True North Land Use Consulting

Date: December 11, 2025

To: City of Goleta Planning and Environmental Review
130 Cremona Drive, Suite B
Goleta, CA 93117 *Sent Via Email*

From: J. Ritterbeck, True North Land Use Consulting (Agent for Bell Canyon Recreation, LLC)

RE: Comments on Proposed Local Coastal Program (LCP) Amendments – California Coastal Commission Recommended Edits to General Plan/Coastal Land Use Plan

Dear Planning Commissioners and City Staff:

The following comments are submitted on behalf of Bell Canyon Recreation LLC, owners of the Ellwood Onshore Facility (EOF) site, in response to the recommended edits to the City's General Plan / Coastal Land Use Plan (GP/CLUP) provided by the California Coastal Commission (CCC). These comments supplement the oral testimony provided to the City Planning Commission at the LCP workshop held on December 8, 2025. Additional comments may be submitted as further topics are discussed at future workshops or developed through continued review of the CCC-recommended language.

OIL AND GAS POLICIES

1. Outdated Policy Language – Ellwood Onshore Facility Status

The edits to several policies pertaining to the Ellwood Onshore Facility appear outdated and fail to recognize the current status of the facility. The EOF was purchased over two years ago and has been deemed "hydrocarbon-free" by the County Air Pollution Control District (APCD). Policy language should reflect this current reality.

2. Policy SE 8.2 – H_2S Reduction

SE 8.2, which addresses hydrogen sulfide (H_2S) reduction, should be eliminated in its entirety or at minimum revised to acknowledge that the site is hydrocarbon-free and there is no longer any risk of H_2S release. All pipes and tanks have been cleaned and opened to the air for continued ventilation, and no new oil or gas is coming into the site. Retaining outdated H_2S policies serves no regulatory purpose and creates confusion.

3. Policy LU 10.4 – PRC 421 Lease Decommissioning Timing

LU 10.4, which addresses decommissioning of the PRC 421 lease, contains nonsensical timing requirements. Although the wells and piers associated with the lease have already been removed, the policy ties removal of all remnant facilities (road, riprap seawall) to the decommissioning of the EOF, which is a facility located on a separate parcel and under different ownership.

Furthermore, the overall timing requirements in this policy have already been missed, as the City entered into a Memorandum of Understanding (MOU) with the State Lands Commission (SLC) that allowed SLC to bypass most of the City's GP/CLUP policy language and all City permits, conditions, and jurisdictional reviews. This policy should be revised to reflect actual site conditions and ownership realities.

4. Policy LU 10.2 – Abandonment vs. Decommissioning Terminology

LU 10.2, addressing the decommissioning of the EOF site, uses the terms "abandonment" and "decommissioning" seemingly interchangeably. These are terms of art in the oil and gas industry with distinct legal and regulatory meanings and should be properly differentiated in GP/CLUP policies. The Goleta Municipal Code (GMC) §17.37.040 specifically references "abandonment and removal," demonstrating that the City already recognizes this distinction.

Additionally, both **LU 10.4** and **LU 10.2** require restoration of the EOF site to "natural/pre-project conditions." This blanket restoration requirement ignores:

- The regulatory allowance for facilities to remain and be abandoned in place to reduce negative environmental impacts during removal
- The possibility for adaptive reuse of existing facilities, which could provide public benefit while avoiding demolition impacts

The policies should be revised to allow for these alternatives rather than mandating total site restoration in all circumstances.

5. Policy LU 10.1 – Nonconforming Use Designation

LU 10.1, addressing existing oil and gas processing facilities, should eliminate the specific reference to the Open Space/Active Recreation (OSAR) land use category. The policy already identifies the EOF as a nonconforming use, making the land use designation reference redundant and potentially confusing.

6. Policy LU 9.2 – Coastal Recreation and City Role

LU 9.2, addressing Coastal Recreation (Site #2 - EOF), similarly should eliminate the detail specifying OSAR land use designation, as the site's status as a nonconforming use makes the designation reference unnecessary regardless of the underlying land use category.

More significantly, section (a) of this policy contains inappropriate language stating the "City will seek to establish an appropriate future use at this site." This phrase implies the City would act as an

initiator and lead developer rather than its customary role as a permit review authority. This language suggests the City will play an active development role in "seeking to establish" new uses rather than responding to applications from property owners. The language needs to be revised, clarified, or explained to avoid confusion about the City's proper regulatory role.

ARCHAEOLOGY AND PALEONTOLOGY

1. Policy OS 8.2 – Cultural Resources Inventory and Property Owner Notification

OS 8.2 appropriately requires that exact locations of archaeological and paleontological sites remain confidential. However, is there any way to create a general location map at a scale that would still protect sensitive sites while giving property owners advance knowledge of whether a site nearby could affect future projects they may be planning? This would allow property owners to plan appropriately without requiring site-specific confidential information.

