

CEQA FINDINGS

PRELIMINARY DRAFT
SANTA BARBARA COUNTY

SANTA BARBARA RANCH PROJECT

Findings and Statement of Overriding Considerations with Environmental Reporting and Monitoring Program for Approval of Alternative 1B as Identified in the Final EIR for the Santa Barbara Ranch Project, 04EIR-00000-00014

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I. Overview

A. Project Description

1. Overall Scope. The Santa Barbara Ranch Project (“Project”), as revised by Alternative 1B, entails the development of 71 new residential dwellings, equestrian center, agricultural support facilities, a worker duplex, public amenities (including access road, parking and restroom, wildlife interpretive kiosk and coastal access trails), and creation of conservation easements for permanent protection of open space and agriculture. The Project site encompasses the Santa Barbara Ranch and the Dos Pueblos Ranch, together totaling 3,254 acres and 85% of the lots comprising the Official Map of the Town Of Naples (Naples Townsite). The two ranches are zoned for AG-II-100 (Coastal Zone) and Unlimited Agriculture (non-Coastal Zone), and are located two miles west of the City of Goleta, AP Nos. 079-040-005 to 081-240-018, Third Supervisorial District.

2. Component Entitlements. The Project entails a broad array of legislative and quasi-judicial land use approvals including: (i) text and map amendments to the Comprehensive Plan, Coastal Land Use Plan (“CLUP”) and Zoning Ordinance; (ii) subdivision approvals consisting of a vesting tentative tract map, lot mergers, lot line adjustments and conditional certificates of compliance; (iii) cancellation, modification and re-issuance of Williamson Act contracts; (iv) creation of new Agricultural Conservation and Open Space Easements; (v) discretionary permit approvals encompassing development plans, conditional use permits and minor conditional use permits, land use permits and coastal development permits; and (vi) miscellaneous actions including approval of development agreements and removal of the Special Problems Area designation currently applicable to Naples.

B. Procedural History

1. Project Applications. Formal application for the Project was filed with the County by Santa Barbara Ranch, LLC (the “Applicant”) on November 4, 2003, and accepted as complete on September 3, 2004. The initial application was for a smaller project of 54 residential home sites confined to the 485-acre Santa Barbara Ranch (referenced in the Final EIR as the “MOU Project”). The application was later supplemented in June 2006 to add Alternative 1 to the environment analysis, expanding the Project to encompass the adjacent Dos Pueblos Ranch totaling 2,769 acres and increasing the number of residential home sites from 54 to 72. A major feature of the Alternative 1 design was the relocation or shifting of development potential from within the Coastal Zone on both Santa Barbara Ranch and Dos Pueblos Ranch to the inland portion of Dos Pueblos Ranch. As a result of the public review process, the applicant further modified the Project by relocating an additional 14 home sites outside of the Coastal Zone and public viewshed. This last modification, identified as Alternative 1B, constitutes the scope of development on which actions of the Planning Commission and Board of Supervisors are based. The overall procedural history is described in the paragraphs that follow.

2. Design Review. Design review by the Central Board of Architectural Review (“CBAR”) is invoked by operation of the County’s Ridgeline and Hillside Development Guidelines and provisions of the Naples Town Site (“NTS”) Zone District proposed as part of

the Project. An informational briefing and site visit, preparatory to commencing formal processing, were conducted for the benefit of the Planning Commission and CBAR on May 31, 2006, and July 14, 2006. Thereafter, CBAR deliberated the project over 11 sessions and concluded its conceptual review on January 12, 2007. Deliberations recommenced on May 31, 2008, when the applicant introduced Alternative 1B for CBAR consideration. A follow-up meeting was conducted on June 17, 2008, and at which time CBAR supplemented its conceptual review findings and reported its findings to the Planning Commission on July 10, 2008.

3. Agricultural Issues. The County's Agricultural Preserve Advisory Committee ("APAC") provides input to the Board of Supervisors on matters concerning the Uniform Rules for Agricultural Preserves and Farmland Security Zones. Insofar as Alternative 1B includes Williamson Act ("WA") Contract revisions and new Agricultural Conservation Easements ("ACE"), APAC was consulted on these matters. APAC commenced its deliberations on September 8, 2006, and issued its findings 14 months later in minutes approved on November 2, 2007. APAC concluded that the proposed WA-ACE easement exchange under the Project meets the criteria prescribed under State statutes and the County's Uniform Rules. APAC revisited the matter on August 15, 2008, in light of the Alternative 1B proposed and newly drafted ACE documents, and continued its deliberations to September 5, 2008, with the expectation of making a recommendation to the Board separate and apart from the Planning Commission. Separate and apart from APAC, the Agricultural Advisory Committee ("AAC") has been consulted on the general question of whether the proposed Project would adversely affect agricultural resources. Three meetings have thus far been held with the Committee dating back to August 10, 2006. Findings of both bodies will be reported to the Board of Supervisors as it deliberates the project.

4. Special Problems. The Naples Town Site has been listed as a Special Problems Area under the provisions of Section 10-13.2 of the County Code by virtue of the area's substandard lot sizes and geologic conditions that are not conducive for individual septic systems. Special Problem Areas of the County are designated by resolution of the Board of Supervisors as having existing or anticipated special and unique problems pertaining to flooding, drainage, soils, geology, access, sewage disposal, water supply, location, or elevation which impact the health, safety and welfare of the public. Both the original MOU Project and Alternative 1 were presented to the Special Problems Area/Subdivision Committee Review Committee ("SPDRC") over the course of five meetings dating back to November 2003. The Committee, both collectively and individual members thereof, have issued conditions of approval that are recommended by staff for adoption by the Board of Supervisors.

5. Transfer of Development Rights. In compliance with Policy 2-13 of the County's CLUP, a series of studies were undertaken in the period between June 2005 and August 2007 to evaluate the feasibility of transferring development rights ("TDR") from Naples to nearby urban areas. The TDR studies conclude that: *"...while it may be possible to extinguish at least some development potential at Naples, a complete extinguishment of development rights is improbable."* These findings and relevant documents were the subject of separate public hearings by the Planning Commission and Board of Supervisors in late 2007 and early 2008. In summary, the Board of Supervisors affirmed the recommendation of the County Planning Commission and declared on February 5, 2008, that: (i) only a partial transfer of development

potential at Naples/SBR is possible; and (ii) the land use designation of AG-II-100 should be re-evaluated as provided by Policy 2-13 of the CLUP. The Board also concurred with the County Planning Commission that a TDR program should be market-based and voluntary in scope. In so doing, the Board authorized and directed staff to finalize a TDR Ordinance and initiate the adoption process.

6. Planning Commission. By operation of the County's Land Use and Development Code, the Planning Commission serves in an advisory capacity to the Board of Supervisors which has final jurisdiction over the Project. As noted above, the Project was first introduced to the Commission with an informational briefing and site visit conducted on May 31, 2006, and July 14, 2006, respectively. This introduction was followed with a series of workshops that were conducted on April 3, 2008, May 5, 2008, May 29, 2008, and June 5, 2008. Formal deliberations commenced on June 30, 2008, and continued over four additional sessions on July 10, 2008, July 21, 2008, August 13, 2008, and August 20, 2008. Interspersed among these hearings, the Commission also deliberated the proposed TDR Ordinance and formulated a recommendation to the Board on July 23, 2008.

7. Project Recommendation. During the public review process and as a result of feedback received in connection with meetings of the Planning Commission, CBAR, AAC, and APAC, the Applicant presented a further refinement of Alternative 1. The refinement (hereinafter referred to as "Alternative 1B") involves: the relocation of fourteen lots outside of the Coastal Zone to further reduce visual impacts within the Highway 101 public view corridor; the reduction and relocation of development envelopes on DPR south of Hwy 101 to minimize impacts to sensitive cultural resources; the elimination of one home site on DPR, north of Hwy 101; an increase in acreage devoted to agricultural preservation; and introduction of an architectural style to better reflect the agrarian and rural character of the project area. As a result of these changes, coupled with the Final EIR's conclusion that Alternative 1B is the environmentally superior alternative, the Planning Commission has recommended approval of Alternative 1B in place of the MOU Project as originally proposed. In addition the Planning Commission recommended elimination of the beach access stairway and the westerly loop return trail along Langtry Avenue.

