate the extension of time granted for comments on the Santa Ynez Valley Community Plan. However, we must also request a 30-day extension for comments on the Draft EIR for the Uniform Rules Update and the Revised Cumulative Impacts Discussion. This extension will allow people an opportunity to fully review both documents and submit written comments.

Thank you for your consideration.

Sincerely,

Mark Oliver by gm
Mark Oliver, President
MO:gm

cc: Supervisor Brooks Firestone

August 15, 2007

Mark Oliver, Santa Ynez Valley Alliance

Letter E2

Response to Comment:

E2-1 Thank you for your letter. The comment states the public has not been given enough time to consider the documents and asks for a 30-day extension of the review period. Consistent with CEQA Guidelines §15105(a), the revised cumulative impact analysis was circulated through the State Clearinghouse for a 45-day public review and comment period from July 20, 2007 to September 4, 2007.

ROBERT B. FIELD
SANTA YNEZ, CA 93460

RESUBMITTED 8/15/07

NONE OF THESE
COMMENTS WERE
CONSIDERED -- E 3

Mr. John Baker, Director of P&D
County of Santa Barbara

March 10, 2007

RE: Cumulative impacts analysis --- current proposals for changes to Ag land use

Dear Mr. McInnes,

I am very appreciative that the County has re-opened the Uniform Rules EIR to study the cumulative impacts of the twenty active proposals for changes to Ag-zoned land use. Without such analysis, neither the public nor the decision makers will have adequate information.

The magnitude of the implications of these proposals is tremendous. Ag-zoned land is 90% of the privately owned land in the County; it is three-quarters of a million acres. Changes of this magnitude will affect everyone in this County, and all of our visitors. Without question, these combined proposals represent one of the most sweeping sets of changes ever proposed in this County.

Attached are my observations on what needs to be studied to do a good job of understanding and planning the proposed changes.

I have chosen to focus my comments today on a subset of the twenty active proposals: Uniform Rules, Expanded Home Occupation, and the family of proposals which, confusingly, go by the multiple names of Process Improvement, or "streamlining", or "downshifting". Many of the proposals in this latter group, while originally intended to be changes in process only, actually represent dramatic changes in policy.

These changes are numerous and sweeping, as currently proposed they have major loopholes, and when implemented and taken in combination, they may have dramatic and unintended consequences.

The following example illustrates the combined impact of the proposals and their loopholes. A landowner owning 15 Ag II zoned parcels totaling over 500 acres, whether they were in Williamson contracts or not, regardless of how many current contracts are involved, they could be allowed to build the following: 15 B&B's of 6 rooms each for a total of 90 rooms, 15 additional housing units (RAU's), and 15 principal residences; the total number of rentable units would be 120, 30 of which would be multiple bedroom units. Plus, 15 separate businesses that may have nothing to do with ag (such as retail shops), each one of up to 1200 square feet of additional buildings. This result is effectively a distributed-rooms resort, much like the Silverado in Napa Valley. All of this, of course, is in addition to the large scale winery or agricultural processing facility, and the potential for unlimited ag-worker housing. All of the above without Planning Commission or Environmental Review.

Thank you very much for undertaking a comprehensive study of these issues and their impacts.

Sincerely,

PARTIAL LIST OF STUDY REQUIREMENTS
FOR UNIFORM RULES EIR CUMULATIVE IMPACTS

A. STARTING POINT : FACTS

E3-1 1) The number of ag-zoned parcels in the County is a multiplier in the calculation of the impacts of most proposed changes and, therefore must be known. According to County estimates provided to the public (Appendix 1), the numbers are:

Ag I: 2,436
Ag II: 2,594
661: 3,841
Other: 0

Total: 8,777 (This is the number provided; the sum of the above is 8,871)

2) CRITICAL MISSING FACT: The numerous proposed changes to ag land use in process at this time only change Ag I and Ag II zoned lands. However, the ZORP program could rezone an additional 3,841 parcels into these two categories. Therefore, given the magnitude of this number (an additional 76% to the affected parcel count), good science would require that impact of this be included in the evaluation in addition to the existing Ag I and Ag II parcel counts.

4) The number of Williamson contracts is 1254, and the number of parcels covered is 2271. (Appendix 1)

5) There are significant differences in the distribution of Ag-zoned parcels in the various regions of the County. (Appendix 1)

6) According to the "Policies to Encourage Residential Development on Agricultural Land" document produced by the County (Appendix 2), there appear to be 610 Ag II parcels which are not under Williamson contract restrictions and, therefore, are available for additional development under the proposed changes for RSU's and Expanded Home Occupation.

7) County P&D officials have stated that existing Williamson Contracts can be combined and/or split into different combinations of parcels and contracts. Therefore, all proposed changes that give development rights per parcel must have their impacts calculated on the maximum number of parcels, not the current number of contracts. Likewise, all proposed changes that give development rights based upon the number of acres under a single contract must be calculated based upon the maximum combining of parcels possible into a single contract. (Appendix 3)

8) In addition to the combining and/or splitting effect mentioned above, there is the potential for owners of Ag-zoned land to add parcels into the Williamson program at no cost. Therefore, the number of potential parcels and acres available for this addition (or a reasonable professional estimate) must be added to determine the potential impacts with a reasonable degree of accuracy.

9) Despite numerous conversations with County officials about the "loophole" problems created by the following fact, the key term "agricultural worker" remains undefined. Therefore, the intended use of the ag worker housing is not effectively restricted to ag workers or any subset of the general population, but could be available to anyone.

10) Despite numerous conversations with County officials, another massive "loophole" remains because the key term "existing buildings" is undefined with regard to Small Scale Guest Ranches. This limitation was required by the Department of Conservation, but without definition, there is no effective restriction at all. Without specific restrictive definition, the term "existing building" means any building, built at any time, that exists at the time of the application for the Small Scale Guest Ranch.

(I will close the "Facts" section with a personal observation, or opinion : the fact that the County has not addressed these "loophole" problems, despite numerous complaints about the serious implications of their existence, makes it appear to me that there is a possibility that these loopholes might be part of the proposal by design.)

B. AREAS IN NEED OF STUDY

1) "Ag worker" housing

3-2 To have any degree of accuracy, the number of these units projected to be built must be based on the demand assumption that they are unrestricted use, market-rate housing units.

This is due to the following facts: the key term ag workers is not defined, the current requirement that the occupants work on the property is proposed to be changed to "on or off" the property (Appendix 4), there is no rent control, there is no determination of who the original occupant is, no monitoring of future occupancy, no effective enforcement, and no meaningful penalties. In other words, it is completely lacking effective controls. Powerful market forces will rule, the huge demand for housing and the resulting economic incentives, will inevitably lead to a large number of rental units for non ag workers.

The maximum potential here is over 20,000 housing units (plus 661 rezone impact) with nothing more than Land Use permits, and unlimited housing units with a Minor CUP. Unless the newly created loopholes are closed, the expected potential goes way beyond the historical experience for production of ag worker housing.

2) Additional Principal Residences

3-3 Due to the ability for combining of individual contracts into a single larger contract, and the ability to add new parcels into contracts, the projected number of additional principal residences must be based on the number of current contracts that qualify, plus this increased potential. This is anyone in the County with over 320 acres and at least three legal parcels.

Also, because of lack of controls like monitoring and enforcement, the use of these housing units is not effectively restricted to family members and the rental potential for both long-term rentals and short-term vacation rentals should be projected. The vacation rental impact is very high and most likely to affect the Gaviota Coast and the Santa Ynez Valley.

3) RAU's

E3-4 | These units are unrestricted as to use, therefore the impact should be analyzed as if they are market-rate rental units, both long and short term, including vacation rentals. These units can be combined with the B&B rental units for additional rentals, and this potential impact should be studied.

Also, due to the ability to split existing contracts into new contracts for a single parcel each, the impact needs to be based upon the potential for every parcel under contract (2271), not just for the number of contracts (1254).

4) RSU's

E3-5 | The proposal to add Residential Second Units on non-Williamson Ag II parcels allows for unrestricted use and, therefore, needs to be analyzed as market rate rental units, for which there is great demand.

Also, contrary to County policy regarding protection of our agricultural resources, the addition of unrestricted RSU'S on Ag II will have a negative impact on Ag Viability. There are no restrictions as to the combined size of house and other buildings, footprint of development, or placement on the property. Therefore, this will have the same impact as subdivision of ag land, primarily for urban worker housing, and it must be analyzed as such.

5) "Small Scale Guest Ranches" (aka B&B's)

E3-6 | While this is defined as one per contract, due to the potential for splitting contracts, this needs to be evaluated with the potential of one per every parcel under contract (2271), not one per every current contract (1254). This is a maximum potential of 13,626 rooms, plus the additional rental potential of 2,271 RAU's, plus additional principal residences.

As pointed out above in the section stipulating the facts, the "existing buildings" loophole means that every parcel has the potential for a B&B. Also, because the amount of remodeling and expansion that can be performed to an "existing building" is in no way constrained, the size of these conversions is not limited. A recently constructed small barn can become a 10,000 square foot B&B. Every principal residence can be converted to a B&B, and then a new principal residence can be built.

The following example illustrates the combined impact of the proposals and their loopholes. If a landowner owns 15 Ag II zoned parcels totaling over 500 acres, whether they are in Williamson contracts or not, regardless of how many current contracts are involved, they could obtain approval to build the following: 15 B&B's of 6 rooms each for a total of 90 rooms, 15 additional housing units (RAU's), and 15 principle residences; the total number of rentable units would be 120, 30 of which would be multiple bedroom units. This result is effectively a distributed-rooms resort, much like the Silverado in Napa Valley.

All of this, of course, is in addition to the large scale winery or agricultural processing facility, and the potential for unlimited ag-worker housing.

Market demand for these will be greatest on the Gaviota Coast and in the Santa Ynez Valley.

Traffic analysis should consider multiple daily trips by trucks for such things as linen service, bakery goods, housekeeping, landscaping, etc. Also, there are likely to be considerable visual impacts from the buildings themselves and related signs.

E3-7

6) Large scale processing

Due to the ability to combine individual parcels into a single Williamson contract, and no cost to add additional parcels into contract, every ag-land owner with over 500 acres in ownership has the potential to qualify for this development right. This must be analyzed based upon this assumption, not just the current number of Williamson contracts covering over 500 acres.

If the plan here is for no additional environmental review after this EIR, then this study will need to evaluate the future impacts of these developments on loss of ag land, traffic, water, wastewater, visual resources, etc. A commonly used assumption for the number of workers in industrial/commercial buildings is four employees per 1000 sq ft.

7) Expanded Home Occupation

-3-8

This proposal calls for allowing new construction of 1200 square feet of building, 600 square feet of outside storage, three commuting employees, and five customers at a time per non-Williamson ag parcel. At approximately 3,000 parcels affected (current Ag I and non-Williamson Ag II), the maximum potential is 3.6 million square feet of new commercial space, and 1.8 million square feet of outside storage. In addition, it is 15,000 commuting employees, and up to 25,000 customers at a time traveling on rural roads.

These numbers could increase dramatically with consideration of the impact of 661 rezones to Ag I and Ag II.

Since all of this is proposed for ag-zoned land, and the footprint for these commercial developments is not limited, the impact on ag viability needs to be assessed --- especially since there is no requirement that the businesses have any relationship to ag whatsoever.

2436 of these "ag" parcels are zoned Ag I, most of these are in the Santa Ynez Valley, and functionally they are far more like neighborhoods than like "real ag". Therefore, the negative impact on property values should be evaluated, as commercial operations in neighborhoods of upscale homes is distinctly undesirable.

8) PIT/ "Streamlining"

Several of the proposals from this process are likely to have substantial impacts:

5-9

a) Agricultural Accessory Structures --- The proposal is to allow up to 3,000 square foot ag accessory buildings on Ag I parcels as small as 5 acres, with no notice to neighbors and no appeal. As proposed, these buildings may be any design, any materials, any colors, and be constructed in the neighbors view corridor. Besides the obvious visual impacts, the negative impacts on property values of the neighbors should be evaluated.

E3-9
Cont

b) The proposal to allow entrance gates of up to 16' tall, with no notice, review or appeal is likely to have substantial negative impact on visual resources. As more and more people, with more and more money, move into Santa Barbara County the risk of negative impact increases. As other rural communities have experienced, the wealthy newcomers often have grossly different ideas about appropriate size, scale and design of "entry features". This should not be underestimated. (Appendix 4)

c) Single family dwellings --- In neighborhoods with smaller Ag zoned parcels (5-20 acres) construction of these structures of up to 3000 square feet with no notice, review or appeal is likely to have significant impact on visual resources and property values. (Appendix 4)

d) Agricultural employee housing (up to four employees) --- the proposed change to "on and off premises" employees opens up the loophole for unrestricted, market-rate housing (see above B 1).

e) Agricultural employee housing (5 or more employees) --- In addition to the comments in 8 d) above, an ag-zoned parcel with access to sewer service could be built out with 25 or more units per acre under this proposal with only a Minor CUP. This could be 250 units on a 10 acre parcel, such as those that line Hwy 246 through the Santa Ynez Valley. This is a special risk in the Santa Ynez, Goleta and Carpinteria Valleys. The impact of such potential development needs to be evaluated; loss of ag land, and impacts to traffic and visual resources would be of special concern. (Appendix 4)

f) Residential second units --- First, see above section B 4). Also, the proposal to increase the maximum size of these units from 1200 to 2000 square feet is of huge impact. Currently, market rental prices for 1200 square foot units in the Santa Ynez Valley fit the State requirements for affordable housing; market rates for 2000 square foot units do not. Since market incentives will encourage people to develop the larger units, and since currently sized second units are a huge part of how the Santa Ynez HMA meets its Mandate, the Valley will be forced to switch to high-density housing in the future. This impact should be evaluated. (Appendix 4)

g) Change to DP threshold --- Allowing up to 100,000 square feet of development per larger ag parcels which does not have to go through Design or Environmental review is of massive significance and potential impact. Just at the intersection of Highways 154 and 246, this proposal would allow about 1.5 million square feet of lightly reviewed development. If these parcels, or any other similarly sized properties, were to change ownership to the big corporate players in the Wine & Spirits industry, the Santa Ynez Valley could be changed forever.

Of special concern are impacts to loss of Ag land, traffic, visual resources, water, and wastewater.

9) Regional Differences

E310 Significant differences exist between the geographic regions in Santa Barbara County. These include topography, nature of the agricultural activity, amount and density of human population, and desires regarding the future character of the individual communities. In addition, the distribution of Ag-zoned parcels, both Ag I and Ag II, is quite varied from region to region.

For these reasons, an impact analysis that is sensitive to these realities needs to invest some effort looking at the regional impacts of the proposed changes.

From: "Baker, John" <jbaker@co.santa-barbara.ca.us>

Date: March 7, 2007 5:16:10 PM PST

To: <sfield@ecohost.org>

Cc: "Cortez, Ron" <rcortez@co.santa-barbara.ca.us>

Bob -

Here is the information that is available at this time. Shown in numbers or UPPER CASE next to the questions posed below.

From: Sandra Field [mailto:sfield@ecohost.org]

Sent: Saturday, March 03, 2007 11:34 AM

To: Cortez, Ron

Subject: Re: Additional Ag parcel info

Hi Ron,

Sure — First, question # 1, then question # 4, then the other three are about even .

Thanks.

Bob Field

On Mar 3, 2007, at 9:14 AM, Cortez, Ron wrote:

Bob, one more question, there is a lot of information to gather. Can you prioritize this information in order of importance to you so I can attempt to get you this first.

Ron

-----Original Message-----

From: Sandra Field [mailto:sfield@ecohost.org]

Sent: Friday, March 02, 2007 6:35 AM
To: Cortez, Ron
Subject: Additional Ag parcel info

Hi Ron,

Thank you, again, for your help in getting the info re: Ag I parcels.

My earlier info request to Mr. McInnes consisted of a number of questions which were answered, and a number which remain unanswered. I am hopeful that you can help me with these remaining questions:

- 1) What is the total number of parcels in the County zoned for Ag? 8777
- 2) What is the total number of parcels zoned Ag II ? 2594
- 3) What is the total number of parcels zoned 661 ? 3841
- 4) How many Ag II parcels are there, by Supervisorial District ? #1 - 15, #2 - 79, #3 - 1531, #4 - 525, #5 - 444
- 5) At the Solvang meeting on December 12, 2006 a County attorney said that it was quite likely that more legal parcels exist than shown by the Assessor's parcel database, and encouraged the landowners to research the possibility. This raises the following questions: **WE REALLY DO NOT HAVE ANY WAY OF DETERMINING THE THREE ITEMS BELOW.**

- a) How likely ?
- b) How many more parcels ?
- c) Safe to assume these will be mostly Ag II ? The response I received was: "The answers would be speculative and are unknown at this time." I am aware of that fact ---- I am requesting your professional opinion as to the approximate magnitude of the issue, as this could have a material effect on the magnitude of the proposed changes.

This information is relevant to the EIR meeting on the Uniform Rules scheduled for March 10; a reply prior to that date would be most useful.

Thanks,

Bob Field

From: "Cortez, Ron" <rcortez@co.santa-barbara.ca.us>
Subject: **Ag I Parcels by Supervisorial District**
Date: February 28, 2007 10:19:33 AM PST
cc: "Sandra Field" <sfield@ecohost.org>, "McInnes, John" <JMclnne@co.santa-barbara.ca.us>
1 Attachment, 203 KB [Save](#)

Bob, per your request. If you have any questions, please contact me.

Ron

[AG I parcels ...t.xls \(203 KB\)](#)



Policies to Encourage Residential Development on Agricultural Land

Executive Summary

This White Paper discusses current Santa Barbara County policy initiatives that encourage residential development on agricultural lands. Additionally, the paper addresses how these initiatives can meet the needs of agriculturalists, while upholding the community's strongly expressed desire to ensure the long-term preservation of the County's rural heritage and related economy.

The present housing supply is overwhelmingly inadequate to meet the needs of agriculture. In 2005 there were approximately 16,325 agricultural jobs in the County. The average annual salary of an agricultural worker is \$21,158.¹ In Santa Barbara County, the average farm worker currently pays between 150% in the North and 300% in the South of what they can afford for housing. In addition, agriculture is diversifying in ways that require more labor.

The County proposes to address the pressing need for agriculturalist housing through two separate, but related, policy initiatives: the County's adopted Housing Element and the Uniform Rules for lands under agricultural preservation contract with the County. These policy initiatives include proposed permit streamlining processes as well as measures specifically designed to increase opportunities for the development of housing on agricultural land.

To comply with the California Environmental Quality Act (CEQA), the County will prepare an Environmental Impact Report (EIR) on its adopted Housing Element.² This EIR will analyze the proposed policy changes identified through the recent agricultural permit streamlining effort as well as the broad objectives established by farm worker housing policy in the Housing Element. Additionally, the EIR's cumulative impacts section will study the conclusions of the Uniform Rules Final EIR as it relates to housing supply on agricultural land.³

Within the County there are 5,015 privately held agricultural parcels.⁴ The zoning ordinances that govern these parcels allow for the development of 24,465 non-primary residential units including Residential Second Units (RSUs), Residential Agricultural Units (RAUs),⁵ and farm worker housing units in the rural area.⁶ However, the ordinances prohibit the development of RSUs on 610 of the 5,015 privately held parcels. The County's adopted Housing Element proposes a policy change that would allow construction of RSUs on these parcels. Should this

¹ UCSB Economic Forecast Project. 2006. *2006 Santa Barbara County Economic Outlook*. Santa Barbara: UCSB Economic Forecast Project.

² The Housing Element is one of seven mandatory components of the County's Comprehensive Plan. It was adopted by the Board of Supervisors in May 2006.

³ The Uniform Rules Final EIR is pending Board of Supervisors consideration.

⁴ The agricultural land discussed in this White Paper is limited to the County's AG-I (inner rural) and AG-II (rural) lands. Agricultural land that is governed by the provisions of Ordinance 661 are not included in the calculations outlined here, since 661 parcels are not affected by any of the proposed changes.

⁵ RAUs are only permitted on contracted land and are not permitted at all within the Coastal Zone.

⁶ 24,465 assumes either one RSU or one RAU per parcel where currently allowed and four farm worker dwellings on each of the 5015 agricultural parcels discussed here. Staff is currently engaged in a multi-year data collection effort that will enable the County to identify how many of these units have already been constructed, but that information was not available at the time of the drafting of this White Paper.



proposed change be implemented, the net impact would increase the maximum potential buildout from 24,465 to 25,075.

In addition, proposed changes to the Uniform Rules that govern parcels under Williamson Act contract would allow construction of second primary residences. This change would increase the maximum buildout potential by an additional 233 residential units. When combined with the potential 610 RSUs discussed above, a maximum of 25,308 residential units could be constructed on County agricultural lands. These 843 units (610 RSUs and 233 second primary residences) are insignificant when compared to the 24,465 residential units already allowed under current zoning ordinances governing agricultural land. However, historical permit trends and the high cost of building indicate that significantly fewer than 843 units are likely to be built on these lands.

Initial research in preparing the Housing Element EIR project description indicates that up to 522 new residential dwellings will likely be built on agricultural lands between now and 2013. This projection is supported by trend data, forecasting models, an economic feasibility analysis, and the needs and preferences of the agricultural community.

The proposed policies under the Housing Element and Uniform Rules initiatives each have a number of elements that may create incentives for additional housing units to be constructed on agricultural land.

- Policy 1.6, Action 1 of the Housing Element states that the County shall amend zoning ordinances to allow RSUs with a ministerial unit on all agricultural parcels not under an agricultural preserve contract or located in the Coastal Zone within one year of the adoption of the Housing Element. Initial estimates of new RSU construction are projected at 109 units. This estimate is based on historic trend data and the demonstrated need balanced with projected building costs, a simplified permit process, and the total number of parcels affected. Additional analysis conducted in the Housing Element EIR should establish quantitative validity of these initial estimates.
- Initial quantitative analysis shows that proposed process improvements related to both Housing Element Policy 1.6 and Housing Element Policy 2.2 will decrease time and costs for permitting new units. Yet the associated savings of \$1,600 in permit costs and up to two months in processing time is *insignificant* when compared to the high cost of building a new unit (see Figure A). Based on recent permit trend data and projected building costs staff estimates that approximately 180 new farm worker dwellings will be constructed.
- The cumulative impact of proposed Uniform Rules changes on agricultural preserve lands (74% of County agricultural land) will allow up to 233 new residential units to be built on 158 acres.⁷

The cumulative impacts of all proposed policy changes and permit processing improvements will be evaluated as part of the State mandated environmental review of the County's adopted 2003-2008 Housing Element. Once this full analytical study is complete, staff will recommend a course of action, including proposals for any necessary zoning ordinance amendments. As

⁷ 233 new primary residences is the *maximum* number of units that would be added through the proposed Uniform Rules update. The actual number of units built is likely to be much lower.



provided by State Law, the public will have multiple opportunities to review and comment on the findings of the Housing Element EIR prior the Planning Commission review and Board of Supervisors consideration and certification of the document and the related package of staff-recommended ordinance revisions.

From: Barbara Field <sfield@ecohost.org>
Date: February 5, 2007 6:32:44 AM PST
To: "Cortez, Ron" <rcortez@co.santa-barbara.ca.us>
Cc: "Stark, Shane" <Sstark@co.santa-barbara.ca.us>
Subject: Re: Info Request: Firestone/Uniform Rules

APPENDIX 3

Ron/Shane,

Thank you.

In addition, some creative combining and splitting of contracts could also, in the example cited, result in five principle residences and five Residential Agricultural Units. I don't believe the EIR gave any consideration to the potential for more principle residences or RAU's that are enabled by the proposed changes when combined with this replacement contract policy. In other words, the cumulative effect of these policies was not studied.

The financial incentives to take advantage of this are significant. Principle residences and RAU's are unrestricted use buildings, which means that they can be rented at market rates to anyone, including use as short term vacation rentals. Room rates at the San Ysidro Ranch range from \$895 to \$3850 per night, and I was told they are at 80% occupancy.

Please add this scenario to my prior question about the EIR. Thanks.

Bob Field

On Feb 4, 2007, at 8:26 PM, Cortez, Ron wrote:

Bob, we are working on a response for you.

Thanks.

Ron

From: Sandra Field [mailto:sfield@ecohost.org]
Sent: Tue 1/23/2007 6:14 PM
To: Cortez, Ron
Cc: Stark, Shane
Subject: Re: Info Request: Firestone/Uniform Rules

Mr. Cortez,

This means that someone with five 100 acre parcels under separate contracts could build five guest ranches, then combine the five parcels under a single contract and build the big winery. Conversely, the single contract covering five 100 acre parcels could build the big winery, and then split into smaller contracts and build five guest ranches.

Question: Did the EIR consider the maximum impact of all of the combining and splitting that has been encouraged by the huge economic incentives created?

Question: The State Department of Conservation previously objected to the County's current replacement contract policies and practices; have they been informed of these new possibilities and, if so, what was their response?

Bob Field

On Jan 23, 2007, at 5:51 PM, Cortez, Ron wrote:

Bob, let me know if I have answered your questions.

Thanks.

Ron

6. Yes, contracts can be combined.
7. Yes, contracts can be divided as long as the remaining parcels in each contract combine to meet the minimum qualifications.
8. Each contract would then have separate development rights. If you removed a parcel(s) from an existing contract and the parcel that was removed did not meet the minimum qualifications, then no additional development rights would be allowed.

From: Cortez, Ron
Sent: Monday, January 22, 2007 10:02 PM
To: Sandra Field; Stark, Shane
Subject: RE: Info Request: Firestone/Uniform Rules

Bob, this seems reasonable. Let me get on this right away for you.

Thanks.

Ron

From: Sandra Field [<mailto:sfield@ecohost.org>]
Sent: Mon 1/22/2007 1:34 PM
To: Stark, Shane
Cc: Cortez, Ron
Subject: Re: Info Request: Firestone/Uniform Rules

Shane & Ron,

Thank you Shane for your response.

I can't imagine that the letter to the FPPC will contain anything approaching answers to my questions numbered 6 through 8, below. Perhaps Ron could get me answers to those questions separately, at this time.

Thanks,

Bob Field

On Jan 22, 2007, at 10:10 AM, Stark, Shane wrote:

- > Bob,
- >
- > I will send you a copy of my letter to the FPPC regarding Supervisor
- > Firestone's voting on the Uniform Rules Amendments. It will
- > contain the

> substance of answers to your questions.
>
> Shane Stark
> County Counsel
>
> -----Original Message-----
> From: Sandra Field [<mailto:sfield@ecohost.org>]
> Sent: Monday, January 22, 2007 7:57 AM
> To: Cortez, Ron
> Cc: Stark, Shane
> Subject: Re: Info Request: Firestone/Uniform Rules

> Gentlemen,

> It has been a couple of weeks since your e-mail deferring
> response
> to my earlier information request ---- any progress in answering
> these questions?

> Bob Field

> On Jan 10, 2007, at 9:51 AM, Cortez, Ron wrote:

>> Bob, County Counsel's Office is compiling this information. Once
>> it is
>> complete, we will provide it to you as soon as possible.

>> Thanks.

>> Ron

>> -----Original Message-----

>> From: Sandra Field [<mailto:sfield@ecohost.org>]
>> Sent: Friday, January 05, 2007 11:02 AM
>> To: Cortez, Ron
>> Subject: Info Request: Firestone/Uniform Rules

>> Dear Ron,

>> Public statements have been made by Supervisor Firestone and
>> other

>> County officials about inaccuracies in the request that Supervisor
>> Firestone recused himself due to conflict of interest. To the extent

APPENDIX 4

AAC's Agricultural Streamlining Recommendations
 Planning Commission & P&D Staff Comments
 & AAC Comments (in italics)
 July 13, 2006

Shifting ag permits to a lower level of review:

Type of Ag structure	Existing	Recom- mended	Parameters
Agricultural accessory structure	Land Use Permit (LUP)	Zoning Clearance (ZC)	<ul style="list-style-type: none"> AG-I & -II Zones ZC for up to 3,000 sq. ft. (same for BP) If applicable, BAR review would still be required, e.g., Hillside/Ridgeline, Design Overlay or where Development Plan Approval is required.
Animal enclosure	LUP	ZC	<ul style="list-style-type: none"> Note that corrals are viewed as fences & exempt if <8 ft. in height
Entrance gate posts & cross member	LUP	Exempt	<ul style="list-style-type: none"> Gate posts & cross member if no more than 16'
Single family dwellings	LUP	ZC	<ul style="list-style-type: none"> ZC for up to 3,000 sq. ft.; LUP if over 3,000 sq. ft. Assumes gross square footage Does not include garage area BAR would still be required (see Ag Acc. Structure)
Agricultural employees - Up to 4 employees	Minor CUP	LUP	<ul style="list-style-type: none"> On and off premises employees only Documentation required at permit approval that occupancy requirements are met Notice to Property Owners (NTPO) to restrict occupancy & notify future owners.
Agricultural employee dwellings - 5 or more employees	Major CUP	Minor CUP	<ul style="list-style-type: none"> Same as for up to 4 employees May work on off-premises agricultural lands
Residential second units (RSUs)	LUP & Minor CUP; Not permitted in AG-II Zones	LUP	<ul style="list-style-type: none"> Occupancy not restricted Existing size limit is 1,200 sq. ft. & AAC recommends 2,000 sq. ft. for AG-I Zone & 2,500 sq. ft. maximum for AG-II Zone

Comment: These changes could conceivably allow a new SFD, up to 4 farm employees & a RSU for a total of 6 "units" with LUPs.

Change to DP threshold – Proposed*:

Lot Size	Zone	
	AG-I	AG-II
1 – 39 acres	20,000 sq. ft.	20,000 sq. ft.
40 – 99 acres	30,000 sq. ft.	40,000 sq. ft.
100 – 319 acres	--	60,000 sq. ft.
320 + acres	--	100,000 sq. ft.

* - **AG-I Zones:** Exclude the following from the 20,000 sq. ft. threshold for AG-I parcels of up to 40 acres:

- a. Agricultural accessory structures of up to 3,000 sq. ft. if "no plugs or pipes."
- b. Up to 3,000 sq. ft. of the primary residence (not including garage area); any area in excess of that would apply to the threshold.

AG-II Zones: 'a' and 'b' above and:

- c. Agricultural employee housing up to a maximum of 1,500 sq. ft. per unit; Any area in excess of that would apply to the threshold.
- d. *Ag accessory structures up to 3,000 sq. ft. (with "plugs and pipes")*
- e. *All other Ag accessory structures (with no plugs or pipes)*

Comment: The Planning Commission spent considerable time discussing Urban (AG-I) v. Rural (AG-II) thresholds & exemptions, particularly relating to the Santa Ynez Valley where there are many AG-I-5 zoned parcels. The Eastern Goleta Valley was also mentioned but there are not many AG-I-5 zoned parcels there (<10). The data for the 3rd District is:

**AG-I Zoned Parcels & Location
Article III area only**

Zone	< 5 acres	5 ac to 9.99	10 ac to 19.99	20 ac to 39.99	40 ac & up	% in 3 rd District (SYV)
AG-I-5	29%	61%	8%	1%	1%	96%
AG-I-10	24	32	35	7	3	81
AG-I-20	7	9	34	44	5	81
AG-I-40	18	14	20	16	33	53

August 15, 2007
Robert B. Field
Letter E3

Response to Comment:

E3-1 Thank you for your letter. Points 1-10 in this letter generally relate to an opinion that the various proposed policy changes pertaining to agriculturally-designated parcels could have impacts greater than those identified in the proposed FEIR that was originally released in August 2006. These points do not relate directly to the revised cumulative impact analysis that was released for public review in July 2007 as the comments were prepared and submitted to the County in March 2007.

In essence, the comments suggest that the analysis of cumulative impacts should consider the maximum theoretical development potential under the proposed rules. This opinion is noted. However, County staff believes that such an approach is inappropriate insofar as, based on historical development patterns in Santa Barbara County; it would greatly overestimate the level of change likely to result from the various policy changes currently being contemplated by the County. By overestimating the predicted impacts, the County would not be complying with CEQA's requirements to emphasize effects in proportion to their severity and *probability of occurrence* and to use the County's best efforts to make reasonable forecasts. CEQA Guidelines, Sections 15143, 15144; *State Water Board Cases* (2006) 136 Cal. App. 4th 674, 797. The project description in the August 2006 proposed FEIR describes the assumptions regarding additional development that could be facilitated by the proposed Uniform Rules Update, while the revised cumulative impact analysis describes the approach to determining what other potential policy changes need to be considered in the cumulative impact analysis and what level of development might be facilitated by these potential policy changes. It is the opinion of County staff that the assumptions regarding the level of development that could be facilitated by both the proposed project and cumulative projects is both reasonable and "conservative." In several cases, the analytical approach for both the proposed Uniform Rules Update and cumulative projects assumes that possible rules changes would facilitate additional development when, in fact, the "additional development" assumed in the analysis could already be facilitated under existing rules. The only change in such cases relates to the manner in which projects are processed (allowing projects to be processed at the Zoning Administrator level rather than need Planning Commission review, for example). In all such cases, all projects would continue to be subject to all applicable County policies and any Zoning Administrator decisions could be appealed to the Planning Commission.

