



November 17, 2010

Chair Valerie Olson
Goleta Valley Planning Advisory Committee
Santa Barbara County
Planning and Development Department
123 E. Anapamu Street
Santa Barbara, CA 93101

Re: Goleta Community Plan Update; Environmental Resources and Constraints

Dear Chair Olson and GVPAC Members:

This letter summarizes the Environmental Defense Center's (EDC) comments regarding the Environmental Resources and Constraints section of the Goleta Community Plan (GCP) Update. EDC protects and enhances the environment through education, advocacy and legal action. EDC participated in the 1993 GCP drafting and adoption process and continues to actively participate in various land use planning and natural resource protection issues involving the County's Goleta Planning Area.

EDC generally supports the goals, objectives, policies, actions and programs in the Environmental Resources and Constraints section of the GCP Update. Attachment 1 identifies EDC's recommended refinements which reflect lessons learned since 1993 and further enhance environmental stewardship. Among other issues, EDC's recommendations address (1) specific wildlife habitat and ESH protection policies, (2) impact avoidance, mitigation, and habitat restoration, and (3) watershed and vegetation protection. Please update the draft plan as appropriate to address issues raised in EDC's recommendations.

Please contact me at (805)963-1622 Ext. 108 with any questions or to discuss EDC's recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Brian Trautwein".

Brian Trautwein
Environmental Analyst

Attachment #1: EDC Recommendations for GCP Update

Goleta Community Plan Update - 10-19-10 Administrative Draft
Section IV - Environmental Resources and Constraints
EDC Comments - 11-17-10

Page 157 – Air Quality and Climate Change Narrative – Retain references to AB32 and targets and add references to new science that shows AB32 targets are too low to prevent significant climate change impacts.

Add new Policy: “The County shall seek to exceed legally-mandated greenhouse gas emission reduction targets.”

Page 168 – Policy ECO-EGV-2.2 – The use of locally-occurring natives should be required, not merely encouraged, in habitat restoration projects. Otherwise the plantings may be biologically detrimental by adversely affecting the plant species’ gene pools.

While species’ flammability and drought-tolerance may be considerations in selecting species for mitigation/restoration projects, these considerations must remain secondary to the restoration/mitigation projects’ primary and legally-required purpose: to compensate for the loss of specific habitat type(s) habitat. This is consistent with the goal of enhancing biological diversity.

Page 168 – DevStd ECO-EGV-2.4 and page 169 Policy ECO-EGV-2.4 – This development standard and the subsequent policy should prioritize avoidance of habitats over compensatory mitigation, such that compensatory mitigation for habitat impacts should only be considered if habitat avoidance is demonstrated to be infeasible. This is consistent with the County’s adopted Environmental Thresholds and Guidelines Manual Mitigation Hierarchy on page 6-10.

Page 169 – DevStd ECO-EGV-2B – In the past habitats that have been restored as mitigation e.g. Hyatt Hotel (now Bacara) – when not permanently protected under an easement or deed restriction - have been proposed for development. To preclude this from recurring, this development standard should require that significant habitat areas protected and or restored as mitigation shall be set aside through permanent protection e.g. conservation easements or deed restrictions, to protect them from future development and impacts in the future.

Pages 169-170 – Objective ECO-EGV-3 – Add “native habitats” to the list to capture coastal sage and other habitats not listed.

Page 170 – Policy ECO-EGV-3.1 – We suggest the following change to minimize the significance of the cumulative effects of piecemeal habitat fragmentation: “Ecological communities and habitats shall not be fragmented ~~into small nonviable pocket areas~~ by development.”

Page 170 – Program ECO-EGV-3A – The Atascadero Creek Greenway should be measured 100-feet from the top of bank or edge of riparian vegetation to provide

adequate space, where possible, and to be consistent with language in the GCP creek setback policies.

Actions could include the County providing neighbors with native trees to plant.

Analysis and consideration of removal of concrete channelization should be called out as a stand alone action.

Page 172 Policy ECO-EGV-5.1 – Include Elderberries (*Sambucus Mexicana*), which grow into tree form, in list of protected trees. Include white alders (*Alnus rhombifolia*) which are one of Goleta’s signature native trees and grow exclusively in creeks and reach 40 to 75 feet in height.