C. Environmental Review History

1. Draft Environmental Impact Report ("EIR"). The environmental review process for the Project officially commenced in January 2005 with issuance of a Notice of Preparation and receipt of testimony on issues relevant to the scope of the EIR. This was followed with preparation of a Draft Environmental Impact Report ("DEIR") that was released for public review on June 30, 2006. The initial 60-day comment period was subsequently extended one month ending September 27, 2006. During this period, an administrative hearing was conducted by the County on July 27, 2006 for the purpose of receiving public comments. Following the end of the public review period, it was concluded that the best method for responding to comments and accounting for changes in project design would be to revise and re-circulate the entire document as opposed to preparing a Final EIR. This decision was driven by a number of factors including:

- Revisions in project design to address comments received (including those of the County Central Board of Architectural Review) and incorporate a number of mitigation measures identified during the EIR preparation process that serve to reduce environmental effects.

- Preparation of an Open Space and Habitat Management Plan by the project applicant, as further refined through specific mitigation measures, that are intended to avoid or reduce biological effects.

- Addition of new information regarding agricultural resources (particularly relevant to Alternative 1) as the result of interactions between County staff, the Santa Barbara Agricultural Preserve Advisory Committee, and California Department of Conservation.

- Reformatting to reinforce the MOU Project as the official project for which formal application has been made by dividing the document into distinct volumes that separately address the MOU Project and the Alternatives (including Alternative 1).

2. Revised Draft Environmental Impact Report. A Revised Draft Environmental Impact Report (“RDEIR”) was released on November 13, 2007, and an administrative hearing was conducted on December 10, 2007. As with the original DEIR, the public review period on the RDEIR was extended an additional 21 days. At the close of the public comment period on January 23, 2008, a total of 55 written comments letters had been received. An additional 20 individuals commented at the administrative hearing conducted on December 10, 2008. These written and verbal comments were partitioned into approximately 2,300 individual remarks for which written responses were prepared and issued on June 13, 2008, as a component of the proposed Final EIR.

II. Introduction to CEQA Findings

The County of Santa Barbara (the “County”) prepared a Revised Draft and a Final Environmental Impact Report for the Santa Barbara Ranch Project (collectively, the “EIR”). The EIR addresses the potential environmental effects associated with the Santa Barbara Ranch Project, as well as with various Project Alternatives. The Findings and Statement of Overriding Considerations are set forth below (the “Findings”) and recommended by the Planning Commission for adoption by this County of Santa Barbara Board of Supervisors (“Board”) as the County’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project (Alternative 1B). The Findings provide the written analysis and conclusions regarding Alternative 1B’s environmental impacts, mitigation measures, other alternatives to the Project, and the overriding considerations, which justify the approval of Alternative 1B despite its significant unavoidable environmental effects.

A. Procedural Background and Consideration of the EIR

Pursuant to CEQA and the CEQA Guidelines, the County determined that an EIR would be required for the Project. On January 11, 2005, the County issued a Notice of

Preparation for the EIR which was circulated to responsible agencies and interested groups and individuals for review and comment. The Draft EIR was published for public review and comment on June 30, 2006 and was filed with the State Office of Planning & Research under State Clearinghouse No. 2005011049. The Draft EIR was made available for review and comment by interested persons and public agencies through September 27, 2006. The Revised Draft EIR was published for public review and comment on November 13, 2007 and was filed with the State Office of Planning & Research under State Clearinghouse No. 2005011049. The Revised Draft EIR was made available for review and comment by interested persons and public agencies through January 23 2008. The County prepared written responses to the comments received on the Revised Draft EIR during the comment period and included these responses the Final EIR. The Final Environmental Impact Report (“Final EIR”) was made available for public review on June 13, 2008.

The Santa Barbara Ranch Project Environmental Impact Report (EIR), 04EIR-00000-00014, was presented to the Planning Commission, and all members of the Planning Commission reviewed and considered the EIR and its accompanying response-to-comments. In addition, all Planning Commissioners have reviewed and considered testimony and additional information presented regarding the EIR at or prior to public hearings on December 10, 2007, January 2, 2008, February 6, 2008, April 3, 2008, May 5, 2008, May 29, 2008, June 5, 2008, June 30, 2008, July 10, 2008, July 21, 2008, August 13, 2008, and August 20, 2008. The EIR consists of the Proposed Final EIR dated June 2008, the June 30, 2008 Corrections and Clarifications for the Proposed Final EIR, and the Confirming Analysis of Alternative 1B dated August 4, 2008 and updated to reflect further testimony provided at the Planning Commission hearing of August 20, 2008 hearing (collectively the Final EIR).

The Planning Commission recommended that the Board finds that the EIR reflects the independent judgment of the County, analyzes a reasonable range of alternatives to the proposed project, and that it is adequate to support approval of the main alternatives considered in the Final EIR and project deliberations. These alternatives include the “MOU Project,” Alternative 1, and Alternative 1B.

B. Consideration and Recommendation of Certification of the EIR

The Board certifies that the EIR has been completed in compliance with CEQA. The Final EIR was presented to the Planning Commission and to the Board, and they have reviewed and considered the information contained in the Final EIR prior to approving the project. . The EIR and these findings reflect the independent judgment and analysis of the Board. The Board recognizes the EIR may contain clerical errors. The Board considered the information contained in the Final EIR and bases its determination on the substance of the information it contains in addition to other evidence in the record. The Board reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The Board certifies that the EIR is adequate to support the approval of the action that is the subject of the staff report to which these CEQA findings are attached.

C. Location of Record of Proceedings

The Record of Proceedings, upon which all findings and determinations related to the approval of Alternative 1B are based, includes the following:

1. The EIR and all documents referenced in or relied upon by the EIR.
2. All information (including written evidence and testimony) provided by County staff to the Planning Commission and Board relating to the EIR, the approvals, the Project, and Alternative 1/1B.
3. All information (including written evidence and testimony) presented to the Planning Commission and Board by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Planning Commission and Board.
4. All information (including written evidence and testimony) presented to the County from other public agencies related to the Project, Alternative 1/1B, or the EIR.
5. All applications, letters, testimony and presentations relating to the Project and Alternative 1B
6. All information (including written evidence and testimony) presented at any County hearing or County workshops related to the Project, Alternative 1/1B and the EIR.
7. All County-adopted or County-prepared land use plans, ordinances, including without limitation general plans, specific plans, and ordinances, together with environmental review documents, findings, mitigation monitoring programs, and other documents relevant to planned growth within the area.
8. The Mitigation Monitoring and Reporting Program for Alternative 1B.
9. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the County's decisions are based are in the custody of Project Manager Tom Figg at Planning & Development, located at 123 E. Anapamu St., Santa Barbara, CA 93101.

D. Absence of Significant New Information

The Board recognizes the Final EIR incorporates information obtained and produced after the Revised Draft EIR was completed, and that the EIR contains additions, clarifications, and modifications. This information was provided to the Planning Commission and to the public in the Planning and Development staff report dated June 30, 2008 in an attachment to the staff report titled *Corrections and Clarifications for the Proposed Final EIR, Santa Barbara Ranch Project, June 30, 2008*. Upon direction by the Planning Commission to proceed with the project configuration known as Alternative 1B, a Confirming Analysis of

Alternative 1B was prepared on August 4, 2008, and updated to reflect further testimony on August 20, 2008. The Board has reviewed and considered the Final EIR and all of this information. The Final EIR, and the Confirming Analysis of Alternative 1B, does not add significant new information to the Revised Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the Project sponsor declines to adopt that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Revised Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Revised Draft EIR. Thus, recirculation of the EIR is not required. The Board finds that the changes and modifications made to the EIR after the Revised Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions, shall continue in full force and effect unless amended or modified by the County.