It should be noted that the suggestion in point 2 is incorrect. The Zoning Ordinance Reformatting Project (ZORP) approved by the Board of Supervisors in 2006 is a project that reformats existing County zoning ordinances (Articles II, III, and IV) into a single Land Use and Development Code (LUDC) to improve clarity and ease of use, and to eliminate unnecessary redundancy and correct errors. The ZORP project did not result in any substantive changes and, therefore, no possibility of direct or indirect physical changes to the environment or significant effects. For these reasons, the project is not discussed in the Uniform Rules Update EIR cumulative impact analysis.

- E3-2** This comment apparently refers to the proposed Housing Element Action Phase, which is considered in the revised cumulative impact analysis. However, the current version of the proposed Action Phase program would merely relax the permit requirements for farmworker housing. As such, the way in which farmworker housing proposals are processed would change rather than allowing for additional units beyond what could already be built under existing County land use regulations. See Responses E3-4, and E3-5 below.
- E3-3** The August 2006 proposed FEIR estimates that the proposed Uniform Rules Update would facilitate 233 additional residences beyond what is currently allowed. These units would only occur on the larger contracted premises (minimum 200 acres), with parcels at least 100 acres in size, and would be dispersed throughout the County's contracted land. With respect to environmental impacts as defined by CEQA, it is irrelevant whether such units would be occupied by family members or renters.
- E3-4** In 1999, the Board of Supervisors adopted Ordinance 4368 amending the Inland Zoning Ordinance, Article III of Chapter 35, to establish procedures and standards for Residential Agricultural Units (RAUs) on agricultural lands. The existing Uniform Rules allow RAUs on contracted land and no changes are proposed in the Uniform Rules Update.
- E3-5** The RSU program, which is part of the Housing Element Action Phase, would remove the requirement for a Minor Conditional Use Permit (CUP) for detached RSUs on AG-I ("inner rural") agricultural lands not in the Coastal Zone; thus, detached units could be approved with a Land Use Permit (LUP) if this program is adopted. Currently, only attached RSUs are allowed on AG-I agricultural lands with an LUP. In addition, this program would allow for detached RSU's on AG-II ("rural") agricultural lands not in the Coastal Zone and not under Williamson Act (Agricultural Preserve) contract, with approval of an LUP. Currently, RSUs are not allowed on AG-II agricultural lands that are not under Williamson Act contract. It is estimated that the removal of these potential regulatory obstacles for detached RSUs would lead to the development of an additional 110 units on non-coastal AG-I and AG-II agricultural lands countywide. The precise impacts of these additional units cannot be predicted with certainty as the nature and location of future units is not known. Nevertheless, any future proposals would be subject to existing County land use regulations. Contrary to what is suggested, existing regulations would restrict the size, footprint, and placement of new structures on agricultural properties in order to avoid significant impacts.
- E3-6** As noted in the project description in the August 2006 proposed FEIR, the impact assessment for the Uniform Rules Update assumes the development of small-scale guest ranches on 2.5% of the eligible contracts, resulting in the potential development of 25 small-scale guest ranches. It is the opinion of County staff that this estimate represents a reasonable and conservative estimate of the number of contract holders likely to avail themselves of this opportunity. The impacts of these ranches are addressed throughout the EIR.

E3-7 The August 2006 proposed FEIR concluded that proposed Uniform Rules amendments allowing for development of large-scale agricultural support facilities and commercial composting facilities on agricultural preserve lands could result in the conversion of 237 acres of farmland. It is the opinion of County staff that this is a reasonable estimate of the amount of farmland that could be affected by such facilities. In some cases the development of such a facility could increase the agricultural productivity of the premises by allowing crops to be processed on site and reducing the need to truck crops off-site for production, thus increasing the long-term sustainability and viability of the agricultural operation. In addition, the amended Uniform Rules requires that preparation or processing facilities and all accessory structures and service roads be sited in a manner that minimizes the acreage taken out of agricultural production. Nevertheless, the loss of productive agricultural soils is identified as a potentially significant impact to agricultural resources.


E3-8 This comment presumably refers to the Expanded Home Occupations Ordinance Amendment. This amendment is listed as item number of 7 of the Tier 1 projects (page 3.7-13) and is addressed in the cumulative impact analysis. This amendment would expand the type of home occupations allowed on agricultural parcels. However, it would be speculative to try to predict how many such businesses may be added in the future. In addition, construction associated with home-based businesses would be expected to be adjacent to existing structures and, as such, generally would only minimally affect existing agricultural operations. It should also be noted that the County would retain the authority to deny permits for home-based businesses in the event such businesses were determined to have significant agricultural or other impacts.

E3-9 Both the August 2006 proposed FEIR and the RDEIR consider most of the proposals listed in item 8 of this letter. As noted in Response E3-1, the approach to estimating the amount of future development facilitated by proposed programs is different than what the comment suggests; however, it is the opinion of County staff that some of circumstances mentioned (250 units on a 10-acre agricultural parcel) are unlikely to ever occur, while others (2,000 square foot units rather than 1,200 square foot units) would have only minimal impact. Staff believes that the estimates of future development included in the EIR, while not the maximum theoretical potential buildout, are reasonable and represent a more likely development scenario than what is suggested by the commenter. Regardless, the EIR identifies significant and unavoidable project and cumulative impacts in the areas of agricultural resources, traffic, aesthetics, and water resources. This conclusion would appear to be consistent with the commenter's opinion.

The EIR does not consider changes to the development plan threshold in the LUDC because the project description for that program is not sufficiently defined at this time. In addition, it should be noted that it is not the EIR's purpose to examine impacts to social or economic effects such as those relating to property values.

E3-10 It is understood that there are substantial differences among the various regions within Santa Barbara County. To the degree feasible given the programmatic nature of the Uniform Rules Update EIR, the analysis considers regional differences between the

geographic regions of the County and identifies specific impacts that may occur within the various regions.

 WESTON BENSHOOF
 ROCHEFORT RUBALCAVA MACCUISH LLP
 ATTORNEYS AT LAW

(213) 576-1128
 ncarlsen@wbcounsel.com

September 4, 2007

VIA E-MAIL, FACSIMILE AND U.S. MAIL

dmatson@co.santa-barbara.ca.us; (805) 568-2076

David Matson, Deputy Director
 County of Santa Barbara
 Planning and Development Department
 Office of Long Range Planning
 30 E. Figueroa Street
 Santa Barbara, CA 93101

Re: *Uniform Rules Update EIR – Revised Cumulative Impacts Discussion*

Dear Mr. Matson:

As you know, we represent North Hills LLC (“North Hills”), and we have had an opportunity to review the Revised Cumulative Impacts Discussion (“RCID”) prepared by Santa Barbara County (“County”) for the Uniform Rules Update EIR. We appreciate the County’s consideration of the proposed North Hills project in the RCID, and we respectfully submit the following comments.

Overall, the RCID concludes that, for many of the disciplines studied, significant and unavoidable impacts may result under cumulative conditions (e.g., agricultural resources, visual resources, noise, transportation and circulation, air quality, groundwater resources), and the North Hills project is identified as potentially contributing to those cumulative impacts. The RCID also recognizes, in its discussion of transportation impacts, for example, that many of the projects studied in this cumulative impacts analysis, including the North Hills project, are in the preliminary planning stages, and that these projects would undergo their own environmental review assessments, including any associated requirements to implement mitigation measures. Thus, when the North Hills project undergoes its own environmental review assessment, it may be able to reduce, through mitigation, any potentially significant impacts to a level of insignificance, despite the conclusions in the RCID regarding significant cumulative impacts with respect to the Uniform Rules Update EIR.

E4-1

As stated in the RCID, the North Hills project is a "land development concept," and the cumulative impacts analysis appears to be based on summary data set forth in the application to initiate the Comprehensive Plan Amendment ("CPA"). Specifically, the RCID states that project is proposed to be located on a parcel of 4,125 acres, and is estimated to provide 7,500 dwelling units and 2,000,000 square feet of commercial space. While a more precise evaluation of the potential environmental impacts of the North Hills project would be determined when the project moves forward, it is worthwhile to note a few clarifying details regarding the project. Specifically, as currently conceived in the CPA application, the project would disturb only 1,200 acres of the 4,125-acre parcel, and the 7,500 dwelling units would range in size from 650 to 4,000 square feet to accommodate a "full range of housing options." (CPA Application, pp. 2-4.)

These additional details regarding the North Hills project may be useful in terms of the cumulative impacts analysis in the RCID for both agricultural resources and for transportation. With respect to the RCID's analysis of the conversion of farmland or loss of agricultural use or productivity, the entire 4,125 acres is presumed to be lost to development. (RCID, p. 3.7-24.) However, as stated in the CPA Application, the primary use of the parcel has been oil extraction activities, compatible with existing Uniform Rules, with limited cattle grazing and bee keeping, and the development footprint would be limited to 1,200 acres.

E4-2

With respect to the RCID's analysis of transportation, the RCID states that the Average Daily Trips ("ADT") to be generated by the North Hills project is 84,000 ADT. (RCID, p. 3.7-48.) These numbers are based on the traffic analysis prepared by Associated Transportation Engineers ("ATE") for the RCID. (RCID, Attachment 1.) According to ATE's report, the approximately 80,000 ADT attributed to the North Hills project is based on 1,000,000 square feet of commercial (shopping center and office), 1,500 apartments and 6,000 single family residences. While ATE's traffic analysis does not take into account the full 2,000,000 square feet of commercial space proposed in the CPA application, the ATE analysis also does not evaluate the internal trip benefits associated with having a mixed-use project with several villages where "most daily needs can be met within walking distances of residences." (CPA Application, p. 2.) A more detailed analysis of the anticipated traffic to be generated by the North Hills project would also recognize that more than 1,500 units would be multi-family residential units.

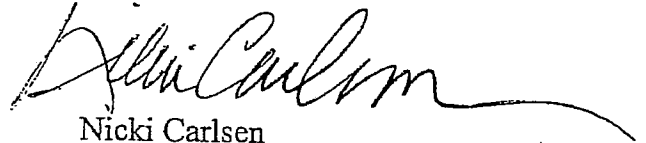
North Hills does not believe that any further analysis is required for purposes of the Uniform Rules Update EIR, but we submit this information to provide

David Matson, Deputy Director
September 4, 2007
Page 3

additional detail regarding one of the projects described in the cumulative impacts analysis.

If you should have any questions or comments regarding this letter, or the project, please do not hesitate to call.

Very truly yours,



Nicki Carlsen
WESTON, BENSHOOF,
ROCHFORD, RUBALCAVA & MacCUISH LLP

NC/kl

September 4, 2007

Nicki Carlsen

Letter E4

Response to Comment:

- E4-1** Thank you for your letter. As stated in the RCID, the North Hills project is a land development concept with limited information currently available regarding historic and existing agricultural production throughout the 4,125 acre site. Therefore, the cumulative impact analysis provides a general discussion of potential impacts with respect to potential conversion of agricultural land. Your letter correctly states that a more precise evaluation of the potential environmental impacts of the North Hills project would be determined when the project moves forward.
- E4-2** The traffic analysis has been revised to take into account the full 2,000,000 square feet of commercial space proposed by the North Hills project.

From: June Van Wingerden [mailto:JBWingerden@hotmail.com]
Sent: Tuesday, September 04, 2007 10:43 AM
To: Matson, David
Cc: GERBERAGROWER@aol.com; Rene; Jim DeArkland; Supervisor Brooks Firestone; SupervisorCarbajal
Subject: comments on Uniform Rules

E5-1 Dear Mr. Matson
I quickly scanned the proposed Uniform Rules and noticed on page 32 that recreational fields are still deemed not compatible with agricultural use. I do not see a similar exclusion in the California State Uniform Rules on compatible uses. Santa Barbara County appears to have gone beyond what is required for Uniform Rules compatible uses. Please strike "sport fields" from the list of incompatible uses. Some sports fields such as soccer fields can be compatible with agriculture. Thank you for your attention to this matter.

June Van Wingerden
4444 Foothill Road
Carpinteria CA 93013

From: June Van Wingerden [mailto:JBWingerden@hotmail.com]
Sent: Tuesday, September 04, 2007 10:59 AM
To: Matson, David
Cc: janicevans@verizon.net; SupervisorCarbajal; Supervisor Brooks Firestone
Subject: more comments on Uniform Rules

E5-2 Dear Mr. Matson
I noticed in the published proposed Uniform Rules that greenhouse are not specifically included as uses. The State rules specifically include greenhouse ag. I think greenhouse use should be added to the Santa Barbara County Uniform Rules.

June Van Wingerden
4444 Foothill Road
Carpinteria CA 93013

September 4, 2007
June Van Wingerden
Letter E5

Response to Comment:

E5-1 Thank you for your comment. The comment pertains to the merits of the project rather than the adequacy of the revised cumulative impact analysis and will be forwarded to the Board of Supervisors for their consideration along with the RCID.

The inclusion of playing fields as a compatible use in agricultural preserves was considered by the Agricultural Preserve Advisory Committee (APAC) as directed by the Board of Supervisors. Over a period of 22 months the APAC explored options with the Department of Conservation for allowing playing fields in agricultural preserves. Ultimately, the APAC concluded that playing fields should not be included in the Uniform Rules as a compatible use.

The Department of Conservation actively participated in the enactment of SB985 (Johnston: ch1081 Statutes of 1999) that narrowed the definition of compatible recreational uses on contracted land. Since 1999, DOC "...has consistently advised local agencies and landowners that a variety of dedicated recreational uses, including soccer fields, playing fields and golf courses are incompatible uses on Williamson Act land when they require alteration from the "natural or agricultural state" of the land (Government Code §51201(n))."

In a letter to the Agricultural Commissioner dated March 15, 2005, the Department of Conservation offered the following tests for consistency with the Williamson Act for playing fields alone or in conjunction with an agricultural operation:

- If the County determines the primary use of the land, or a significant fraction, is for recreation rather than agriculture, it must consider the Act's restrictions on compatible recreation.
 - Soccer and other playing fields are inconsistent with the Williamson Act when they require alteration of the land from the "natural or agricultural state".
 - If no physical alteration of the land is required for the recreational use, the impact of the use and related facilities must be evaluated against other Williamson Act provisions intended to support long-term restricted agricultural uses.
 - If the contracted land to be played upon is in an agricultural state, it would be the County's burden to demonstrate compatibility with that commercial agricultural operation and crop. Issues to address would include timing of the recreational use in relation to planting, harvesting and other agricultural practices necessary to successfully produce and sell the crop on a commercial basis, and whether or not the agricultural enterprise is a bona fide commercial operation or whether the

“crop” is primarily for the “... convenience of and intended to justify a primary recreational purpose (DOC, 2005).”

- For either situation above:
 - The activity would need to be found consistent with the Williamson Act principles of compatibility (Government Code 51238.1) that, among other things, state uses shall not (1) significantly compromise the long-term productive agricultural capability of the contracted land or adjacent contracted land; (2) significantly displace or impair current or future agricultural operations on the contracted land or adjacent contracted land;
 - The use shall not hinder or impair agriculture by increasing the temporary non-agricultural population in agricultural areas (Government Code 51220.5). Such an increase could have secondary implications for traffic safety and road degradation, or pose conflicts with right-to-farm protection of agricultural operations.
- Additionally, the County would have health and safety concerns for youth playing in an area that could expose them to pesticide residues, attractive nuisances or other potential hazards.

The Department of Conservation concluded that land uses and recreational activities that result in the significant interference with, or cessation of, agricultural pursuits on contracted land or adjacent agricultural land “clearly undermines the [Williamson Act] program’s integrity and should not be allowed on contracted parcels (DOC, 2005).” Even if no physical alteration of the land is required for the recreational use, the potential conflicts posed by temporary increases in the non-agricultural population, potential for nuisance complaints against agricultural operations, potential for exposure to pesticide drift and other agriculturally-related hazards, have the potential to result in significant interference with and/or cessation of commercial agricultural pursuits on the land or surrounding agricultural area.

E5-2 Greenhouses are a form of commercial agricultural production currently allowed under the County’s existing Uniform Rules. The proposed Uniform Rules amendments will not affect continued eligibility of landowners with greenhouse facilities to qualify for an agricultural preserve contract.

League of Women Voters of Santa Barbara

TO: David Matson, Deputy Director, Office of Long Range Planning, Santa Barbara County
 dmatson@sbcao.org

RE: League Comments on the County of Santa Barbara Uniform Rules Update EIR, Revised
 Cumulative Impacts Discussion

We have read this document and we have some major concerns with it.

- E6-1** We question some of the assumptions that have been made in this document. One major assumption is that in order to keep agriculturalists in Williamson Act contracts and encourage others to enter into these contracts, incentives, such as guest houses, increased processing facilities etc., (i.e. other uses that will increase the return of landowners) have to be offered. Recent numbers do not support the assertion that the number of acres under contract are declining.
- E6-2** Also, there is the assumption that the number of housing units, such as Residential Second Units and farm-worker housing, should be based on current trends and market conditions. As we are witnessing now and have seen over the years, real estate trends and conditions change. The number that should have been used is the most extreme case, that all those who are eligible to build second units do so.
- E6-3** Also in respect to housing the Cumulative Impacts should include a discussion that if the original occupants of the principle dwellings die or choose not to live there, the units will be rented out. As we are in a tight housing market, what is to prevent this from happening? The same applies to farm-worker housing. Since there are no conditions on this, other than obtaining CUP's, what is to prevent this from becoming rental housing? A potentially significant impact that needs to be discussed is growth inducement because of a number of people renting and living on agricultural lands who may or may not have anything to do with agriculture. There are also impacts on traffic and air quality. These renters may be commuting to other jobs in the southcoast or cities such as Santa Maria.
- E6-4** The impacts of the RAU's program should have been included. The county has the information to include a number, if all of the eligible landowners avail themselves of this opportunity. CEQA requires the inclusion of all reasonably foreseeable future projects or programs in an analysis of cumulative impacts. See Page 3.7-6 of the document for a discussion of what must be included under CEQA. The same applies to other proposed changes in Tier 1 county programs that are listed as not included, because the document says they are too speculative to be analyzed. Just because they are regulatory in nature does not preclude them from having direct and indirect impacts.
- E6-5** There should be a discussion of the Home Occupation Program and this should be included in the Cumulative Impacts. As structured, this program allows these businesses to be on all agricultural parcels, whether or not they have anything to do with agriculture. Three off-site

E6-5
cont.

employees are allowed and presumably these businesses will draw customers. This program alone could draw hundreds of people onto agricultural lands. Not only does this cause an impact of decreasing land in agriculture, but it also potentially has severe impacts on county roads and air quality. There is also an impact on public services for police and fire. Look at the recent Zaca fire; it was caused by welding a pipe. There is nothing in the Home Occupation program that would preclude a welding business.

E6-6

Another shortcoming of the document is that it does not include the impacts of large wineries. The document states that these will have separate EIR's and thus do not need to be included in the cumulative impacts. Here again, these are reasonably foreseeable future projects under CEQA that should be included in the cumulative impacts (see Winery Permit Process Ordinance for a discussion of why Tier 2, Tier 3 projects are not included in the cumulative impacts, Attachment A, Trip Generation).

E6-7

The methodology of the document to only discuss those items that were Class I impacts in the proposed Final EIR on the Uniform Rules, should at the very least, be discussed in the beginning of the document. However, we believe that the document should cover the other impacts areas under CEQA as well. The rationale that agricultural land is already disturbed land and therefore has no biological impacts is belied by the facts. There are existing conservation programs, such as those for oaks and the tiger salamander, to name a few. More activity, structures and people on agricultural lands will have a negative impact on biological resources, so there should be a section on impacts to Biological Resources.

E6-8

The cumulative impacts document should also include a section of Growth Inducement. The discussion should include all of the additional housing units that will be generated by the Uniform Rules Amendments and the Residential Agricultural Units program. As stated above, this should include the worst case, if all of the landowners availed themselves of the opportunity to have units. The guest ranches also have the potential to convert to rental units, so they should be included in this section. There needs to be a discussion of all of the new non-agricultural people that may live in these units and all of the customers that will come to the businesses allowed under the Home Occupation program.

E6-9

Finally, the Sphere of Influence proposal by the City of Goleta should be included. This proposal includes agricultural lands, from the city boundary to the forest boundary and out to Farren Road, plus the Patterson agricultural block. While we appreciate what the different entities do is a moving target, this has major potential impacts, includes some parcels under Williamson Act contracts and should be included under Tier 1. In addition, if the County does not have to do an updated Housing Element and EIR, does this change the farm-worker, residential second units and residential agricultural rules, and thus their impacts?

Thank you for the opportunity to make comments.

Catherine McCammon, LWVSB Land Use Consultant

September 4, 2007

**Catherine McCammon, League of Women Voters of Santa Barbara
Letter E6**

Response to Comment:

- E6-1** Thank you for your letter. The comment indicates recent numbers do not support an assumption in the EIR that incentives should be provided to encourage participation in Williamson Act contracts. The distinction should be made that one of the purposes of the Uniform Rules Update is to bring the County's Uniform Rules for implementing the state Williamson Act into conformance with recent legislative amendments to the state program. It should also be noted that the purpose of the recirculated document is to analyze the potential cumulative effects of the proposed project in conjunction with other planned and pending development. This comment does not pertain to the analysis of cumulative impacts, therefore no revisions to the revised RCID is necessary.
- E6-2** The comment is that the EIR should have used "the most extreme case" when estimating the potential production of Residential Second Units and farm-worker housing. Using projection of housing production on current trends and market conditions provides a more realistic projection of housing growth than would consideration of the maximum theoretical buildout. CEQA does not require consideration of the maximum theoretical buildout scenario. In cases where such a scenario is unlikely to ever occur, such an approach would exaggerate impacts and lead to inaccurate conclusions. It should also be noted that the proposed Uniform Rules Update would not allow the development of Residential Second Units or farm-worker housing that could not already be built under current regulations. Since Second Units and farm-worker housing are permitted uses under current regulations the comment does not pertain the analysis of cumulative impacts, therefore no revisions to the RCID is necessary.
- E6-3** The comment indicates the cumulative impacts analysis should assume that should original occupants of existing housing die, or move, that the housing would convert to rental units. The County has no authority to prohibit rental of primary dwellings or farm-worker housing under the current Comprehensive Plan, zoning, or the proposed Uniform Rules Update. Primary dwellings and farm-worker housing could be rented out to non-agricultural workers in the future; the same is true under current regulations. Consequently any growth occurring as a result of rental of existing or future housing units would be a direct result of existing land use policies, not the proposed Uniform Rules Update, therefore no revisions to the RCID is necessary.
- E6-4** The comment states that the cumulative impact analysis does not consider the County's Residential Second Unit program, and that this program, and all county programs listed in the EIR as being not included due to their speculative nature, should have been analyzed for their potential cumulative impacts. The comment further states regulatory programs have direct and indirect impacts. The cumulative impact analysis does consider the RSU program. As noted in Table 3.7-1, it is estimated that the Ordinance 661 Consistency Rezone Project would facilitate the development of an additional 150 RSUs. As discussed in Section 3.7.3 of the recirculated document, the County considered a

range of criteria to determine what projects should and should not be considered in the EIR cumulative analysis. The main determinant for purposes of inclusion and evaluation in this Cumulative Impact Analysis is whether an individual project, program, policy initiative, or conceptual future project is considered a closely related project with respect to the proposed Uniform Rules amendments. Projects that were determined to have impacts that could be reasonably foreseen and that would have impacts to which the proposed project would contribute were considered in the analysis.

- E6-5** The comment states that Home Occupations should be considered in the cumulative analysis, since they would cause conversion of agricultural land to other uses and cause impacts to traffic, air quality, and public services. The Expanded Home Occupations is listed as item number of 7 of the Tier 1 projects (page 3.7-13) and is addressed in the cumulative impact analysis. This amendment would expand the type of home occupations allowed on agricultural parcels. However, it would be speculative to try to predict how many such businesses may be added in the future. Home-based businesses would not create any air quality or traffic impacts beyond what would occur if new businesses were limited to commercial areas. Moreover, home-based businesses would generally be expected to be operated within existing structures and, as such, would not adversely affect existing agricultural operations. Finally, the County would retain the authority to deny permits for home-based businesses in the event such businesses were determined to have significant agricultural or other impacts.
- E6-6** The comment is that large winery operations would have reasonably foreseeable future projects and should be considered in the cumulative impacts analysis. The Draft EIR discussed the effects of large-scale wineries that could be facilitated by the Uniform Rules Update generally and specifically identified a Class I, unavoidably significant, impact due to the introduction of light and glare at large-scale wineries. The purpose of the recirculated document is to analyze the effects of the proposed project in conjunction with cumulative development. Because the location and size of large-scale wineries potentially facilitated in the future by Tier 1 cumulative projects are not known at this time, it would be speculative to attempt to identify impacts associated with such future developments. Section 15145 of the CEQA Guidelines discourages agencies from engaging in speculation with respect to possible future impacts. In any event, as noted on page 3.7-13 of the RFEIR, all large-scale wineries that could be facilitated under Tier 1 cumulative projects would be subject to individual CEQA review. Therefore, the specific impacts of any large-scale wineries proposed in the future would be addressed as part of individual, project-level environmental reviews.
- E6-7** The comment describes a need to disclose the methodology for addressing only Class I impacts in the EIR at the beginning of the document and to expand the impacts discussion to include biological resources including oaks and tiger salamanders on agricultural land. The revised Draft EIR cumulative analysis does not consider only Class I impacts. It considers each of the issue areas studied in the Draft EIR and finds one or more Class I impacts for each issue area studied. The Draft EIR did not consider biological resource impacts because it was determined that the proposed Uniform Rules Update would not have the potential to create significant biological resource impacts. Therefore, the Uniform Rules Update's contribution to cumulative biological resource

impacts would not be cumulatively considerable and analysis of cumulative biological resource impacts is not warranted.

- E6-8** The comment states the cumulative analysis should include a discussion of growth inducing effects and that all impacts related to potential housing units and home occupations should be addressed. By its nature, cumulative impact analysis considers the overall effects of growth that could be facilitated by the project and other planned and pending developments. Therefore, growth inducing effects are considered in each of the issue area analyses. Also, please see Response E6-3 and 4, which addressed the concern about housing, and Response E6-5 which addresses Home Occupations.
- E6-9** The comment is that the cumulative impacts analysis should include a discussion of the potential changes to the City of Goleta sphere of influence since it includes land in Williamson Act contracts. The Goleta sphere of influence proposal would merely involve moving a boundary on a map. The purpose of the boundary change would be to give the City of Goleta greater regulatory authority, but the boundary change would not facilitate development that could not already occur under existing County regulations. As such, this regulatory change would have no direct or foreseeable environmental effect. The County has already prepared an updated Housing Element and the regulatory changes that are part of the Housing Element update would continue to apply.

E 7

NORTH STAR MANAGEMENT COMPANY

807 E. Alamar Ave.
Santa Barbara CA 93105

Phone (805) 6827717
Fax (805) 5639826

September 4, 2007

David Matson, Project Manager
Office of Long Range Planning
30 E. Figueroa St. 2nd Floor
Santa Barbara CA 93101-2010

Dear Mr. Matson

E7-1

We, North Star Management Company, own 760 acres near New Cuyama. There are six legal parcels:

- 147-100-023
- 147-100-024
- 147-140-007
- 147-140-008
- 147-150-001
- 147-150-015

We have paid the required fees to back out of our Ag Preserve Contract. We have owned the property since 1981 (26 years). We backed out of the contract because we could not build houses on each of the legal parcels.

If not sold before the ten years is up we plan to build houses. The 760 acres will not graze 30 cows all year long. The best use of the property will be ranchettes.

We will appeal any up zoning. We appreciate down zoning to smaller parcels.

Yours Truly,


James B. North III

September 4, 2007
James B. North III
Letter E7

Response to Comment:

E7-1. Thank you for your letter. The comment letter describes property owned by the applicant for which a termination of a Williamson Act contracts have been filed. The comment does not pertain to the potential cumulative environmental impacts arising from implementation of the project, rather to termination of contracts and upzoning. The lead agency requested reviewers limit their comments to the revised cumulative impact analysis pursuant to CEQA Guidelines Section 15088.5 (f) (2). The purpose of the Revised Cumulative Impacts Discussion of the Uniform Rules EIR is to provide the public with a greater discussion of the cumulative impacts related to implementation of changes to the Uniform Rules. Refer to Rule 6 on page 45 of the Uniform Rules for Agricultural Preserves and Farmland Security Zones, dated December 5, 2006 for proposed rule changes relating to terminating or amending Williamson Act contracts. The Uniform Rules do not authorize any development on agricultural land that is not otherwise permitted by the applicable zone district. Depending on the circumstance, the Rules may be more restrictive than the underlying agricultural zoning requirements. Please note the Rules do not supersede the County's land use requirements contained in the Comprehensive Plan and zoning ordinance, or the need to obtain permits.



The Coalition of Labor, Agriculture & Business

8-29-2007

David Matson, Project Manager
Office of Long Range Planning
30 E. Figueroa St. 2nd Floor
Santa Barbara, CA 93101-2010

E 8

Agriculture Preserve Program Uniform Rules Update Revised Draft EIR

Dear Mr. Matson,

Here are our comments pertaining to the Cumulative Impact Analysis for the Uniform Rules Update:

Page 3.7-5:

Text: The Uniform Rules provide guidance for implementing the Williamson Act by defining eligibility requirements and compatible uses that each participating landowner must adhere to in order to receive a reduced tax assessment. The Uniform Rules do not authorize any development on agricultural land that is not otherwise permitted by the applicable zone district, and often the Rules are more restrictive than the underlying agricultural zoning requirements.

E8-1 | Comment: How could the Uniform Rules be construed as posing any Class One impacts to ag accordingly? Why doesn't this supplement address landowners dropping out of the Williamson Act, as that presents a greater threat to alternative uses of the land than does this update.

Page 3.7-6

Text: Cumulatively considerable impacts occur when the incremental effects of a particular project or program are significant when viewed in connection with the effects of other past, current, or probable future projects or programs that are not incorporated into baseline or existing conditions.

The main determinant for purposes of inclusion and evaluation in this Cumulative Impact Analysis is whether an individual project, program, policy initiative, or conceptual future project is considered a closely related project with respect to the proposed Uniform Rules amendments.

Among those factors applied in deciding whether to include or exclude a particular policy, program, project, annexation, or other listed item (public or private) from evaluation include:

- Is the project geographically related to the Uniform Rules project (i.e., have the potential

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to affect similar resources in the rural area);

- whether or not the program, project, or item is a past, present, and reasonably foreseeable future matter;
- whether or not the development potential for a project/program/item is known, unknown, and/or speculative;
- whether or not the project description is sufficiently defined for consideration purposes;
- whether or not the timing for implementation of the program, project, or item is too remote for consideration or analysis;
- whether or not the item is only procedural in nature;
- whether or not the item will result in any direct or indirect physical change in the environment ;
- whether or not a project is sufficiently defined in scope and implementation;
- whether or not an application has been submitted.

E8-2

Comment: How is the Northhills project and the county jail considered either probable or closely related?

Page 3.7-24

Text: Tier 2 projects that would result in substantial conversion of productive farmland to noncultivated land include the Cavaletto/Noel Housing project (25 acres) in the South Coast Rural Region; the Santa Barbara Ranch project in the Gaviota Coast Rural Region; the Burton Mesa Management Plan (445 acres), and Gaffney General Plan Amendment (29 acres) in the Lompoc Valley Rural Region; and the American Ethanol Plant (10 acres), OSR Enterprise/Rice Cooler (27 acres), and North County Jail (50 acres) projects in the Santa Maria Valley Rural Region.

Tier 3 projects could potentially remove 8,194 acres of agricultural land from future agricultural production. These cumulative projects include Peoples Self-Help Agricultural Employee Housing Project (8 acres) in the South Coast Rural Region; Purisima Hills residential development (804) acres in the Lompoc Rural Region; North Hills Development (4,125 acres) in the San Antonio Creek Rural Region; and the Bradley Lands Annexation (2,300 acres), City of Santa Maria Wastewater Treatment Plant Expansion and Annexation (254 acres), City of Santa Maria Los Flores Landfill (395 acres), and City of Santa Maria Enos Ranchos Annexation (113 acres) in the Santa Maria Valley Rural Region.

E8-3

The cumulative development of these Tier 2 and 3 projects would result in the conversion of thousands of acres of agricultural lands to other uses. Because program-specific impacts related to conversion of farmland were considered significant, the loss of farmland resulting from potential buildout associated with the Uniform Rules amendments would also contribute to a cumulative loss of farmland.

Comment: The document needs to come to terms with the fact that some of these lands are NOT productive farmland because they don't have water or good soils. Where is the documentation, for instance, that demonstrates the Purisma Hills area is suitable for farming?

A zoning designation does not farmland make, i.e., need more than zoning to make farmland- does the land have water, soil, slope, etc.? This section needs to be expanded. What about the non event, in this case the no-project alternative. If we don't update the Uniform Rules to enhance and intensify agriculture there will be a negative cumulative impact upon the ability of farmers to get their products to market.

