



SANTA BARBARA COUNTY ZONING ADMINISTRATOR STAFF REPORT

January 3, 2011

PROJECT: Alisal Ranch Reservoir
HEARINGDATE: January 24, 2011
STAFF/PHONE: Tammy Weber, (805) 934-6254

GENERAL INFORMATION

10CUP-00000-00018	
Applicant/Phone:	
C.J. Jackson	
Alisal Ranch Inc.	
1054 Alisal Rd.	
Solvang, CA 93463	
(805)686-7605	
Agent/Phone	
Curt Moniot	
Moniot Design Inc.	
PO Box 1499	
Santa Ynez, CA 93460	
(805)688-8539	

1.0 EXECUTIVE SUMMARY

The proposed project is seeking to gain approval of a Minor Conditional Use Permit (MCUP) #10CUP-00000-00018 for the construction and use of an approximately 1.5 million gallon (4.7 acre feet), earthen lined agricultural water storage reservoir that would draw water from the Santa Ynez River. Today's project has been reviewed under the recently adopted Santa Ynez Valley Community Plan (SYVCP) and has been found consistent with the applicable policies within.

2.0 REQUEST

Hearing on the request of Curt Moniot agent, on behalf of Alisal Ranch Inc., to consider the following:

10CUP-00000-00018 [application filed May 28, 2010] for a Minor Conditional Use Permit in compliance with section 35.82.60 of the County Land Use and Development Code, to allow for the construction and use of an approximately 1.5 million gallon (4.7 acre feet), earthen lined agricultural water storage reservoir that would draw water from the Santa Ynez River. It would be approximately, 160 feet in length, by 160 feet in width, and have a depth of 14 feet. Earthwork would consist of 26,600 cubic yards of cut and 22,300 cubic yards of fill, assuming 20% shrinkage. Total area of disturbance during build-out is approximately 1.6 acres; and

Adopt the Negative Declaration (10NGD-00000-00026) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Biological Resources, Cultural Resources, Geological Process, Noise, and Water Resources

The ND and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara (or 624 West Foster Road, Suite C, Santa Maria). The ND is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street, Santa Barbara. The property is a 316.74-acre parcel zoned commercial agriculture (AG-II-100) and is identified as APN: 137-270-025, in the Solvang area (no site address), Third Supervisorial district.

3.0 RECOMMENDATION

Follow the procedures outlined below and conditionally approve Case No. 010CUP-00000-000018 marked "Officially Accepted, County of Santa Barbara December 20, 2010 Zoning Administrator Exhibit 1," based upon the project's consistency with the Comprehensive Plan and the ability to make the required findings.

The Zoning Administrator's motion should include the following:

- Make the required findings for the project as specified in Attachment A of this staff report, including CEQA findings,
- Adopt the Negative Declaration and adopt the mitigation monitoring program contained in the conditions of approval; and
- Approve the project, 10CUP-00000-00018 subject to the Conditions of Approval in Attachment B.

4.0 PROJECT SPECIFICATIONS

Site Size:	316.74 gross/net	
Comprehensive Plan Designation:	Rural area, AC (Agricultural Commercial), Santa Ynez Valley Community Plan (SYVCP)	
Ordinance/Zoning:	AG-II-100, LUDC Section, 100-acre minimum parcel size	
Surrounding Use, Zoning:	North:	Solvang City Limits
	South:	AG-II-100, LUDC Section, 100-acre minimum parcel size
	East:	Solvang City Limits
	West:	AG-II-100, LUDC Section, 100-acre minimum parcel size
Services/Systems:	Water:	Existing agricultural well
	Sewer:	N/A
	Fire:	Santa Barbara County Fire Station #32
	Access:	New 200' long by 16' wide all weather road that will tie into an existing all weather road which currently serves the Solvang Municipal Waste Water Treatment Plant.
History:	Dry farmed and cattle grazing - Williamson Act Contract (87AP024)	
Present Use and Development:	Currently a vacant parcel	

5.0 PLANNER COMMENTS

- **Comprehensive Plan and LUDC Consistency.** The requested conditional use permit would allow the construction of a 4.7-acre foot agricultural reservoir in the AG-II-100 zone district. The AG-II zone district is applied to areas appropriate for agricultural land uses on prime soils located in the Rural Area of the County. The construction of an agricultural reservoir would be directly supportive to sustaining year round crops on the parcel. Therefore, the project is an appropriate use in the AG-II zone district. Additionally, the project meets all minimum LUDC requirements. The project is also consistent with Comprehensive Plan and Santa Ynez Community Plan policies as it has been designed and located in an area of the project site which minimizes visibility and required grading.