III. CEQA Findings

A. Findings for Denial of the Proposed Project

The MOU Project is not being denied; rather, Alternative 1B is a refinement of the Project and constitutes the environmentally superior configuration. Findings pursuant to Public Resources Code §21081 and the California Environmental Quality Act Guidelines §§15090 & 15091 are not required for projects that are denied.

B. Findings Related to Significant and Unavoidable (Class I) Impacts

The Final EIR for Santa Barbara Ranch identifies two significant and unavoidable environmental impacts (Class I) of Alternative 1, which are also impacts of Alternative 1B as detailed in the Confirming Environmental Analysis of Alternative 1B. There are cumulative impacts to biological resources and project-specific impacts to visual resources that, although mitigated to the maximum extent feasible, cannot be fully mitigated and therefore are considered unavoidable. To the extent these impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. Each of these “Class I” impacts identified by the Final EIR resulting from implementation of Alternative 1B is discussed below.

1. Cumulative Loss of Coastal and Foothill Habitats (Impact Bio-22).

This cumulative impact is described in the FEIR in Section 9.4.4.3 (pages 9.4-79 through 9.4-82), and involves a number of biological issues and their manifestation on

the coastal terrace annual grassland, which originally extended from Coal Oil Point in the south to El Capitan Point in the north. The remaining patches of this coastal terrace annual grassland in the areas surrounding the Alternative 1B site are small and isolated, which has caused habitat fragmentation. In general, habitat fragmentation has had pervasive effects on the distribution, abundance, and movement of wildlife species and has exposed individual animals to increased mortality. Past developments on the coastal plain in western Goleta have already reduced the extent of the coastal terrace and have contributed to wildlife habitat fragmentation. Several other proposed residential developments near Alternative 1B could contribute to such fragmentation as well. By developing any part of the coastal terrace, Alternative 1B will contribute to the cumulative loss of coastal terrace grassland habitat and the connectivity and movement opportunity that it provides for wildlife south of Highway 101. Several design and mitigation measures have been incorporated into Alternative 1B that serve to reduce its impacts to habitat fragmentation and wildlife movement on-site as discussed in Impact Bio-12 (pages 9.4-72 through 9.4-74 in the FEIR). These include:

- re-design of access roads and driveways to retain larger and relatively more contiguous open pasture lands than the original design;
- use of design features such as rounded curbs with natural rock-lined drainage improvements;
- redesign to avoid mapped seasonal water bodies that may be determined to be wetlands along with 100 foot buffers from any new construction;
- specifications in the Design Guidelines for fencing type and location that will allow movement of wildlife across the project; and
- measures within the Open Space and Habitat Management Plan designed to improve the extent and quality of the grassland community in open space areas,

If it were feasible, applying these types of design principles for grassland and coastal scrub protection, along with mitigation measures Bio-1a and Bio-2a, to the entire area covered by the Naples Townsite map would help reduce the cumulative effect of the grassland habitat loss. This approach, however, cannot avoid this impact entirely, and cannot undo the habitat loss that has already occurred.

The California Department of Fish and Game has suggested (in comment S-6-13, in Section 14 of the Final EIR, and in testimony at the August 13, 2008 Planning Commission hearing) that it would be possible to acquire offsite land containing areas of non-native grassland of sufficient size and quality to compensate for the loss of the coastal terrace grassland habitat. Specifically, the letter mentions 1,327 acres of habitat on the Dos Pueblos Ranch property as having been identified as “high conservation value habitat” in a Department publication (*Gaviota Coast Conceptual Area Protection Plan*) and in the Conception Coast Project *Regional Conservation Guide*. The former document has not been published, and does not represent a designation, policy, notification, or any other formal presentation of the intent of the Department to take any action relative to acquisition of non-native or annual grassland. The latter document provides only generalized and relative assessments of priorities for conservation.

Figure 25 from the *Regional Conservation Guide* indicates that along the Gaviota Coast a few areas along the coast itself, and the higher elevations of the Santa Ynez Mountains, both have a higher priority for conservation than the intermediate slopes where most of the non-native grasslands in the region are located. This result is consistent with the central determination in the Final EIR on this matter: the non-native grasslands in the region, particularly those areas on the intermediate slopes north of Highway 101, have relatively less habitat value than other vegetation communities. The flatter coastal terrace areas supported non-native grassland or annual grassland with a habitat value that was higher than that of the non-native grassland on the slopes to the north, but most of this former habitat has been converted to urban uses in the City of Goleta and adjacent areas.

As noted in Response to Comment S-6-13 (Final EIR, Section 15, page 15-58), the Alternative 1 design as originally proposed would preserve 820 acres out of the 942 acres of non-native grassland mapped on the Dos Pueblos Ranch property. The Alternative 1B areas may be slightly different, and there is more non-native grassland, as well as other vegetation communities, in the northern portions of the Dos Pueblos Ranch property beyond the areas influenced by the project. The retention of this area of non-native grassland in its current condition was considered by the Final EIR. Because of the qualitative difference in its habitat value, when compared with that of the non-native grassland along the coastal terrace areas south of Highway 101, the retention of this area does not mitigate the cumulative loss of the coastal terrace non-native grassland.

In summary, other than the retention of most of the non-native grassland areas on the project site within the proposed ACE, there is no effort by any other agency to provide funding, acquire habitat, or take other steps to preserve grassland habitat on the Dos Pueblos Ranch property. Absent funding and a willing property owner, there is no feasible way to accomplish the offsite “mitigation” as suggested by the Department of Fish and Game. Even if large areas of non-native grasslands on the intermediate hillsides north of Highway 101 could be acquired, their preservation would not offset the loss of the higher value coastal terrace grasslands south of the highway. The project as proposed has incorporated measures to the extent feasible to preserve portions of the coastal terrace grassland, but even if more could be preserved within the project it would not undo the previous loss of the majority of this habitat that has already occurred. For these reasons, it is not feasible to mitigate the cumulative impacts to the coastal terrace grassland to a level of insignificance. .

2. Change in Visual Character (Impact Vis-0).

Alternative 1B will replace portions of the existing sloping hillsides visible to the north of Highway 101 with a large lot development. Depending on the vantage point, several single-family residences would be simultaneously visible from the highway. Not all individual views will be significantly affected, and measures Vis-1 and Vis-2 and Vis-3 will lessen the overall change in visual character to the maximum extent feasible. Further, Alternative 1B also incorporates several features that will tend to increase agricultural production and make the development site more “agricultural” in character when compared to the original designs of the project. However, the visual character of Alternative 1B would nonetheless be one of a rural ranchette development, as opposed to a more open and agricultural landscape, and, as a result, is considered to have a significant and unmitigable impact on the visual character of the landscape.

Given the number, size, and distribution of existing legal lots—particularly those lots north of Highway 101 and readily visible from the travel corridor—it is not possible to avoid a change in character on the property. The project design minimizes the effect to the extent feasible by directing new development towards inland portions of the site, which are less visible from the highway. Alternative 1B would have 12 residences visible, or partly visible through the eucalyptus windrows north of Highway 101. The only way to avoid the change entirely, or to reduce it to a level below significance, would be to acquire and extinguish development rights on all of these remaining lots. Absent extinguishment of development rights, the overall change in visual character is considered a significant impact, which cannot be mitigated to a level of insignificance.

C. Findings Related to Potentially Significant but Mitigable (Class II) Impacts

The Final EIR identified several environmental impact areas for which Alternative 1B is considered to cause or contribute to significant but mitigable environmental impacts (Class II). With implementation of the mitigation measures identified in the Final EIR, and outlined below, these impacts resulting from implementation of Alternative 1B would be reduced to less than significant levels.