Page 3.7-27

Text: Despite the various anticipated impacts discussed above, it is acknowledged that the additional flexibility provided by the proposed Uniform Rules allowing for compatible agricultural support facilities on contracted land would encourage some agriculturists to stay in the agricultural preserve program or otherwise continue agricultural activities thus maintaining the rural areas in agricultural use. The proposed rule changes, along with many of the policy initiatives being considered in the Tier 1 projects, together seek to maintain agriculture and agriculturally-related uses and activities on agricultural lands. The additional flexibility sought by these policy programs and initiatives would provide incentives for the continuation of agricultural activities on agricultural lands.

E8-4

Comment: This section needs to be expanded. What happens to ag without these incentives?

Page 3.7-28

Text: The development of several Tier 3 projects would also be expected to result in structural development in rural areas. The most notable of these, due to their size and location in relation to visual resources, are the North Hills project south of Orcutt, the Purisima Hills development and annexation to the City of Lompoc, and the Bradley Lands Annexation to the City of Santa Maria annexation totaling more than 18,200 residential units and a substantial amount of commercial/industrial development.

E8-5

Comment: These won't be rural areas by definition once they are annexed! And they are virtually contiguous to existing development (except North Hills).

Page 3.7-3

E8-6

Text: The most notable of these, due to their size and location in relation to visual resources, are the North Hills project south of Orcutt, the Bradley Lands Annexation to the City of Santa Maria, and the Purisima Hills development and annexation to the City of Lompoc. All of these projects would result in substantial concentrations of new development that would contribute to a cumulative increase in night lighting in and/or surrounded by rural lands.

Comment: Bradley and Purisma Hills already are affected by urban and industrial lighting.

Page 3.7-55

Text: Groundwater Resources: The proposed Uniform Rules amendments would result in one *significant and unavoidable* (Class I) impact to Groundwater Resources, as discussed in Section 3.6. A Class I impact is anticipated for water demand exceeding groundwater basin safe yield

thresholds for three basins: Lompoc Uplands, San Antonio and/or Santa Maria groundwater basins, which are all currently in overdraft. No feasible mitigation, whether from existing County policies in the Conservation Element or from new mitigation measures, is identified.

E8-7

Comment: What about State Water as a source of water? And the Santa Maria Valley water lawsuit ruling with respect to the status of the basin?

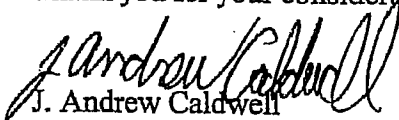
Page 3.7-56

Text: Cumulative development resulting from implementation of the various Tier 1 policy initiatives and programs as well as the development proposed in the various Tier 2 and 3 projects would be expected to place additional substantial demands on water resources. Several of the larger projects in overdrafted groundwater basins, for example the North Hills Development in the San Antonio Creek Basin or the Bradley Lands Annexation in the Santa Maria Basin could individually result in a significant impact on groundwater resources.

E8-8

Comment: These projects would rely on State Water purchased from Santa Maria.

Thank you for your consideration of our comments,



J. Andrew Caldwell
Executive Director
COLAB

September 4, 2007

J. Andrew Caldwell, Coalition of Labor, Agriculture & Business (COLAB)

Letter E8

Response to Comment:

- E8-1** Thank you for your letter. The comment asks how the Uniform Rule could be construed as to having a Class I impact to agriculture and asks why landowners dropping out of the Williamson Act and land converting to alternative uses are not addressed. The first portion of this comment does not pertain to the revised cumulative impact analysis, but rather the classification of impacts for the proposed project. Please refer to the Proposed Final EIR for the Uniform Rules Update (August 2006) for a thorough discussion of Agricultural Resources and the potential Class I impacts associated with the proposed Uniform Rules amendments. The RCID focuses on the potential cumulative environmental impacts resulting from the proposed Uniform Rules Update in association with: 1) other County policy initiatives affecting agriculturally zoned lands, and 2) planned, pending, and reasonably foreseeable projects which could cause related impacts to resources evaluated in the Uniform Rules EIR. The document was circulated for a period of 45-days and the lead agency requested reviewers limit their comments to the revised cumulative impact analysis pursuant to CEQA Guidelines Section 15088.5 (f)(2).
- E8-2** The comment is an inquiry as to how the potential North Hills project and the North County Jail project are either probable or closely related in terms of cumulative impacts to the Uniform Rules project. Both the North Hills project and the North County Jail project are considered "closely related past, present and reasonably foreseeable probable future projects" (CEQA Guidelines 15355(b)) which are sufficiently defined to enable appropriate CEQA cumulative impact analysis in the Uniform Rules Update Environmental Impact Report. The North County Jail project has undergone past environmental review, and a Comprehensive Plan amendment request for the North Hills project was submitted to the County for consideration in May 2007. These projects are considered geographically related since they are located within the unincorporated Rural Area of the county and are reasonably expected to contribute to the cumulative impacts evaluated in the RCID.
- E8-3** The comment states lands considered in the cumulative impacts analysis may be unsuitable for farming because of a lack of water or suitable soils, and asks for documentation that the Purisima Hills area is suitable for farming. The comment also states that the discussion in the RCID needs to include a discussion of the "No Project" alternative.

As stated in the RCID, the Purisima Hills project is a land development concept with limited information currently available regarding historic and existing agricultural production. Therefore, the cumulative impact analysis provides a general discussion of potential impacts with respect to potential conversion of agriculturally zoned land. A project level evaluation of the potential impacts of the Purisima Hills project to prime farmland would be evaluated by the County during the environmental review required by CEQA when a formal application for development is filed.

For a discussion of the “No Project” alternative pursuant to CEQA Guidelines Section 15126.6(e) (3) (A), please refer to Section 6.1 the Proposed Final EIR for the Uniform Rules Update (August 2006). The analysis concludes although the “No-Project” alternative would have fewer physical impacts as compared to the project description, many of the beneficial impacts discussed in Section 3.1.3.D and Section 5.5 would not be realized

- E8-4** This comment asks for additional discussion of the beneficial effects the proposed policy programs and initiatives would provide in terms of incentives for the continuation of agricultural activities on agricultural lands. Please refer to the response to comment E8-3 above and Sections 3.1.3.D and 5.5 of the Proposed Final EIR for the Uniform Rules Update (August 2006) for a thorough discussion of how the beneficial effects of the proposed policy would not be realized under the “No Project” alternative.
- E8-5** CEQA requires analysis of the existing environmental conditions. The RCID correctly identifies the North Hills project and Bradley Lands Annexation project being located in the rural, unincorporated area of Santa Barbara County.
- E8-6** The comment notes the Bradley Lands and Purisima Hills site are affected by urban and industrial lighting. The purpose of the revised Draft EIR – Cumulative Impact Discussion is to analyze the contribution of projects enabled by the proposed rule changes to potential environmental effects cumulatively with other potential and pending projects as required by Section 15065 (a)(3) of the CEQA Guidelines.
- E8-7** The comment inquires about the use of State water and the Santa Maria water lawsuit ruling regarding the basin to address the significant and unavoidable impact to groundwater identified on page 3.7-55 of the revised Draft EIR – Cumulative Impact Discussion. State Water Project (SWP) is currently utilized by a number of Cities and water districts, some of whom serve agricultural customers (such as Goleta Water District and Carpinteria Valley Water District service areas). To the extent that new development is served by these districts, they would receive some SWP water. However, Lompoc Uplands and San Antonio Basins receive no SWP water supplies because their districts have no allocation for the project.

No final Court action has been taken upon which to base any change in the status of the Santa Maria Ground-water Basin. In the Santa Maria Valley, the City of Santa Maria apparently has excess SWP supplies as is willing to serve new customers outside the City under contract. However, the technical and financial feasibility of serving customers in rural areas from SWP supplies is highly speculative given the cost of contract with the City and the cost of making a physical connection with the system.

- E8-8** The comment indicates the projects discussed on page 3.7-56 of the revised Draft EIR – Cumulative Impact Discussion would rely on water from the State water purchased from the City of Santa Maria. To the extent that these projects rely on supplemental supplies such as state water, the comment is correct. However, no such arrangements have been made and so a reasonable worst case assumption is that these projects could rely on local

ground-water sources. Ground water is physically available and would be much less expensive than supplemental supplies from the State Water Project.

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S.B. COUNTY
COMPREHENSIVE PLANNING

August 17, 2007
170 Oakhurst Court
Orcutt, CA 93455

Mr. David Matson, Project Manager, Office of Long Range Planning
30 E. Figueroa St., 2nd Floor
Santa Barbara, CA 93101

E 9

Re: County of Santa Barbara Uniform Rules Update EIR, Revised Cumulative Impacts Discussion (RCID), July, 2007, Adequacy

Dear Mr. Matson:

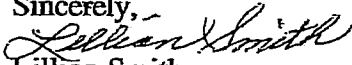
The following is submitted for your consideration.

E9-1 Under AG-CU-1, Conversion of Farmland and Loss of Agricultural Use or Productivity (pp. 3.7-24, 25), the associated cumulative impacts are considered to be significant and unavoidable (Class 1). The discussion is twofold, direct loss of agricultural lands and indirect losses of agricultural productivity through the cumulative effect of policies and programs in the Uniform Rules amendments (p.3.7-25, Par. 3). "The cumulative effect of policies and programs in the Uniform Rules amendments and many of the Tier 1 policy initiatives could substantially increase the pursuit of these alternate economic uses and have a cumulatively considerable effect on agricultural productivity (op. cit.)." Since "Open-space land" is defined as Open space used for the managed production of resources, including but not limited to, ...rangeland, agricultural lands, and areas of economic importance for the production of food or fiber...(G.C. 65560 (c), it is not clear when under AG-CU-4 Loss of Open Space is written: "The proposed Uniform Rules amendments could result in the introduction of large agricultural support facilities and wineries; however, the proposed Final EIR did not conclude the amendments would result in the loss of open space. Therefore, the proposed Uniform Rules amendments would not contribute to the cumulative loss of open space."

E9-2 Not included in the RCID is an assessment of impacts to Natural Resources and identification of the extent of agricultural lands that have a resulting use, conservation of Natural Resources. As example, for nonprime Agricultural Lands of size in Agricultural Preserves due to cattle grazing (as defined in Govt. Code 51201 (C) (3), a resulting use is preservation of wildlife habitat and intact ecosystems. The document does not address cumulative impacts to Natural Resources for Tier 3 (e.g., A,F,G, p. 3.7-19) projects although the cumulative impacts are considered to be significant and unavoidable (Class 1) (See Par. 1, above) and some projects have a resulting use, conservation of wildlife habitat and intact ecosystems. (Please refer to comments provided by the CA Dept. of Fish and Game at the Planning Commission hearing of June 12, 2007.)

A reference to open-space or greenbelting objectives within a County's jurisdiction is addressed in Public Resources Code 35158. It is expected that such objectives will be formulated so as to be brought into conformance with the Resources Code and would necessarily be part of the Revised Cumulative Impacts Discussion.

The Natural Resource Conservation Strategy project, a project "Affecting Rural Lands"(Table A-1, p. A-4), is more accurately described as CA Tiger Salamander Regional Conservation Strategy project (Refer to item A-10, Board of Supervisors hearing, 4/24/07) and while the project may not be "sufficiently defined at this time", mapped locations of CTS breeding ponds could be obtained from USFWS and need be a part of the RCID.

Sincerely,

Lillian Smith

September 4, 2007
Lillian Smith
Letter E9

Response to Comment:

E9-1 Thank you for your letter. The comment indicates the RCID does not address cumulative impacts to open space for Tier 3 projects identified on pages 3.7- 25. Although the Uniform Rules Update could facilitate the development of agricultural support facilities and wineries, it would not support the conversion of agricultural or open lands away from such uses. To the contrary, allowing these types of facilities and specific agricultural uses is intended to help preserve agriculture by making continued agricultural production viable. As such, the Uniform Rules Update would not adversely affect open space. Additionally, the Uniform Rules do not authorize any development on agricultural land that is not otherwise permitted by the applicable agricultural zone district. Please also see the second paragraph of Response E9-2 below.

E9-2 The comment states the RCID does not address cumulative impacts to open space for Tier 3 projects identified on pages 3.7-19. Natural (biological) resources are not discussed in the recirculated cumulative impact analysis because it was determined that the proposed Uniform Rules Update would not adversely affect biological resources (See FEIR Section 5.4.1). As noted in Section 15130(a) (1) of the CEQA Guidelines, "an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR." Consequently, although some of the cumulative projects considered in the EIR cumulative analysis may contribute to significant cumulative biological resource impacts, the proposed project would not contribute to these impacts and analysis of cumulative biological resource impacts is not warranted.

Please note the Uniform Rules do not supersede the County's land use requirements contained in the Comprehensive Plan, zoning ordinance, and grading ordinance. All proposed projects will still be required to obtain permits and undergo a project level environmental review case by case basis as required by CEQA to disclose any potential project specific impacts to resource areas including open space and biological resources.

September 4, 2007

David Matson, Project Manager: dmatson@co.santa-barbara.ca.us
Santa Barbara County Planning and
Development, Comprehensive
Planning Division
123 East Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2068 / Fax: (805) 568-2076

RE: Uniform Agricultural Rules (UAR) Update
Draft Revised Environmental Impact Report (EIR)
Additional Comments

Dear Mr. Matson:

E-10-1 | The Santa Ynez Band of Chumash Indians ("Tribe") has reviewed the revised UAR Update EIR and notes that our prior comments have not been addressed except to omit their reference from this Updated EIR:

- E-10-2 | 1. The effect of the UAR is an increase in wineries, mostly within the Santa Ynez Valley (SYV);
- 2. The EIR admits that wineries market primarily through tasting rooms, but there is no mention anywhere in the EIR of DUI related traffic impacts;
- 3. The EIR admits an increase of over 1,800 ADT trips per day in the SYV;
- 4. THERE IS NO MITIGATION—instead the County is being asked to declare these impacts as "unavoidable adverse impacts" per a yet to be disclosed statement of overriding considerations by the Board of Supervisors; and
- E-10-3 | 5. The EIR has omitted any mention of any impacts to sites of cultural significance.

Excerpts from the first draft EIR that have been removed from the text instead of mitigated are as follows:

The effect of the UAR is an increase in wineries, mostly within the Santa Ynez Valley (SYV)

p. 3-4

SANTA YNEZ VALLEY: The Santa Ynez Valley is home to a wide range of agricultural activities occurring on both prime and nonprime land, including wine grapes, cattle grazing vegetables, grains and field crops, apple and walnut orchards and horse breeding and boarding operations. Most of the agriculture in this region occurs on parcels larger than 40 acres. There are 238 individual contracts in this region, 184 of which are over 100 acres in size, totaling approximately 141,000 acres. Roughly 80% of this region's agricultural land is enrolled in the Agricultural Preserve Program.

p. 3-4

The significant expansion of vineyards in the inland areas of the County has led to the development of wineries scattered primarily throughout the Santa Ynez Valley and the agricultural areas around Los Alamos. The popularity of the wineries among local residents and visitors alike has resulted in an active agricultural tourism industry and the associated increase temporary populations into the inland agricultural areas of the County.

p. 3-15

Another possible conflict could arise with the concentration of winery facilities in certain areas of the County. For example, it is foreseeable that new wineries could be located in the Santa Ynez Valley to take advantage of the wine tourism industry and name recognition associated with the Santa Ynez Valley appellation.

The EIR admits that wineries market primarily through tasting rooms, but there is no mention anywhere in the EIR of DUI related traffic impacts

p. 2-8

The wine industry is somewhat unique in its processing needs and the acreage requirements associated with those needs, in terms of relatively prompt processing of the grapes once they are harvested, barrel storage, tasting rooms (which play an important role in marketing and sales for the winery), and associated development.

p. 3-2

Wineries in particular are located in on the premises where the majority of grapes they process are grown. While some wineries are located in urban areas, the majority of wineries from small boutique wineries to large production wineries are located throughout the growing regions, particularly in the Santa Ynez Valley, Santa Maria Valley and Lompoc Rural Regions.

The EIR admits an increase of over 1,800 ADT trips per day in the SYV

p. 3-55

SANTA YNEZ VALLEY: The Proposed Rule changes could result in an estimated increase of 1,813 ADT within the Santa Ynez Valley Region.

THERE IS NO MITIGATION—instead the County is being asked to declare these impacts as “unavoidable adverse impacts” per a yet to be disclosed statement of overriding considerations by the Board of Supervisors

p. 2

Class I impacts are defined as significant, unavoidable adverse impacts which require a statement by the Board of Supervisors of overriding considerations per Section 15093 of the State CEQA Guidelines if the project is approved.

P. 3

Class I—Significant and Unavoidable Impacts

...

Transportation/Circulation: generation of substantial additional vehicular movement (daily) in relation to capacity and existing traffic volume of rural roads; increased traffic conflicts and road degradation of rural roads.

p. 3-61

However, for those regions where several such facilities are likely to be located both as a result of these Proposed Rules and other recent development projects, the proposed mitigation measures are not expected to be sufficient to avoid cumulative increases in traffic volume which could impact remaining roadway capacity, increase conflicts and the need for maintenance or upgrades to some local roads in the Santa Ynez Valley, Lompoc Valley and Santa Maria regions. Cumulative impacts therefore remain significant and unavoidable. (Class I).

The EIR has omitted any mention of any impacts to sites of cultural significance

5.4.2 Other Resources

There are several other resource issue areas that were found not to be significantly affected by the proposed changes to the Uniform Rules (Appendix 1, Notice of Preparation). These include:

*Cultural Resources ... (p. 5-5).

While impacts to these resources could potentially occur on a site-specific basis, it is speculative at this time to determine impact levels since it is unknown where projects will occur and what specific effects they will have on these resources. (p. 5-5).

Sincerely,

Sam Cohen

Government and Legal Specialist

September 4, 2007
Sam Cohen, Santa Ynez Band of Chumash Indians
Letter E10

Response to Comment:

- E10-1** Thank you for your comment letter. The comment indicates the Tribe's prior comments on the EIR were not addressed and omitted from the EIR. Pursuant to the California Environmental Quality Act Guidelines, Section 15060 (d), a Draft Environmental Impact Report (04EIR-08, SCH#2004081159) was released for public review on August 1, 2005. Noticed public comment hearings on the Draft EIR were held on October 17 and 18, 2005. During the 90-day review period that ended on October 31, 2005, and the period thereafter, the County did not receive a letter from the Santa Ynez Band of Chumash Indians commenting on the Uniform Rules Draft EIR.
- E10-2** The comment indicates that the EIR does not address traffic impacts including those related to drivers who are under the influence of alcohol. Driving under the influence of alcohol is regulated by California Vehicle Code, section 23140(a), is enforced by the California Highway Patrol and the Santa Barbara County Sheriffs Department, and is not identified as traffic related impact in the CEQA Guidelines.

The comment does not pertain to the RCID, rather to the scope of environmental analysis contained in the Draft EIR (August 2005) and Proposed Final EIR (August 2006). Please refer to the Proposed Final EIR for the Uniform Rules Update (August 2006) for a thorough discussion of traffic related impacts and proposed mitigation measures associated with the proposed Uniform Rules amendments. The RCID focuses on the potential cumulative environmental impacts resulting from the proposed Uniform Rules Update in association with: 1) other County policy initiatives affecting agriculturally zoned lands, and 2) planned, pending, and reasonably foreseeable projects which could cause related impacts to resources evaluated in the Uniform Rules EIR. The document was circulated for a period of 45-days and the lead agency requested reviewers limit their comments to the revised cumulative impact analysis pursuant to CEQA Guidelines Section 15088.5(f)(2).

It should be noted the revised RCID does not propose a specific project or change the uses currently allowed by the current Comprehensive Plan, Community Plan, and zoning. Pursuant to CEQA, all future location specific development applications are reviewed for potential environmental impacts, including those related to traffic,

- E10-3** The comment indicates the Uniform Rules EIR has omitted any reference to impacts to cultural resources. As a program level document, the revised Uniform Rules Cumulative Impacts Discussion does not propose specific projects nor does it change the uses currently allowed by the Comprehensive Plan, Community Plan, or zoning. Pursuant to CEQA, all future location specific development applications are reviewed for potential environmental impacts, including those related to cultural resources. Since it is unknown what effects the proposed Uniform Rules changes will have on cultural resources given

their site-specific nature, the Proposed Final EIR (Section 5.4.2) determined that no further environmental analysis is required at this time.

September 4, 2007

David Matson, Project Manager: dmatson@co.santa-barbara.ca.us
Santa Barbara County Planning and Development,
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RE: Uniform Agricultural Rules (UAR) Update Draft Revised Environmental Impact
Report: **Additional Comments RE: Statement of Overriding Considerations**

Dear Mr. Matson:

E11-1 The Santa Ynez Band of Chumash Indians ("Tribe") makes this supplemental response to the UAR Update solely as to the use in the EIR of a Statement of Overriding Considerations ("SOC") in lieu of mitigation in violation of the California Environmental Quality Act.

The California Supreme Court has described project alternatives as a type of mitigation (Lauren Heights Improvement Assn. v. Regents of the University of California, 47 Cal.3d 376 (1988)). Where an EIR identifies significant and unavoidable impacts for a project, the project alternatives must be examined to determine if they will avoid the project's otherwise unavoidable impacts. Adopting a statement of overriding considerations is appropriate only after the lead agency determined that there are no feasible mitigation or alternatives that will avoid these impacts.

This was recently reaffirmed by the California Supreme Court in July 31, 2006 in City of Marina, et al. v. Board of Trustees of the California State University:

A statement of overriding considerations is required, and offers a proper basis for approving a project despite the existence of unmitigated environmental effects, only when measures necessary to mitigate or avoid these effects have properly been found to be infeasible. 46 Cal.Rptr.3d 355, 368 (2006).

To date, the EIR has still not analyzed all possible project alternatives and potential mitigations and therefore a SOC is completely premature.

Sincerely,

Sam Cohen
Government and Legal Specialist

September 4, 2007
Sam Cohen, Santa Ynez Band of Chumash Indians
Letter E11

Response to Comment:

E11-1 Thank you for your letter. The comment cites two court cases in support of the observation that where an EIR identifies significant and unavoidable impacts for a project, the project alternatives must be examined to determine if they will avoid the project's otherwise unavoidable impacts. The comment refers to CEQA requirements regarding the approval of a Statement of Overriding Considerations (SOC). The comment first states that an SOC is only appropriate after a lead agency examines alternatives to the project. It is agreed that CEQA requires the consideration of alternatives (CEQA Guidelines, Section 15126.5) and the EIR, in fact, assesses a range of reasonable alternatives. These alternatives include: the No Project Alternative; Alternative 1 - Legislative Updates and Codification of Practice; Alternative 2 - Modified Uniform Rules (compared to Proposed Project Description); and Alternative 3 - Expanded Facility Development.

The comment then states that an SOC is only appropriate after a lead agency examines mitigation measures to the project. It is agreed that CEQA, as set out in Pub. Resources Code, § 21081(b), allows a lead agency to approve an SOC only when the measures necessary to mitigate or avoid those effects have properly been found to be infeasible. It is also agreed that *City of Marina v. Board of Trustees of California State University*, (2006) 39 Cal. 4th 341, 369 cites Section 21081(b). However, it is not true that an EIR must analyze, as the comment contends, "all possible project alternatives and potential mitigations." Instead, CEQA requires that an EIR shall describe "a range of reasonable alternatives," and feasible mitigation measures. (CEQA Guidelines, Sections 15126.4, 15126.5.) The EIR does describe and consider a range of alternatives as described above and does consider and adopt numerous feasible mitigation measures. These mitigation measures have been incorporated into the project description as actual changes to the Uniform Rules. These measures are identified in the text and detailed in the cited rule changes. Further, the comment does not describe any feasible mitigation measures that should have been adopted and the County has provided evidence in the EIR and made findings that support the conclusion that measures necessary to mitigate or avoid significant effects have been adopted and that a SOC was appropriate for those impacts where no feasible mitigation measures were identified. Also, the holding in *City of Marina*, 39 Cal. 4th 341, 369 that California State University is not exempt from mitigation fees, is not analogous to the present situation. The County is not claiming that it exempt from paying mitigation fees.



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September 4, 2007

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COMPREHENSIVE PLANNING

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Re: **County of Santa Barbara Uniform Rules Update EIR – Revised
Cumulative Impacts Discussion**

Dear Mr. Matson,

The following comments are submitted by the Environmental Defense Center (EDC) on behalf of the Gaviota Coast Conservancy, Santa Ynez Valley Alliance, Women's Environmental Watch, Sierra Club Los Padres Chapter, Santa Barbara County Action Network, Carpinteria Valley Association, Orcutt Area Advisory Group, and Citizens Planning Association, regarding the Revised Cumulative Impacts Discussion (RCID) for the County of Santa Barbara Uniform Rules Update EIR. The RCID was prepared in response to the claim made by EDC and our clients that the proposed Final EIR for the Uniform Rules Update failed to adequately disclose and analyze cumulative impacts from the proposed project in combination with other past, present and future projects. EDC submitted comments on the scope of the RCID on March 10, 2007.

While we appreciate the fact that the County has prepared a revised discussion of cumulative impacts, we remain concerned that the RCID still does not comply with the requirements of CEQA that an EIR must include a comprehensive analysis of potential cumulative impacts associated with a proposed project. In this case, the defects in the RCID fall into two areas: (1) failure to list and consider all cumulative projects; and (2) failure to adequately analyze the cumulative impacts of the project.

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As explained herein, additional environmental review and public disclosure is necessary to fully inform the decision-makers regarding the ramifications of their actions, and to comply with CEQA's substantive mandate that significant impacts must be avoided or substantially lessened where feasible.

3.7.3. Cumulative Impacts

F1-1

An EIR must examine the incremental impact a proposed project will have when added to related past, present, and reasonably foreseeable future projects. This "cumulative impact analysis" provides the necessary context for making an informed decision, and prevents decisions from being made in a vacuum.

The CEQA Guidelines define "cumulative impacts" as follows:

"Cumulative impacts" refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.¹

Under CEQA, "[a]n EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable...."² The purpose of this requirement is to ensure disclosure of any "combined" cumulative impacts.³

Courts have interpreted the cumulative impacts analysis requirement to afford the fullest possible protection to the environment.⁴ In *Citizens to Preserve the Ojai v. County of Ventura*, the court stated:

"It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them." A cumulative impact analysis which understates information concerning the severity and significance of cumulative impacts impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences

¹ CEQA Guidelines § 15355.

² CEQA Guidelines § 15130(a).

³ CEQA Guidelines § 15130(a)(1).

⁴ *Citizens to Preserve the Ojai v. County of Ventura*, 176 Cal. App. 3d 421, 431-432 (1985).

F11 cont.

of a project, the necessity for mitigation measures, and the appropriateness of project approval. An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decisionmaker has in fact fully analyzed and considered the environmental consequences of its action.⁵

When the incremental impact of a project is cumulatively considerable, the agency must thoroughly analyze that impact in the EIR. When the incremental impact of a project is not considered significant, a mere conclusory statement to that effect is not sufficient. The agency must describe the basis for its conclusion.⁶

The Revised Cumulative Impacts Discussion Improperly Omits Consideration of Reasonably Foreseeable Future Projects.

The RCID excludes from analysis Tier 1 County policy initiatives or ordinance amendment project descriptions that are "unspecified, uncertain, loosely defined, or speculative," including programs that "have not undergone environmental review or been formally initiated by the Board of Supervisors." (RCID at 3.7-7) The RCID similarly excludes Tier 3 projects "for which a project description is unspecified, uncertain, loosely defined, or speculative," including "1) projects which have not submitted a formal application to the respective jurisdiction, and/or 2) projects which have not been formally initiated or discussed by the respective jurisdiction\decision-maker at a publicly noticed meeting." (RCID at 3.7-8)

These criteria for exclusion are unreasonably narrow and result in the improper omission of reasonably foreseeable future projects from the cumulative impacts analysis.

CEQA Guidelines specify that the cumulative impacts analysis must take into account "probable" future projects.⁷ These Guidelines are to be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of their language."⁸

"Probable" future projects include "projects under environmental review," including projects that are not the subject of an EIR but that could easily be ascertained by the lead agency's own records.⁹ A project cannot be excluded simply because it has not cleared all regulatory hurdles.¹⁰ In addition, the fact that project details cannot be determined with specificity does not support a project's exclusion from a cumulative

⁵ *Citizens to Preserve the Ojai*, supra, 176 Cal. App. 3d at 431, quoting *San Franciscans for Reasonable Growth v. City and County of San Francisco*, 151 Cal. App. 3d 61, 79 (1984).

⁶ *Citizens to Preserve the Ojai*, supra, 176 Cal. App. 3d at 432.

⁷ CEQA Guidelines § 15130(b)(1)(A).

⁸ *San Franciscans for Reasonable Growth*, supra, 151 Cal. App. 3d at 74, citing *Friends of Mammoth v. Board of Supervisors*, 8 Cal. 3d 247, 259 (1972).

⁹ *Id.* at 74-75.

¹⁰ *Id.* at 76.

F1-1
Cont.

impact analysis.¹¹ Even without such details, a lead agency may be able to state, "at least in general terms," the impact of a project on the environment.¹²

Similarly, it is improper to exclude a potential future project from consideration simply because it is speculative or inconclusive whether that project will ultimately be approved.¹³ In *Friends of the Eel River v. Sonoma County Water Agency*, the Court identified the appropriate criteria for determining whether an EIR must include projects in a cumulative impacts analysis as:

whether it [is] reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately.¹⁴

For example, the Court found that it was reasonable and practical for the lead agency to include a project in the cumulative impacts analysis because the agency had been actively participating in proceedings for the project and thus had environmental information about the project on which it could base a cumulative impact analysis.¹⁵

Taken together, these cases demonstrate that the decision to include or exclude a potential future project is a project-by-project inquiry driven in large part by whether sufficient information is available to ascertain, at either a general or specific level of detail, potential environmental impacts regarding a project, regardless of whether an EIR has been prepared or whether the project has been formally initiated. In contrast, the general criteria and labels identified in the RCID do not fulfill the lead agency's duty to afford the fullest possible protection to the environment, and result in the improper exclusion of reasonably foreseeable projects from the cumulative impacts analysis.

In this case, the County's consideration of "Process Improvements Re: Ag," the Los Alamos Community Plan and the Grading Ordinance amendments were all identified by EDC in our March 10, 2007 scoping letter as programs that should be addressed in the RCID. These proposals were listed in a report to the County Planning Commission in June 2006 (see Exhibit D to EDC's scoping letter) as undergoing County consideration and contributing to the cumulative impacts of the proposed Uniform Rule changes. The RCID should be revised to include these programs in the cumulative impact analysis. These programs would result in both direct and indirect effects on agricultural and other resources.

RCID Tables A-1 and A-2 confirm that multiple projects have been improperly excluded from this cumulative impacts analysis. For example, The Land Use Development Code (LUDC) amendment: Development Plan Threshold is well developed

¹¹ *Terminal Plaza Corp. v. City and County of San Francisco*, 177 Cal. App. 3d 892, 904-905 (1986).

¹² *Id.* at 905.

¹³ *Friends of the Eel River v. Sonoma County Water Agency*, 108 Cal. App. 4th 859 (2003).

¹⁴ *Id.* at 868-869.

¹⁵ *Id.* at 870-871.

F1-1
Cont.

and has been through review of the Process Improvement Team and the Agricultural Advisory Committee. If adopted, it would modify current thresholds so that development of up to 100,000 square feet (under roof) would be approvable on zoned agriculture land without environmental review. By comparison, the standard, full size Home Depot is 100,000 square feet. This proposed change would accommodate substantial new agricultural industrial development and a resulting increase in employees and therefore would likely impact traffic, visual, noise, and water resources. There is adequate information available to the County to identify this project's potential impacts. Uncertainty of timing for this project is not a basis to exclude it from the analysis.¹⁶

Similarly, the proposed Grading Ordinance revisions are well defined. The Grading Ordinance Amendment was "[c]rafted by the 12 members of the county's Agricultural Advisory Committee."¹⁷ Agricultural Advisory Committee members have been quoted in the media regarding the proposed changes.¹⁸ The proposed amendment includes specific strikethroughs and underlines highlighting the County-proposed changes.¹⁹ Moreover, this proposed amendment has been the subject of public County discussions for years. The Agricultural Advisory Committee has introduced and considered the proposed amendment during a publicly noticed meeting.²⁰ This issue was also discussed at a publicly noticed Board of Supervisors hearing on August 9, 2005 during which the Agricultural Advisory Committee presented the specific proposed Grading Ordinance Amendment to the Board.²¹

The specificity of the proposed Grading Ordinance amendment, including changes to what constitutes grading, what activities are exempt and when permits are required, enables consideration of the environmental effects of the proposed amendment in the RCID. The proposed amendment would delete language in the existing Grading Ordinance that requires permits for grading activities that may cause a significant impact on the environment. The proposed amendment would remove activities such as ripping, tilling, planning, ridging, chaining (trees and chaparral) and fire breaks from the category of actions that are currently considered "grading." The proposed amendment would also allow larger trenches (24" wide) without requiring permits (and thus environmental review and mitigation of potentially significant impacts). The amendment would also allow trenching for new oil and gas pipelines (not merely replacement lines as the current ordinance allows) with less than 500 cubic yards of grading.