Page 172 – Program ECO-EGV-5A – Focus urban forestry program on native trees (Policies ECO-EGV-5.4 and 5.5) and prohibit invasive non-native trees e.g. eucalyptus.

Page 173 – DevStd ECO_EGV-5C – Size of raptor buffers shall be determined by P&D “in consultation with a qualified wildlife biologist.”

Page 175 – Urban Forestry Map – San Marcos Foothills is the largest native grassland on the south coast. Native grasslands have been reduced by 99.9% in California. San Marcos Foothills, while technically designated urban, is a wildland area, and the majority of the site owned by the County (200 of 210 acres) is a nature preserve donated to the County by TPL. These native habitats should not be converted into any part of an urban forestry project. Only native trees as specifically identified in a habitat restoration plan for the SMF should be permitted in this unique environmental resource area.

Page 177 - ESH Map & Page 179 – Policy ECO-EGV-6.4 – Chaparral meets the definition of ESH and fulfills the ESH criteria set forth in Policy ECO-EGV-6.2. It also provides critical wildlife habitat for protected species, forms wildlife corridors and is/contains “sensitive native flora.” Goleta-area chaparral supports over a dozen rare and unique species including but not limited to species also protected by state and/or federal laws. Chaparral is vital to maintaining watershed ecology, health and species (i.e. controls erosion and prevents sedimentation of creeks). Chaparral in the Goleta area has a high biological diversity and is of significant ecological and scientific interest because it represents the southern and northern extent of various species’ ranges. Globally it is very rare. Goleta’s chaparral offers outstanding representation of this plant community in undisturbed form. New threats are increasing and chaparral is becoming more easily damaged by increasing human activities. Other jurisdictions including Malibu consider chaparral ESH. Therefore chaparral meets the GCP’s definition of ESH and should be identified as ESH in the GCP Update.

Page 178 – Policy ECO-EGV-6.1 and page 179 Policy ECO-EGV-6.3 – The GCP should identify the Riparian Corridor Overlay as an “ESH.” Riparian corridors are ESH pursuant to the GCP’s ESH definition. Simply because some riparian corridors occur on ag zoned lands does not mean the riparian corridors are not ESH or should not be

protected to the same level other riparian corridors are protected. Protections for ESH should be consistent across zone districts. The GCP update should eliminate this double-standard and redesignate as ESH all areas currently mapped as Riparian Corridor Overlays.

Page 180 – Policy ECO-EGV-6.5 – Whenever feasible, riparian ESH setbacks in urban areas should be a minimum of 100 feet from top of bank or edge of riparian vegetation, whichever is greater, in order to maintain water quality and habitat values of our creeks. Since adoption of the GCP in 1993, we have learned that fifty feet is too little space to filter pollution from runoff, block lights at night, filter noise from nest sites, and buffer the creek from non-native plants and predators.

Page 180-181 – DevStd ECO-EGV-6C – if onsite restoration would preclude reasonable use of parcel and result in a legal taking of property, require offsite restoration to ensure impacts are mitigated offsite if not on-site.

Page 181 - DevStd ECO-EGV-6.6 – Riparian corridors should not be subject to mere 25-foot setbacks. Some of the most biologically rich areas of creeks are through the foothill areas where land is zoned agriculture. Consider increasing buffers on ag lands to better protect creeks, steelhead, water quality, and other resources in GCP area. Buffers are important in agricultural lands to protect streams from impacts of runoff, erosion, sedimentation and water pollution from fertilizers and pesticides. We suggest changing the 25-foot creek setback to a minimum 100 feet, wherever feasible.

Page 181 – DevStd ECO-EGV-6D – Reductions in creek buffers should only be allowed if maintaining the minimum setback prescribed in the GCP is infeasible. If the setback is infeasible, then the minimum necessary reduction should be allowed to allow reasonable use of a parcel, i.e. avoid a taking.

Page 182 – DevStd ECO-EGV-6E – When on-site restoration is not feasible, offsite restoration must be “required” whenever feasible, not merely “considered.” If not required, impacts will likely go unmitigated.

Page 183 – Objective ECO-EGV-7; Policy ECO-EGV-7.1, DevStd ECO-EGV-7C & 7D – Add chaparral.