1. Geology, Geologic Hazards, and Soils

The Final EIR identified six potentially significant impacts to geology, geologic hazards, and soils that would result from implementation of Alternative 1: (1) Geol-1, involving coastal bluff retreat; (2) Geol-2, involving erosion from grading; (3) Geol-3, relating to seismicity; (4) Geol-4, concerning landslides; (5) Geol-5, relating to soils conditions; and (6) Geol-6, involving naturally occurring radon gas. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure Geol-1

All structures and improvements in portions of the development adjacent to coastal bluffs must be setback a minimum of 110 feet from coastal bluff tops. This is in excess of the County's requirement that structures and improvements be setback a minimum of 53 feet from coastal bluff tops in order to provide protection from bluff erosion for a minimum of 75 years. Accordingly, implementation of this requirement will therefore lessen any impact related to bluff retreat (Impact Geol-1) to a less than significant level.

b. Mitigation Measure Geol-2

Grading and erosion and sediment control plans shall be designed to minimize erosion. This mitigation measure requires that the plans, among other things, limit the time of year in which grading can occur and specify the types of methods and materials to be used for grading. This measure also specifies erosion control materials and structures and specific limits on grading slopes. The design limits imposed by this measure will ensure that impacts related to erosion from grading (Impact Geol-2) will be reduced to a less than significant level. This mitigation measure applies to all new grading and construction, including the public

parking area, picnic area, coastal trails and other recreational improvements. Thus, this mitigation measure also responds to the impact described in Impact Rec-4.

c. Mitigation Measure Geol-3

Structures shall be designed to meet the earthquake safety standards articulated in the Uniform Building Code for projects, like Alternative 1B, located in Seismic Zone 4. Meeting the standards of the Uniform Building Code will lessen the impacts associated with seismicity (Impact Geol- 3) to a less than significant level.

d. Mitigation Measure Geol-4 and 5

A geological and/or soils engineering study addressing structure sites and access roads shall be completed, which will assist in the preparation of structural design criteria. Implementation of the structural design criteria based on these studies will mitigate impacts related to landslides and soil conditions (Impacts Geol- 4 and 5) to a less than significant level by requiring proper grading and foundation design, as well as inspection and enforcement based on applicable safety codes.

e. Mitigation Measure Geol-6

Applications for building permits must be accompanied by a report documenting testing results for the presence of radon gas. In the event such radon gas is present, residences shall be designed and constructed in accordance with EPA guidelines for minimizing impacts associated with radon gas exposure. The implementation of EPA guidelines for radon gas, if necessary, will assure that any impacts associated with radon gas (Impact Geol-6) will be reduced to a less than significant level.

2. Hydrology and Water Quality

The Final EIR identified four potentially significant impacts to hydrology and water quality that would result from implementation of Alternative 1: (1) Flood-1, relating to flood hazards; (2) WQ-1, relating to pollutants in surface waters; (3) WQ-2, concerning wastewater treatment and disposal; and (4) WQ-3, relating to cumulative development pollutants. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure Flood-1

Storm water retention and protection structures, along with other industry standard erosion protection devices, shall be constructed, installed, and made operational during the initial phases of site grading. Post-construction measures, designed by a registered civil engineer or other professional specializing in stormwater management or flood control, and located and designed according to specifications in the Flood Control District Standard Conditions of Project Plan Approval, shall also be implemented. The implementation of the above devices and methods during and after construction will lessen the impacts associated with flood hazards (Impacts WQ-1 and WQ-3) to a less than significant level.

b. Mitigation Measure WQ-1a

The Applicant must submit a copy of a completed Notice of Intent, along with a Storm Water Pollution Prevention Plan (“SWPPP”) and monitoring program, the Regional Water Quality Control Board’s NOI acceptance letter, and the waste discharge identification number showing coverage under the National Pollution Discharge Elimination System (“NPDES”) general permit. The SWPPP may contain some or all of the mitigation measures suggested in the EIR, which include construction site best management practices (“BMPs”), BMPs which will minimize soil movement, BMPs designed to capture sediment, and good housekeeping BMPs. Implementation of BMPs will serve to protect water quality during all phases of construction and will reduce the impacts to surface water during construction (Impacts WQ-1 and WQ-3) to a less than significant level. This mitigation measure also applies to the construction of the parking lot, picnic area, trails, and other recreational improvements. Thus, this mitigation measure also responds to the impact described in Impact Rec-4.

c. Mitigation Measure WQ-1b

A combination of non-structural and structural improvements and BMPs will be implemented. Low Impact Development (“LID”) elements, an alternative site design strategy which uses natural and engineered filtration and storage techniques to control stormwater runoff where it is generated, will also be incorporated into the final landscape designs as appropriate, consistent with the Design Guidelines for Alternative 1B. Stormwater retention and infiltration features will be appropriately designed into individual lots and pervious stone gutters will be used for common drainage facilities. Approximately one third of paved areas will be composed of permeable surfaces, and roof collection systems will be used. Bioswales will be used where possible and a maintenance program must be specified in an inspection and maintenance plan. Implementation of improvements and BMPs will minimize discharges of pollutants from residential units, roads, equestrian facilities, and open space easements, thus lessening the impact of pollutants on surface waters. The use of LID elements, which tend to be more effective as reducing pollutants in stormwater runoff at a lower cost than conventional stormwater BMPs, will also reduce impacts to surface waters. The use of stormwater retention and infiltration features will minimize flow and volume of runoff from developed areas, and roof collection systems will maximize onsite filtration. The use of these methods will reduce the post-construction impacts to water quality (Impacts WQ-1 and WQ-3) to a less than significant level.

d. Mitigation Measure WQ-1c

An animal waste management plan will be prepared and submitted to Environmental Health Services. A Storm Water Quality Management Plan (SWQMP) will also be submitted to the Planning and Development Department (“P&D”). These plans will identify the maximum number of horses to be handled at the equestrian facility and also will, at a minimum, incorporate measures related to horse manure and management of runoff from horse-washing areas. The animal waste management plan and the SWQMP will ensure that the post-construction impacts to water quality caused by the equestrian facility (Impacts WQ-1 and WQ-3) will be reduced to a less than significant level.

e. Mitigation Measure WQ-1d

The Applicant will prepare a SWQMP for the public parking area, picnic area, restrooms, trails, and related recreational improvements. The SWQMP will identify improvements and BMPs to minimize discharge of litter and pollutants from the parking and picnic areas to surface waters, minimize erosion, and collect and control dog waste. These measures also include specific drainage improvements that will further ensure that the post-construction impacts to water quality caused by coastal trail and other recreational improvements (Impacts WQ-1 and WQ-3) will be reduced to a less than significant level. This measure also responds to the impact identified in Impact Rec-4.

f. Mitigation Measure WQ-1e

All storm drains will be labeled in English and Spanish to advise the public that storm drain discharges and dumping waste into the ocean is prohibited. Storm drain signage will reduce the frequency of storm drain discharges and dumping, lessening the post-construction impacts to water quality (Impacts WQ-1 and WQ-3) from such activities to a less than significant level.

g. Mitigation Measure WQ-1f

Trash container areas must divert drainage from adjoining paved roads and be protected and regularly maintained to prevent off-site transport of trash. Implementation of this, and the other above listed measures, will ensure that any post-construction impacts to water quality (Impacts WQ-1 and WQ-3) from such activities are reduced to a less than significant level.

h. Mitigation Measure WQ-2

The Applicant will avoid the use of individual septic tanks and will connect all new residential units within the Santa Barbara Ranch (SBR) property, and within the Dos Pueblos Ranch (DPR) subdivision north of Highway 101, to the proposed package sewage treatment plant. The Applicant must provide information to the RWQCB showing that operation of the system will meet applicable surface and groundwater objectives, and all individual septic systems will be subject to field testing, review, and approval by local and state agencies to ensure the design meets RWQCB and other agency code requirements. The Applicant must prepare a Report of Waste Discharge (“ROWD”), and the RWQCB must approve discharge requirements and a monitoring program for the proposed treatment plants and disposal systems prior to County approval of building permits within Alternative 1B. A monitoring program adequate to ensure that the discharge will meet the surface water quality objectives stated in the Central Coast Basin Plan will also be prepared prior to County approval of building permits. If an on-site or other treatment disposal system is proposed, a ROWD demonstrating that operation of the system would not result in noncompliance with surface water and groundwater quality objectives must be prepared and approved by the RWQCB. Approval by the RWQCB for each proposed individual on-site treatment system is required prior to issuance of a Land Use Permit (“LUP”)/Coastal Development Permit (“CDP”) for that site. Proper design, siting, operation, and maintenance of the sewage treatment plants, and avoidance of individual septic systems to

the maximum extent feasible, will ensure that surface water and groundwater quality objectives are met and will mitigate the impacts to water quality (Impact WQ-2) to a less than significant level.