- **Biological Resources.** The construction of the reservoir could potentially affect native grasslands and nesting birds, but mitigation measures have been added that reduce these adverse impacts to less than significant. After the comment period had closed on December 17, 2010, the County received a comment letter from the U.S. Fish and Wildlife Service. In this letter, FWS expressed concern about effects of construction on migratory bird nests, effects of perimeter fencing on bats and bird species, operational effects on the threatened California Red-Legged Frog (CARLF) and other amphibian species, and groundwater withdrawal effects. The ND has been revised to include additional discussion of these issues and the species potentially affected. A brief summary is as follows:
 1. Effects of construction on migratory birds and sensitive species: a more detailed mitigation measure regarding pre-construction surveys for nesting birds and/or avoiding the nesting season has been added to the ND (See Mitigation Measure 5a);
 2. Effects of perimeter fencing on bats and bird species: as the fence is not inordinately high or intrusive, this issue is not expected to result in significant impacts;
 3. CARLF: Known locations of CARLF were mapped and analyzed; the species does occur within 1.5 miles of the site; other comments included a suggestion that the pond be planted with riparian species to meet the needs of CARLF, and that it be allowed to remain dry for a significant portion of the year to avoid invasion by bullfrogs. Both recommendations were determined to be contrary to the purpose of the pond, which is to hold water for agricultural purposes, and without nexus to require mitigation. The applicant is still subject to the prohibitions of the Endangered Species Act if the species is found on site.
 4. Groundwater withdrawal: the Water Resources section of the ND was clarified to indicate that the water to fill the reservoir would be drawn from an existing agricultural well, and there would be no added withdrawal requirement.

- **Archeological Resources.** The general vicinity of the site is considered to be sensitive for archeological resources based on the general historic settlement patterns of the Chumash Indians. Due to its proximity of the Santa Ynez River, and the construction of the State Water Project (SWP), eighteen archaeological investigations have been conducted within a 0.5-mile radius of the project site throughout the years. Four of these investigations included archaeological surveys within and/or adjacent to the current project site but did not cover the entire project area. As such, staff required a Phase 1 and Extended Phase 1 archeological surveys of the proposed project site and its water pipeline. These Surveys have been outlined in the attached DMND.

After the comment period had closed on December 17, 2010, the County received a comment letter (January 7, 2011) from the Santa Ynez Band of Chumash Indians (SYBCI). In this letter, SYBCI expressed concern about effects on a possible shrine site located on top a hill above the project site. A brief summary of the SYBCI concerns are as follows:

1. The site is sacred and requires preparation of an Environmental Impact Report.

2. Request further screening of proposed reservoir site from the potential shrine site.
3. Request full time monitor(s) for each section of active construction. (i.e. reservoir, roads, trenching for water pipes).
4. Further shovel test pits for areas where construction equipment would be stored.
5. Undergrounding of utilities.
6. Access easement to site.

In response, as revised in the Final DMND, and based on the results of previous studies and the Phase 1 and Extended Phase 1 studies conducted for the proposed project, no cultural resources appear to be located within the actual project area. Based on all the available evidence, it is possible that the elevated landform outside the project area and above the proposed reservoir was a Chumash shrine site. However staff has concluded that: 1) previous development surrounding the landform, including the city of Solvang and a golf course, has substantially altered its viewscape; 2) the project area is largely screened from the possible shrine site by existing vegetation (oak trees); and 3) the reservoir itself is agricultural and in keeping with the rural nature of the immediately surrounding landscape. For these reasons, construction of the proposed reservoir is not expected to have a significant impact on the shrine or its viewshed and there is therefore no nexus to support an EIR, further screening, undergrounding of utilities or an access easement. Further, areas where equipment would be stored would not be subject to significant ground disturbance, so additional subsurface testing is not required. Regarding the request for monitoring, archeological surveys as well as subsurface testing conducted for this project did not identify any archaeological sites in the project footprint. However, based on the presence of the nearby possible shrine site and a documented prehistoric village site within ½ mile of the project, there is a potential for unanticipated discoveries during construction. Therefore, staff has added mitigation measure #6a for an archaeological monitor and Native American representative to be present at the time of initial ground disturbance, along with the initial mitigation measures to inform workers about the cultural resources sensitivity of the area, and to address unanticipated discovery of cultural resources (*mitigation measures #6 and #7*).

- **Santa Ynez Valley Community Plan.** 10CUP-00000-00018 is subject to the recently adopted Santa Ynez Valley Community Plan (SYVCP) and has been found consistent with the applicable goals and policies within. These policies include:
 - Low glare night lighting installation
 - Attachment H
 - Low energy use and saving standards on discretionary cases
 - SYVCP Dev Std LUG-SYV-8.1

In order to ensure that the SYVCP lighting and the low energy use and saving standards are addressed, condition nos. 5 and 6 have been added.

6.0 APPEALS PROCEDURE

The action of the Zoning Administrator may be appealed to the Planning Commission within the 10 calendar days following the date of the Zoning Administrator's decision by the applicant or an aggrieved person. The appeal fee to the Planning Commission is \$643.

The action of the Planning Commission may be appealed to the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision by the applicant or an aggrieved person. The appeal fee to the Board of Supervisors is \$643.

7.0 ATTACHMENTS

- A. Findings
- B. Conditions of Approval with attached Departmental letters
 - a. Environmental Health Services Letter, dated November 18, 2010
 - b. Air Pollution Control District dated, June 29, 2010
 - c. Santa Barbara County Fire Department dated, June 16, 2010
- C. 10NGD-00000-00016 dated, November 4, 2010, with attached agencies letters
 - a. Santa Ynez Band of Chumash Indians, dated January 7, 2011
 - b. Air Pollution Control District, dated December 14, 2010
 - c. U.S. Fish and Wildlife Service, dated December 22, 2010
- D. Site Plan
- E. Letter from the Applicants Attorney, dated January 10, 2011