Page 183 – DevStd ECO-EGV-7C – Buffers of 10 feet for coastal sage, chaparral and native grasslands are inadequate to mitigate impacts of adjacent development and landscaping. For instance, weed seeds will readily blow 10 feet from landscaping into a native grassland while a buffer of 25 to 50 feet may substantially reduce the seed impact.

Page 183 - DevStd ECO-EGV-7D – Add a reference to “avoidance” as preferred form of mitigation before reference to “revegetation.”

Page 185 – DevStd ECO-EGV-7H – Contingencies for maintaining flows must be “identified and required” not merely “identified.”

Page 185 – DevStd ECO-EGV-7I – This standard would allow dams in Goleta’s creeks “necessary for water supply projects” but does not define “necessary.” Water supply projects in creeks often block migration and dewater streams. Dams and diversions cause significant impacts to species such as steelhead and to riparian trees including sycamores, alders and cottonwoods. We recommend that only “necessary public water supply projects” be allowed in Goleta’s creeks.

Page 186 – DevStd ECO-EGV-7I – We recommend changing the draft standard to exclude developments approved by the US Army Corps under section 404 of the Clean Water Act. This draft development standard’s language appears in existing County policy documents. Adding the language allowing any project approved by the Corps of Engineers opens this standard up to allow any type of development to occur in our creeks. The intent of this standard is to protect creeks by limiting development in them, so the language allowing Corps-approved projects should be stricken.

New “culverts, agricultural roads and crossings” and “fences, pipelines and bridges” should only be allowed when “designed not to impair steelhead migration.”

Increasing vegetation removal in the Goleta hills and mountains is rapidly decreasing watershed health, water quality and biodiversity.

Page 185 – 186 - Add new Goal, Objective(s), Policies and Action(s) related to protecting watersheds.

Goal: Watersheds are protected from disturbances and function as healthy watersheds.

Objective: Minimize disturbance of native vegetation, natural landforms, slopes, soil and hydrology.

Policies:

- The County shall limit clearing of native vegetation in the Goleta watershed.
- The County shall maintain natural landforms in the Goleta Watershed.
- The County shall minimize erosion in the Goleta watershed.

Actions:

- By 2012, the County shall amend the Brushing Ordinance and ESH-GOL Ordinance to better protect watersheds, streams, habitats and species from vegetation removal.¹
- The County shall require erosion control measures for all soil disturbances in the Goleta watershed.

¹ The County Brushing Ordinance is essentially a watershed protection ordinance intended to control vegetation removal, erosion, sedimentation of creeks and flooding. While in need of update, the ordinance is perhaps the best County tool for protecting watersheds on the south coast. The County intends to update the Brushing Ordinance next year, creating an opportunity for additional amendments to ensure better protection of Goleta’s watersheds.

- The County shall limit ground disturbances and grading on slopes in the Goleta watershed.

Page 187 – Narrative – Add language about protecting watershed vegetation in order to reduce erosion, sedimentation, water quality impacts, hydrologic modifications including increased runoff rates, and to protect watershed health.

Page 187 – Objective HYD-EGV-1, Policy HYD-RGV-1.1 – Replace “minimize” with “prevent” to avoid cumulative water quality degradation and comply with the Coastal Act (PRC Section 30231).

Page 188 – Objective HYD-EGV-2.1 – Change “Minimize potential flood hazards” to “Minimize potential flood risks.” Flooding is only a hazard if people risk building in floodplains.

Page 188 – Policy HYD-EGV-2.1 – Change to “The County shall require maximum setbacks from floodways and flood hazard areas.” Delete vague language: “and/or other appropriate means.”

Page 188 – Add Policy – The County shall carefully regulate the removal of vegetation from Goleta’s watersheds in order to protect creek water quality and the Goleta Slough.

Page 188 – Add policy – The County shall seek maximum feasible creek setbacks for new development in order to minimize flooding, erosion, water pollution and habitat impacts.

Electro Magnetic Radiation – Existing County ordinance for cell towers is not duplicative of existing GCP policies. Existing GCP policies allow for public appeal of permit approvals based on general plan inconsistency and should be retained.

Add Policy: Development in high fire hazard areas shall be prohibited unless it would preclude reasonable use (i.e., cause a legal taking of property) of a holding of land or individually-owned parcel.

Visual Resources – Add Santa Ynez Mountains with specific reference to importance of evergreen chaparral as visual resource carpeting SY Mountains.