3. Biological Resources

The Final EIR identified several different impacts on biological resources that would result from implementation of Alternative 1B: (1) Bio-1, relating to the removal of special-status plants associated with grassland habitats; (2) Bio-2, involving the removal of special-status plants associated with scrub habitats; (3) Bio-4, concerning indirect effects on special-status plants associated with riparian and woodland habitats and isolated seep habitats; (4) Bio-5, relating to the introduction of non-native plants; (5) Bio-6, relating to increased beach use and the associated effects on the Naples reef; (6) Bio-7, concerning the effects upon native grasslands; (7) Bio-8, involving construction on or near state and federal jurisdictional waters, wetlands, and seasonal water bodies; (8) Bio-9, related to the construction of stream crossings; (9) Bio-10, concerning the effects of increased recreational use on seal haul-out areas; (10) Bio-11, relating to the degradation of grassland foraging habitat for raptors and other special status wildlife; (11) Bio-13, concerning effects on aquatic-associated wildlife; (12) Bio-14, relating to effects on monarch butterfly roosts; (13) Bio-15, concerning riparian bird nest parasitism; (14) Bio-16, concerning effects on beach invertebrates; (15) Bio-17, relating to special-status invertebrates; and (16) Bio-18, related to wildlife mortality. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure Bio-1a

Alternative 1B will place building footprints well within the proposed development envelopes. An Open Space Habitat Management Plan (OSHMP) which identifies objectives and actions to manage and increase areas of native grassland habitat and reduce nonnative species will be prepared, pursuant to the Naples Planned Development zone proposed for the Alternative 1B. Prior to the issuance of any Land Use Permit (LUP) or Coastal Development Permit (CDP), the Applicant must submit plans demonstrating protection of native grassland from encroachment or clearing for fire protection purposes, as well as a vegetation restoration plan containing specific components described in the EIR. Building footprints will be placed such that neither development envelopes, nor a 30-foot vegetation clearance distance around all structures affects native grassland habitat. Such placement of these footprints, along with the implementation of an OSHMP and development of a native grassland and vegetation restoration plan, will reduce impacts to native grassland to a less than significant level, addressing impacts Bio-1, Bio 7, and Bio-11.

b. Mitigation Measure Bio-1b

Within one year of the commencement of construction, a qualified biologist approved by Planning and Development (P&D) will survey development envelopes and other areas which may be disturbed by the construction of roadways or other improvements for special-status plant grassland species. Surveys must conform to guidelines published by, at the very least, the California Department of Fish and Game (CDFG), the United States Fish and Wildlife Service (USFWS), and the California Native Plant Society (CNPS), and survey methods

must be approved by the County. The qualified biologist will collect seeds, bulbs, or cuttings of the species for transplantation to suitable areas within the Open Space Conservation Easement (OSCE). Construction must be stopped until the USFWS and/or CDFG have been notified and any authorizations have been obtained if any endangered, threatened, or rare species are detected. The survey will allow for identification and transplantation, if necessary, of special-status grassland species. This survey, along with a protocol in case of detection of endangered, threatened, or rare species, will protect special-status grassland species and reduce any impacts to these species to a less than significant level, addressing impacts Bio-1, Bio 7, and Bio-11.

c. Mitigation Measure Bio-2a

Prior to issuance of any LUP and CDP for development within any portion of Alternative 1B, the Applicant must submit a vegetation restoration plan. This plan will include several specific elements relating to the protection and revegetation of scrub habitat. Implementation of this plan will protect and revegetate scrub habitat and reduce impacts to these plant species to a less than significant level, addressing impacts Bio-2, and Bio-17.

d. Mitigation Measure Bio-2b

A qualified biologist approved by P&D will survey development envelopes and vegetation thinning areas for special-status plants species located within coastal scrub areas. Surveys must conform to guidelines published by, at the very least, the CDFG, USFWS, and CNPS, and survey methods must be approved by the County. The qualified biologist will collect seeds, bulbs, or cuttings of the species for transplantation to suitable areas within the OSCE. Construction must be stopped until the USFWS and/or CDFG have been notified and any authorizations have been obtained if any endangered, threatened, or rare species are detected. The survey will allow for identification and transplantation, if necessary, of special-status species located in coastal scrub areas. This survey, along with a protocol in case of detection of endangered, threatened, or rare species, will protect special-status species in coastal scrub areas and will reduce any impacts to these species to a less than significant level, addressing impacts Bio-2, and Bio-17.

e. Mitigation Measure Bio-3

A qualified biologist approved by P&D must review and approve the Landscaping Plan for Alternative 1B. The Landscaping Plan shall prohibit the use of non-locally collected native plants and seed materials for any native species used within or adjacent to open space areas, as well as the planting of any invasive, exotic plant species as identified by the California Invasive Plant Council. Ornamental plant species must be selected to minimize the potential for invasiveness or other adverse affects on nearby native vegetation. The Landscape Plan must be-submitted to P&D for County review and approval, and only then may any CDP or LUP be issued for a residential structure. Implementation of the Landscaping Plan will control non-native plants and lessen the impact to native plant populations to a less than significant level, addressing impacts Bio-5, and Bio-11.

f. Mitigation Measure Bio-4

In order to minimize harassment and adverse effects to the harbor seal haul-out area, and to minimize the effects of visitor use on the plants and animals found in the Naples Reef and adjacent marine and beach habitat, including Southern sea otters, the CDP approved for the public coastal access trail shall require that the Applicant post signs informing visitors that no pets are allowed on the trail or the beach. An access structure that would provide direct access to the beach and originally proposed by the applicant has been eliminated. Prohibiting pets from the trail and eliminating direct beach access will lessen impacts to the Naples Reef to a less than significant level, addressing impacts Bio-6, and Bio-10.

g. Mitigation Measure Bio-5

Over the course of several years of review of the Alternative 1B site, the detailed boundaries and configurations of some seasonal water bodies have varied. Since the exact area and configuration of seasonal ponds on the site is subject to change during the extended period of the approval process for Alternative 1B, the Applicant shall conduct a formal wetland delineation after approval of the Development Plan for Alternative 1B. Development of the Alternative 1B must provide for a minimum 100-foot buffer, as detailed in Final EIR Table 9.4-5, from all delineated wetlands prior to the issuance of a CDP or LUP for any lot containing wetlands. The implementation of a 100-foot buffer from all delineated wetlands will fulfill the requirements of the County's CLUP Policy 9-9, and will ensure that any impacts to wetlands or seasonal water bodies are reduced to a less than significant level, addressing impact Bio-8.

h. Mitigation Measure Bio-6

The design of Alternative 1B avoids direct effects on riparian woodlands and streams in the area. Such designs include the use of an open span bridge and the maintenance of stream corridors in open space or conservation easements. Implementation of the designs of Alternative 1B, in combination with Mitigation Measures WQ-1a, 1b, and 1d, will reduce any impacts to riparian woodlands to a less than significant level, addressing impacts Bio-9.

i. Mitigation Measure Bio-7

Alternative 1B avoids the construction of major structures within 50 feet of eucalyptus windrows used for monarch butterfly nesting areas. Construction shall be timed to minimize dust, noise, and increased human activity impacts to overwintering monarch butterflies. If grading or heavy equipment work must occur between October and March, a qualified biologist must survey all eucalyptus trees within 50 feet of the residential development area prior to the start of work to determine use by monarchs. If butterfly aggregations are found within 50 feet of the work area, activities must be halted until monarchs have left the site. An onsite environmental monitor must monitor compliance with these requirements for the duration of construction activities. The 50-foot buffer fulfills County Coastal Plan Policies 9-22 and 9-23. This buffer, in conjunction with limiting construction activity to avoid times when Monarch

butterflies are roosting, will serve to mitigate potential effects to the butterflies to a less than significant level, addressing impact Bio-14.