In addition, the grading ordinance amendment would exempt grading for agricultural water tanks. Environmental impacts of water tanks, including grading, fill, erosion, sedimentation, habitat loss, and visual impacts, are well known, documented in

¹⁶ *Friends of the Eel River, supra*, 108 Cal. App. 4th 859.

¹⁷ Santa Barbara News-Press (August 8, 2005).

¹⁸ Lanny Stableford, AAC member, stated, "We are seeking to revert the ordinance back to a technical manual because it has morphed into this vehicle for environmental protection." Santa Maria Times (August 8, 2005).

¹⁹ Proposed Grading Ordinance Amendment from May 4, 2005 AAC agenda packet (attached).

²⁰ Agricultural Advisory Committee Agenda (May 4, 2005).

²¹ See attached staff report.

F1-1
Cont.

literature, and easily identifiable. The amendment would also create new exemptions for many activities currently regulated under the ordinance including borrow pits, land preparation on slopes less than 30% and installation of irrigation reservoirs of an acre foot or less in size. Construction of new agricultural roads on slopes up to 30% would also be exempted. The amendment would also allow grading to within 10 feet of streams without triggering permit requirements, instead of 50 feet as currently required in the Ordinance.

These proposed changes to the Grading Ordinance would result in predictable cumulative environmental impacts related to the impacts of the Uniform Rules Update project, including air quality, visual resources, surface water quality, erosion, soils and geological stability, groundwater recharge, biological resources, and noise. There is, therefore, adequate information available to the County to identify this project's potential impacts. Uncertainty of timing for this project is not a basis to exclude it from the analysis.²²

The RCID also excludes an analysis of the cumulative impacts of the Los Alamos Community Plan Update. (RCID at A-3) However, the Los Alamos Planning Advisory Committee has been meeting regularly for quite some time, and the draft Community Plan Update is scheduled for presentation to the Planning Commission in January 2008.²³ Clearly, the County has sufficient information to allow consideration of the cumulative impacts of this community plan update.

Sufficient information is also available to identify the potential environmental impacts of the proposed annexation of the Glen Annie Golf Course to the City of Goleta. The Glen Annie Golf Course owner has been openly pursuing a residential development since December 2005 if not earlier. The proponent discussed plans for a new residential development with County staff.²⁴ In fact, Glen Annie went through a pre-application process with the County.²⁵ Glen Annie has also initiated communication with the City of Goleta. Glen Annie's plan is to apply to the City for annexation and approval of the residential development project.²⁶ Glen Annie has also met with various community groups and individuals to discuss the proposed development project, including the Citizens Planning Association in January of 2006, EDC in March of 2007, Kathy Gebhardt in 2007, and the Urban Creeks Council.

The proposed development plan is very specific, including 90 market rate units and 38 affordable units. A conceptual site plan showing the specific locations of each of

²² *Friends of the Eel River, supra*, 108 Cal. App. 4th 859.

²³ Pers. Com. Claudia Sigona, Supervising Planner, County of Santa Barbara, 9/4/07.

²⁴ Glen Annie met with County staff, including Dianne Black (Deputy Director of Planning and Development), Steve Chase (then Supervising Planner), and planners Rosie Dystie and Derek Johnson, Anne Almy and Alex Tuttle on June 20, 2006.

²⁵ Alex Tuttle, County Planner (June 28, 2006).

²⁶ Personal communication Alex Tuttle, Santa Barbara County Planning and Development (September 4, 2007).

F1-1
Cont.

the 138 proposed units was developed by MNS engineers in early 2006.²⁷ The site plan also shows specific locations for a retail operation, restaurant, community gardens, agriculture and permanent open space. This specificity enables identification of Glen Annie's cumulative impacts in the RCID.

An Alternative Use Study already analyzes the environmental impacts of the proposed 138 unit development project.²⁸ Specific findings include areas of prime and non-prime farm soils that would be displaced by the proposed development. The Study also analyzes water demand and identifies water use impacts from the proposed development. The Study identifies the specific level of projected traffic caused by the proposed Glen Annie Golf residential development. In addition, the Study identifies slope constraints and aesthetic resources of the project site. There is, therefore, adequate information available to the County to identify this project's potential impacts. Uncertainty of timing for this project is not a basis to exclude it from the analysis.²⁹

Adequate information is thus available to identify the potential environmental impacts of these projects, and they must be included in the cumulative impact analysis. The County should review each "project" identified in Tables A-1 and A-3 and similarly determine whether sufficient information is available to identify potential environmental impacts. The erroneous exclusion of future projects from the cumulative impact analysis understates the scope and significance of impacts that could occur in accumulation with the proposed Uniform Rules changes.

In addition, the list of discretionary projects included in the RCID fails to include Los Alamos projects, Orcutt projects, Carpinteria Valley Greenhouse Program, Legacy Estates and Bishop Ranch. Again, these projects were identified in EDC's March 10, 2007 scoping letter but excluded from the RCID. Table 3.7-3 also fails include smaller development projects that are located near agricultural lands and may contribute to the Uniform Rules Update's cumulative impacts. Each of these proposals would convert existing agricultural land or otherwise result in cumulative impacts to agriculture, traffic, views, noise, groundwater resources, open space, biological resources, air quality and more, as further explained in this comment letter.

Although the RCID fails to list the Bishop Ranch development and Glen Annie Golf Course annexation as projects in the cumulative impact analysis in the Uniform Rules Update EIR (see Table A-2 Tier 3 Projects, RCID at A-7), the RCID does include these proposals in its discussion of Transportation/Circulation cumulative impacts (RCID at 3.7-47). The RCID should be revised to include a consistent list of cumulative projects and a complete cumulative impact assessment.

Table 3.7-1 also excludes consideration of Tier 2 and 3 projects under the Winery Permit Process Ordinance on the grounds that they will be subject of future project-

²⁷ See attached "Glen Annie Golf Course Alternative Use Study" (April 2006).

²⁸ *Id.*

²⁹ *Friends of the Eel River, supra*, 108 Cal. App. 4th 859.

F1-1
Cont.

specific environmental review. (RCID at 3.7-9) However, the point of CEQA is to ensure analysis of impacts as early in the process as possible. All "reasonably probable future projects" must be analyzed as part of the cumulative impacts assessment in an EIR.³⁰ It is improper for the RCID to exclude some reasonably foreseeable future projects on the ground that they will be subject to their own environmental review later; such assessment will be too late to inform the County's decision on the Uniform Rules changes and their cumulative impacts on agricultural and other resources. Based on the review of other winery projects in the County, it is clear that such activities may result in impacts relating to water demand; water quality; wastewater generation, treatment and disposal; traffic; and land use compatibility.

The Revised Cumulative Impacts Discussion Fails to Adequately Analyze the Cumulative Impacts of the Project.

3.7.3.1 Agricultural Resources/Land Use

F1-2

We support the conclusion in the RCID that impacts associated with the conversion of farmland and loss of agricultural use or productivity, incompatibility with existing land uses, and induction of substantial growth or concentration of population would be significant and unavoidable Class I impacts.

We disagree, however, that the loss of open space would be a less than significant, or Class III, impact. Between the loss of farmland caused by the Uniform Rules Update (identified as a Class I impact in and of itself, as well as a Class I cumulative impact) and the loss of other land to cumulative development including additional residential units, wineries, cooler facilities and processing facilities, the loss of open space should be considered significant.

In addition, the RCID treatment of impacts from regulatory changes is critically flawed. The RCID states:

The majority of Tier 1 projects are County zoning ordinance amendments which seek to modify permit procedures for various land uses (e.g. Winery Permit Process Ordinance, Temporary Use Ordinance, Expanded Home Occupation Ordinance). *These programs would not result in significant cumulative impacts to agricultural land conversion since the ordinance amendments are regulatory changes which do not directly result in physical development.* Future permit requests enabled by these ordinance amendments must be found consistent with adopted County policies and current ordinances and development standards to be approved. *The proposed Ordinance 661 Consistency Rezone Project involves regulatory changes which could result in the development of 150 residential units (including 39 Residential Second Units).* The relatively small size, scale, and broad distribution of these potential units, along with the allowance

³⁰ CEQA Guidelines § 15355(b).

F1-2
cont.

for Residential Second Units within the Housing Element Update on agriculturally zoned lands *would not result in adverse agricultural conversion impacts*. (RCID 3.7-24, emphasis added.)³¹

The RCID is inconsistent as to the treatment of regulatory impacts, and its analysis of cumulative impacts is therefore inadequate. For example, it is first stated that "ordinance amendments are regulatory changes which do not directly result in physical development." Then it is stated that "the proposed Ordinance 661 ... involves regulatory changes which could result in the development of 150 residential units." The impacts from the development of 150 residential units appear to be direct effects of the proposed ordinance, and they appear to be significant, and as such they should be analyzed.

Even if the impacts are not considered direct effects of a regulatory change, however, CEQA requires lead agencies to consider the indirect effects of discretionary governmental actions that may result in impacts to the environment, including "regulatory changes." For example, CEQA section 21083(b)(3) requires analysis of indirect effects, and CEQA section 21080 provides:

[T]his division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps

The Revised Draft EIR does not provide adequate evidence that potential ordinance amendments "would not result in adverse agricultural conversion impacts." It is foreseeable that residential development of any size or scale could exponentially grow to the point where conversion is unavoidable. The EIR should be further revised to address the indirect effects of regulatory changes.

For example, the County's proposed Expanded Home Occupation Ordinance Amendment includes changes that would allow construction of a new 1200 square foot building, outside storage of 600 square feet, three commuting employees and five customers at a time on every affected agricultural parcel. The Ordinance provides that the new businesses can be ag or non-ag related. (See Exhibit C to EDC's March 10, 2007 scoping letter.) Although the RCID includes this Ordinance Amendment in the list of County Policy Initiatives/Programs Affecting Rural Lands, it is not clear whether all of the cumulative impacts from this program are adequately analyzed in the report, given that the County considers this program to be exempt from CEQA review because there is "no possibility that the activity in question may have a significant effect on the environment." (See RCID Table 3.7-1, at 3.7-13, citing CEQA Guidelines § 15061(b)(3).) The RCID should be clarified to ensure adequate analysis of the full build-out potential of the proposed Expanded Home Occupation Ordinance Amendment, and the impacts that would result therefrom.

³¹ See also RCID at 3.7-33, Table A-1.

F1-2
cont.

Similarly, the County is proposing to prepare Negative Declarations for other County Policy Initiatives and Programs, again implying that these projects will not result in any significant effects on the environment. (See Table 3.7-1: Winery Permit Process Ordinance, Temporary Use Ordinance Amendments, Winery Permit Process Ordinance 661 Amendment, and Ordinance 661 Consistency Rezone Project.) The RCID must be clarified to ensure adequate consideration of the cumulative effects of all of these projects, which individually may not be considered significant, but in combination with each other very likely will be significant.³²

Although the RCID does list the Housing Element Update 2003-08, the document understates the amount of development that is likely to occur, again undermining the cumulative impact analysis. For example, the RCID states that proposed new policies allowing Residential Second Units on ag land would result in the "development of up to 110 new RSUs on inland agricultural lands."³³ (RCID, Table 3.7-1, at 3.7-12) However, as noted in the attached November 28, 2006 letter from Victoria Greene, Land Use Consultant, changes to County policy allowing RSUs on non-contracted land would create the potential for an additional 610 new units, and the combined allowances for RSUs and additional farm employee housing would result in up to 1,000 new units. The RCID should be revised to disclose a more realistic development scenario.

As mentioned above, the County is considering several program modifications to "streamline" agricultural permits. Some of these modifications reduce permits from discretionary to ministerial, thus increasing the number of permits and reducing the review requirements and potential project denials. Other modifications expand uses in certain zone districts (e.g., allowing RSUs in the AG-II zone district). Development Plan requirements are also weakened, allowing increased development within each Ag zone district without discretionary review. Exemptions would be added for certain types of development. These proposed changes are very specific, as shown in the attached presentation from the Planning Commission Workshop on Agricultural Permit Streamlining, July 5, 2006, and should be discussed in the RCID. (See also Exhibit D to EDC's scoping letter.)

Finally, the RCID states that the Burton Mesa Management Plan would convert 445 acres of existing productive farmland to non-cultivated land, contributing to a significant cumulative agricultural resource impact. Please clarify whether this area is currently part of the Burton Mesa Preserve, and whether it is currently cultivated.

³² CEQA Guidelines § 15355(b).

³³ The County bases this low estimate on "historical permit trends and prevailing market conditions." (RCID at 3.7-11) In fact, however, many landowners have built second units on ag lands without permits; therefore, the reliance on historical permit trends is misleading and does not disclose the full amount of second unit development and the cumulative impacts therefrom.

3.7.3.2 Visual Resources

F1-3

We agree with the statement in the RCID that the Uniform Rules Update will contribute to a significant cumulative impact relating to light, glare and visually incompatible development. However the analysis still excludes several County proposals and development plans. (See Tables A-1 and A-2.) The RCID also understates the significance of the cumulative visual impact of the various related County proposals by claiming that the aforementioned ordinance amendments would not directly result in physical development. As noted above, however, these amendments would result in *indirect* cumulative impacts when combined with the Uniform Rules Update. Inclusion of these improperly excluded cumulative projects would result in even greater visual impacts. In addition, inclusion of these other reasonably foreseeable programs would increase Impact VIS-CU-1, Obstruction or Degradation of Public Scenic Views/ Creation of Offensive or Inconsistent Views or Conditions, from a Class II to a Class I impact.

3.7.3.3 Noise

F1-4

Similarly with respect to cumulative noise impacts, the analysis is incomplete because some programs and projects have been excluded from review, and the RCID fails to consider indirect effects from proposed regulatory changes.

3.7.3.4 Transportation/Circulation

F1-5

Tables 3.7-5 and 3.7-6 (RCID at 3.7-42, 43) include cumulative traffic forecasts for the Buildout cumulative scenario. These tables, however, specifically "[do] not include traffic generated by the proposed changes to the Uniform Rules." It is not clear, then, whether the RCID discloses the cumulative effect of traffic impacts from potential Buildout and the proposed Rule changes. Under CEQA, a cumulative impact assessment must include the impact "which is created as a result of the *combination* of the project evaluated in the EIR *together with* other projects causing related impacts."³⁴ The RCID should be revised to explicitly assess the combined effects of the proposed Rule changes along with other related past, present and reasonably foreseeable future projects.

3.7.3.5 Air Quality

F1-6

The RCID notes that the proposed program would result in a Class I long-term cumulative Air Quality impact from increased emissions of ozone precursors, and a Class II cumulative "impact from short-term dust and PM10 generation associated with constructing and grading." (RCID at 3.7-49) However, these impacts are underestimated because the RCID does not consider the direct and indirect impacts of all cumulative projects.

In addition, the RCID erroneously assumes that cumulative impacts on airborne particulate matter and dust will be short-term and thus insignificant by confusing the

³⁴ CEQA Guidelines § 15130(a)(1), emphasis added.

F1-6 effect of an individual development project with the long-term effect of a policy change as proposed here. As a general rule, the County considers the effects of development projects on airborne particulate matter and dust to be short-term impacts and thus less than significant. However, the Uniform Rules Update is not a short-term development project but rather an ordinance amendment that would allow for a *long-term* increase in development. The RDEIR cannot rely on the "short-term" nature of individual projects to determine that the cumulative impacts, over the long term, will be insignificant. The Uniform Rules Update would increase construction and grading over the long-term, not just on a short-term basis.

3.7.3.6 Groundwater Resources

F1-7 The RCID finds a Class I impact to groundwater supply. The impacts would be even greater than disclosed, however, because the RCID underestimates how much development will occur and thus how much water will be used.

In addition, the RCID finds only a Class III impact to the Cuyama Groundwater Basin because the existing overdraft would be worsened by 28.2 AFY instead of 31 AFY. (RCID at 3.7-60) And yet the RCID notes that the Cuyama Basin is already in overdraft (RCID at 3.7-56). The proposed new mining projects in the area, while included in the cumulative project list, are not analyzed for their cumulative effect on the current overdraft. (RCID at 3.7-60, 61). These projects will result in further exacerbation of the existing overdraft and result in a cumulatively significant impact. In addition, a relatively new carrot growing operation has increased groundwater pumping in this Basin. The RCID should be revised to include the mining projects and the carrot farm, and consider the current overdraft of the Basin, to determine whether the cumulative impacts to the Cuyama Basin are Class III or Class I.

Finally, the RCID fails to consider or analyze cumulative impacts to groundwater *quality*. All of the proposed developments on ag-zoned lands are in areas that are not served by wastewater treatment systems, so all of the wastewater is "disposed of" onsite. The quantity and the quality of this wastewater needs to be considered, along with where this wastewater might be disposed. If uses on ag-zoned lands are expanded to include non-ag uses, as proposed under various proposed programs and projects, the type and amount of contaminants in wastewater would also be expanded. The RCID should disclose whether these new or expanded businesses may include tractor/automotive repair, furniture stripping and refinishing, metal plating, and other activities. What contaminants may be present in the wastewater from these operations? How will this contamination affect groundwater quality? Will this wastewater find its way into our surface waters? Will it find its way into our aquifers?

The RCID Fails To Consider Or Analyze Cumulative Impacts To Surface Water Resources, Open Space, Biological Resources, and Fire and Safety Risk.

Surface Water Resources

F1-8 | The RCID fails to consider or analyze cumulative impacts to surface water resources. Surface water may be affected in three ways: (1) by polluted runoff from increased paving for roads and development, and increased use of contaminated materials; (2) by reduced groundwater availability (thereby causing additional drainage from, and reliance on, surface water supplies); and (3) by potential diversions that may provide water supplies to new proposed development.

Open Space

F1-9 | As noted above, the direct and indirect conversions of agricultural land will result in a significant loss of open space.

Biological Resources

F1-10 | The increase in development and activities on agricultural lands will result in potential impacts to California tiger salamander and red-legged frog habitat, including upland and dispersal habitats. In addition, steelhead could be impacted by increased water use, sedimentation, runoff and water pollution.

Fire and Safety Risk

F1-11 | Fire can pose significant risks on agricultural lands. The recent Zaca Fire in Santa Barbara County is proof of this fact. Expanding uses and activities on ag-designated lands will only increase these risks. The cumulative list of programs and projects would allow the introduction of non-agricultural development, including industrial and commercial activities, on lands currently used for less intensive ag purposes. These new uses may involve welding, grinding, and other activities that will increase fire danger and public safety risks. In addition to the introduction of new and expanded activities, fire response and suppression equipment and resources (including water) are less available and effective in rural areas, thus exacerbating the risk.

Socioeconomic Impacts

F1-12 | Under CEQA, it is appropriate for an EIR to "trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes."³⁵ In addition, "economic or social effects of a project may be used to determine the significance of physical changes caused by the project."³⁶

³⁵ CEQA Guidelines § 15131(a); see also *Citizens Association for Sensible Development of Bishop Area v. Inyo*, 172 Cal.App.3d 151 (1985).

³⁶ CEQA Guidelines § 15131(b).

F1-12

The cumulative effect of the County's proposed regulatory program changes and various proposed development projects will result in economic and social effects, in addition to causing such effects themselves. As more and more non-agricultural uses are allowed on agricultural lands, property values will increase to the point that traditional agricultural uses will no longer be economically viable. Accordingly, these changes will have the snowball effect of leading to even more conversions of agricultural land, which in turn will increase all of the attendant impacts, such as traffic, air pollution, noise, loss of open space and natural resources, etc. The RCID should analyze the cumulative social and economic effects that may result from all of these proposals, as well as the physical effects that will follow from such social and economic effects.

Conclusion

F1-13

The purpose of the RCID is to ensure that the decision-makers and the public are aware of all of the proposals to allow conversion or development of agricultural lands within the County. A complete picture is necessary to inform decision-makers before they approve any individual program or project.

In this case, the EIR and RCID for the Uniform Rules Update both identify Class I impacts to agricultural resources. Given the fact that the purpose of the Uniform Rules Update is to implement the Williamson Act and to *preserve* agricultural lands, it is clear that this project – whether considered by itself or in combination with other projects – is fraught with problems.

Even with the new RCID, the County still lacks all the information necessary to make a decision. Several programs and projects are still excluded from consideration. As such, the cumulative effect of the proposed Rule changes is understated.

In addition, the analysis of the cumulative effects of the Uniform Rules Update fails to consider impacts relating to surface water, open space, biological resources, and fire and public safety, and understates impacts to agriculture and land use, visual resources, noise, transportation and circulation, air quality, and groundwater resources.

For all of these reasons, the RCID must be revised and re-circulated for further public comment before the EIR is finalized. Thank you for your consideration of these comments.

Sincerely,



Linda Krop, Chief Counsel
Karen Kraus, Staff Attorney
Nathan Alley, Staff Attorney
Brian Trautwein, Environmental Analyst

atts: Proposed Grading Ordinance Amendment from May 4, 2005 AAC agenda packet
Staff report to Board of Supervisors regarding Proposed Grading Ordinance
Amendment, August 9, 2005
"Glen Annie Golf Course Alternative Use Study," April 2006 (excerpts)
Letter from Victoria Greene, Land Use Consultant, to Cameron Benson, EDC,
dated November 28, 2006
Presentation from Planning Commission Workshop on Agricultural Permit
Streamlining, July 5, 2006

cc: Gaviota Coast Conservancy
Santa Ynez Valley Alliance
Women's Environmental Watch
Sierra Club Los Padres Chapter
Santa Barbara County Action Network
Carpinteria Valley Association
Orcutt Area Advisory Group
Citizens Planning Association
Santa Barbara County Board of Supervisors

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: 7/11/05
Department Name: 051
Department No.: Agriculture
Agenda Date: 8/9/05
Placement: Departmental
Estimate Time: 1.5 Hours
Continued Item: YES
If Yes, date from: 7/19/05

TO: Board of Supervisors
FROM: Agricultural Advisory Committee
STAFF CONTACT: Bill Gillette
681-5600
SUBJECT: Proposal to Change the Agricultural Grading Ordinance

Recommendation(s):

That the Board of Supervisors:

1. Receive a report from the Agricultural Advisory Committee on their proposal to change the Agricultural Grading Ordinance.
2. Refer this proposal to the appropriate County agency for review and recommendation to the Board of Supervisors

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 4. A Community that is Economically Vital and Sustainable.

Executive Summary and Discussion:

The Agricultural Advisory Committee has developed a proposal to make changes to the Agricultural Grading Ordinance. This proposal includes substantial changes to County structure and procedures. Members of the Committee will describe these proposed changes. The Agricultural Advisory Committee is requesting that this proposal be referred to the appropriate County agency for review. Any recommendations, including revisions by County staff, will then be brought back to your Board for further direction.

Mandates and Service Levels:

None at this time

Fiscal and Facilities Impacts:

None at this time. Any impacts of this proposal will be evaluated as part of the referral to County staff.

MEMO

TO: Board of Supervisors

FROM: Landon Stableford, Chairman
Agricultural Advisory Committee (968-2772)

STAFF

CONTACTS: Bill Gillette,
Agricultural Commissioner (681-5600)

SUBJECT: Agricultural Advisory Committee Recommendations for Revision of Chapter 14, the Santa Barbara County Grading Ordinance.

Recommendations:

That the Board of Supervisors:

- A Review and consider the Agricultural Advisory Committee's recommendations for modifications to Chapter 14, the Santa Barbara Grading Ordinance pertaining to Agricultural Grading.
- B Direct that the Administrative Officer refer the Agricultural Advisory Committee recommended changes to the Grading Ordinance document to appropriate agencies to analyze and make recommendations back to the Agricultural Advisory Committee.

The following supplements our letter to the Board for this item:

PURPOSE AND INTENT:

Historically Agriculture has been Santa Barbara's greatest renewable economic engine, providing a \$1.7 billion "multiplier effect" into the local economy each year. Yet Santa Barbara County's Agricultural zoned land is being encroached on by urban land use at an alarming rate. The Planning and Development Department has indicated that Santa Barbara County may lose up to 1,000 acres of agricultural lands to urban development pressures each year for decades to come. In keeping with the intent of the Agricultural Element of the Comprehensive Plan, to encourage intensification and expansion of agriculture, it is critical that the Board of Supervisors consider clarification of County policy with respect to affirming the goals of the Agricultural Element and the Right to Farm Ordinance and re-instating the historic exemption associated with routine agricultural practices and fieldwork.

BACKGROUND:

In 1989 the Board of Supervisors directed County Staff to draft amendments to the County Grading Ordinance to address improprieties and abuses of the Agricultural Exemption of the County Grading Ordinance. Landowners that were constructing engineered projects, e.g. grading of roads to new home sites and building pads for non-agricultural uses were abusing primarily the exemptions afforded agriculturalists. Off site consequences were occurring to neighboring properties and erosion problems were being created on steep slopes.

The Board adopted the Agricultural Sections of the County Grading Ordinance in 1991, after two years of more than fifty meetings, involving a hundred organizations and 45 drafts. Mr. Frank Breckenridge, Chief of the Building and Safety Division of Public Works (including the Grading Division) testified the ordinance did not apply to routine agricultural field practices, which were afforded a blanket exemption from the grading ordinance, nor did it apply to routine AG earthwork on slopes greater than 30% as these projects would require neither an erosion control or grading permit. Public Works Department Director Marlene Demery also gave full assurance to the agricultural community that none of the provisions of this ordinance would apply to their day-to-day activities associated with planting, cultivating and harvesting crops. (Building and Safety transferred to Planning and Development in 1993-94.)

The original intent of the Agricultural Grading Ordinance was that Grading permits would be required for grading proposed on agriculturally zoned land for purposes that are not consistent with agricultural needs or practices and are needed for a project that would otherwise require a grading permit (i.e. building pads and necessary access roads). Agricultural Grading Permits (referred to as Erosion Control Permits) would be required in cases where grading may cause excessive erosion or may cause damage to down-slope neighbors.

Currently, the Grading Ordinance has become a vehicle for resource protection. The agricultural community would like to see the ordinance return to a technical grading manual in keeping with the directives of the Santa Barbara County Comprehensive Plan Agricultural Element Policy.

GOALS:

At issue is the timeliness of compliance with current Grading Ordinance requirements to obtain permits where Agriculture is concerned. On erosion control projects, which benefit the public interest as well as constituting good stewardship of the land, delays involved in the permit process often means further deterioration from season to season, increasing cost and damage and even triggering a new round of permit review on the increased scope of the project. Similar concerns occur regarding land use conversions such as dry farming to irrigated crops, orchard plantings, crop rotation and ancillary structures such as sediment basins or berms, diversion terraces and box roads, irrigation wells, pump and filter stations, hay-barns, packing sheds and vegetable coolers.

Grading permits would be required for grading proposed on agriculturally zoned land for purposes that are not consistent with agricultural needs or practices and are needed for a project that would otherwise require a grading permit (i.e. building pads and necessary access roads).

Agricultural Grading Permits (referred to as Erosion Control Permits) would be required in cases where grading may cause excessive erosion or may cause damage to down stream neighbors.

Appendix A of the Oak Tree Protection Ordinance be move from Chapter 14, Grading Ordinance to County Code 35 Chapter 9.

Grading Permits should be waived for NRCS and RCD engineered projects.

The "exception to the exemption" clause should be expunged from the Agricultural Grading Ordinance.

The Agricultural Commissioner's Office would issue Erosion Control Permits and the Agricultural Planner would review projects that may require a Grading Permit to determine if the proposal was for agricultural purposes, or purposes that would otherwise require a permit.

The Agricultural Commissioner's Office would refer all grading plans to the appropriate county agencies for technical review and approval prior to issuing a grading permit under the agricultural sections of the Grading Ordinance.

ENVIRONMENTAL REVIEW:

To remove the Oak Tree Protection Ordinance (move to County Code 35 Chapter 9) and the "exception to the exemption" clause from Chapter 14, the Grading Ordinance may require environmental review, which has not been funded under the current budget.

In the interest of fiscal responsibility it seems practical to consider the Agricultural Grading Ordinance changes recommended unanimously by the Agricultural Advisory Committee and other agricultural organizations (Santa Barbara Farm Bureau, Cattlemen's Association, Vegetable Growers and Shippers, Greenhouse Growers and others) in tandem with the Supplemental Environmental Impact Report for the Oak Tree Protection Ordinance to determine compliance with CEQA guidelines.

The \$200,000-500,000 estimate from the County Executive Office for the Oak Tree Protection SEIR is likely overstated considering the cost of the original EIR. Because the Oak Tree Ordinance is tied into the Agricultural Grading Ordinance, it is reasonable to conclude the resource protection aspects of the two ordinances could be reconciled at once.

Local Agriculture is a threatened county resource and as such must be afforded equal protection under CEQA when considering sensitive species or habitat. Agriculture works in concert with nature and good stewardship of the land is the hallmark of successful sustainable agriculture. Agriculture can benefit and enhance wildlife populations and botanical diversity.

The recommended changes to the Grading Ordinance the Agricultural Advisory Committee propose do not in any way weaken or negate State or federal resource protections under existing law. Nor does it provide for privilege in permitting of residential or ancillary buildings or access roads or other normally permitted activities.

CONCLUSION:

The Agricultural Advisory Committee recommended changes to the Agricultural Grading Ordinance were undertaken with the knowledge that the Planning and Development Department could not be prepared to review or revise Chapter 14 in the foreseeable future.

The Agricultural Advisory Committee submits these recommendations for consideration by the Board of Supervisors and request the Board of Supervisors to direct the Executive Officer to consult with the appropriate county agencies on how to best render a revised grading ordinance and erosion control document to distinguish between routine exempt agricultural grading from those qualifying as engineering projects with potential for off site consequence, the original intent of the Agricultural Grading Ordinance.

The success of the process involved to revise the Uniform Rules may be applicable here as the goals are similar in providing greater latitude in cultivation practices and streamlining the permit process for agricultural activities and structures, when applicable.



COUNTY OF SANTA BARBARA

AGRICULTURAL ADVISORY COMMITTEE AGENDA

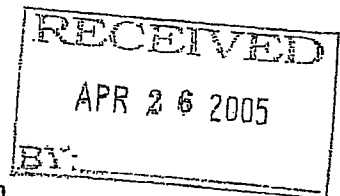
3 to 5:00 P.M.

May 4, 2005

Small Hall
Veterans Memorial Building
Solvang

Jack Adam
Kari Campbell-Bohard
Willy Chamberlin
Tom Gibbons
Bill Giorgi
Richard Quandt

LeRoy Scolari
Mark Sheridan
Landon Stableford
Carl Stucky
David Thompson
June Van Wingerden



Administrative support provided by the Agricultural Commissioner's Office (805) 681-5600

PLEASE NOTE LOCATION AND TIME

- I. **Public Comment:** Public comment time is set aside in order to allow public testimony on items not being heard on today's agenda. Each speaker is allocated 3 minutes. Total time for public comment is 15 minutes.
- II. **Minutes:** The minutes of the March 2, 2005 meeting will be considered
- III. **Planning and Development Comprehensive Work Program – Dianne Meester**
- IV. **Proposed language for expansion of allowable non-agricultural commercial operations in agricultural zones including home occupations and small-scale manufacturing. – Noel Langle, Planning and Development.**
 - A. Possible recommendation to the Board of Supervisors
- V. **Report from Subcommittee on Meeting with Ag Commissioner and P&D**
 - A. Possible Changes to the Notification Requirements of the Right to Farm Ordinance
 - B. Agricultural Planning Concept
- VI. **Ag Grading Proposal – Bill Giorgi**
- VII. **Reports from Committee Members**
- VIII. **Adjourn**

This meeting will be held at the small hall at the Veteran's Memorial Building in Solvang, not the Veteran's Wing. This room is in the part of the building closest to Highway 246. Park in the lot as close to Hwy 246 as possible. There will be signs to direct you to the meeting room.

If you need directions or are unable to attend the meeting please contact the Agricultural Commissioner's Office.

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CHAPTER 14 OF THE COUNTY CODE
SANTA BARBARA COUNTY GRADING ORDINANCE

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ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 14 OF THE COUNTY CODE OF THE COUNTY OF SANTA BARBARA TO REGULATE GRADING, EXCAVATION, FILLING, STOCKPILING OF MATERIALS, AND RECLAMATION OF LAND WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF SANTA BARBARA AND ADOPTING THAT CERTAIN PUBLICATION KNOWN AS THE PROCEDURES FOR TESTING SOILS PUBLISHED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS:

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 14 of the County Code of the County of Santa Barbara is hereby rescinded and reenacted as follows:

Sec. 14-1. TITLE.

The regulations contained in this Chapter may be known and referred to as the "Santa Barbara County Grading Ordinance."

Sec. 14-2. PURPOSE.

The Board of Supervisors expressly finds that the regulations, conditions and provisions of this Chapter constitute the appropriate standards and procedures necessary to protect and preserve life, limb, health, property and public welfare.