2. Policy OS 8.4 – Evaluation of Significance

OS 8.4, requiring evaluation of archaeological/paleontological significance, raises several critical implementation questions:

a. Does the City know approximately how many parcels and which specific parcels are affected by this policy?

b. Is there a standardized list of required information that will need to be analyzed in the Phase I cultural resources investigation?

c. Are there local firms/agencies with proper licensing or certifications to conduct these investigations, or will property owners need to retain consultants from outside the area?

d. What is the anticipated cost range for such studies that will be borne by property owners?

These questions are essential for property owners to understand the scope and financial implications of this policy before it is adopted.

ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

1. Policy CE 1.3 – ESHA Buffers and Biological Study Requirements

CE 1.3 appears to introduce a new uniform 200-foot distance from mapped ESHA to trigger required site-specific biological studies. However, the staff report indicates "[t]he City currently requires a

biological study for development applications within 300 feet of ESHA." This 300-foot requirement appears to exist only in GMC §17.30.030 as an implementation standard, not as policy.

The apparent effect of the proposed reduction from 300 to 200 feet is that it will establish a 100-foot uniform buffer, then extend the study requirement 200 feet beyond the buffer edge and effectively maintaining the status quo 300-foot study trigger distance.

Questions:

a. Is this interpretation correct?

b. How many property owners are impacted by creating a 100-foot minimum buffer from all existing mapped and unmapped (but qualifying) ESHA?

c. How many channelized creeks are considered ESHA where adjacent property owners may consider them ditches or drainage ways rather than protected creeks/ESHA?

d. Are there plans to notify impacted property owners citywide prior to this policy language being reconsidered and/or adopted?

Property owners deserve advance notice before policies are adopted that could significantly restrict their development rights and impose costly study requirements.

2. Policy CE 1.6b – Constitutional Takings Provision

While **CE 1.6b** appears legally defensible as a "takings" provision designed to protect constitutional property rights, it creates an extraordinarily burdensome and impractical regulatory framework that will fall squarely on the City of Goleta to administer and defend.

Administrative Burden on Applicants and City Staff:

The policy's requirements for demonstrating reasonable economic use, including "detailed analysis...to establish investment backed expectations" and specific City Council findings on constitutional takings will impose significant administrative burdens on both applicants and City staff. Homeowners seeking to add a modest shed, patio cover, or other minor improvement could face:

- Biological screening costs (~$1,000+)
- Full biological studies ($10,000+)
- Coastal Development Permit processing (6-12 months minimum)
- Potentially expensive takings analyses and legal documentation
- City Council hearings for takings findings

This regulatory process may be disproportionate to the scale of typical residential improvements and could generate public frustration directed at the City.

City's Implementation Responsibilities:

Once adopted, this becomes Goleta's policy to administer. The City will:

- Own full responsibility for implementation and enforcement
- Bear the costs of defending litigation challenging either the restrictions or takings determinations
- Face constituent anger when homeowners discover minor projects trigger expensive, lengthy processes
- Need to develop expertise in constitutional takings law and invest in staff training or outside counsel

Recommendation:

The City should request modification of this policy to establish clearer thresholds, exemptions for minor development, and streamlined procedures that balance environmental protection with reasonable property use before adopting language that exposes Goleta to both legal liability and public backlash.

3. Policy CE 1.6b Footnote "2" – Staff Evaluation of Policy Language

The footnote "2" in the Table on page 9 of the Planning Commission Staff Report (dated December 8, 2025) indicates that "[t]he City continues to evaluate the language in this proposed subpolicy to ensure the language is sufficient and adequate."

Questions:

a. What specifically about the policy language is potentially insufficient or inadequate?

b. What is the City's overall concern about the CCC-proposed language?

This suggests City staff has reservations about the policy, which should be clearly articulated before adoption.

4. Policies CE 2.2 and CE 2.3 – Stream Protection Areas (SPAs)

CE 2.2 and **CE 2.3**, which establish Stream Protection Areas (SPAs), are proposed to be completely deleted by Coastal Commission staff, with SPAs instead treated as another type of ESHA.

Question:

If this change is adopted and SPAs are recognized only generally as another form of ESHA, will GMC §17.30.070 also be changed to remove the opportunity for relief from the standard 100-foot setback (i.e., reduction to 25 feet via Conditional Use Permit)? Property owners need to understand whether this reclassification eliminates existing flexibility in the zoning code.

5. "Adjacent" vs. "Buffer" – Fundamental Misinterpretation of the Coastal Act

This is the most significant ESHA policy concern. Coastal Act §30240(b) uses the term "adjacent" but the City's proposed policies and zoning ordinance interpret this as a geometric "buffer." These two terms are not synonymous, and the distinction is critical.