j. Mitigation Measure Bio-8

Prior to the issuance of a CDP and related permits for the equestrian center, the Applicant must provide a plan to minimize the potential of adverse impacts upon native breeding bird species. This plan must be approved by the County before a CDP or LUP can be issued. The plan will include sections on brown-headed cowbird control, nest predator control, non-native bird control, and beneficial native bird encouragement. Through minimization of adverse impacts upon native breeding bird species, this plan will reduce impacts related to riparian bird nest parasitism to a less than significant level, addressing impact Bio-15.

k. Mitigation Measure Bio-9a

In order to protect potentially occurring special status species, raptors, and nesting birds, a variety of pre-construction surveys must be completed. Construction work areas and access roads must be surveyed, silt fencing must be installed, burrowing owl and raptor surveys must be completed, and activities must take place outside of the breeding bird season. Implementation of these surveys, in conjunction with the actions explained below in Mitigation Measure Bio-9b, will reduce any impacts related to wildlife mortality to a less than significant level, addressing impact Bio-11.

l. Mitigation Measure Bio-9b

The Applicant will identify measures that can be taken by residents and public recreational users to avoid wildlife mortality. Measures for public users will be reflected in display materials incorporated into the public access trail improvements, and measures applicable to residents will be identified in materials and distributed to all new owners. Materials will include a presentation to the homeowners' association, provisions in the CC&Rs for the development which prohibit the use of rodenticides, pesticides, herbicides and other chemicals and poisons toxic to wildlife outside the proposed building envelopes, as well as provisions which prohibit the introduction of non-native plants and animals into aquatic and terrestrial envelopes outside of the building envelopes, biological resource protection signage, and a posted speed limit of 20mph or less on all access roads. Implementation of these measures, in conjunction with the surveys described in Mitigation Measure 9a, will reduce any impacts related to wildlife mortality to a less than significant level, addressing impact Bio-11.

4. Hazards and Hazardous Materials

The Final EIR identified four potentially significant impacts associated with hazards and hazardous materials that would result from implementation of Alternative 1: (1) HM-1, relating to impacts from unlocated and/or abandoned oil wells; (2) HM-2, involving impacts from potential contaminated soil (oil well activities); (3) HM-3, dealing with impacts from potentially contaminated soils; and (4) HM-4, relating to impacts from the accidental release of hazardous materials. Sites contaminated with petroleum products, pesticides, or other materials are subject to laws and regulations at the federal, state, and local level. In Santa

Barbara County, the County Fire Department, Fire Prevention Division, Hazardous Material Unit, is the Certified Unified Program Agency (CUPA) responsible for administration and oversight of hazardous materials management and remediation of hazardous wastes and contaminated soils. Mitigation measures described in the FEIR were drawn from the January 2007 edition of the *Leaking Underground Fuel Tank & Site Mitigation Unit Manual*, prepared by the Fire Prevention Division. That manual references the state laws and regulations administered by the Fire Protection Division as the CUPA, and sets forth the procedures, performance requirements, relative timing, and other matters related to enforcement of applicable state laws and regulations. Since the publication of the Revised Draft EIR in 2007, The Fire Prevention Division initiated amendments to the manual to address in a more specific manner sites potentially contaminated by oil exploration or production standards. These Site Mitigation Units will be addressed explicitly in the SMU-2 amendment to the manual. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure HM-1

Based on the estimated nine oil wells on or near the Alternative 1B site whose approximate locations are shown in Final EIR Figure 9.5-1, the Applicant must conduct a survey identifying any subsurface structures with the potential to compromise structural and infrastructure integrity or pose a risk of exposure to hazardous materials or waste. Historic oil wells must be re-abandoned under the direction of California Division of Oil, Gas, and Geothermal Resources (“DOGGR”) and the Santa Barbara Fire Prevention Division in compliance with Title 14, Chapter 4, Section 3106 of the Public Resources Code, the requirements of which are detailed in the EIR. These surveys, in conjunction with compliance with Section 3106, will lessen impacts from abandoned oil wells (Impact HM-1) to a less than significant level by ensuring that no structure that is as part of Alternative 1B is located or constructed in a manner that would pose a risk to the structure’s integrity or to exposure to hazardous materials or waste.

b. Mitigation Measures HM-2 and HM-3

In order to properly assess and remove contaminated soils which may remain on the Alternative 1B site given the sites use for agricultural over the past several decades, the Applicant must conduct a further survey which assesses soils at or near the surface in the proposed residential and infrastructure developed areas, as required by the FPD. This survey must be completed before the issuance of any CDP or LUP. A full analytical characterization of specific hydrocarbon compounds contained in crude oil or oil-derived products must be completed, and inorganic metals must also be assessed. The soil assessment also must address pesticides in surficial soils. A screening level human health and ecological risk evaluation must be completed, and, depending on the results of this evaluation, additional assessment and/or remediation may be required. The Applicant must complete this survey before the issuance of a LUP or CDP. The requirements of this survey, along with the human health and ecological risk evaluation, and any additional assessments or remediation required as a result, will ensure that any impacts related to soil contamination (Impacts HM-2 and HM-3) are reduced to a less than significant level.

c. Mitigation Measure HM-4

In the event that contaminated soils are encountered and identified through Mitigation Measures HM-2 and HM-3, Site Remedial Action Plans (RAPs) shall be developed. Upon FPD concurrence with the recommendations presented in the Phase II ESAs, RAPs shall be prepared for submittal to the FPD. The RAPs will determine remediation goals and cleanup criteria as well as evaluate corrective action alternatives. The site RAP shall be reviewed and approved by the FPD prior to issuance of a CDP/LUP for the affected lot. Implementation of the RAP will ensure that any impacts related to soil contamination (Impacts HM-2 and HM-3) are reduced to a less than significant level.

d. Mitigation Measure HM-5

Given the potential for cumulative impacts resulting from increased contaminated soil associated with remediation activities being disposed of at appropriate offsite disposal facilities, Site Remediation must be implemented, and oil field and solid waste debris shall be removed. Remediation includes, at a minimum, maintenance of buffer zones around areas containing soils impacted by remnant crude oil, petroleum products or other hazardous substances, removal of soils at or near the surface that exceed applicable cleanup criteria, removal of oil field debris, and maintenance of GIS coordinates of all areas assessed and/or remediated. Remediation will reduce any potential impacts related to contaminated soils or the accidental release of hazardous materials (Impacts HM 1- 3) to a less than significant level.

e. Mitigation Measure HM-6

A soil management plan will provide guidance for the proper handling, onsite management, and disposal of soil that may be impacted during construction. The Plan will be consistent with the Cal-OSHA requirements and FPD remediation standards. Trained professionals will be onsite during preparation, grading, and related earthwork activities to monitor soil conditions. A sampling strategy will also be implemented. The Soil Management Plan will outline guidelines for identifying impacted soil, assessing impacted soil, soil excavation, impacted soil storage, verification sampling, and impacted soil characterization and disposal. The Plan must be approved by the FPD prior to the issuance of any CDP or LUP for lots where remediation is required by the FPD. Together with other mitigation measures discussed above, implementation of the soil management plan will reduce the impacts of soil contamination (Impacts HM 1- 3) to a less than significant level.

f. Mitigation Measure HM-7

In the event that any unexpected wells or piping are encountered during normal grading operations, all grading operations must cease until the DOGGR and FPD are notified and appropriate actions have been taken. Together with other mitigation measures discussed above, implementation of this measure will reduce the impacts to soil contamination (Impacts HM 1- 3) to a less than significant level.

g. Mitigation Measure HM-8

Though not anticipated, in the event that storage, handling, or use of hazardous materials as defined by the provisions of the California Code of Regulations, Title 22 or 23, occurs onsite, the Applicant must comply with these regulations and implement the appropriate plan, permit, and/or program. Together with other mitigation measures discussed above, implementation of this measure will reduce the impacts to soil contamination (Impacts HM 1- 3) to a less than significant level.