Sec. 14-3. AUTHORITY; ADMINISTRATION.

This Ordinance is adopted pursuant to the authority granted by Section II of Article XI of the Constitution of the State of California to a County to make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws. It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive, of the California Government Code relating to adoption for administration of this Chapter. The Santa Barbara County Agricultural Commissioner and the Public Works Director shall be responsible for administration of this Chapter. For all non-agricultural grading, the Santa Barbara County Planning & Development Director shall be responsible for administration of Land Use Permits for grading as provided herein. No Land Use Permit shall be required for grading that the Agricultural Commissioner has identified as agricultural grading as provided herein.

Sec. 14-4. APPLICABILITY.

This Ordinance shall be applicable to all grading within the unincorporated territory of the County of Santa Barbara, State of California.

Sec. 14-5. ADOPTION OF PRIMARY SOIL TESTING CODE.

That certain Code and Manual known and designated as "Procedures for Testing Soils," 1990 Edition [IS THIS THE MOST CURRENT EDITION?], promulgated and published by the American Society for Testing and Materials, (herein sometimes referred to as ASTM), is hereby adopted and enacted as a primary code and made a part of this Chapter by reference, with the same force and effect as if fully set forth herein, provided, however, that the Public Works Director shall not be restricted to or required to follow any specific testing procedures set out therein, but may utilize other methods at the Director's discretion.

Sec. 14-6. SCOPE: GENERAL.

(a) Except as herein provided, these regulations shall apply to all new grading, excavations, fills, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land where the transported amount of materials individually for any of the above mentioned operation, exceeds 50 cubic yards; or the cut or fill exceeds three feet in vertical distance to the natural contour of the land. No work subject to the provisions of this ordinance shall be commenced, maintained or completed, in violation of these regulations.

(b) The word "grading" for all purposes of this ordinance shall be defined as the moving of material from one location to another location, not simply disturbing the soil. For example, plowing, ripping, tilling, chaining, planing, ridging, fire breaks, vegetation clearing, uprooting of vegetation; and other similar activities are not grading under this ordinance. For all purposes of this ordinance, grading also shall not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products) which are operating legally, or activities conducted in accordance with a Surface Mining Reclamation Plan approved pursuant to the County's Surface Mining and Reclamation Ordinances or under authority of the State Mining and Geology Board on appeal. The County's Surface Mining and Reclamation Ordinances contain provisions for the imposition of appropriate engineering and geologic standards and other environmental mitigation requirements for surface permits and reclamation plans, together with associated fees payable to the Public Works Department.

(c) This ordinance shall not apply to the following activities:

(1) The stockpiling of rock, sand, aggregate involved in the construction of a building authorized by valid County Building Permit, as appear on approved plans.

(2) Excavation and fill of trenches not exceeding twenty-four (24) inches wide or an average of five feet deep, or holes for poles, posts, or anchors and minor grading accessory thereto.

(3) Excavation and fill of trenches for installation, replacement, and repair of existing utilities and pipelines, but not within 200 feet of any residential development including 3 or more housing units except that this restriction shall not be applicable on agriculturally zoned lands, or for any amount

of grading, other than agricultural grading, in excess of 500 cubic yards of material.

(4) The initial excavation and fill necessary to effect such temporary repair or maintenance of utilities and pipelines where such excavation or fill does not exceed a total of 100 cubic yards of material and where all work is protected, as may be required, by a safety fence or other similar protective device.

(5) Temporary holes or trenches for geotechnical, archeological, or similar exploration not exceeding one hundred (100) cubic yards of material, where such holes or trenches are protected by a safety fence meeting Occupational Safety and Health Agency standards.

(6) The excavation of material below finished grade for tanks, vaults, basements, swimming pools, bomb shelters or footings of a building or structure where such excavation is authorized and under the provisions of a valid County building permit.

(7) The excavation or deposit of earth materials within a property dedicated, used, or to be used, for cemetery purposes, except where such grading is intended to support structures or affects natural drainage patterns.

(8) The maintenance and construction work within the prescribed easements of the Santa Barbara County Flood Control and Water Conservation District.

(9) The digging of trenches or holes for utility poles and anchors, or underground electric and natural gas vaults that do not exceed fifty cubic yards in volume, by public companies within their easements and that are regulated by the California Public Utilities Commission.

(d) The digging of trenches or holes under the specific authority of a Public Agency within their prescribed easements and not exempt under Sec. 14-6(b)(3) will be subject to a plan review for determination of whether a full grading permit will be necessary. Such plan review shall include an evaluation of accepted engineering practices.

Sec. 14-7. EXEMPT AGRICULTURAL ACTIVITIES.

The County acknowledges the importance of maintaining the viability of agriculture, the need to avoid imposing unnecessary or inappropriate regulations upon agriculture that would impede productive agricultural operations, the application of safe and responsible drainage and erosion control practices to agricultural grading to avoid or minimize offsite consequences. This ordinance shall not apply to the following agricultural activities:

(a) The stockpiling of rock, sand, aggregate, earth, compost, and other material for agricultural purposes.

(b) The stockpiling of sand, aggregate, earth, compost, and other material on agriculturally zoned lands in the course of erosion control or emergency response operations and clean up following storms, floods, landslides, erosion, or other natural phenomenon.

(c) Borrow pits on agriculturally zoned lands where the material extracted from the pits are used on the landowner's property or on adjacent agriculturally zoned lands, provided that the material is not for sale.

(d) Restoration and reclamation work on agriculturally zoned lands damaged by natural forces where the work is first approved by the Agricultural Commissioner, NRCS, RCD, or the Agricultural Advisory Committee.

(e) On-going maintenance and soil conservation grading.

(f) Land preparation for crop production or grazing on slopes of less than 30 percent.

(g) Maintenance of existing agricultural drainage channels.

(h) Installation of a water storage or irrigation reservoir that where the maximum depth to which water may be impounded is less than five (5) feet and where less than one (1) acre foot of water will be impounded, and which is not located within 200 feet of a property line shared with a landowner other than the owner on whose land the reservoir is located.

(i) Maintenance of existing agricultural roads.

(j) Construction of new agricultural roads on land with a natural gradient of less than 30%

(k) Similar practices which provide prudent measures for erosion control and which conform to the recommendations of guidelines promulgated by the Santa Barbara County Agricultural Advisory Committee.

(l) Terracing where erosion control and drainage measures conform to a plan prepared by a California licensed engineer or under the auspices of the NRCS or a Resource Conservation District.

(m) Agricultural leveling, pursuant to normal and usual agricultural practices, which does not result in any cut or fill which exceeds, at any point, three (3) feet from the natural contour of the surface of the land

Sec. 14-8. NON-EXEMPT AGRICULTURAL GRADING REQUIRING AN EROSION CONTROL PERMIT OR WAIVER

The following agricultural grading not exempt from this ordinance pursuant to Section 14-7 shall require an Erosion Control Permit:

(a) Agricultural grading on slopes with a natural gradient over 30%, and where earthwork exceeds fifty (50) cubic yards in volume and/or when excavation and fills are made in excess of three (3) feet in vertical distance to the natural contour.

(b)

Grading that the Agricultural Commissioner deems to be of a nature not adequately addressed by an Erosion Control Permit shall be referred to the Agricultural Advisory Committee for determination as to whether or not a grading permit shall be required.

The Agricultural Commissioner or the Agricultural Advisory Committee may waive the requirement for issuance of an Erosion Control Permit if the proposed agricultural grading conforms to regulations promulgated by the Agricultural Advisory Committee for Erosion Control Permit waiver.

Sec. 14-9. DEFINITIONS.

The following definitions pertaining to grading and erosion control shall apply to the interpretation and enforcement of this Chapter.

Access Driveway – a road to the site of a building for which a County building permit is required.

Acre Foot – An engineering term used to denote a volume one acre in area and one foot in depth.

Agricultural Advisory Committee – A county-wide policy advisory committee appointed by the Board of Supervisors that is made up of representative members of the agricultural community interest groups, such as the Farm Bureau, The Cattlemen Association, The Growers and Shippers, The Nursery and Flowers Association, California Women in Agriculture and other similar organizations, that are familiar with usual agricultural practices of Santa Barbara County.

Agricultural Commissioner – The official of the County of Santa Barbara responsible for administering state and County regulations pertaining to agriculture and agricultural operations within the County.

Deleted: ¶

Agricultural Grading – grading associated with the production of food and fiber, the growing of plants, the grazing, raising, and keeping of animals, and aquaculture.

Agricultural Road – Access to field, pasture or similar use, or agricultural structure, which does not require a County building permit.

Annual Plant (Annals) – A plant that completes its life cycle and dies in one year or less.

Applicant – A person, partnership, corporation or public agency applying for a County permit.

Approved – Reviewed and found to be in substantial compliance with requirements of this Chapter and the applicable uniform codes.

Bench – A relatively level step excavated into earth material on which fill may be placed. Usually a mid-slope drainage device.

Bench Drain – Lined channel that conveys surface waters from slopes to a safe disposal point.

Board of Supervisors – The Board of Supervisors of the County of Santa Barbara.

Building – Any structure used by the public; used as a primary place of employment; used for human habitation; or any enclosed barn, which is over 6,000 square feet in size.

Borrow – Earth material acquired from an off-site location for use in grading on a site.

Certification – The attestation of a licensed professional that, based upon the appropriate level of observation and testing, and in accordance with applicable principles of the professional's training, background and experience, the work in question has been completed and performed in conformity with the plans and specifications approved and the provisions of this Chapter.

Clearing – The removal of vegetation, structures or other objects.

Compaction – The densification of a fill by mechanical means.

Continuous – At all times throughout the day (24 hours) while work is in progress.

County – The County of Santa Barbara.

Creek – (See watercourse).

Cut – (1) An excavation. (2) The difference between a point on the original ground and a designated point of lower elevation on the final grade. (3) The material removed in excavation.

Debris – A term applied to the loose material arising from the disintegration of rocks and vegetative material transportable by landslides, streams or floods.

Dike – A berm of earth or other material constructed to confine or control surface water in an established drainage system.

Director of Public Works – Director of the Department of Public Works for the County of Santa Barbara, or authorized representative.

Director of Planning & Development – Director of the Department of Planning & Development for the County of Santa Barbara, or authorized representative.

Diversion – A temporary or permanent structure consisting of a channel or ditch and a ridge constructed across a sloping land surface on the contour or

with pre-determined grades to intercept and divert surface runoff before it gains sufficient volume and velocity to cause erosion.

Drainage – The removal of excess surface water or groundwater from land by means of surface or subsurface drains.

Drainage Pattern – The configuration or arrangement of streams within a drainage basin or other area.

Drainage Way – Natural depression in the earth's surface such as swales, ravines, draws, and hollows in which surface waters collect as a result of rain or melting snow but at other times are destitute of water.

Drop-Inlet Spillway – Inlet structure in which the water drops through a vertical riser connected to a discharge conduit.

Drop Structure – A structure for dropping water to a lower level and dissipating its surplus energy; a fall. A drop may be vertical or inclined.

Earth Material - Any rock, natural soil and/or any combination thereof.

Easement – A legal right to use or control the property of another for a designated purpose, which appears of record in favor of the owner of the easement.

Energy Dissipater – A device used to reduce the excess energy of flowing water.

Engineered Grading – Grading designed under the direct supervision of a licensed registered civil engineer.

Engineer, Civil – Professional engineer holding a valid registration and license from the State of California in civil engineering.

Engineering, Geologist – Individual holding a valid registered geologist certification and a valid engineering geologist certification and is licensed to practice in the State of California.

Engineering Geology – The application of geological data and principles to engineering problems dealing with naturally occurring earth material for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.

Engineer, Geotechnical – Professional engineer holding a valid registration and license to practice in geotechnical engineering by the State of California.

Engineering, Soils – The application of soils mechanics in investigations and reports regarding stability of existing or proposed slopes, in the control of fill installation and compaction, in recommending soil bearing values, and in providing design criteria and calculations for earth structures, foundations, fills, subsurface drains and other engineering works.

Erosion – The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control Plan – A plan that fully indicates necessary land treatment and structural measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sediment, yield.

Erosion Control Permit – A document issued by the Agricultural Commissioner to authorize grading work which requires only erosion control measures as provided in this Chapter. A land-use permit shall not be required for issuance of an Erosion Control Permit.

Excavation – Any activity by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting thereof.

Exterior Property Line – The legal property line shared with a property which is not under the ownership or control of the applicant.

Existing Natural Grade – The vertical elevation of the existing ground surface topography prior to excavation or filling.

Fill – (1) A deposit of earth, sand, gravel, rock, or any other suitable material placed by artificial means; any act by which earth, sand, gravel, rock, or any other suitable material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. (2) The difference in elevation between a point on the original ground and a designated point of the highest elevation on the final grade, as measured in a vertical plane.

Finish Grade – The level of the finished surface of the ground at the completion of all grading as designated in the final project grading plans.

Grading – Any activity which involves the physical movement of earth material from one location to another location, not simply disturbing the soil. For example, plowing, ripping, filling, chaining, planning, ridging, fire breaks, vegetation clearing, uprooting of vegetation, and other similar activities are not grading under this ordinance. This includes any excavating, filling, stockpiling, movement of materials, compaction of soil as part of an activity that requires a

building permit, creation of non-exempt borrow pits, non-exempt land reclamation or combination thereof, but does not include surface mining or quarrying operations (including the extraction and stockpiling of excavated products and the reclamation of mined lands) operating legally (Sec. 14.5a)

Grading Permit – A document issued by the Director of Public Works authorizing grading work.

Groundwater – Subsurface water in a zone of saturation.

Gully – A channel or miniature valley cut by concentrated runoff but through which water commonly flows only during and immediately after heavy rains or during the melting of snow.

Interceptor Ditch – Interceptor ditches are permanent structures located on top of man-made or natural slope that divert drainage away from the face of the slope.

Key – A designed compacted fill placed in a trench excavated in competent earth material at the bottom of a proposed fill slope.

Land Reclamation Fill – Fill consisting of solid materials or soil that is non-toxic, non-combustible, non-organic and not hazardous, and which is used as fill to contour existing uneven terrain for the purpose of reclaiming land for agricultural use.

Land Use Permit – A Final Permit required by the Planning & Development Department for the County for all uses and development required to have a permit under the regulations of Zoning Ordinance Articles II, III and IV. No Land Use Permit is required for agricultural grading.

Natural Gradient – The slope of the area being worked in its natural state, exclusive of minor deviations.

Natural Resources Conservation Service (NRCS) – a division of the U.S. Department of Agriculture, with the mission of providing leadership for and partnerships with agricultural land owners to conserve, maintain, and improve natural resources and conservation plans on privately owned land.

Periodic – Intermittent while work is in progress.

Person – Any individual person, firm, corporation, association, partnership, public agency, public district or Municipal Corporation, but shall not include the County of Santa Barbara, the Santa Barbara County Flood Control and Water Conservation District, the State of California, or the United States.

Planning & Development Department – The department of the County of Santa Barbara which has the responsibility to implement and enforce the County Comprehensive Plan and zoning ordinances.

Resource Conservation District – A district formed under Division 9 of the California Public Resources Code to assist landowners with erosion and control issues, and with the management of soil and water resources for conservation purposes.

Rough Grade – Approximate elevation of ground surface conforming to within two tenths of a foot of the proposed design elevation.

Runoff – The surface water flow or rate of flow in a given drainage area after a fall of rain or snow melt.

Scarify – To abrade, scratch or modify the surface, for example, to break the surface of the soil with a narrow blade implement.

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sediment Detention Basin – A sediment detention basin is a reservoir which retains a flow sufficiently to cause deposition of transported sediment and debris.

Seepage – (1) Water escaping through or emerging from the ground along an extensive line of surface as contrasted with a spring where the water emerges from a localized spot. (2) The process by which water percolates through the soil.

Sheet Flow – Water, usually storm runoff, flowing in a thin layer over the ground surface; overland flow.

Site – Any lot or parcel of land or contiguous combination thereof, under the same ownership where grading is performed or permitted.

Slope – An inclined ground surface. The inclination of which is expressed as a ratio of horizontal distance to vertical distance, as in two to one (2:1), meaning a horizontal distance of two (2) feet, to one (1) foot vertical.

Slope Drains – Permanent or temporary devices that are used to carry water down cut, fill or natural slopes to and from bench drains.

Soil (earth) – Sediments or other unconsolidated accumulation of solid particles produced by the physical and chemical disintegration of rocks, and which may or may not contain organic matter.

Stockpiling – The accumulation of earth material in one location.

Structure – That which is built or constructed, an edifice or building of any kind, of any piece of work artificially built up or composed of parts joined together in some definite manner, including without limitation any building, fence, landscaping feature, or enclosed barn.

Swale – A low-lying stretch of land which gathers or carries surface water runoff.

Terrace – A relatively level step constructed on the face of a graded slope surface for drainage and maintenance purposes.

Top of Creek Bank – The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from more vertical to more horizontal.

Topography – (1) The configuration of a surface, including its relief and the position of its natural and man made features. (2) A rendering of the results of a topographical survey.

Topsoil – Surface soil, ordinarily rich in organic matter or humus debris.

Unsuitable Material – All vegetation, non-complying fill, soil containing organic matter, compressible earth material and all other earth material which would adversely affect the safety or stability of proposed grading.

Urban Boundary – A boundary line established by the Department of Planning & Development separating urban from rural areas.

Watercourse – A creek or stream designated by a blue line on the largest scale of the latest edition of United States Geological Survey map or a creek or stream which supports fish at any time of the year, or has a significant water flow thirty (30) days after the latest significant storm.

Sec. 14.10. NON-EXEMPT AGRICULTURAL ACTIVITIES REQUIRING A GRADING PERMIT

The following agricultural activities that involve grading and that are not exempt from this ordinance or do not qualify for an Erosion Control Permit require a grading permit:

(a) Excavation or fill upon which a building, which requires a County building permit, is to be supported.

(b) The entire length of any access driveway from an existing road to any building which requires a County Building Permit or site for such building.

(c) Grading for the construction of greenhouses, commercial shade structures, or buildings for which a County building permit may otherwise be required.

(d) Grading for horse training facilities, horse tracks, arenas, polo fields or commercial horse breeding facilities.

(e) Non-exempt grading within ten feet of the top of the bank of a blue line stream as shown on a USGS map.

(f) The construction of water impounding structures of earth (which are not under the direct control of the State of California or the Federal Government) where the maximum depth to which water may be impounded is five (5) feet or more, where one (1) acre foot or more of water will be impounded, and is located within 200 feet of the property line.

(g) Grading on agricultural land on slopes over 30%, which does not meet the Agricultural Advisory Committee Guidelines for an Erosion Control Permit waiver.

(h) Agriculturally associated grading within 500 feet of any urban boundary line.

Sec. 14-11. EROSION CONTROL PERMIT PROCESS.

(a) No person shall perform any agricultural grading, excavation or fill which requires an Erosion Control Permit without first obtaining an Erosion Control Permit for such work from the Agricultural Commissioner.

(b) Applications for Erosion Control Permits shall be filed with the County Agricultural Commissioner and shall include two copies of an Erosion Control Plan to allow for reasonable review and interpretation of the proposed work.

(c) Where Erosion Control Permits are required under provisions in this Chapter, they shall be valid for a period of two (2) years from the date of issuance, except that prior to expiration of the permit the Agricultural Commissioner may grant a two (2) year extension for good cause shown.

(d) A fee for each erosion control permit shall be paid to the County according to a fee schedule adopted from time to time by resolution of the Board of Supervisors. The amount shall be halved for the purpose of a time extension.

(e) The following inspections are required for work completed with an erosion control permit:

(1) Site Investigation – upon submittal of an application for an erosion control permit.

(2) Initial Inspection – when permittee is ready to begin work, or during the early stages of the permitted work.

(3) Final Inspection – when all erosion control work, including installation of drainage structures, other protective devices, seeding and slope stabilization has been completed.

(f) Work conducted under the provisions of an Erosion Control Permit shall incorporate such reasonable dust and debris control measures as are required by the Agricultural Commissioner.

(g) An Erosion Control Permit shall include evidence of the inclusion of erosion and sediment control measure, including, but without limitation, the following:

(1) Three (3) sets of topographical maps sufficiently detailed to allow reasonable review and interpretation of the proposed work and the associated erosion control measures provided. Maps shall include all property boundaries and shall be drawn to the scale of one-inch equals two hundred feet or the most reasonable scale readily available for the area.

(2) The location and details of run-off control, drainage devices, sedimentation basins and other measures of erosion control, including revegetation of new slopes and other denuded areas.

(3) A brief description of the revegetation practices to be used, including types of seeds and their application dates. Where surface erosion will not be a nuisance, revegetation may be delayed until just prior to the next rainy season.

(4) A typical road detail for the construction of agricultural roads.

Note: Erosion control devices as a part of an approved Erosion Control Project may encroach into the 200 feet boundary grading setback line.

Sec. 14-12. GRADING PERMITS.

(a) Except as provided in Section 6, 8, and 9 of this Chapter, no person shall perform any grading, excavation or fill without first obtaining a grading permit for such work from the Public Works Department of the County of Santa Barbara. A separate permit shall be required for each site and may cover both excavation and fills. Adjacent sites being graded as one integrated project may be considered one site for purposes of this Section.

(b) The issuance of a permit under this Chapter shall constitute an authorization to do only the work which is described or illustrated on the grading plans and erosion control plans specifications approved by the Public Works Director.

(c) Permits issued under the requirements of this Chapter shall not relieve the owner of the responsibility for securing permits required by the State of California or United States Government.

(d) The issuance of a permit, performance of grading under any exemption provided in this Chapter or inspections by the County pursuant to this Chapter, shall not relieve the owner or permittee of responsibility for damages from work performed nor transfers responsibility for such damage to the County of Santa Barbara nor to any of its officers, agents, or employees.

(e) In granting any permit under this Chapter, the Public Works Director may impose such conditions as may be necessary to prevent creation of

a nuisance or a hazard to public health and public safety on public or private property.

(f) Corrections, remedies and repairs made necessary by an emergency situation involving the sudden, unexpected occurrence of a break, rupture, flooding or breach of an existing facility which break, rupture, flooding or breach presents an immediate threat to life, health or property, may be made as required before permits are applied for or issued.

(g) Permits for emergency work, temporary work and projects begun under temporary exemption, which require permits, shall be applied for within two (2) weeks following commencement of such work.

Sec. 14-13. PERMIT APPLICATIONS.

Applications for grading permits shall be filed with the Santa Barbara County Department of Public Works in accord, with the submittal requirements approved by the Director of Public Works. Applications submitted to the Department of Public Works shall include but not be limited to, the following documents or information:

(a) Plans and specifications, prepared by or under the supervision of a qualified professional and sufficiently detailed to allow reasonable review and interpretation of the proposed work, except that minor erosion control plans and minor grading plans may be prepared without the supervision of a professional engineer.

(b) A description of the land upon which the work is to be performed including Assessor's parcel number, street address, tract and block number.

(c) An engineering geology report and/or a geotechnical (soil) engineering report, shall be filed along with the application for a permit. The report shall be prepared by a licensed professional geologist or geotechnical engineer and must include a description of the site relative to distribution and strength properties of the soil, recommendations and conclusions for grading and foundation designs. All reports shall be subject to approval by the Director of Public Works.

(d) Quantity and type of material to be graded, excavated or filled.

(e) Proposed routes for hauling material, hours of work and methods of controlling dust.

(f) Any additional plans, drawing, or calculations required for the proper execution of the work as determined by the Public Works Director.

(g) Such drainage and erosion control plan as may be required under the provisions of this Chapter.

Exception: Requirement for soil report and geology report may be waived by the Director of Public Works.

Sec. 14-14. WHO MAY APPLY FOR PERMIT.

If the quantity of material to be graded, excavated or filled exceeds 10,000 cubic yards, the application for a permit shall be made by the owner or lessee of the land upon which the grading, excavation or fill is to be made, and said owner or lessee shall also furnish the security required by this Chapter and shall be the

principal obligor. If material to be graded is less than 10,000 cubic yards, the application may be made by the owner, lessee, contractor or agent of such owner or lessee, and the security required hereunder shall be furnished by such applicant.

Sec. 14-15. TIME LIMITS OF PERMITS.

(a) The permittee shall fully perform and complete all of the work required to be done pursuant to the permit, within the time limit specified therein. If no time limit is specified, a grading permit shall expire if the work authorized under such permit has not commenced within 180 days or is not completed within one (1) year of the date of issue, except that prior to the expiration of the permit, the Public Works Director may grant a reasonable extension.

(b) Between November 1 and April 15 no grading work shall be permitted unless the plans and specifications submitted for approval include erosion control measures approved by the Public Works Director and implemented prior to any grading. Previously authorized grading work which extends into the rainy season shall be protected by temporary erosion control and drainage devices approved by the Public Works Director and such devices shall be installed no later than November 1.

Sec. 14-16. REVOCATION AND DENIAL OF PERMITS.

(a) Failure to comply with any of the provisions of this Chapter or the permit may cause revocation or suspension of the permit, and in either case, the owner or permittee shall be notified of such action and the reasons therefore in writing.

(b) If the operations of the permittee create an unreasonable occurrence of dust, noise, excessive traffic or other reasons, the Public Works Director may require the permittee to take measures to abate said nuisance any may suspend the permit until such measures are taken. Continuance of such work without abating such nuisance shall be grounds to revoke the permit.

Sec. 14-17. DENIAL OF PERMIT: RESTORATION.

(a) A permit shall not be issued where the work proposed is likely to endanger human life or property.

(b) A permit may be denied unless provisions are included to secure conformity with the rules, regulations, and ordinances of the County of Santa Barbara, and other agencies as may have jurisdiction.

(c) If grading operations are commenced before first securing a proper permit, no permit will be issued until all illegal grading has been stopped. In the event that no grading permit, erosion control permit, or Land Use Permit can be issued for such operations, the site shall be restored to its original condition.

(d) If restoration is required of a site by the Public Works Director, restoration plans prepared by a licensed landscape architect shall be submitted to the director of Public Works and Resource Management Department for review and approval prior to any restoration. The party responsible shall pay a restoration permit fee which shall be equal to the fee that would be charged for a grading

permit fee for the same work. Restoration shall be made in conformity with the approved plans.

Sec. 14-18. PERMIT AND PLAN CHECKING FEES.

(a) A fee for each grading permit, erosion control permit, and Land Use Permit shall be paid to the County according to a fee schedule adopted from time to time by resolution of the Board of Supervisors and based on the number of cubic yards of material in either excavation or fill, whichever is greater.

(b) A double (2x) permit fee shall be assessed for violations of this Chapter by commencement of grading work without permit.

(c) A plan-checking fee equal to 65% of the base grading permit fee, and in addition to the grading permit fee, shall be paid before plans and specifications for a grading permit are accepted for checking. If the applicant changes the plans and specifications subsequent to approval; the Public Works Director may require that a second plan checking fee, as applicable, be paid.

Deleted:

Sec. 14-19. FAITHFUL PERFORMANCE OF SECURITY.

(a) A grading permit shall not be issued for more than 300 cubic yards of material unless the permittee first files performance and remedial security, with the Public Works Director.

(b) The applicant may post security in the form of cash, corporate surety bond, a certified check, cashier's check, certificate of time deposit or a letter of credit from an accredited financial institution in the name of the County of Santa Barbara. An instrument of credit security shall be in the form approved by the Santa Barbara County Counsel before posting as security.

(c) In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the Public Works Director, may order all or any part of the work required by the permit to be completed, or such work or remedial work done as is necessary to protect public health, safety and the property affected. The security provided shall be subject to provide payment of all necessary costs and expenses that may be incurred by the County of Santa Barbara in causing any and all such work as may be ordered to be completed. Any unused portion thereof shall be refunded to the permittee.

(d) The security shall be in the full amount required to assure completion, restoration and/or remediation, based upon engineering estimates approved by the Public Works Director.

(e) Upon completion of grading, final approval by the Public Works Director, and satisfaction of all conditions, the security shall be released.

(f) Any contractor or other person engaged in continuous or repeated excavations may provide a blanket security deposit in an amount sufficient to insure prompt completion of all excavation projects being conducted at any one time. If the number or amount of excavation projects exceeds the amount of the security or deposit, the Public Works Director may require additional security or deposit to insure completion of all work being done at any one time.

(g) The amount of the security of deposit provided shall be based upon full estimated costs to complete the project, restore the site, and/or complete

necessary remedial action according to the estimate approved by the Public Works Director. Such estimate may be made pursuant to engineering estimates approved by the Public Works Director, referencing the number of cubic yards of material. In either excavation or fill, whichever is the greater amount, and including the full estimated costs of all drainage or other protective devices as may be required.

Sec. 14-20. INSPECTIONS.

(a) All construction and other work for which a permit is required shall be subject to either periodic or continuous inspections by authorized employees of the Department of Public Works. Where the Public Works Director determines it to be necessary to protect the public safety because of the nature and type of material involved, the type of work proposed or the purpose of the work, the work shall have either continuous or periodic inspections and supervision by one or more of the following as a condition of issuance of the grading permit: 1) civil engineer, 2) geotechnical engineer, 3) engineering geologist. Prior to final approval of grading work under any type of permit, a final inspection shall be made of all construction or work for which a permit has been issued.

(b) Grading shall not be commenced until the permittee or his agent shall have posted an inspection record card in a conspicuous place on the site to allow the Public Works Director to make the required entries thereon regarding inspection of the work. This card shall be maintained on site by the permittee until a grading certificate is issued by the Public Works Director.

(c) The permittee, his agent or contractor shall have an approved set of grading plans and specifications on the site at all times while work is in progress.

(d) In the absence of specific work site designation upon which grading is to be performed, the Public Works Director may require the site surveyed and staked by a civil engineer or land surveyor licensed by the State of California so that the proper location of the work on the lot may be determined.

(e) Inspections for a grading permit shall be made as provided herein and work shall not continue until approval to proceed has been granted following inspection. The permittee shall be responsible for notifying the Department of Public Works at least 24 hours prior to the time when the inspection is to be made.

Required Inspections:

(a) Initial Inspection – when the permittee is ready to begin work, but before any grading or brushing is started.

(b) Toe Inspection – after the natural ground is exposed and prepared to receive fill, but before any fill is placed.

(c) Excavation inspection - after the excavation is started but before the vertical depth of the excavation exceeds ten (10) feet.

(d) Fill Inspection – after the fill emplacement is started, but before the vertical height of the fill exceeds ten (10) feet.

(e) Drainage Device Inspection – after forms and pipes are in place, but before any concrete is placed.

(f) Rough Grade Inspection – when all rough grading has been completed.

(g) Final Inspection – when all work, including installation of drainage structures, other protective devices, planting and slope stabilization has been completed and the “as-graded” plan and required reports have been submitted to the Director of Public Works and accepted as complete.

(h) Other Inspections – In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this Chapter and other laws and regulations as may be required by the Public Works Director. A licensed landscape architect, qualified biologist, archeologist, agricultural advisor, or other qualified professional may be required to be present during inspections.

(i) Periodic reports by a geotechnical engineer, an engineering geologist, or other qualified professional certifying the compaction or acceptability of all fills may be required. These shall include, but need not be limited to: inspection of cleared areas and benches prepared to receive fill and removal of all unsuitable materials, the bearing capacity of the fill to support structures, the placement and compaction of fill materials, and the inspection of buttress fills, subterranean drains, cut slopes and similar devices.

(j) Upon completion of the work, the Public Works Director may require certification from a civil engineer of record that all grades, lot drainage, and drainage facilities have been completed in conformity with the approved plans.

(k) A geotechnical engineering report including but not limited to certification of soil capacity and compaction summaries of field and laboratory tests, location of tests, and showing limits of compacted fill on a grading plan. This certification shall include specific approval of the grading as affected by soils on the site.

(l) An engineering geology report by an engineering geologist based on the grading plan including specific approval of the grading as affected by geological facts. Where necessary, a revised geologic map and cross-sections and any recommendations necessary shall be included.

(m) Where the nature of the project, type of soils, geologic conditions or drainage dictate that special engineering, geotechnical engineering, or geological inspections are necessary to prevent danger to public health, safety or welfare, the Public Works Director may require the permittee to retain one or more of the following:

(1) A civil engineer to supervise and coordinate all field surveys and the setting of grade stakes in conformity with the plans; to check elevations of grades; inclination of slopes; installation of drainage structures and other matters related to the geometric design of the work, including the design of revised or modified plans and “as-graded” plans, if necessary.

(2) A geotechnical engineer shall provide either periodic or continuous inspections of all soils work, including grading and compaction.

(3) An engineering geologist to provide geological inspections.

On work requiring the continuous supervision and inspection of a civil engineer or geotechnical engineer, required inspections may be delegated to the civil engineer or geotechnical engineer by the Director of Public Works. At the time of checking the plans, the Director of Public Works shall indicate on each application for a grading permit the types of inspection, if any, to be made by the civil engineer or geotechnical engineer.

If the civil engineer or geotechnical engineer or geologist finds that the work is not being performed in substantial conformity with this Chapter or the plans and specifications, the engineer shall issue a notice to the persons in charge of the grading work and to the Public Works Director.