The Coastal Act Standard:

The Coastal Act requires preventing significant degradation of ESHA, not prohibiting any and all development near it. Section 30240(b) is a performance standard demanding impact analysis, not a geometric exclusion zone.

What "Adjacent" Should Mean:

"Adjacent" should mean actual physical proximity where impacts could occur and not an arbitrary 100-foot radius that ignores roads, fences, and other real-world barriers. A shed 100 feet from woods across a major roadway is not "adjacent" in any meaningful sense and poses no degradation risk.

The Proper Approach:

The proper approach is straightforward: trigger review when development is genuinely near ESHA, require competent analysis showing no significant impacts, and approve projects that meet that standard.

Instead, Goleta is adopting rigid buffer mathematics that apply Section 30240(b) to properties physically separated from ESHA, forcing homeowners through expensive, year-long processes for minor improvements that pose zero threat to habitat. This transforms reasonable environmental protection into arbitrary property restriction.

Real-World Implementation Concerns:

When residents discover that a minor addition to their home triggers lengthy processes and substantial costs due to geometric buffer calculations, particularly where physical barriers like roadways separate their property from habitat, they will naturally turn to City staff and elected officials for relief. The City should ensure policies provide sufficient flexibility to address such situations reasonably.

GENERAL COMMENTS: CONFLATING POLICY WITH REGULATION

The Fundamental Error

General Plans and Coastal Land Use Plans are policy documents that establish community goals, principles, and standards, which are the "rules" that guide future development. They are intentionally

"general" to provide flexibility, adapt to changing conditions, and allow case-by-case application of broad policies.

Implementation Plans and Zoning Codes are regulatory documents that provide the specific "tools" (e.g., setbacks, procedures, permit requirements, measurement standards, etc.) that are needed to carry out those policies.

The proposed LCP amendments blur this critical distinction by embedding detailed regulatory mechanics in the GP/CLUP.

Why Overly Detailed GP/CLUP Policies Are Inappropriate

1. Statutory Structure and Intent

California planning law establishes a two-tier system: General Plans set policy direction; zoning implements it. The General Plan is deliberately broad to serve its 20-30 year horizon and guide, not dictate, development decisions. Embedding detailed regulations (specific buffer measurements, procedural requirements, analysis triggers) in the GP/CLUP confuses the hierarchy and undermines the Implementation Plan's proper role.

2. Rigidity and Inability to Adapt

Detailed policies in the GP/CLUP become extremely difficult to amend. Changing a specific buffer distance or procedural requirement requires a General Plan Amendment and, for coastal cities, Coastal Commission certification, which is a process that could take years and costing tens of thousands of dollars. By contrast, zoning code amendments can be accomplished in months, allowing cities to respond to new information, court decisions, or changed conditions. Locking regulatory detail into policy documents creates regulatory fossilization.

3. Loss of Local Discretion

When policies contain prescriptive details rather than performance standards, cities lose the ability to apply professional judgment and common sense. A policy stating "protect ESHA from significant degradation" allows staff and decision-makers to evaluate actual site conditions. A policy stating "all development within 100 feet of ESHA requires biological studies and CDP approval" removes discretion entirely, forcing expensive processes even where impacts are physically impossible.

4. Misallocation of Decision-Making

General Plans are adopted by legislative bodies making broad policy choices about community character and values. Zoning codes are administered by planning staff and commissions applying technical standards to specific projects. Embedding technical requirements in the GP/CLUP forces elected officials to make quasi-judicial determinations about buffer widths, study requirements, and procedural triggers, which are decisions that are better made by technical staff implementing clear policies.

5. Internal Conflicts and Interpretation Problems

Overly detailed policies inevitably conflict with each other or create ambiguities when applied to real-world situations (such as the road-barrier example discussed above). When these conflicts exist in the GP/CLUP, there is no "higher" policy to resolve them and City staff and applicants are stuck with irreconcilable mandates. Proper policy documents state principles; implementation documents provide the detailed mechanics that can be refined when conflicts emerge.

6. The Coastal Commission's Role Confusion

The Coastal Commission certifies LCPs to ensure consistency with Coastal Act policies with broad mandates like protecting ESHA, maximizing public access, and prioritizing coastal-dependent uses. When cities submit LCPs filled with prescriptive regulations, the Commission is effectively certifying zoning code language as "policy," then making it nearly impossible to amend. This inverts the proper relationship: cities should implement certified policies through locally-tailored regulations, not seek certification of regulations disguised as policies.

The Proper Approach

GP/CLUP Policy Level:

"Development adjacent to ESHA shall be sited and designed to prevent significant degradation of habitat values through appropriate buffering, impact analysis, and mitigation measures."