5. Agricultural Resources

The Final EIR identified two potentially significant impacts on agricultural resources that would result from implementation of Alternative 1: (1) AG-5, dealing with agricultural stability and land use conflicts, and (2) AG-6, relating to the cumulative conversion of agriculturally designated lands to non-agricultural uses. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure AG-1

The Applicant shall record an easement of 2,684 acres to the Land Trust for Santa Barbara County or a similar not for profit entity to the satisfaction of the Department of Planning and Development. The easement will provide for the continuation of expansion of agricultural uses with oversight by the Land Trust. CC&Rs must also be recorded for each lot addressing allowable uses and restrictions related to the development and continuation of agricultural uses within the easement. The recordation and monitoring of an agricultural easement, which will protect 2,684 acres of land, including more than 900 acres that are not already in agricultural use, from conversion to non-agricultural uses, in conjunction with the establishment of CC&Rs addressing restrictions related to agricultural uses, will reduce any impacts related to the cumulative conversion of agriculturally designated lands to non-agricultural uses (Impact AG-6) to a less than significant level.

b. Mitigation Measure AG-2

Given the proximity of development to agricultural areas under Alternative 1B, agricultural fencing will be installed along the boundaries of development envelopes which are contiguous to agricultural operations. Fencing must be designed, installed and maintained to protect agricultural land from residential intrusion for the life of Alternative 1B. Fencing shall be subject to design review and approval and shall also take into account potential effects on biological resources and not obstruct wildlife movement. Agricultural fencing will protect agricultural operations from encroaching development, thus reducing any impacts related to agricultural stability and land use conflicts (Impact AG-5) to a less than significant level.

c. Mitigation Measure AG-3

Given the proximity of development to agricultural areas under Alternative 1B, a buyer notification shall be recorded with the final map. The notification will

alert buyers that the property is located adjacent to agricultural property and that any inconvenience or discomfort from properly-conducted agricultural operations, including noise, odors, dust, and chemicals, will not be deemed a nuisance. A buyer notification will warn buyers of potential problems associated with being located adjacent to agricultural operations, thus lessening any impacts related to agricultural stability and land use conflicts (Impact AG-5) to a less than significant level.

6. Visual Resources

The Final EIR identified eleven potentially significant impact on visual resources that would result from implementation of Alternative 1: (1) Vis-1A, dealing with effects to key observation point 1A; (2) Vis-1B, relating to effects on key observation point 1B; (3) Vis-2, relating to key observation point 2; (4) Vis-4, concerning key observation point 4; (5) Vis-5, relating to key observation point 5; (6) Vis-6B, concerning key observation point 6B; (7) Vis-7, relating to key observation point 7; (8) Vis-8A and 8B, dealing with stairway access to the beach (no longer applicable); (9) Vis-10, relating to light and glare; (10) Vis-11, concerning sound walls and perimeter; and (11) Vis-13, relating to cumulative impacts.

Under Alternative 1B there are 14 Alternative 1A residences (Lots 48, 52A, 107B, 109, 133, 136, 137, 160, 164, 186, 187, 188, 193, and 195) that would be relocated to areas associated with proposed DP Lots 1 – 10 under Alternative 1A and that were previously evaluated in the Final EIR. Under Alternative 1A, those residences were located within the potential Highway 101 viewsheds considered in the Final EIR as Key Observation Point (KOP) 2 (the view from Highway 101 Northbound), KOP 6a (the foreground view of north of Highway 101 from Highway 101), and KOP 6b (the midground view north of Highway 101 from Highway 101 southbound). All potential visual impacts of those 14 residences on KOP 1B, 2, and 6a are reduced under Alternative 1B. All potential visual impacts of those 14 residences on KOP 6b are eliminated.

The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure Vis-1

The Alternative 1B draft *Santa Barbara Ranch Design Guidelines* identified a number of site, architectural, and landscape measures of Alternative 1B to reduce the potential visual impacts of Vis 1 – 8 relating to the introduction of development under Alternative 1B into Key Observation Points 1-8. Final copies of these guidelines must be submitted to and approved by P&D and the Board of Architecture Review prior to issuance of the final LUPs/CDPs for each lot. Further, prior to issuance of building permits for individual residences, the Applicant shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of Alternative 1B. Prior to occupancy of any buildings constructed as part of Alternative 1B, clearance, landscape and irrigation shall be installed. These agreements and the *Santa Barbara Ranch Design Guidelines* will reduce the visual contrast of residences as seen against the backdrop of natural hillsides and/or skyline and make Alternative 1B blend in with the surrounding area,

thereby mitigating impacts Vis-1 through Vis-8 to a less than significant level. This measure also contributes to the reduction of Impact Rec-6 to a less than significant level.

b. Mitigation Measure Vis-2

Alternative 1B landscaping plans shall include a component addressing maintenance and improvements of existing windrow plantings. The growth of windrow plantings will assist in minimize the visual impacts of development to travelers and recreational users and helping development under Alternative 1B blend in with the surrounding area, and thereby helping to mitigate impacts Vis-1 through Vis-8 to a less than significant level. This measure also contributes to the reduction of Impact Rec-6 to a less than significant level.

c. Mitigation Measure Vis-3

Structural material colors and texture of the beach access stairway/viewing platform must be selected to blend with adjacent coastal bluffs. The particular color and treatment proposed shall be subject to the Board of Architectural Review (“BAR”) and P&D approval. The colors and texture of the beach access stairway/viewing platform will cause the stairway/viewing platform to blend with adjacent bluffs, minimizing impacts associated with the beach access stairway/viewing platform to a less than significant level. *(Note: This measure is no longer needed with the elimination of the beach access stairway/viewing platform as part of the Board’s approval of Alternative 1B).*

d. Mitigation Measure Vis-4

The Santa Barbara Ranch Design Guidelines, Addendum dated June 30, 2008, prepared for the Alternative 1B proposal include lighting specifications to minimize lighting and glare from the project. Measures included in these guidelines include:

- Light spill beyond the homesite is not allowed and exterior lights should be shielded to prevent light spillage.
- Exterior light fixtures shall direct light downward from buildings, trees and stake mounts and be of the full cut-off type with the light source hidden from view.
- Lamps shall be of low intensity. Any glare should be minimized as much as practical.
- Up-lighting and flood lighting are not permitted.
- High efficacy, energy efficient lamps should be used to the greatest extent feasible.
- Exterior Lighting shall meet or exceed the U. S. Green Building Council, SS Credit 8, LZ1, Dark Standard for Park and Rural Settings.

A schematic lighting concept which incorporates or addresses each lighting requirement of the Visual Development Standards has been submitted as part of the Final Development Plan in compliance with NTS requirements. Final lighting details must be submitted for review and approval by BAR before any final development permits are issued. Implementation of specific requirements for lighting fixtures will reduce light and glare from several sources. These requirements would lessen any visual impacts related to light and glare (Impact Vis-4) to a less than significant level. This measure also contributes to the reduction of Impact Rec-6 to a less than significant level.

e. Mitigation Measure Vis-5

In the event any homeowner proposes to install sound walls and perimeter structures for individual lots, the homeowner shall be subject to design review and approval. Such walls and structures shall be prohibited in areas that would obstruct public views toward the ocean or mountains, including views from Highway 101, the railroad, and public trails. Currently, no extensive sound walls are proposed Alternative 1B or are considered necessary for Alternative 1B. If such walls were subsequently proposed for any of the residences near the railroad tracks, however, there could be potential for visual impacts. If walls were designed shield just the immediate structure and yard of the residence, and to avoid a long continuous barrier, then visual impacts would be avoided. Walls and structures are subject to design review and approval, and also prohibited in areas where they would obstruct public views toward the ocean or mountains. As a result, the potential impacts to visual resources caused by sound walls and perimeter structures (Impact Vis-5) would be reduced to a less than significant level. This measure also contributes to the reduction of Impact Rec-6 to a less than significant level.