All work shall immediately stop upon issuance of the notice of violation by the Public Works Director, or upon termination of the services of the engineer approved to supervise grading work, the permit holder shall terminate all such grading work, and it shall not commence again until a civil engineer, geotechnical engineer or engineering geologist certifies in writing to the Public Works Director that he has reviewed all phases of the project, is thoroughly familiar with the proposed work, and that he approves the work already completed or will assume responsibility for making the necessary improvements thereto. Upon receipt of this notice, the Public Works Director shall immediately give written notice that work may proceed. No work shall proceed unless and until the issuance of such written notice that work may proceed.

(n) If the Public Works Director determines by inspection that grading as authorized is likely to endanger public health, safety or welfare in the deposition of debris on any public way, or interfere with any existing drainage course, he may require that reasonable safety precautions be taken to remove such likelihood or danger. Written notice to comply shall be served onto the permittee allowing no more than ten (10) days for corrections to begin unless an imminent hazard to the public health, safety or welfare exists, in which case the corrective work shall begin immediately.

(o) Final inspection, as required in this Chapter, shall be made by an employee of the Department of Public Works.

Sec. 14-21. MODIFICATIONS TO APPROVED PLANS:

No work shall proceed upon any modifications to the approved plans unless and until such modifications have been approved by the Director of Public Works.

Sec. 14-22. STOP WORK ORDERS.

(a) Whenever any construction or work is being done contrary to the provisions of any approval or of any rule, regulation, law or ordinance, or whenever approval was based upon misinformation or misrepresentation, or whenever the public health, safety or welfare is endangered, the Public Works Director may issue a written notice or order to stop work on the portion of the work affected. This notice or order shall state the reason for the notice and no work shall be done on that portion until the matter has been corrected and approval obtained from the Director of Public Works.

(b) It shall be unlawful for any person to continue the progress of any work regulated under the provisions of this Chapter in violation of, or contrary to any stop work notice or stop work order issued pursuant to this Section.

(c) It shall be unlawful for any person to commence any work regulated under the provisions of this Chapter in violation of, or contrary to any stop work notice or stop work order issued pursuant to this Section.

Sec. 14-23. EXPOSURE OF WORK.

Whenever any work on which inspections are required is covered or concealed by other work without having been inspected, the Public Works Director may require, that such work be exposed for examination. The cost of exposing such work shall not entail any expense to the County of Santa Barbara.

Sec. 14-24. GRADING HOURS: LIMITATION.

No grading work (except for emergency operations), which requires a grading permit under the provisions of this Chapter shall take place between the hours of 7:00 p.m. and 7:00 a.m. unless the Public Works Director finds that such operation is not likely to cause significant public nuisance and authorizes such night operations in writing.

Sec. 14-25. DUST DEBRIS CONTROL.

All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent the generation of dust. Construction equipment and materials on the site shall be used in such a manner as to avoid creating a public nuisance. Roadways and graded areas on the site shall be surfaced or wetted sufficiently to prevent the generation of excessive dust at all times.

Sec. 14-26. RESPONSIBILITY OF PERMITTEE.

(a) The permittee and his agents shall carry out the proposed grading in accordance with the approved plans and specifications, conditions of the permit and the requirements of this Chapter and conditions and permits as required by the Agricultural Commissioner or Public Works Director.

(b) The permittee and his agents shall maintain all required protective devices and temporary drainage facilities during the progress of the grading work and shall be responsible for observance of working hours, dust controls and methods of hauling. The permittee and his agents shall be responsible for maintenance of the site until such time as a grading certificate has been issued by the Public Works Director. The permittee, his agents, and each of them shall become subject to the penalties set forth herein in the event of failure to comply with this Chapter and other applicable laws of the County of Santa Barbara. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this Chapter.

Sec. 14-27. EXCAVATIONS.

(a) No excavation shall be made with a cut face steeper in slope than one and one-half horizontal to one vertical, except under one or more of the following conditions:

(1) The Public Works Director may permit an excavation to be made with a cut face steeper in slope than one and one-half horizontal to one vertical if the applicant shows through geotechnical engineering and engineering geology reports that the material making up the slope of the excavation and the underlying earth material is capable of standing on a steeper slope.

(2) A retaining wall or other approved support is provided to support the face of the excavation.

(b) The Public Works Director may require an excavation to be made with a cut face flatter in slope than one and one-half horizontal to one vertical if the material in which the excavation is to be made is such that the flatter cut slope is necessary for stability or safety.

(c) No excavation shall be made which is sufficiently close to the property line to endanger any adjoining public or private property or structures without supporting and protecting such property or structures from any settling, cracking or other damage which might result.

(d) No slope shall be cut steeper than the bedding planes in any formation where the cut slope will lie on the dip side of the slope line unless engineering geology and geotechnical engineering reports approved by the Public Works Director indicate that the slope will be stable at a steeper angle.

(e) No cut slope shall exceed a height of 25 feet without intervening, fully paved benches having a minimum width of eight feet. These benches shall be spaced at intervals of 25 feet vertically, except that for slopes less than 40 feet in vertical height the bench shall be approximately at mid-height. The Public Works Director may modify this requirement if the Director determines that it is justified because of rock or other special conditions.

(f) All cut slopes shall be within properties or parcels under one ownership. Tops of cut slopes shall be made not nearer to a road right of way or site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet and a maximum of 10 feet. The setback may need to be increased for any required interceptor drains. The Public Works Director may make adjustments as a condition of the permit, as required by individual site conditions.

Sec. 14-28. FILLS.

(a) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:

(1) A retaining wall or other approved support is provided.

(2) The Public Works Director may permit a fill to be made which creates an exposed surface steeper in slope than two horizontal to one vertical if the applicant shows through the investigation and report, to be approved by the Public Works Director, of a geotechnical engineer that the strength characteristics of the material to be used in the fill are such as to

produce a safe and stable slope, and that the areas on which the fill is to be placed are suitable to support the fill.

(b) The Public Works Director may require that fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) vertical if, under the particular conditions, such flatter surface is necessary for stability or safety.

(c) No fill slope shall exceed a vertical height of 100 feet unless horizontal benches with a minimum width of 30 feet are installed at each 100 feet of vertical height.

(d) No fill slope shall exceed a height of 25 feet without intervening fully paved benches having a minimum width of eight feet. These benches shall be spaced at vertical intervals of 25 feet, except that for slopes less than 40 feet in height the bench shall be approximately at mid-height.

(e) Unless specified as non-structural land reclamation fills, or a fill under erosion control permit all fills shall be placed, compacted, inspected, and tested in accordance with the following provisions:

(1) The natural ground surface shall be prepared to receive fill by removing all unsuitable material. Where natural slopes are five (5) horizontal to one (1) vertical or steeper, keys and benches at least 10 feet wide shall be placed into firm earth material. Five (5) feet of the lowermost bench shall be exposed beyond the toe of side hill fills. Where special conditions, such as some types of canyon filling, are encountered, the Public Works Director may waive the requirement of benching provided that a geotechnical engineering report approved by Public Works Director indicates that benching is unnecessary for lateral and vertical support or to prevent slippage or settling, and provided, further, that the soils engineer, upon completion of grading, certifies the fill as being stable.

(2) Except as otherwise permitted by the Public Works Director, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills. No organic material shall be permitted in fills.

(3) A fill shall be spread in a series of layers with a compacted thickness as specified by the geotechnical engineer and approved by the Public Works Director or not exceeding six (6) inches, and shall be compacted into a fill of uniform moisture and density as specified in paragraph (4) of this subsection.

(4) All fills shall be compacted to a minimum of 90 percent of maximum density as determined by ASTM D 1557-(latest edition) or other approved testing method giving equivalent test results. The required degree of relative compaction on slope surfaces shall be 90% to within 8 inches of the surface and 85% to within 3 inches of the surface, and shall be certified to by the geotechnical engineer. Field density shall be determined by ASTM D 1556-(latest edition) or other equivalent methods approved by the Public Works Director.

(5) A field density test, as herein provided, shall be taken for each 18" of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, and for each 500 cubic yards of fill placed. In addition, in the

case of subdivisions, at least one field density test shall be taken on each lot which receives fill.

(6) All fills regulated by this Chapter shall be tested for relative compaction by a qualified geotechnical testing agency. A certificate of compliance with the terms of this Chapter, and the grading permit, setting forth densities, relative compaction and other fill characteristics shall be prepared and signed by a geotechnical engineer. This report shall be submitted to and approved by the Public Works Director before any final approval of the fill is given and before any foundation construction begins except for the digging of trenches and placing of reinforcing steel.

(f) Fills toeing out on natural slopes which are steeper than 2 horizontal to 1 vertical shall not be permitted.

(g) The toes of fill slopes shall be made not nearer to a road right of way or the site boundary line than one-half the height of the slope with a minimum of 2 feet and a maximum of 20 feet. Where a fill is to be located near a road right of way, or the site boundary, and the Adjacent off-site property is developed, special precautions, including, without limitation, additional setback, retaining or slough walls, mechanical or chemical treatment of the surface, and provisions to control surface waters, shall be incorporated into the work, as the Public Works Director may require, to protect the adjoining property from damage as a result of such grading. Fill slopes shall not be divided horizontally by property lines. The Public Works Director may require an investigation and recommendation by an engineer or engineering geologist to demonstrate that the provisions of this Chapter have been satisfied. The Public Works Director may make adjustments as a condition of the permit, as required by individual site conditions.

(h) No person shall place, deposit, maintain or suffer the placement of unsuitable material within the unincorporated area of the County of Santa Barbara except in a properly permitted waste facility.

Sec. 14-29. PLANTING.

Exposed man-made slopes in excess of three (3) feet in vertical height from the natural contour of the land shall be planted to prevent erosion. All earth fills shall be planted and/or mulched with temporary vegetation or mulch containing seed, or otherwise protected from the effects of storm runoff or dust erosion within thirty (30) days of the completion of grading or as soon as possible in the rainy season. Grading for recognized, normal and usual agricultural practices, to prepare a field for a crop, or range improvement practices which provide prudent measures for erosion control and which conform to the provisions of this Chapter and the recommendations or guidelines made or promulgated by the Santa Barbara County Agricultural Advisory Committee, may be protected by recognized agricultural erosion control methods. Plantings shall be irrigated or maintained until established as determined by the Director of Public Works or the Agricultural Commissioner.

Sec. 14-30. SLOPE RESTRICTIONS - BUILDING FOUNDATION AND POOL SETBACK.

(a) Unless otherwise recommended in an approved geotechnical or geology report, the placement of buildings and structures on or adjacent to slopes steeper than 3 horizontal to 1 vertical shall be in accordance with Section 2907 of the Uniform Building Code adopted by reference from time to time by this Code.

(b) The setbacks provided in Uniform Building Code Section 2907 may be modified by the Public Works Director. If the Public Works Director determines it to be justified because of special conditions.

(c) The setbacks required in Uniform Building Code Section 2907 may be increased by the Public Works Director if found to be necessary for safety or stability or to prevent possible damage from water, soil, or debris, or to be consistent with the zoning regulations.

(d) Buildings shall not be constructed on slopes two (2) horizontal to the (1) vertical slopes steeper unless geotechnical engineering and engineering geology reports indicate that the slopes will be stable. The building shall be designed by a registered civil or structural engineer or architect and the design is approved by the Public Works Director.

(e) No building shall be founded partially on cut and partially on fill unless an engineered foundation design is provided.

Sec. 14-31. DRAINAGE AND EROSION CONTROL.

(a) Erosion and sediment control measures shall be required as part of the grading plan requirements, whenever grading, for which any permit is required, is proposed in hillside, sloping or mountainous terrain. This plan shall contain:

(1) A delineation and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance.

(2) A brief description of the surface runoff and erosion control practices to be implemented, including types and methods of applying mulches, hydro seeding or other slope stabilization methods.

(3) A brief description of the vegetative practices to be used, including types of seeds and fertilizer and their application rates, dates of seeding and a schedule for maintenance and upkeep, including irrigation.

(b) An erosion control permit for any agricultural grading operation shall comply with Section 14-9 of this Chapter.

(c) A master drainage plan shall be required as a part of the grading plan for all grading permit applications. Design standards for drainage and terraces shall conform to the following provisions of this Section:

(1) Concrete diverting terraces or ditches at least three (3) feet wide and one (1) foot deep shall be installed at the top of all cut slopes where the tributary drainage area has a slope steeper than ten (10) horizontal to one (1) vertical and a horizontal projection of greater than fifty (50) feet.

(2) Berms or drainage divides at least one (1') foot high and three (3) feet wide at the base shall be constructed at the top of all fill slopes.

(3) Down drains shall be of concrete or corrugated metal pipe having a diameter of a size required by run-off calculations, but not less than twelve (12) inches, and shall be aligned so as to minimize velocity head at pipe entrance and discharge points. Alternative designs approved by the Public Works Director may be permitted.

(4) Inlet structures into pipes shall be of concrete, galvanized iron, or approved equivalent and shall be provided with overflow structures.

(5) Outlet structures shall be of concrete, galvanized iron or approved equivalent. Where discharging into public roads or streets, the design shall be approved by the County Road Department. At other locations, the structures shall be provided with adequate velocity reducers, diversion walls, rip-rap, concrete aprons or similar energy dissipaters and shall be approved by the Public Works Director or, in the case of natural or improved drainage courses, by the Flood Control Engineer.

(6) An approved drainage dispersal wall shall be constructed wherever it is necessary to convert channel flow to sheet flow.

(7) Approved eave or ground gutters shall be provided to receive all roof water and deliver it through a non-erodible device to a street or watercourse where the Public Works Director determines it to be necessary because of steepness of slope or presence of erodible materials.

(8) All graded building pads shall slope a minimum of two percent to an approved drainage device or street. Where used, the drainage device shall be an approved system which conducts the water to a street or watercourse. The top of footing stems or finish floor, if a concrete slab, shall extend above the top of street curb or inlet to the drainage device by a minimum of six (6) inches plus 2% of the distance from the footing to the drainage device or curb. The Public Works Director may allow 1% to be used if, because of terrain or soils, 2% is not reasonably attainable or necessary.

(9) On graded sites, the Public Works Director may require that drainage devices be installed to conduct storm water around buildings and to the nearest street or watercourse when the Director determines that it is necessary to prevent erosion.

(10) In areas where underground water is anticipated, the Public Works Director may require the installation of approved sub-drains.

(11) Runoff computations shall be based upon the latest methods adopted by the Santa Barbara County Flood Control and Water Conservation District.

(12) Design of improved and artificial watercourses shall meet the standards of and be approved by the Santa Barbara County Flood Control and Water Conservation District.

(13) Alternate designs which provide equivalent safety and are approved by the Public Works Director may be used in lieu of those contained in this Section.

Sec. 14-32. DAMS AND RESERVOIRS.

(a) Dams, reservoirs or other water impounding structures which are not constructed, regulated or owned by the State of California or the Federal Government, shall be deemed to be engineered grading under the provisions of this Chapter. However, the construction of a reservoir which impounds water to a depth of less than five (5) feet and less than one (1) acre foot in quantity shall not be deemed to be engineered grading when located more than 500 feet from any exterior property line of the parcel. If required by the Public Works Director engineered grading shall be under the strict supervision of a registered civil engineer who shall be responsible for the structural design and the supervision of construction of such dam, reservoir or water impounding structure.

(b) The Public Works Director in granting a permit for construction may require supporting geological and geotechnical engineering reports as deemed necessary for the safe design and construction of such facility. A report from a civil engineer certifying that the constructed facility has been completed in conformity with the approved plans and specifications and this Chapter.

Sec. 14-33. ENFORCEMENT AND INTERPRETATION

(a) The Public Works Director is hereby authorized and directed to enforce and interpret the provisions of this Chapter 14. The final decisions of the Public Works Director in enforcing the provisions of this Chapter or in interpreting the provisions thereof, or in exercising any authority delegated thereby shall be subject to appeal as provided in Section 14-32 hereof.

(b) The Public Works Director may order any work stopped where there is reason to believe it is being conducted in violation of any provision of the permit or approval, or of any provision of the County Code or regulations adopted pursuant thereto, or in violation of any provision of any exemption so that there is reason to doubt that such exemption is applicable.

(c) It shall be unlawful to undertake any work or to permit any work to progress beyond the date of posting or service of such order, except in conformity to the terms of such order or notice of order or until relief from such order is obtained from the Public Works Director or upon appeal from the Board of Supervisors.

(d) The Public Works Director may require such certification, approval, guidance and or recommendation as may assist in the determination of the property of the activity to be carried on, before allowing the progress of such work to continue.

Sec. 14-34. APPEALS.

All decisions, interpretations, or acts of the Public Works Director regarding the implementation of this Chapter 14 shall be subject to appeal to the Santa Barbara County Board of Supervisors. Any person affected by such decision may, within ten (10) days after such decision is rendered, file an appeal in writing with the Clerk of the Santa Barbara County Board of Supervisors. The decision of the Board of Supervisors shall be final. A fee for filing an appeal shall

be paid by the appellant to the Clerk of the Board as set forth by the Board of Supervisors from time to time.

Sec. 14-35. VIOLATIONS AND PENALTIES.

(a) Any person, firm, corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed \$25,000 if found guilty of a crime. The offense may be filed as either an infraction or a misdemeanor at the discretion of the Santa Barbara County District Attorney.

(b) If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars (\$100) for a first violation; a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; and a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(c) If filed as a misdemeanor and upon conviction thereof, the punishment shall be a fine of not less than five hundred dollars (\$500) nor more than twenty-five thousand dollars (\$25,000), or imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(d) Any person violating any of the provisions of this Chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted.

Sec. 14-36. INJUNCTION, CIVIL REMEDIES AND PENALTIES, AND COSTS.

(a) Any person, firm, corporation, whether as a principal, agent, employee or otherwise, who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this Chapter shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed \$25,000 for each day that the violation continues to exist.

(b) When the Public Works Director determines that any person has engaged in, is engaged in, or is about to engage in any act(s) or practice(s) which constitute a violation of provision(s) of this Chapter, or order issued, promulgated or executed hereunder, the District Attorney or the County Counsel may make application to the Superior Court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in or is about to engage in any acts or practices, a permanent or temporary injunction, restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the legal remedies are inadequate.

(c) Any person, firm, corporation, whether as principal, agent, employee or otherwise, who shall commence, construct, enlarge, alter, repair, or

maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision of this Chapter shall be liable for and obliged to pay to the County of Santa Barbara for all costs incurred by the County in obtaining abatement or compliance, or which are attributable to or associated with any enforcement for abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the County, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation.

(d) In determining the amount of a civil penalty to impose, the Court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; any corrective action taken by the persons responsible; and the cooperation or lack of cooperation in public efforts toward abatement or correction.

Sec. 14-37. CONSTITUTIONALITY.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be unconstitutional or invalid.

Sec. 14-38. RECOVERY OF COSTS.

(a) The Public Works Director shall maintain records of all costs, including, but not limited to administrative, professional fees, court costs, attorneys' fees, laboratory costs, remedial construction costs and other costs incurred in the processing of violations and enforcement of this Chapter, and shall, to the extent feasible, recover such costs from the owner of the property upon which the violation occurs, or other person responsible.

(b) Upon investigation and determination that a violation of any of the provisions of this Chapter exists, the Public Works Director shall notify the record owner or person in possession or control of the property or other person responsible, by mail, of the existence of the violation, the Director's intent to charge the person for all administrative costs associated with enforcement and of the person's right to a hearing on objections thereto.

(c) At the conclusion of the case, the Public Works Director shall send a summary of costs associated with enforcement to the owner and to the person having possession or control of the subject property, or other responsible person, by mail, first class postage prepaid. Such summary shall include a notice of the right to a hearing before the Public Works Director to object to the imposition of the charges.

(d) Any request for hearing to be made upon the imposition of the charges proposed shall be filed with the Public Works Director within ten (10) days of the service of the summary of costs.

(e) The Public Works Director shall, within thirty (30) days of receipt of such request for hearing, schedule a hearing upon the imposition of such costs, such hearing to be held at a time and place convenient to the parties, as the Public Works Director may arrange.

(f) In determining the validity of the costs assessed, the Public Works Director shall consider whether the total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, whether the present owner created the violation; whether there is a present ability to correct the violation; whether the person responsible moved promptly to correct the violation; the degree of cooperation or lack thereof, provided by the person responsible; whether reasonable minds may differ as to whether a violation exists and whether the current owner knew or should have known that violations existed.

(g) The decision of the Public Works Director shall be appealable to the Board of Supervisors by any affected party as provided in Section 14-32.

(h) Until all costs, fees and penalties assessed by the Public Works Director under this Chapter are paid in full, no final inspections, Certificates of Completion, Certificates of Compliance, Certificates of Occupancy, Conditional Use Permits, Land Use Permits or Final Map shall be issued by the Public Works Department, Planning & Development Director Department, or other County agency.

Sec. 14-39. SECONDARY COSTS.

Whenever in this Chapter or in any of the codes adopted by reference hereby, another code or publication of standards or of rules or regulations is referred to, any language to the contrary notwithstanding, such reference shall not incorporate by reference such other codes, standards or rules or regulations as part of this Chapter or of any of the codes adopted by reference herein unless set out in full therein, but they shall be considered and may be used by the Public Works Director as guides to the provisions of this Chapter or of any of the codes adopted by reference hereby. The Public Works Director shall not be bound by the provisions of any such other codes, standards, or rules or regulations not expressly adopted by reference in this Chapter in determining such compliance.

SECTION 2:

A copy of said "Preliminary Soil Testing Code" has been on file in the Office of the Clerk of the Board of Supervisors, fifteen (15) or more days preceding the public hearing hereon and said copy of said Code shall be kept at said office for public inspection while this Chapter is in force. The Clerk of the Board of Supervisors, shall at all times maintain a reasonable supply of copies of said Primary Code available for purchase by the public, at a moderate price, not to exceed the actual cost thereof to the County of Santa Barbara.

SECTION 3:

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED THIS _____, 200__

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, Chairperson
BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
_____, **COUNTY COUNSEL**

By: _____

GLEN ANNIE GOLF COURSE ALTERNATIVE USE STUDY

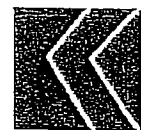
CITIZENS PLANNING ASSOCIATION PRESENTATION



APRIL 2006



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KOAR
INSTITUTIONAL
ADVISORS
LLC

GLEN ANNIE ALTERNATIVE USE STUDY

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GLEN ANNIE ALTERNATIVE USE STUDY

RESOURCE IMPACT

ESTIMATED WATER REQUIREMENT CURRENT VS. PROPOSED WATER USAGE

Water Allocation	Range Acre ft/Yr	Acre Acres ft/Yr	# of Units ⁽¹⁾	Approx Usage ⁽²⁾ Gal/Day/Res	Total Usage Gal/Day	Estimated Usage Acre ft/Yr	Current Usage Per Acre ft/Yr		Proposed Usage Per Acre ft/Yr
							Potable	Recl	
14th Green Only							0.46	-	-
Restrooms along Golf Course							0.46	-	-
Remaining 17 Greens							8.23	-	-
Clubhouse/Restaurant							8.60	-	8.60
Fairways/Slopes							-	317.10	-
Open Space/Landscaped Areas							-	-	30.00
Affordable/Workforce Units			38	350	13,300	14.90	-	-	14.90
Market Rate Units			90	500	45,000	50.41	-	-	50.41
Community Based Farm		11.30	3,00				-	-	33.90
Hillside Tree Crops							-	-	-
Avocados ⁽⁴⁾	.5-2.50	10.40	1.50				-	-	15.60
Lemons ⁽⁵⁾	.25-2.75	10.40	1.50				-	-	15.60
Total							17.74	317.10	139.00
% Potable vs. % Reclaimed							5%	95%	82%
Potable Water Usage							51%		
% Clubhouse/Restaurant							49%		
% Greens									18%

⁽¹⁾ Per Alternative Use Study Site Plan V1.0

⁽²⁾ Per Goleta Water District Standards and Specifications dated January 2002

⁽³⁾ Assumes Additional Treatment of Reclaimed Water for Irrigation of Lanscaped Open Space Areas

⁽⁴⁾ .25 Acre ft/Yr Increase to 2.00 Acre ft/Yr in Year 7

⁽⁵⁾ .25 Acre ft/Yr Increase to 1.75 Acre ft/Yr in Year 7

* Calculations based on UC Davis Cooperative Extension 2001 Avocado & 2005 Lemon Study <http://coststudies.ucdavis.edu/>

GLEN ANNIE ALTERNATIVE USE STUDY

TRAFFIC ANALYSIS

GLEN ANNIE ALTERNATIVE USE TRAFFIC STUDY

NET TRAFFIC TRIP GENERATION - EXCLUDING AFFORDABLE/WORKFORCE TOWNHOMES

Land Use	Mix	ADT	A.M. Peak	Trips	Rate	Trips	P.M. Peak	Rate	Trips
<i>Non-Recommended Scenario</i>									
% Workforce Homes	0%								
SFR Market Rate Homes	90 homes	9.57	0.75	861	0.75	68	1.01	1.01	91
Subtotal	90			861		68			91
Existing Golf Course	95,000 rounds/year	3.40	0.20	898	0.20	53	0.31	0.31	82
Putting Green	264 rounds/day			85		6			9
Single Family Residence	1 home	9.55	0.74	10	0.74	1	1.01	1.01	1
Total Prior Approved Traffic-Volume				993		60			92
Net Trip Generation excluding Affordable				-131		8			-1

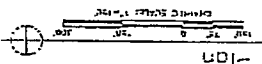
GLEN ANNIE ALTERNATIVE USE TRAFFIC STUDY

NET TRAFFIC TRIP GENERATION - INCLUDING AFFORDABLE/WORKFORCE TOWNHOMES

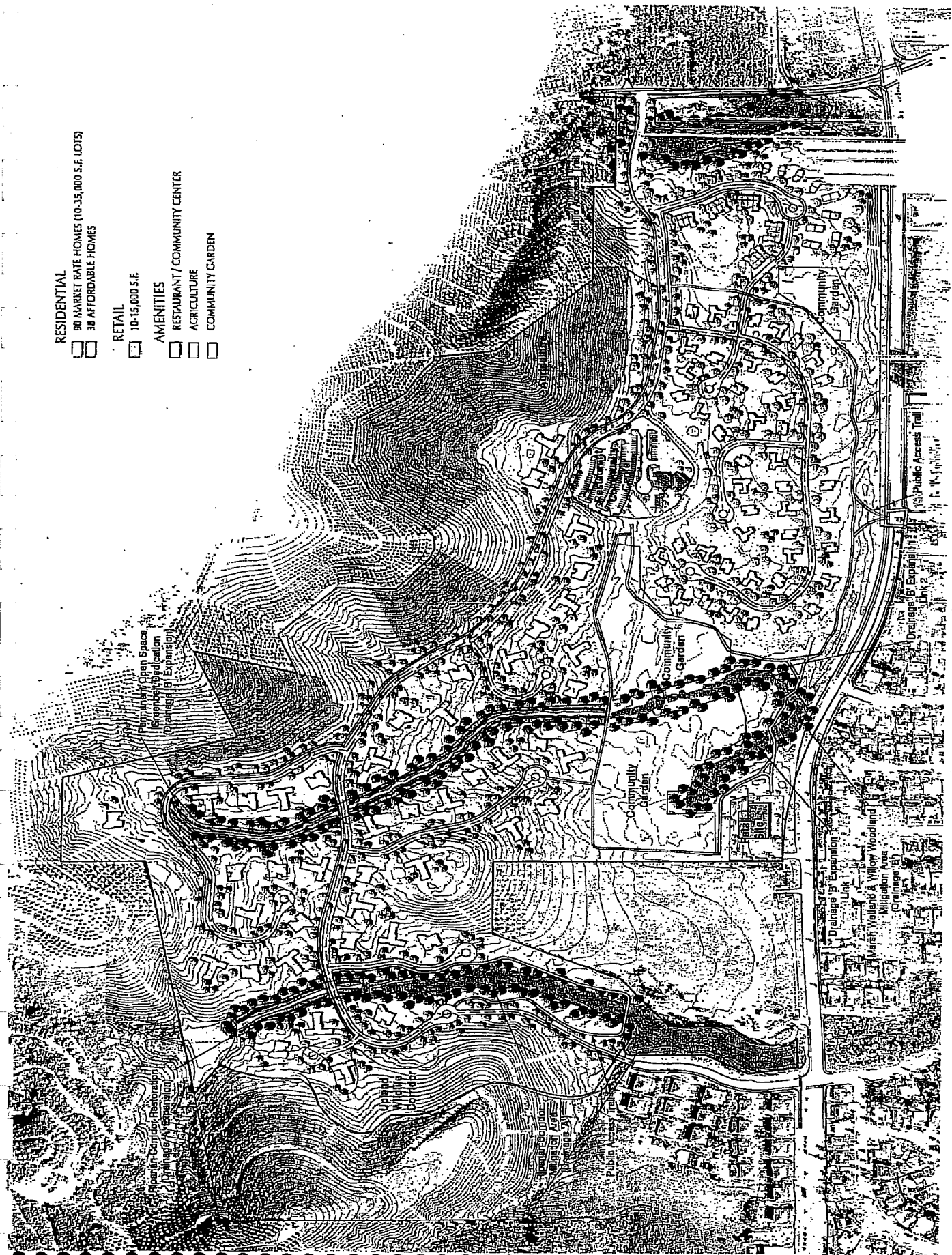
Land Use	Mix	ADT	A.M. Peak	Trips	Rate	Trips	P.M. Peak	Rate	Trips
<i>Recommended Scenario</i>									
% Workforce Homes	30%								
Affordable-Workforce Townhomes	38 homes	5.86	0.44	223	0.44	17	0.52	0.52	20
SFR Market Rate Homes	90 homes	9.57	0.75	861	0.75	68	1.01	1.01	91
Subtotal	128			1084		84			111
Existing Golf Course	95,000 rounds/year	3.40	0.20	898	0.20	53	0.31	0.31	82
Putting Green	264 rounds/day			85		6			9
Single Family Residence	1 home	9.55	0.74	10	0.74	1	1.01	1.01	1
Total Prior Approved Traffic Volume				993		60			92
Net Trip Generation including Affordable				91		24			19

Footnotes:

1. Traffic numbers do not reflect nearly 100% of the affordable/workforce units to be offered to Dos Pueblos faculty & staff who are likely to walk to work
2. In order to insure long term compliance, these units may be restricted in the amount of appreciation per year
3. The Aff/WF portion of the project might be contributed to SBSD for administrative compliance as incentive to retain high quality faculty & staff for the future
4. Project traffic mitigation could include improvements of impacted intersections (Cath. Oaks/Glen Annie & Cath. Oaks/Alameda) coordinated w/ DPPHS to improve circulation primarily in the AM peak period. Improvements could include road widening to provide for a dedicated right hand turn lane at Cath. Oaks & Glen Annie



- RESIDENTIAL
 - 90 MARKET RATE HOMES (10-35,000 S.F. LOTS)
 - 30 AFFORDABLE HOMES
- RETAIL
 - 10-15,000 S.F.
- AMENITIES
 - RESTAURANT / COMMUNITY CENTER
 - AGRICULTURE
 - COMMUNITY GARDEN





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1122 Del Sol Avenue, Santa Barbara, CA 93109
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November 28, 2006

Cameron Benson, Executive Director
Environmental Defense Center
930 Garden Street
Santa Barbara, CA 93101

Re: Uniform Rules Proposed Final Environmental Impact Report Analysis of
Cumulative Impacts Associated with Implementation of the 2003-2008 Housing Element

Dear Mr. Benson:

I am pleased to provide this analysis of Housing Element policies and actions related to housing development in the rural and inner-rural areas. As discussed below, these policies would contribute substantially to cumulative impacts associated with the proposed changes to the Uniform Rules for Agricultural Preserves and Farmland Security Zones.

INTRODUCTION

The failure of the Uniform Rules Proposed Final EIR (PFEIR) to consider numerous pending changes to County plans, rules and regulations affecting agriculturally zoned property has been identified by others. This short paper is intended to address the failure of the cumulative impact analysis included in the Uniform Rules PFEIR to consider Board adopted Housing Element Policies that increase the amount and pace of agricultural second unit and farm employee housing development in Santa Barbara County.

Housing Element Policies 1.6 and 2.2 and related action items were adopted by the Board of Supervisors in March 2004 and subsequently amended. Environmental impacts associated with implementation of these actions are the subject of a Notice of Preparation to prepare an Environmental Impact Report to evaluate associated impacts to the environment.

Housing Element Policy 1.6 and Action 1 require amendment of the land use development codes to allow residential second units with approval of a land use permit on agriculturally zoned land not subject to Agricultural Preserve Contract and not located in the Coastal Zone. This action would ease permit requirements and would allow the development of residential second units where not currently an allowed use in the inland AG-II zone.

Housing Element Policy 2.2 and related Action 1 would require lesser permits for the development of farm employee housing and would remove the requirement that developments of less than four units house only farm employees employed fulltime on site.