IP/Zoning Code Implementation Level:

Specific buffer distances, study requirements, permit triggers, exceptions for physical barriers, exemptions for minor development, and procedural standards.

This approach preserves the General Plan's policy-making function, gives the City flexibility to refine implementation tools, allows staff to apply professional judgment, and maintains the proper hierarchy between legislative policy and administrative regulation.

Goleta's Risk

By adopting CE 1.6b and similar overly detailed provisions in the GP/CLUP, the City is cementing regulatory mechanics into its foundational policy document. When this language proves unworkable (i.e., when residents rage about $10,000 studies for sheds across roads from ESHA, when courts find the buffer application arbitrary, when new biology reveals different protection needs) the City and Advance Planning staff will be locked into a multi-year, expensive LCP amendment process to “fix” language that never belonged in a policy document in the first place.

The City should insist on policy-level GP/CLUP language and reserve detailed implementation standards for the zoning code where they belong and can be responsibly managed.

PRESERVING LOCAL CONTROL AND FLEXIBILITY

Understanding Goleta's Planning Evolution:

When the City incorporated, it pulled over the County's zoning ordinance to implement the General Plan that the City worked hard to develop immediately upon incorporation. At that time, the General Plan was overly detailed because it served as the policy backstop that effectively acted as a hybrid GP and zoning code with very detailed development standards embedded within it. The inherited zoning ordinance functioned mainly to establish permit types and provide the procedural framework the City needed to operate.

In February of 2020, the City adopted its own comprehensive New Zoning Ordinance. This modern zoning code pulled all the GP detail into proper implementation standards, effectively making the detailed development standards in the GP unnecessary and redundant. The City now has a proper two-tier planning system with policy in the General Plan and detailed regulations in the zoning code.

The Current LCP Process Should Complete This Evolution - Not Reverse It:

The City should be using this LCP update process to remove outdated detail from the GP/CLUP, streamlining it to function as the true policy document it was always intended to be. Instead, the proposed amendments would add new and even more rigorous detail to the GP/CLUP, reversing the progress made with the New Zoning Ordinance and returning Goleta to the problematic hybrid structure that necessitated zoning code modernization in the first place.

The challenge with overly prescriptive policy language is that it constrains the very local discretion the City incorporated to achieve. When detailed regulatory mechanics are embedded in the GP/CLUP rather than the zoning code, the City loses its ability to adapt implementation tools to changed conditions, new information, or unexpected circumstances. This affects both the City's ability to respond to constituent concerns and its capacity to efficiently administer development review.

Some of the proposed policy language appears to establish regulatory approaches that may be more detailed than those found in other certified LCPs along the coast. While we appreciate the Commission's commitment to environmental protection, we encourage the City to carefully evaluate whether such detailed provisions are necessary at the policy level or whether they could be more appropriately addressed through Implementation Plan standards that can be refined over time.

When prescriptive language proves unworkable in practice, whether due to unanticipated site conditions, excessive costs for minor projects, or changed circumstances, it will be City staff and elected officials who must respond to constituent concerns and bear the costs of any necessary amendments. The multi-year LCP amendment process makes correcting policy-level language extraordinarily difficult and expensive.

We believe the City and Commission share the goal of achieving strong environmental protection while maintaining workable, administrable policies. Policy-level GP/CLUP language that articulates clear environmental standards, combined with flexible Implementation Plan tools that can be refined as needed, serves both objectives effectively. This approach fully implements Coastal Act

requirements while preserving the City's ability to respond to community needs and practical implementation challenges and honors the planning structure modernization the City achieved with its New Zoning Ordinance.

CONCLUSION

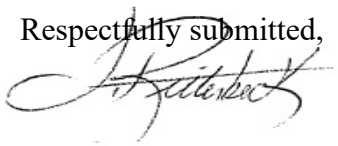
We respectfully urge the City Council and Planning Commission to:

1. Revise oil and gas policies to reflect current site conditions and proper terminology
2. Clarify archaeological/paleontological policies with implementation details and cost estimates
3. Fundamentally reconsider ESHA buffer policies to implement performance standards rather than geometric exclusion zones
4. Reject overly prescriptive regulatory language in the GP/CLUP in favor of policy-level guidance
5. Preserve local discretion by placing implementation details in the zoning code where they can be responsibly managed

The City should not sacrifice the local control it fought for in 2002 by adopting inflexible or novel policy language that will prove to be unworkable and likely expose Goleta to legal and political consequences for years to come.

Thank you for considering these comments and for the previous opportunity to speak at the December 8, 2025 public workshop. We are available to discuss any of these issues in greater detail at your convenience. Please contact Michael Johnson at (805) 450-0869 (mbjhomes@gmail.com) or J. Ritterbeck at (805) 448-8927 (jritterbeck@yahoo.com).

Respectfully submitted,



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