It is reasonably foreseeable that both of these initiatives will result in more residential development on agriculturally zoned land than currently allowed under existing policies and regulations. In fact, the stated intent of these changes is to promote such housing.

BUILDOUT ESTIMATES

The County has offered several estimates of the number of new units that would result from implementation of Housing Element Policies 1.6 and 2.2. At the time of Board adoption of the 2003-2008 Housing Element in 2004, implementation of Policy 1.6, Action 1 and Policy 2.2, Action 1 were estimated to result in the development of an additional 500-1000 housing units. More recently, Comprehensive Planning staff has estimated that a total of 289 new units would result from implementation of these action items (*The County's Plan to Address Housing Needs on Agricultural Land*, County Executive Office of Long Range & Strategic Planning, October 18, 2006). The stated basis for this assumption is trend analysis, forecasting models (not provided), economic feasibility analysis and the expressed needs of the community. For a number of reasons, the estimates provided in the October 2006 paper are low and would not provide a reasonable assessment of cumulative impacts for purposes of the Uniform Rules PFEIR:

- The changes to the AG-II zone district to allow residential second units on non-contracted land would create the potential for an additional 610 new units. Economic factors including the high cost of housing in Santa Barbara County and the resulting demand to accommodate extended family on agricultural lands will cause further demand for these units.
- The ongoing conversion of agricultural lands from less intensive uses such as grazing to more intensive uses such as row crops and processing will result in greater demand for labor. This, together with high housing costs, make the development of employee housing and second units more economically and logistically attractive to operators.
- The proposal to allow farm employee housing development of four or fewer units to house off-site workers would allow development of housing on agriculturally zoned land where not currently permitted due to the inability to demonstrate adequate onsite employment.

It is reasonable to rely on the initial Housing Element assumption that 5-10% of agricultural properties would develop additional farm employee and second residential units resulting in 500-1000 new units. The following presents a cumulative analysis of the impacts associated with such development.

CUMULATIVE IMPACTS

Given the time constraints for this study, I have not attempted to evaluate potential cumulative effects such as water supply, groundwater impacts from septic systems or indirect impacts resulting from incompatibility of housing development with existing agricultural uses, although all these may occur as a result of implementation of the Housing Element policies and warrant disclosure in the Uniform Rules PFEIR. Some of the more direct and obvious cumulative impacts of additional rural housing development are discussed below.

Loss of Agricultural Land. The development of 500-1000 residential second units and farm employee units would result in the loss agricultural land. However, the potential acreage lost is difficult to estimate. An existing development standard requires that detached residential second units on agriculturally zoned land avoid prime soils or where there are no prime soils, be sited so as to minimize impacts to ongoing agriculturally-related activities, to the maximum extent feasible. Existing provisions for residential agricultural units allow occupation of a maximum of one acre for a unit with a maximum of 1,000 square feet of living area and 3,000 square feet total development. There are no development standards in the code to guide the siting of farm employee housing or to limit the acreage devoted to such use. For purposes of this analysis, it is assumed that land utilization for second units and farm employee units would be at an average of one quarter acre per unit, although actual use may be higher where new roads and driveways are constructed to access units. This would result in a reasonable worst case estimate of 125 to 250 acres of agricultural soils lost to existing or potential future production. The loss of 125 to 250 acres of agricultural soils, together with the conversion of 441 acres estimated to result from implementation of the Uniform Rules change, is clearly a significant cumulative impact.

Transportation/Circulation. The development of 500-1000 additional units of housing in the agricultural areas of Santa Barbara County would result in additional traffic on rural roads and along State highways serving the rural areas. At the standard Institute of Transportation Engineers rate of 10 average daily trips (ADT) per unit, this would result in 5,000-10,000 new ADT on rural area roads.

While most rural roads in the County operate at levels below acceptable capacity, some of the highways serving these areas operate at or above acceptable capacity and would be impacted by additional rural area traffic. Of primary concern is State Highway 246 in the vicinity of US Highway 101 which carries 35,000 ADT, well in excess of the design capacity of 29,700 ADT for a two lane expressway, thus operating at level of service E/F.

The cumulative impact analysis included in the Uniform Rules PFEIR must consider the additional 5,000-10,000 ADT that are reasonably foreseeable with implementation of the Housing Element Policies 1.6 and 2.2. These trips would impact the operation of rural roadways where conflicts with large agricultural traffic and cars already occur. The regional highway network, including the already impacted Highway 246 corridor would also be significantly impacted by these trips.

Visual Resources. The development of 500-1000 new residential units in the rural areas of the County has the potential to significantly degrade publicly available scenic views and, in some locations, could result in the introduction of development that is visually incompatible with the surrounding area. Under the proposed Housing Element changes, the County would have little ability to control the design and siting of these units. Residential second units are exempt from design review. Farm employee developments would not be subject to BAR review unless located on slopes of greater than 16 percent and thus subject to the Hillside and Ridgeline Design Guidelines. This topic warrants discussion in the cumulative impact analysis of the Uniform Rules PFEIR.

CONCLUSION

Implementation of policy and action items included in the County's adopted Housing Element would contribute substantially to the cumulative impacts of development in the rural and inner-rural areas of Santa Barbara County. These cumulative impacts warrant disclosure in the Uniform Rules EIR and consideration in policy decisions made by Santa Barbara County decision-makers.

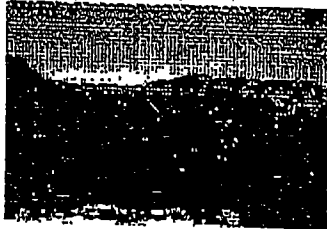
Thank you for the opportunity to comment.

Sincerely,

Victoria Greene

Victoria Greene, Land Use Consultant

**Planning Commission Workshop on
Agricultural Permit Streamlining
July 5, 2006**



Purpose of Today's Workshop

Discussion of:

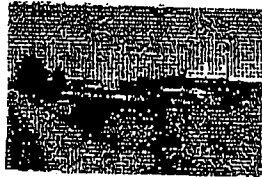
- Reducing level of review for typical small ag projects
- Revisions to Development Plan requirements in ag zones



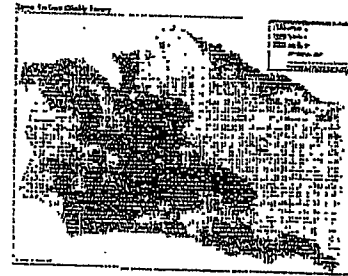
*For review
6 pgs -
will come
from
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#23152*

Overview of Presentation

- Background
 - Article III Area
 - Types of Review & Permits
 - "Decision Tree" at Application Intake
- Proposed shift in ag-related permits
- Proposed change to DP Threshold



Article III Area (Orange)



**Types of Review/Permits
Ministerial or Quasi-Ministerial**

- Exempt
 - No paperwork, application or approval
- Zoning Clearances
 - Application
 - Ordinance compliance
 - No notice or appeal
- Land Use Permit
 - Application
 - Ordinance compliance
 - Public Notice
 - Appealable



**Types of Review/Permits
Discretionary**

- Minor CUP
 - Application
 - Environmental Review
 - Staff Report
 - Zoning Admin. Hearing
- Major CUP
 - Same as Minor CUP except
 - Planning Commission hearing
- Development Plan
 - Same as Major CUP

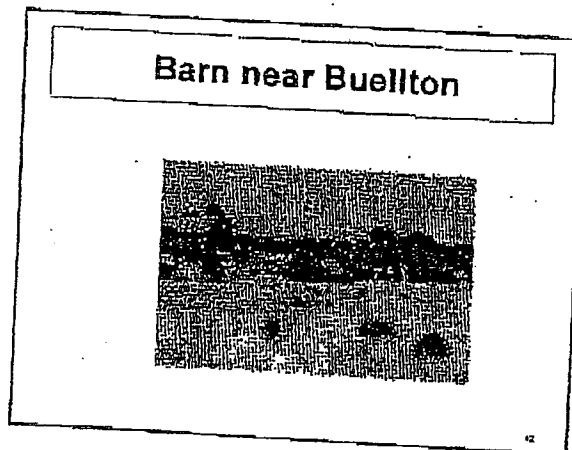
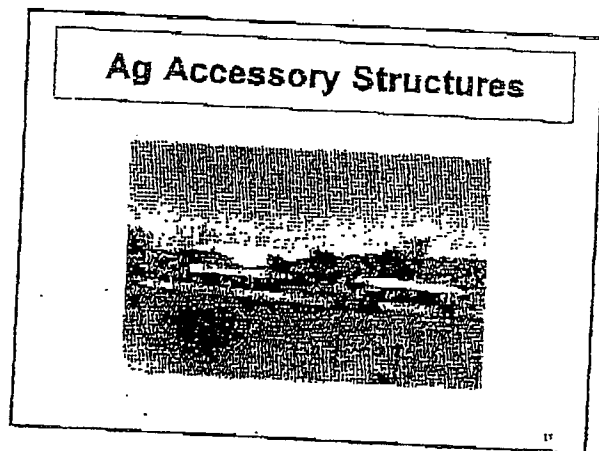
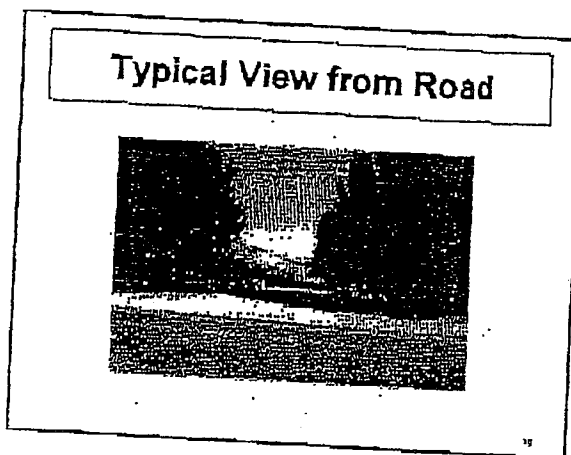
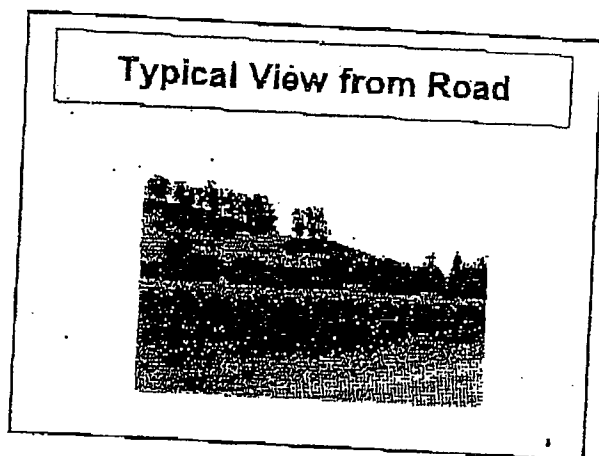


Ag Projects & Permits

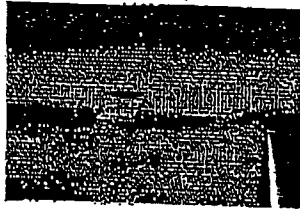
<ul style="list-style-type: none"> ■ Exempt – Fence up to 8 feet ■ Land Use Permit <ul style="list-style-type: none"> ■ Ag Accessory Structure ■ Single family dwelling ■ Tier 1 Winery ■ Development Plan – Bldgs > 20,000 sq. ft. 	<ul style="list-style-type: none"> ■ Minor CUP <ul style="list-style-type: none"> ■ Commercial kennels ■ Commercial poultry ■ Detached RSU ■ Major CUP <ul style="list-style-type: none"> ■ Commercial riding stables ■ Dairy or hog ranch ■ Employee housing for 5+
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"Decision Tree" At Application Intake

<ol style="list-style-type: none"> 1. Zoning? <ul style="list-style-type: none"> ■ AG-I ■ AG-II ■ Ordinance 681 ■ Other ag zones 2. Proposed use? <ul style="list-style-type: none"> ■ Private ■ Commercial <ul style="list-style-type: none"> ■ Kennel ■ Training or boarding ■ Other 	<ol style="list-style-type: none"> 1. Parcel Size? <ul style="list-style-type: none"> ■ < 20 acres - 1 animal per 20,000 SF of lot area ■ > 20 acres - No limit 2. Review & permits required? <ul style="list-style-type: none"> ■ Zoning Clearance ■ LUP ■ Minor CUP ■ Major CUP ■ Development Plan
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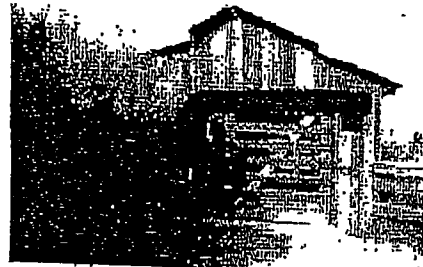


Hay Barn



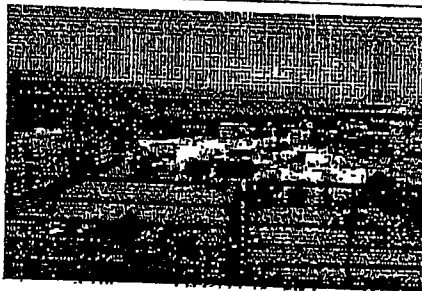
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Ag Accessory Structure



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Pipe Corral (Exempt if <8 feet)



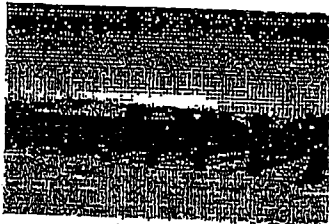
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Clustered Ag Buildings – Additions would require DP



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Vineyard & Ag Buildings



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Agricultural Permit Streamlining Process

- | | |
|--|--|
| <ul style="list-style-type: none">■ Overall Committee<ul style="list-style-type: none">• Feb. 15th - Discussion• March 29th - Update• May 31st - Concurred w/ AAC's direction on streamlining ag permits | <ul style="list-style-type: none">■ Agricultural Advisory Committee (AAC)<ul style="list-style-type: none">• Discussed at 4 meetings (Feb – May)• Subcommittee worked with Ag and P&D staff• Recommendation to PC & Board May 31st |
|--|--|

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Reducing Level of Review for Typical Ag Projects

<ul style="list-style-type: none"> ■ 2005 Land Use Permits ■ Total - 178 <ul style="list-style-type: none"> • AG-I Zones - 104 • Ord. 681 Zone - 37 • AG-II Zones - 35 	<ul style="list-style-type: none"> ■ Ag-related LUPs: <ul style="list-style-type: none"> • Ag accessory structure • Ag reservoir • Barns • Farm employee unit • Horse Shelter • Pens • Other - Residential
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1. Ag Accessory Structures

<ul style="list-style-type: none"> ■ Existing: <ul style="list-style-type: none"> • LUP required • Exempt from Building Permit if < 3,000 sq. ft. & used for ag purposes (not habitable) 	<ul style="list-style-type: none"> ■ Proposed: <ul style="list-style-type: none"> • Zoning Clearance if < 3,000 sq. ft. • ≥ 3,000 sq. ft. - LUP ■ Considerations: <ul style="list-style-type: none"> • Setbacks? • Use, e.g., not applicable to processing facilities
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2. Single Family Dwellings

<ul style="list-style-type: none"> ■ Existing: <ul style="list-style-type: none"> • LUP required 	<ul style="list-style-type: none"> ■ Proposed: <ul style="list-style-type: none"> • Zoning Clearance if < 3,000 sq. ft. (exclusive of garage) • ≥ 3,000 sq. ft. - LUP
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3. Animal Enclosure

<ul style="list-style-type: none"> ■ Definition: "A structure for restricting the movement of and/or sheltering animals." ■ Existing: <ul style="list-style-type: none"> • LUP required 	<ul style="list-style-type: none"> ■ Proposed: <ul style="list-style-type: none"> • Exemption ■ Considerations: <ul style="list-style-type: none"> • Setbacks, especially from residential?
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4. Entrance Gate Posts

<ul style="list-style-type: none"> ■ Existing: <ul style="list-style-type: none"> • LUP required if in excess of 8 feet 	<ul style="list-style-type: none"> ■ Proposed: <ul style="list-style-type: none"> • Exempt up to 18 feet within 20 feet of ROW line
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5. Farm Employee Units

<ul style="list-style-type: none"> ■ Existing: <ul style="list-style-type: none"> • Up to 4 employees - Minor CUP required • 5+ employees - Major CUP 	<ul style="list-style-type: none"> ■ Proposed: <ul style="list-style-type: none"> • Up to 4 employees - LUP • 5+ employees - Minor CUP
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6. Residential Second Units (RSUs)

Existing:

- AG-1 - 1 RBU per legal lot:
 - Attached - LUP
 - Detached - Minor CUP
- AG-II - Not permitted

Proposed:

- AG-I & -II: LUP for any RSU

Revisions to Development Plan (DP) Requirements in Ag Zones

Existing:

- 20,000 sq. ft. cumulative threshold triggers DP review & approval by Planning Commission
- Zoning & lot size not a factor

Issues:

- Same threshold for urban v. rural
- Same threshold regardless of lot size & zoning
- Costly & time consuming for ag to go to PC for DP once threshold triggered

Revisions to DP Threshold

Lot Size	AG-I Zone	AG-II Zone
1 - 99 Acres	20,000 sq. ft.	20,000 sq. ft.
100 - 319 Acres	--	40,000 sq. ft.
320+ Acres	--	100,000 sq. ft.

Exemptions from DP Threshold (AG-I & -II Zones)

- Agricultural employee housing up to 1,500 sq. ft. per unit
- Up to 3,000 sq. ft. of primary residence
- Anything over these sq. footages would apply to threshold

Wineries

- Tier 1 - LUP Required
 - 1,000 cases/2 ac vines
 - Production <2,000 cases per year
 - No tasting room
 - No more than 4 special events/year with max attendance of 150

Exemptions - Wineries (cont.)

Tier 2 - DP required

- 1,000 cases/1 ac vines
- Production <50,000 cases per year
- Small tasting room
- Winery structures < 20,000 sq. ft.
- No more than 8 special events/year with max attendance of 150

Tier 3 - DP required

- 1,000 cases/1/2 acre vines
- Production not limited
- Small tasting room
- Winery structures < 20,000 sq. ft.
- No more than 12 special events/year with max attendance of 200

Exemptions - Approved CUPs in AG-1 Zone

Major CUPs:

- Farm labor camps 5+ employees
- Commercial riding stables
- Dairy, hog ranch or trout farm
- Onshore oil development

Minor CUPs:

- Commercial kennels
- Add'l dwellings up to 4 employees
- Animal hospital
- Commercial poultry farm
- Composting facility
- One detached RSU

Exemptions – Approved CUPs in AG-II Zone

Major CUPs:

- Low intensity rec. development
- Trout farm, rifle range or aquaculture
- Facilities for sorting, packing, etc., ag products
- Commercial live-stock feed or sales

Minor CUPs:

- Add'l dwellings up to 4 employees
- Composting facility
- Ag Preserves: 1 detached Resid. Ag Unit per lot zoned AG-II-100 or -320

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PC Discussion Items re DP Threshold

1. Excluding uses permitted under CUP
2. Excluding wineries
3. Use of buildings
4. Setbacks
5. Maximum size of structures = 20,000 sq. ft.



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Ag Streamlining – Next Steps

- PC Discussion – June 28th
- AAC – August 3rd
- Environmental Review – Late summer
- PC – Sept. 12th
- Board – Oct. 24th



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Ag Zone Setback Requirements

Front yards:

- AG-I:
 - 50' from centerline of street
 - 20' from ROW line
- AG-II:
 - Same as AG-I

Side & rear yards:

- AG-I: 20' unless lot is < 1 gross acre then R-1/E-1 setbacks apply
- AG-II: None

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September 4, 2007

Linda Krop, Environmental Defense Center

Letter F1

Response to Comment:

F1-1 Thank you for your letter. The comment contends that certain programs, ordinances or projects for which there has been no formal application or initiation or where no environmental assessment process has begun should be considered in the cumulative impacts analysis. As described in Section 3.7.3 of the RDEIR, the County undertook a thorough and detailed process to determine which planned and pending projects should be considered in the cumulative impact analysis and which should not be considered. Among those factors applied in deciding whether to include or exclude a particular policy, program, project, annexation, or other listed item (public or private) from evaluation include:

- Whether the project geographically related to the Uniform Rules project (i.e., have the potential to affect similar resources in the rural area
- Whether or not the program, project, or item is a past, present, and reasonably foreseeable future matter
- Whether or not the development potential for a project/program/item is known, unknown, and/or speculative
- Whether or not the project description is sufficiently defined for consideration purposes
- Whether or not the timing for implementation of the program, project, or item is too remote for consideration or analysis
- Whether or not the item is only procedural in nature
- Whether or not the item will result in any direct or indirect physical change in the environment
- Whether or not a project is sufficiently defined in scope and implementation
- Whether or not an application has been submitted

The “projects” that the comment suggests should be considered in the cumulative impact analysis include reports or recommendations from County sponsored workshops and advisory committees. The comment bases this contention on the allegation that the two criteria mentioned on page 3 of the comment letter “are unreasonably narrow and result in the improper omission of reasonably foreseeable future projects.” The comment, however, misrepresents the RDEIR’s methodology. The methodology includes many criteria, including the nine bulleted criteria identified above and on pages 3.7-6 and 3.7-7, and the RDEIR’s analysis refers to those various criteria in its specific determinations to exclude certain projects. For example, some projects were eliminated due to location and geographic factors. CEQA Guidelines Section 15130(b) (2) identifies criteria lead agencies should use to determine whether a project should be included in the cumulative impact analysis, including: nature of environmental resource being examined, the location of project and type, and geographic scope of the area affected. Section 15130(b) (2) also states that the discussion of cumulative impacts “be guided by the standards of practicality and reasonableness.” (See also, *EBMUD v. Dept. of Forestry and Fire*

Protection (1996) 43 CA 4th 1113, 1128, which held that an agency has the discretion to determine the geographic scope of cumulative projects.) The RDEIR adopts these Section 15130(b) (2) criteria and provides explanations, supported by evidence, why specific location and geographic criteria were met or not met (page 3.7-7 and Table 3.7-1).

The comment also contends that the RDEIR should not take into account whether a cumulative project is “unspecified, uncertain, loosely defined or speculative.” (Page 3). CEQA Guidelines Section 15145 states that if an impact is too speculative for evaluation, the lead agency “should note its conclusion and terminate discussion of the impact.” Courts have supported this CEQA directive and held that speculative impacts need not be evaluated as long as the agency had conducted a thorough investigation before concluding that the impact is too speculative for further analysis. *Alliance of Small Emitters v. South Coast Air Quality Management District* (1997) 60 Cal. App. 4th 55,66; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173. Use of whether an impact is too speculative has been upheld in the specific context of determining the scope of the cumulative impacts analysis. In *Concerned Citizens of S. Central Los Angeles v. Los Angeles Unified School District* (1994) 24 Cal App. 4th 826, 830, the court upheld a cumulative impact analysis stating that “an EIR need not contain discussion of a specific future action that is merely contemplated nor a gleam in a planner’s eye.” The RDEIR considered the projects mentioned in the March 10, 2007 letter and provided specific rationale in Table 3.7-1 to determine that some of the projects did not meet the established, appropriate criteria, including if projects were too uncertain and speculative for evaluation. Among the projects mentioned by the commenter that fall into this category are the Bishop Ranch development and Glen Annie Golf Course annexation, the Los Alamos Community Plan, and the revision to the agricultural provisions of the County Grading Ordinance (see Tables A-1 and A-2 in Appendix A of the RDEIR for an explanation of why these projects were determined not to meet applicable criteria for inclusion in the cumulative impact analysis).

The comment cites various cases for the proposition that “the decision to include or exclude a potential future project is a project-by-project inquiry, regardless of whether an EIR has been prepared or whether a project has formally been initiated.” (Page 3) The comment’s apparent suggestion that all determinations be case by case essentially means that there would be no objective criteria. Such a lack of criteria would create an arbitrary decision process and would not comport with CEQA’s requirements for identifying objective criteria and thresholds and for following criteria established by the Office of Policy and Research. Cal. Pub. Res. Code Sections 21082, 21083. The comment also alleges that the RDEIR improperly excluded projects that had not “cleared all regulatory hurdles.” The comment again misrepresents the RDEIR methodology. The RDEIR methodology does not in fact include whether a project has cleared all regulatory hurdles. Whether a project has been formally “initiated” is used as criteria but only as part of an overall methodology that also uses the criteria identified above and on pages 3.7-6 and 3.7-7.

CEQA case law, including the main cases repeatedly cited in the comment, support the use of the approach used in the RDEIR. In *Friends of the Eel River v. Sonoma County*

Water Agency (2003) 108 Cal. App. 4th 859, the court held that the defendant lead agency should have considered a cumulative project for which a federal agency had issued a Notice of Intent to prepare an Environmental Impact Statement. Similarly, in *San Franciscans for Reasonable Growth* (1985) 151 Cal. App. 3d 61, 75, the court held that the City of San Francisco should have considered projects for which EIRs had already been completed. The *Friends of the Eel River* court citing *San Franciscans for Reasonable Growth*, stated that, "projects that had progressed far enough to be under environmental review must be considered in a cumulative impacts analysis because "experience and common sense indicate that projects which are under review are 'reasonabl[y] foreseeable probable future projects.'" at 870. Both cases, therefore, positively support the RDEIR's decision to include those "projects that have progressed far enough" where EIRs have been initiated or completed. Projects mentioned by the commenter that have not yet undergone environmental review include the Bishop Ranch development and Glen Annie Golf Course annexation, the Los Alamos Community Plan, and the revision to the agricultural provisions of the County Grading Ordinance (see Tables A-1 and A-2 in Appendix A of the RDEIR for an explanation of why these projects were determined not to meet other applicable criteria for inclusion in the cumulative impact analysis). The comment does not identify, and the RDEIR does not exclude, any cumulative projects where environmental review has already been initiated.

In regard to the possible changes to the County Grading Ordinance, no such initiation by the appropriate decision making body, or environmental review has begun. Currently, there is no County proposal for revision of the County Grading ordinance. Instead, an advisory committee to the County has: 1) held public discussions regarding existing problems with the existing grading ordinance; and 2) forwarded suggestions regarding possible rules changes. It is possible that the County will make a determination that it will consider such changes; at that time it could direct County staff to initiate review of those and other potential changes to the grading ordinance. However, the recommendations of the advisory committee do not equate with initiation of grading ordinance changes, nor do the recommendations represent the scope or limit of any potential changes to the ordinance. Additional input from the public and county technical staff will be required before any changes are even proposed to the grading ordinance, including those recommended by advisory committee. The RDEIR notes this speculative nature of the grading ordinance changes and correctly concludes that assessing possible environmental impacts from certain recommended changes to the Grading Ordinance would in fact be very speculative at this time.

The comment also cites *Friends of the Eel River* in its claim that it was improper to exclude a potential further project from consideration simply because it is speculative "whether the project would ever be approved." The RDEIR, however, includes no such criteria and does not rely on such criteria. Instead the RDEIR uses criteria such as "whether or not the project is sufficiently defined in scope or implementation," and "whether or not the development potential for a project/program/item is known, unknown or speculative." (Page 3.7-7).

The comment also cites *Citizens to Preserve the Ojai v. County of Ventura*, (1985) 176 Cal. App. 3d 421 for the general proposition that cumulative impact analysis is important.

It is agreed that cumulative impact assessment is important and the importance of such analysis is reflected in the 100+ pages of detailed analysis dedicated to cumulative impacts in the RDEIR. The comment also cites a case, *Terminal Plaza Corp. v. City and County of San Francisco*, (1986) 177 Cal. App. 3d 892, which is entirely distinguishable from the present situation. In *Terminal Plaza*, as opposed to the Uniform Rules project, no EIR, or even Initial Study, was prepared to at all. The court's actual holding, that the City made no "threshold evaluation" of direct or cumulative impacts, is inapplicable to the present situation.

With respect to the comment about the EIR traffic analysis, two cumulative scenarios were developed for assessing potential cumulative traffic impacts associated with the proposed Uniform Rules changes. The first scenario, termed "Buildout", assumes buildout under adopted plans and policies. The quantitative analysis of traffic impacts for this scenario did not include traffic associated with potential development of the Bishop Ranch and Glen Annie Golf Course sites.

The second cumulative scenario assumed the Buildout forecasts described above plus other major projects/policies that have not been adopted or approved by governmental agencies. The qualitative analysis of traffic impacts for this scenario conceptually considered the traffic associated with potential development of the Bishop Ranch and Glen Annie Golf Course sites.

The proposed changes to the Uniform Rules could result in an estimated increase of 242 ADT on the South Coast. The anticipated traffic would be generated by residential dwellings or small-scale guest ranches and the relatively minor amount of traffic would be spread across the region. The proposed changes to the Uniform Rules are anticipated to be less than significant in the South Coast region regardless of whether or not the Bishop Ranch and Glen Annie Golf Course projects are considered since the 242 ADT would be spread across the region and result in using less than 1% of the capacity of the County roadway segments (an addition of 1% is the cumulative threshold for the County roadways that are forecast to operate at LOS F). Thus, even if all of the area roadways are forecast to operate at LOS F, the 242 ADT would result in using less than 1% of the capacity of the County roadways.

The discussion on page 3.7-47 will be revised to clarify that the Bishop Ranch and Glen Annie Golf course projects were not considered in the quantitative analysis of cumulative impacts.

- F1-2** The concurrence with the conclusion regarding farmland conversion and disagreement with the conclusion regarding open space are noted. Although the Uniform Rules Update could facilitate the development of agricultural support facilities and wineries, it would not support the conversion of agricultural or open lands away from such uses. To the contrary, allowing these types of facilities and specific agricultural uses is intended to help preserve agriculture by making continued agricultural production viable. As such, the Uniform Rules Update would not adversely affect open space. Because the proposed Uniform Rules Update would not result in any open space impacts caused by the

proposed project, there is no need to analyze cumulative open space impacts in the Uniform Rules Update EIR (CEQA Guidelines Section 15130(a)(1)).

The opinions regarding the need for additional analysis are also noted. This comment requests very specific analysis of a number of individual policies and programs that are not part of the proposed Uniform Rules Update. The types of analysis requested are more typical of a project-level review of a proposed project rather than a programmatic analysis of cumulative projects. Relative to cumulative analysis, Section 15130(b) of the CEQA Guidelines states the following:

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

It is not the purpose of the EIR to provide specific detailed analysis of every planned and pending project in Santa Barbara County. Rather, the EIR is primarily focused on the proposed Uniform Rules Update, while the cumulative analysis intended to provide a discussion of the overall impacts of planned and pending development. Given the high number of planned and pending developments considered in the cumulative impact analysis, including a number of plans and programs with multiple goals, policies, and measures, preparing a EIR level of analysis as requested is neither practical or reasonable, particularly in light of the fact that the impacts associated with the Uniform Rules Update constitute only a small fraction of the overall cumulative impacts.

The cumulative analysis discusses the cumulative impacts of the range of programs/policies and pending developments at some length and identifies agricultural resource/land use impacts as Class I, significant and unavoidable. The level and detail of the cumulative impacts discussion far exceeds the standard for cumulative analysis contained in virtually all EIRs with which County staff is familiar. It is the opinion of County staff that the level of analysis contained in the RDEIR more than meets the standards required by CEQA.

With respect to the specific concern about a perceived inconsistency in approach to analyzing programs and policies, County staff determined that certain programs (such as the Ordinance 661 Consistency Rezone Project) would potentially result in physical effects and that others (such as the Winery Permit Process) would not. This is not an inconsistency in approach. Rather, the differing approaches for differing programs and policies simply reflect the fact that different programs and policies have different characteristics and differing potential for impacts. In instances where it was determined that a program or policy may have direct or indirect physical effects (such as for the Ordinance 661 Consistency Rezone Project), such impacts were considered in the cumulative impact analysis.

- F1-3** The opinion that additional projects should have been included in the analysis of cumulative aesthetic impacts is noted. Please see Response F1-1.
- F1-4** The opinion that additional projects should have been included in the analysis of cumulative noise impacts is noted. Please see Response F1-1.
- F1-5** The Uniform Rules Update was included in both cumulative traffic scenarios. The discussion in Section 3.7.3.4 will be revised to clarify this point.
- F1-6** The opinion that additional projects should have been included in the analysis of cumulative air quality impacts is noted. Please see Response F1-1.

The opinion regarding construction air quality impacts is also noted. It is true that cumulative development in the County would involve a number of individual projects occurring over many years. However, each construction project would have a distinct beginning and end point, with no permanent or long-term generation of air pollutants. The Santa Barbara County APCD has determined that temporary construction emissions are not significant if standard dust and emission control practices are followed. Therefore, adherence to such practices on all construction would reduce impacts to a less than significant level based on APCD thresholds. It should be noted that the APCD commented on the RDEIR and did not state disagreement with the approach or conclusions of the cumulative construction impact analysis.

- F1-7** The opinion that additional projects should have been included in the analysis of cumulative groundwater impacts is noted. Please see Response F1-1.

As discussed in Chapter 3.6.2 of the RDEIR, the Groundwater Thresholds Manual (GTM) adopted by the Board of Supervisors, sets forth the thresholds used to evaluate potential groundwater basin impacts related to projects under CEQA. No thresholds are set in groundwater basins which are in a state of surplus. A project proposed for a groundwater basin would be subject to a threshold if it proposed to use more than the basin surplus. Thresholds were chosen for a "Standard Reference Basin" based on a percentage loss of the remaining life of the available storage. The thresholds in the GTM for each basin were then established by estimating groundwater use in each basin based on the cumulative land use conditions described in the Comprehensive Plan and individual community plans. With respect to mining projects in the Cuyama Groundwater Basin, the Diamond Rock reclamation project would generate a net increase in water demand estimated at 28.12 acre-feet per year (AFY) (Diamond Rock Sand and Gravel Mine and Processing Facility Final EIR, May 2007). The Ventucopa project is not anticipated to increase water demand as it would not increase production at that existing facility. Demand associated with each individual planned and pending project within the Cuyama Valley would be below the 31 AFY project-specific threshold established in the GTM. Therefore, none of the planned or pending projects (including the Uniform Rules Update) would have a cumulatively considerable contribution to cumulative impacts to the Cuyama Groundwater Basin.

In addition, the combined demand associated with planned and pending developments would account for less than .01% of the available storage in the Cuyama basin. Therefore, the cumulative impact to the Cuyama basin would be less than significant. The discussion on page 3.7-60 will be revised to reflect the mining project and clarify the conclusion with respect to impacts to Cuyama Valley groundwater resources.

With respect to groundwater quality, any onsite septic systems proposed in the County would need to comply with existing County regulations. These regulations require applicants to demonstrate that sufficient space and soil absorptive capacity is available to properly dispose of all sewage effluent prior to zoning clearance. In addition, a separate, onsite sewage disposal system permit from Environmental Health must be submitted and approved prior to the issuance of a building permit by the Building and Safety Division of the Planning and Development Department. One of the primary purposes of the County's regulations is the preservation of groundwater quality. Any septic systems that cannot be demonstrated to meet applicable County criteria would not be approved. Therefore, implementation of the standard County requirements would reduce impacts associated with septic systems to a less than significant level.

- F1-8** The lands potentially affected by changes facilitated under the Uniform Rules Update are generally already agricultural in character. Agricultural activity has the potential to increase sedimentation and pollutant loads in surface water due to the erosion of tilled and bare soil and transport of agricultural chemicals such as nitrates, phosphates, pesticides, and herbicides via surface runoff. Generally speaking, it is anticipated that agricultural activities would continue on properties subject to the Uniform Rules; thus, little or no change in surface runoff would occur. However, if, as has been suggested, agricultural activity were actually to decline as a result of the Uniform Rules Update, the likely effect would be a reduction in sedimentation and contaminants in surface runoff. Moreover, any non-agricultural development allowed under the auspices of the Uniform Rules would be subject to the water quality objectives and regulations of the National Pollutant Discharge Elimination System (NPDES). These regulations do not apply to existing agricultural operations. Thus, any change in the quality of study area surface waters would be expected to be positive.

Impacts to water supply (groundwater availability) are discussed in both the August 2006 proposed FEIR and the RDEIR. Potential overdraft of local groundwater basins was determined to be a Class I, significant and unavoidable project and cumulative impact. However, such overdraft would not adversely affect surface waters.

- F1-9** Please see Response F1-2.

- F1-10** As discussed in Section 5.4.1 of the August 2006 proposed FEIR, County staff has determined that it is unlikely that projects facilitated by the proposed Uniform Rules Update would adversely affect biological resources. Moreover, any individual projects facilitated by the Uniform Rules Update would be subject to existing County policies, which would address any potential biological resource impacts on a case-by-case basis. Because the proposed project is not anticipated to significantly affect biological

resources, its potential contribution to any significant cumulative biological resource impacts would not be cumulatively considerable. Therefore, analysis of this issue in the EIR is not warranted.

- F1-11** As discussed in 5.4.2 of the August 2006 proposed FEIR, impacts relating to fire hazards could potentially occur on a site-specific basis; however, it is speculative at this time to determine impact levels since it is unknown where projects would occur and what specific effects they would have. Site-specific impacts would be evaluated in the course of processing permit applications for projects in the future. At that time, impacts would be identified for the project and appropriate measures would be taken to ensure the project will not significantly impact any of the resources identified. As discussed in Section 5.4.2, it should also be recognized that although the proposed Rules may allow more development than currently allowed on contracted land, development would still be more constrained than allowed by the underlying zoning in effect.
- F1-12** One of the explicit purposes of the Uniform Rules Update, and indeed many of the programs considered in the cumulative impact analysis is to preserve agriculture in Santa Barbara County by facilitating the continued viability of County farming operations. Contrary to what the comment suggests, it is the opinion of County staff that by providing a consistent set of rules and allowing flexibility in how agricultural operations are run, the proposed rules will increase rather than decrease the long-term viability of agriculture in the County. The commenter has provided no evidence to support the speculation that the proposed Uniform Rules Update would harm the economic viability of agriculture or lead to the conversion of land from agricultural use.
- F1-13** The comment expresses an opinion regarding the adequacy of the EIR analysis and the suggestion that the document needs to be recirculated again are noted. Please see Responses F1-1 through F1-12. However, the analysis in the RDEIR has concluded that there would be no increase in the severity of impacts and that no new significant impacts have been identified. Further, it is the opinion of County staff that the commenter's letter does not raise significant new issues that warrant recirculation of the EIR.



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F 2

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SEP 05 2007

S.B. COUNTY
COMPREHENSIVE PLANNING

September 4, 2007

Mr. David Matson, Deputy Director of Long Range Planning
Santa Barbara County Administration
105 E. Anapamu St.
Santa Barbara, CA 93101

Re: Uniform Rules Update – Revised Cumulative Impacts Discussion dated July 2007

Dear Mr. Matson:

From the time when the Citizens Planning Association of Santa Barbara County was formed in 1960 as a grassroots non-profit to promote general plans and sound community planning, CPA has always supported the important role of Agriculture in this county. This support is reflected in our service on the task force that helped craft the Ag Element, and our support for the Right to Farm Ordinance, among many others.

During our years of planning research, our Association has always been told that two of the greatest challenges to successful agriculture in our county are "suburbanization" into Ag and inter-rural open space, and "mosaic fragmentation" of those lands. It is with this in mind that we offer our comments on proposed changes to the Uniform Rules, below.

FZ-1

The "law of unintended consequences" states that actions (particularly of government) have unanticipated (and often adverse) consequences. It is important to keep this principle in mind when evaluating the cumulative impacts of changes to the Uniform Rules. One might hope, for example, that a rule change allowing RAUs (residential agricultural units) on ag land would be benign and little used. But the opposite is likely to be true. As some early adopters demonstrate the increase in income possible through the building of RAUs, an exponential growth in this type of construction is hardly unlikely, particularly with the South Coast's so very tight housing market. Therefore the EIR should include in its impacts analysis the case wherein a provision for increased density is fully utilized wherever possible.

What is the nexus between ag land under contract and unrelated rental units? There really isn't any, and it should take little imagination to envision how proliferating rentals across ag lands will have unintended and adverse consequences for the production and marketing of agricultural products.

Herewith some specific comments:

FZ-2

UR 1-4.1 Principal Dwellings

While the intent here to allow (on large parcels under contract) principal dwellings for family members is reasonable, the ongoing compliance issues are not addressed. Given the County's apparent difficulty in assuring compliance with affordable housing covenants, this is an area that requires far more detail in terms of implementing regulations than exists in this draft. Discussion of what will happen as family circumstances change and a principal dwelling becomes available for rental is missing.

Section C of 1.4.1 that increases the maximum development envelope on super prime land as additional acreage is planted seems to micromanage agriculture. What is the agricultural interest in allowing a 20,000 sq ft home on a 20-acre parcel? The nexus between development envelopes and acreage being planted is unclear and should be stated.

FZ-2

UR 1-4.3 Agricultural Employee Housing

Providing housing for one's agricultural employees (and their families) onsite would often be desirable, but the definition here is troublesome. As there is no requirement that an individual work on (or for) the landowner where the worker's residence is constructed, the ability to meaningfully monitor the exclusion to "a person who primarily works or is engaged in agriculture" is impaired. Will the County have in place any meaningful oversight process that will preclude, say, the sales person at a winery, the propane distributor, a surveyor, or the marketing representative for a growers' cooperative from using these new rental units? Great care is needed here, and the impacts analysis should speak to this.

UR 2-4 Small Scale Guest Ranches

This provision is poorly crafted. Restricting rentals to "existing structures" will simply ensure that building of facilities precedes applying for their use under this rule. And while the concept of "guest accommodations" sounds benign, the marketplace will encourage such units to become permanent rentals, and there is nothing in the enabling language that would prevent this. Scattering rentals around the rural parts of our county rather than building them within urban boundaries is incompatible with existing policy and makes little sense, and the concern should be addressed in the impacts analysis.

UR 2-6 Agricultural Industry Overlay

While there may be economic reasons for building ag industry next to lands under cultivation, from a tax equity point of view it would seem that these should not enjoy a tax advantage (because of being on land under contract) as compared to competitive operations elsewhere.

FZ-3

Inadequacy of Cumulative Impacts Discussion

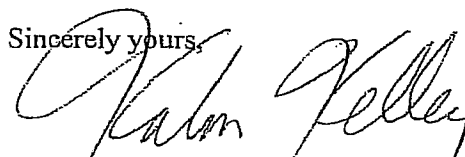
One of the most glaring omissions from the list of Tier 1 programs is the proposed County's TDR (Transfer of Development Rights) ordinance. This ordinance has been under development by the County for over a year and, according to the latest P&D schedule, will be available on August 31, 2007. This initiative meets all of the requirements for a Tier 1 Program: it has been funded (in part) by the County and P&D resources have been committed to its completion; its geographic implications are clearly relevant to urban areas of the County; and as the ordinance is intimately tied to the processing of the Santa Barbara Ranch application at Naples (which application has been under County review for a number of years), it can scarcely be considered unspecified or speculative.

One of the key components of this ordinance (as it was drafted by an outside consulting firm) is stated as follows:

To be successful, then, the County must regulate the market it creates for additional density, and importantly, ensure that the commodity retains its value. To do so, **it should not allow alternative routes to higher density that would compete with the TDR option** (beyond existing inclusionary requirements and State Density Bonus laws). [Emphasis added]

Reconciling this requirement of the TDR program with the UR update would, put simply, require that all density-increases (guest ranches, additional principal dwellings, agricultural employee housing, residential second units, and residential agricultural units) be integrated with the TDR ordinance in the specific respect of requiring purchase of development rights. Clearly there are many issues here — in particular the establishing of how such rights should be valued — but to ignore the interplay of these programs is to emasculate one of the core principles of the County's TDR program. The cumulative impacts discussion needs to discuss this.

Sincerely yours,



Kalon Kelley, PhD

Co-Chair, CP^A Comprehensive Planning Committee

September 5, 2007

Kalon Kelley, Citizens Planning Association

Letter F2

Response to Comment:

F2-1 Thank you for your letter. The comment describes an expectation that allowing residential agricultural units (RAU) on agricultural land encourages rental units unrelated to agriculture. In 1999, the Board of Supervisors adopted Ordinance 4368 amending the Inland Zoning Ordinance, Article III of Chapter 35, to establish procedures and standards for Residential Agricultural Units (RAU) on agricultural lands. The existing Uniform Rules allow RAUs on contracted land and no changes are proposed in the current Uniform Rules Update.

F2-2 The comments outline objections to changes to the Uniform Rules. These comments pertain to the merits of the proposed Uniform Rules Update, rather than the revised cumulative impact analysis, and will be forwarded to the Board of Supervisors for their consideration along with the RCID.

F2-3 The comment states the Uniform Rules should address a County Transfer of Development Rights (TDR) program. Currently, there is no County proposal for adoption of a TDR program or ordinance. Instead, the County has: 1) convened a working group to discuss the feasibility of a TDR program to extinguish development rights identified on the Official Map of Naples; and 2) contracted with a research organization for the preparation of a study that determines the economic feasibility of transferring development rights from Naples to other sites in urban parts of Santa Barbara County. (Solimar Research Group, Summary Report to Update the Santa Barbara Ranch Feasibility Study, August 19, 2007 ("Study")). It is possible that the County will make a determination in the next six months that a TDR program for the Naples area is feasible but this determination would not identify areas for development and this determination would not include the adoption of a program or ordinance. If the Board of Supervisors makes such a feasibility determination, it may at that time direct County staff to initiate review of a potential TDR program. This program, like the feasibility determination, would not identify development sites but would only establish a funding procedure to provide for development rights transfers. Determination of the location of receiving sites would not occur for several years due to the need for a TDR Bank to be funded. Therefore, it is not true that geographic indications are clear as the commenter contends; instead, if a TDR program is eventually approved, receiving sites would only be established after sufficient funding of a TDR bank, specific applications by developers and lengthy approval processes by various municipalities such as the Cities of Santa Barbara and Santa Maria. Because the number, site location and funding required for specific receiving sites allowed under this potential program have not been identified, it would be speculative to attempt to identify any environmental impacts of such a program. The quote from the Study regarding State Density Bonus laws refers to the potential conflict with State housing law, which would make implementation a possible TDR program more uncertain and less likely.

Santa Ynez Band of Chumash Indians

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Richard Gomez, *Vice Chairman*
Kenneth Kahn, *Secretary/Treasurer*
David D. Dominguez, *Committee Member*
Gary Pace, *Committee Member*



September 5, 2007

F 3

David Matson, Project Manager: dmatson@co.santa-barbara.ca.us
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Development, Comprehensive
Planning Division
123 East Anapamu Street
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Phone: (805) 568-2068 / Fax: (805) 568-2076

RE: Uniform Agricultural Rules (UAR) Update
Draft Revised Environmental Impact Report (EIR)
Additional Comments

Dear Mr. Matson:

F3-1

The Santa Ynez Band of Chumash Indians ("Tribe") has reviewed the revised UAR Update EIR and notes that our prior comments have not been addressed except to omit their reference from this Updated EIR:

1. The effect of the UAR is an increase in wineries, mostly within the Santa Ynez Valley (SYV);
2. The EIR admits that wineries market primarily through tasting rooms, but there is no mention anywhere in the EIR of DUI related traffic impacts;
3. The EIR admits an increase of over 1,800 ADT trips per day in the SYV;
4. THERE IS NO MITIGATION—instead the County is being asked to declare these impacts as "unavoidable adverse impacts" per a yet to be disclosed statement of overriding considerations by the Board of Supervisors; and
5. The EIR has omitted any mention of any impacts to sites of cultural significance.

Excerpts from the first draft EIR that have been removed from the text instead of mitigated are as follows:

The effect of the UAR is an increase in wineries, mostly within the Santa Ynez Valley (SYV)

p. 3-4

SANTA YNEZ VALLEY: The Santa Ynez Valley is home to a wide range of agricultural activities occurring on both prime and nonprime land, including wine grapes, cattle grazing vegetables, grains and field crops, apple and walnut orchards and horse breeding and boarding operations. Most of the agriculture in this region occurs on parcels larger than 40 acres. There are 238 individual contracts in this region, 184 of

F3-1
cont.

which are over 100 acres in size, totaling approximately 141,000 acres. Roughly 80% of this region's agricultural land is enrolled in the Agricultural Preserve Program.

p. 3-4

The significant expansion of vineyards in the inland areas of the County has led to the development of wineries scattered primarily throughout the Santa Ynez Valley and the agricultural areas around Los Alamos. The popularity of the wineries among local residents and visitors alike has resulted in an active agricultural tourism industry and the associated increase temporary populations into the inland agricultural areas of the County.

p. 3-15

Another possible conflict could arise with the concentration of winery facilities in certain areas of the County. For example, it is foreseeable that new wineries could be located in the Santa Ynez Valley to take advantage of the wine tourism industry and name recognition associated with the Santa Ynez Valley appellation.

The EIR admits that wineries market primarily through tasting rooms, but there is no mention anywhere in the EIR of DUI related traffic impacts

p. 2-8

The wine industry is somewhat unique in its processing needs and the acreage requirements associated with those needs, in terms of relatively prompt processing of the grapes once they are harvested, barrel storage, tasting rooms (which play an important role in marketing and sales for the winery), and associated development.

p. 3-2

Wineries in particular are located in on the premises where the majority of grapes they process are grown. While some wineries are located in urban areas, the majority of wineries from small boutique wineries to large production wineries are located throughout the growing regions, particularly in the Santa Ynez Valley, Santa Maria Valley and Lompoc Rural Regions.

The EIR admits an increase of over 1,800 ADT trips per day in the SYV

p. 3-55

SANTA YNEZ VALLEY: The Proposed Rule changes could result in an estimated increase of 1,813 ADT within the Santa Ynez Valley Region.

F3-1
CONF.

THERE IS NO MITIGATION—instead the County is being asked to declare these impacts as “unavoidable adverse impacts” per a yet to be disclosed statement of overriding considerations by the Board of Supervisors

p. 2

Class I impacts are defined as significant, unavoidable adverse impacts which require a statement by the Board of Supervisors of overriding considerations per Section 15093 of the State CEQA Guidelines if the project is approved.

P. 3

Class I—Significant and Unavoidable Impacts

...

Transportation/Circulation: generation of substantial additional vehicular movement (daily) in relation to capacity and existing traffic volume of rural roads; increased traffic conflicts and road degradation of rural roads.

p. 3-61

However, for those regions where several such facilities are likely to be located both as a result of these Proposed Rules and other recent development projects, the proposed mitigation measures are not expected to be sufficient to avoid cumulative increases in traffic volume which could impact remaining roadway capacity, increase conflicts and the need for maintenance or upgrades to some local roads in the Santa Ynez Valley, Lompoc Valley and Santa Maria regions. Cumulative impacts therefore remain significant and unavoidable. (Class I).

The EIR has omitted any mention of any impacts to sites of cultural significance

5.4.2 Other Resources

There are several other resource issue areas that were found not to be significantly affected by the proposed changes to the Uniform Rules (Appendix I, Notice of Preparation). These include:

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F3-2
Cont.

*Cultural Resources ... (p. 5-5).

While impacts to these resources could potentially occur on a site-specific basis, it is speculative at this time to determine impact levels since is unknown where projects will occur and what specific effects they will have on these resources. (p. 5-5).

Sincerely,



Vincent Armenta,
Tribal Chairman



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September 5, 2007

F3-1
Cont.

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RE: Uniform Agricultural Rules (UAR) Update Draft Revised Environmental Impact Report: **Additional Comments RE: Statement of Overriding Considerations**

Dear Mr. Matson:

The Santa Ynez Band of Chumash Indians ("Tribe") makes this supplemental response to the UAR Update solely as to the use in the EIR of a Statement of Overriding Considerations ("SOC") in lieu of mitigation in violation of the California Environmental Quality Act.

The California Supreme Court has described project alternatives as a type of mitigation (Lauren Heights Improvement Assn. v. Regents of the University of California, 47 Cal.3d 376 (1988)). Where an EIR identifies significant and unavoidable impacts for a project, the project alternatives must be examined to determine if they will avoid the project's otherwise unavoidable impacts. Adopting a statement of overriding considerations is appropriate only after the lead agency determined that there are no feasible mitigation or alternatives that will avoid these impacts.

This was recently reaffirmed by the California Supreme Court in July 31, 2006 in City of Marina, et al. v. Board of Trustees of the California State University:

A statement of overriding considerations is required, and offers a proper basis for approving a project despite the existence of unmitigated environmental effects, only when measures necessary to mitigate or avoid these effects have properly been found to be infeasible. 46 Cal.Rptr.3d 355, 368 (2006).

To date, the EIR has still not analyzed all possible project alternatives and potential mitigations and therefore a SOC is completely premature.

Sincerely,

Vincent Armenta
Tribal Chairman

September 5, 2007
Vincent Armenta, Tribal Chairman
Santa Ynez Band of Chumash Indians
Letter F3

Response to Comment:

F3-1 Thank you for your letters. These letters are a copy of comment letters E10 and E11.
Please see responses to comment letters E10 and E11.

ENVIRONMENTAL HEARING TRANSCRIPT

Revised Draft Environmental Impact Report – Cumulative Impact Discussion for the Uniform Rules Update

Environmental Comment Hearing – August 15, 2007

In Attendance: Office of Long Range Planning Staff
David Matson; John McInnes David Lackie; Susan Curtis; and Bret McNulty
Consultant - Joe Power, Rincon Consultants
Environmental Coordinator – Rob Almy

Public Comment:

John Weister -Thank you and thank you for holding the hearing. I'm John Weister a rancher with a few parcels in the agricultural preserve. I have no benefit from the new uniform rules because we are all settled where we are I was together with Willy Chamberlin head of the Santa Ynez valley general plan advisory committee for about 5 years, 30 odd years ago when we re-zoned the whole valley from 5, 10, 20 acres... the San Fernando valley scenario up to 40 acres and 100 acres and we took a lot of heat for that but I think everybody is pleased that we did so and rancher after rancher and farmer after farmer put their lands in agricultural preserve so we could preserve the Santa Ynez Valley as an agricultural community by enlarge as well as enhancing the tourist community as well. So I have a vested long range stake in preserving agriculture in the Santa Ynez Valley. I've devoted a lot of my life to it. What struck me as I read the new environmental cumulative impact report last night was it seemed to me it lacked prospective I'm speaking to the adequacy here of this EIR casually sitting down and reading it you think to your self "oh my gosh this is just terrible look at all these negative significant impacts this is awful I don't want this I want to preserve agriculture" and then I got to thinking about well lets get some prospective here the prospective is as I understand it and correct me if I'm wrong There are 237 acres that could be taken out of agricultural production and put into facilities that supplement agriculture such as wineries for example. Lets get some prospective on that as I understand it when in your cumulative analysis shows 6,800 acres about to come out of agriculture production, Now under these existing impact lets look at this:

We've had some situations here on Santa Rosa Rd. where our property is where people have come out of agriculture preserve for one reason or another and then we have to fight these development one after another because of the impacts to hold agriculture in our community, the bottom line is we've got to keep people in the agriculture preserves that's what keeps them from going into these housing development and other types of commercial facilities that's what does it... that's what preserve this agricultural preserve consider another prospective when your talking about 237 acres possibly, possibly coming out of production and going into winery facilities and what not that compares

with 550,000 acres that are currently in the ag preserve 550,000 were talking, turn this around were not talking about a negative impact of these new uniform rules were talking about a positive significant impact were talking about incentives to keep these properties in the agricultural preserve because once they out the pressure for developments is just overwhelming the difference whether its Buellton, Santa Maria, or Orcutt the pressure to annex if its out of agricultural preserve the pressure to annex that property is intense the building pressure is intense the whole agricultural community will suffer. Well what I'm through all I'm asking for is to expand the adequacy of the EIR by providing prospective and lets consider a very positive impact of keeping land in the ag preserve by providing this incentive, Sorry but its minuscule 237 acres compared to 550,000 acres ok.

Response to Comment: Thank you for your comments. Some commenters have suggested that the methodology used for analyzing significance of agricultural impacts should be statistically based using a comparative approach. However, neither CEQA nor the County's environmental thresholds employ a comparative standard for determining the significance of impacts to agricultural resources.

CEQA recognizes the difficulty in assessing impacts to agriculture and therefore suggests upfront the use of the state Land Evaluation & Site Assessment (LESA) model. The California LESA model is a point-based approach for rating the relative importance of agricultural land resources based upon specific measurable features. LESA was developed to provide lead agencies a methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process (Public Resources Code Section 21095). Thus, CEQA and the County's thresholds primarily address the question of whether the land impacted by the proposed project will continue to be agriculturally productive and viable and focus on whether a proposed project will convert agricultural soils to developed uses.

In response to the agricultural community's concerns, staff ran the anticipated conversion of agricultural lands resulting from the Uniform Rules revisions through the LESA model to determine if State thresholds for significance would garner a different result from that identified in the DEIR. The LESA analysis for the Uniform Rules revisions is included in Appendix 8 of the proposed Final EIR. The presented scenarios demonstrate that the conversion of 2 acres of agricultural land for residential purposes as proposed by the Rules revisions would not result in a significant impact related to farmland conversion. On the other hand, conversion of 7 acres or more to a preparation and processing facility would be significant (evidence provided in DEIR comments from the Grower-Shipper Association suggests potential for up to 30 acres required to develop a processing facility). Table 3.1-7 in the Final EIR provides a summary of estimated acres of agricultural soils converted under the proposed Uniform Rules amendments. Of the estimated 441 acres converted, 237 acres are attributed to Uniform Rules changes and associated developed determined to be a potentially significant impact.

The fact that the CEQA Guidelines identify the LESA model as an alternative approach suggests that if a foreseeable component of a program may trigger the LESA threshold of

significance, failure to acknowledge that significant impact would render the EIR deficient. In other words, if the suggested statistical comparison were used instead of the quantitative analysis provided for in the LESA model and the weighting system provided by the County's existing thresholds, the EIR would fail to acknowledge what would otherwise be determined to be a significant impact. Please refer to the Proposed Final EIR for the Uniform Rules Update (August 2006), Section 5.5 Beneficial Impacts, for a thorough discussion of the beneficial impacts to agricultural resources associated with the proposed Uniform Rules amendments.

Lisa Bodrogi – Good evening my name is Lisa Bodrogi I'm here this evening representing myself as an individual, I've also have been hired as a land use planner with Texiera farms a large farming family who farms over 3400 acres of agricultural land between Santa Barbara County and San Luis Obispo County. But having been involved in this project for the last years I'm here this evening as an individual and what I really have to say tonight is "Git ER Done!"

It's staggering to me that after 6 years and 750 + pages of environmental analysis we finally reached this point that maybe these uniform rules have a chance of being adopted. Two years ago the initial environmental document was released and in that document it classified the impact to agricultural as a result of this project as a Class 1 significant and as the last speaker indicated that was basically based upon looking at the conversion of 237 acres out of 550,000 under contract acres that would be 237 acres that would be used for beneficial support uses, ag related uses and it was a real bitter pill for the agricultural community to swallow and another year was spent responding to those comments and added to the environmental analysis was a longer list of beneficial impacts associated with the project.

Last August when that revision was released there was still call for additional study for the cumulative impact and so here we are today with an additional analysis associated with the project and based upon these analysis all together when you add tier 2 and tier 3 projects a total of 8,780 acres are threatened for conversion 8,780 acres based upon all the cumulated projects included in that are the 237 acres based upon the Uniform Rules and then another 45 acres that are ag related type projects are the OSR Coolers, American Ethanol Plant and the Peoples Self Help ag employees housing so all together out of the 8780 acres that are threatened for conversion only 3% or 282 total acres 3% are actually beneficial, supportive or related to agriculture. What this cumulative analysis has done is clearly show that we need to do more to protect our agriculture lands. I think that the no-Project alternative should have been further expanded on this document, but believe me I'm not promoting anymore analysis at this point but I think if the no-project alternative wasn't analyzed it would clearly show that these were far more environmental consequences with out this project to our agriculture to our community and to our quality of life than what this project will accomplish I think the cumulative analysis clearly shows how insignificant this project is, so I'm here today again to say "Git ER Done!" Thank you.

Willy Chamberlin - Again Thank you for having this hearing here tonight, this subject is near and dear to my heart I go way back into the 60's when the program actually started the whole subject matter dealing with CEQA I think is extremely puzzling and I've just been reflecting on the initial document that came out I think as Lisa pointed out the section on alternatives again was slighted but I'd like to carry that to where we are today, when you stop and think that the fact that certain modifications to the Uniform Rules are found to be Class 1 impacts when in fact they are the very modifications that are needed to allow agricultural enterprises in Santa Barbara County to succeed and further our agriculture enterprises are the very economic engine that prevents these agriculture lands for urbanizing, I see that something went awry in the environmental review process and where are we today in the cumulative impacts. I think that this cumulative impact report should address the effects of the non-project alternatives cumulatively with these and I think you will find them to be of greater impacts with a no-project than you will with a project and some of these alternatives that you'll have to look at if the rules are to restrictive the will drive agricultural lands out of the Williamson act contracts, however during the 10 yr non-renewal period agriculturist may be forced to move their operations into other counties. Once out of the Williamson act the agricultural zoning rules are less restrictive than the Uniform Rules are and this will lead to additional uses, some of the very uses that we are asking for today and if the parcelization will be much easier to occur within the existing agricultural zoning, I believe that your cumulative impact report fall very, very short in looking at not just the cumulative impacts that have been identified with the project on and with other projects within the county but the cumulative project that will come with the no-project alternative which are indeed extremely significant, you add those impacts cumulative with the impacts that you have analyzed and you will see a project alternative that is lousy and really has an impact to this county.

Mr. Lunsford has talked about how we would all like to see agriculture survive in this county for many, many, many reasons not just economically and if we don't look at the no-project alternatives and put those into the cumulative impacts we have sold this project short. Thank You.

Response to Comment: Thank you for your comments. CEQA Guidelines, Section 15126.5 requires, and the EIR, in fact, assesses a range of reasonable alternatives. These alternatives include: the No Project Alternative; Alternative 1 - Legislative Updates and Codification of Practice; Alternative 2 - Modified Uniform Rules (compared to Proposed Project Description); and Alternative 3 - Expanded Facility Development. Please note the Uniform Rules do not supersede the County's land use requirements contained in the Comprehensive Plan, zoning ordinance, and grading ordinance. All proposed projects or line changes will still be required to obtain permits and undergo a project level environmental review case by case basis as required by CEQA and comply with the Subdivision Map Act.

Bob Field - Thank you my name is Bob Field and I live in Santa Ynez at the meeting on March 10, 2007 I submitted a five or six page document of comments and I guess its 10 or 20 pages of appendices, I've looked at this document twice and I cant see that any of

my comment were given any consideration at all so I would like to submit this today and I would like to re-submit it at the written comment period since you've already allowed people to go off subject as they have I think I'd like to say the comment that this is only 237 acres if that were agreed there wouldn't be critics the proponents of this is only 237 and the study, the first study concludes that but for example the comment the I have made say that the impact would be dramatically more than that because many of these features or changes as drafted in the proposed ordinance don't match with the names they've been given and don't match with the analysis that has been done and so those are my comments so if you would analysis these proposed changes as the actual ordinance language defines them instead of their feel good names, there would be quite a bit more impact if it were only the 237 acres we wouldn't be here.

Response to Comment: Thank you for your comments. Please see responses to your comment letter "E3" in Section 8.4 of the RCID and the response to John Weister, the first commenter at this hearing, above.

Gail Marshall – Thank you for being here for the hearing and I want to thank each for being here because I already know that you probably already put in a 40 hr day or not a 40 hr day but at least a 8 hr day and maybe more than that so we appreciate this.

I want to submit a letter from the Santa Ynez Valley Alliance requesting an extension on the final comment period for this, I'm not going to read this because I have a couple of things that I want to say but I'm going to hand this to you.

We also wanted to thank you for extending the comment period on the Santa Ynez valley community plan the same reasons people are gone during the summer people are just gearing up for back to school and are not able to soak up all this great information.

I also want to say that I've heard a couple of comments about the no-project alternatives. I don't think that there is anybody really here to support the no-project alternative, we just want a good project.

I think there needs to be an expanded analysis on the home occupation I know that there is a CEQA exemption I'm not familiar with that exemption and I think it should be clarified to the public but this alone has the ability to have significant impacts on traffic in the Santa Ynez valley. In the original document there are 11 by count Class 1 impacts and in the cumulative document there are 5. I'm not really sure how that happened if the cumulative document stands on its own and there are only 5 counted in that document then O.K. but how can this be cumulative if it is separate.

The other thing that I want to mention is that my fear and another analysis I think that needs to happen is a economic analyses that includes the sort of if agriculture becomes more and more dependent on other activity, other business activities such as the home occupation or the Bed and Breakfast or the litany of the items that are in the environmental document there is no mention of the risk that is increased by increasing the property value due to these ancillary businesses and the fall out that will occur if these

properties don't stay in agriculture because they can do better with other businesses so that needs to be explored. Thank you.

Response to Comment: Thank you for your comments. The letter from Santa Ynez Valley Alliance is addressed in Response E2-1 in Section 8.4 above. Consistent with CEQA Guidelines §15105(a), the revised cumulative impact analysis was circulated through the State Clearinghouse for a 45-day public review and comment period from July 20, 2007 to September 4, 2007. Also, see Response E6-5, it addresses the Expanded Home Occupations Ordinance Amendment the commenter presumably is referring to.

The RCID only discusses the Class 1 impacts related to the Uniform Rules in addition to the other identified reasonably foreseeable projects. The Class I impacts and proposed mitigations are still a part of the Final EIR. In regards to Bed and Breakfast uses and other ancillary uses, please note the Uniform Rules do not supersede the County's land use requirements contained in the Comprehensive Plan, zoning ordinance, and grading ordinance. All proposed projects or line changes will still be required to obtain permits and undergo a project level environmental review case by case basis as required by CEQA. It should also be noted that the County would retain the authority to deny permits for any business in the event such businesses were determined to have significant agricultural or other impacts.