7. Recreation

The Final EIR identified four potentially significant impacts on recreation that would result from implementation of Alternative 1: (1) Rec-1, relating to impacts associated with the new Coastal and De Anza trails; (2) Rec-4, concerning short-term construction impacts; (3) Rec-5, dealing with visual resources (no longer applicable with the deletion of the beach access stairway); and (4) Rec-6, relating to cumulative impacts on the Gaviota Coast regional recreational experience. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure Rec-1

Alternative 1B incorporates a trail design to provide a new segment of the Coastal (De Anza) Trail across the property with linkage to future trail segments on either side. In addition, Alternative 1B includes a parallel spur trail along the south side of Highway 101 to connect the Coast Trail with a vertical access trail proposed on the adjacent Las Varas Ranch project, leading to the beach. Alternative 1B also provides funding for vertical trail and beach access improvements equivalent in value to trail segments and stairway access that have been eliminated from the project. These measures will ensure that any potential impacts to recreation related to the new Coastal and De Anza trail segments would be reduced to a less than significant level.

b. Mitigation of Other Recreational Impacts

Impact Rec-4 dealing with short-term construction effects will be mitigated through the application of mitigation measures applicable to all construction components of the overall project. These include Mitigation Geol-2, WQ-1a, WQ-1d. Impact Rec-5, related to visual effects of the now deleted beach access stairway is no longer applicable. Mitigation Vis-3, which was related to the stairway, is also no longer applicable. Impact Rec-6, related to cumulative visual effects on regional recreational resources is reduced by the mitigation measures incorporated into the project to avoid and reduce its visual effects. These include Mitigation Vis-1 (site, architectural, and landscape measures), Vis-2 (windrow maintenance), Vis-4 (lighting controls), and Vis-5 (prohibitions and other requirements on walls and fences).

8. Cultural Resources

The Final EIR identified five potentially significant impacts on cultural resources that would result from implementation of Alternative 1: (1) Cultural-1, relating to the disturbance of CA-SBA-78; (2) Cultural-2, concerning the disturbance of CA-SBA-79; (3) Cultural-4, relating to unanticipated discovery and potential disturbance of surface and subsurface historic and prehistoric resources; (4) Cultural-5, concerning the potential disturbance of unanticipated human remains; and (5) Cultural-6, relating to increased human use. The following mitigation measures would reduce such impacts to a less than significant level

a. Mitigation Measure Cultural-1

Though referenced as a mitigation measure in the Final EIR, the design of Alternative 1B has been revised as follows in an effort to avoid impacts relating to development within CA-SBA-78 and CA-SBA-79 which could potentially disturb subsurface historic and prehistoric resources:

(i) Development on Lot DP-15 will be relocated east of its initial location to where archaeological testing confirmed a lack of intact archaeological deposits.

(ii) Development envelopes on Lots DP-15 and DP-20 will also be reduced from 4 to 2 acres to avoid impacts to archaeological deposits.

(iii) Development on Lot DP-16 will be restricted to within the disturbed footprint of the existing homesite to minimize the potential for disturbance of archaeological deposits

(iv) All buried utilities on Lots DP-15, -16, and -20 will be relocated to minimize the potential for disturbance of archaeological deposits.

(v) Development proposed within 100 feet of a recorded archaeological site will employ design techniques to minimize the depth and volume of subsurface excavation minimize the potential for disturbance of archaeological deposits.

(vi) Construction plans for development within the areas of CA-SBA-78 and CA-SBA-79 will be designed to minimize the amount of land in archaeological deposits that would be cut as part of cut and fill for construction pads.

(vii) Lot DP-15 will be relocated and the development envelopes on Lots DP-15 and DP-20 will be reduced in size to will ensure that construction is sited in locations with minimal archaeological deposits, thus reducing impacts to archaeological deposits.

b. Mitigation Measure Cultural-2

A Cultural Resource Program Plan (“CRPP”) shall be prepared for Alternative 1B. The CRPP will be prepared by a County-approved archaeologist at the sole expense of the Applicant and must be approved by P&D prior to issuance of any permit or the granting of zoning clearance for any aspect Alternative 1B. The CRPP will provide an overall framework to be refined as needed to plan and conduct site-specific investigations in different parts of the Alternative 1B area, and must be comprehensive and designed to guide all investigations regardless of location or time. The CRPP will ensure that subsequent site-specific cultural resource investigations and mitigations are conducted consistently. The CRPP shall include, but is not necessarily limited to, program research design, a programmatic testing plan, a programmatic data recovery plan, a response plan for unanticipated discoveries, qualifications and organization of construction monitoring personnel, a response plan for unanticipated discovery of human remains, reporting and documentation requirements, and curation and documentation requirements. The CRPP will provide a framework for cultural resource investigations and mitigation measures, ensuring consistency in Alternative 1B and in future development. Through doing so, the CRPP will reduce impacts to cultural resources from Alternative 1B, as well as from future development. The CRPP will specifically reduce impacts associated with the disturbance of CA-SBA-78, the disturbance of CA-SBA-79, the unanticipated discovery and potential disturbance of surface and subsurface historic and prehistoric resources, and the potential disturbance of unanticipated human remains. Further, the preparation of the CRPP complies with the provisions Public Resources Code section 21083.2 concerning the treatment of unique archeological resources. The implementation of the CRPP will, therefore, in combination with the other Cultural Resource mitigation measure described below, reduce potential impacts to cultural resources (Impacts Cultural 1-6) to a less than significant level.

c. Mitigation Measure Cultural-3

A Cultural Resource Mitigation Plan (“CRMP”) will be prepared and implemented by a qualified archaeologist approved by the County. The CRMP will be reviewed by P&D prior to issuance of a CDP for any development within CA-SBA-78. The CRMP must be consistent with the CRPP and shall provide an implementation schedule and funding for adequate mitigation as required by CLUP Policy 10-3 and Section 35.65-2 of Article II, Division 3 of the County Code. The CRMP shall include, but not be limited to, site-specific archaeological testing plan(s), site-specific data recovery plan(s), and a cultural resources construction monitoring plan. Implementation of the CRMP will provide for an archaeological testing plan, data recovery plan, and cultural resources construction monitoring plan, all of which will reduce the impacts to cultural resources. Further, the preparation and implementation of the

CRMP complies with the provisions Public Resources Code section 21083.2 concerning the treatment of unique archeological resources. Preparation and compliance with the CRMP will, therefore, in combination with the other Cultural Resource mitigation measure described here, reduce potential impacts to cultural resources (Impacts Cultural 1-6) to a less than significant level.

d. Mitigation Measure Cultural-4

The development of Lot DP-15 shall be relocated to an area known as Locus 2, where it is expected that construction would have no significant impact on cultural resources. The western and southern boundaries of Locus 2 will need to be defined, however, in order to determine whether the entirety of the DP-15 homesite will fit inside the disturbed area. In addition, access roads or other infrastructure outside of the homesite could affect dense deposits in CA-SBA-79. The CA-SBA-79 CRMP addresses these issues, and will include site-specific archaeological testing plan(s), site-specific data recovery plan(s), a cultural resources construction monitoring plan, a capping plan, and curation requirements. The CA-SBA-79 CRMP must be prepared by a qualified biologist approved by the County, and shall be reviewed and approved by P&D prior to issuance of any CDP for any development within CA-SBA-79. The mitigation plan must be consistent with the CRPP. Implementation of the CA-SBA-79 CRMP would include several measures meant to reduce impacts to potential archaeological information associated with prehistoric Chumash inhabitants located in CA-SBA-79. The testing plan(s), data recovery plan(s), cultural resources construction monitoring plan, capping plan, and curation requirements would each lessen the disturbance of CA-SBA-79. Further, the preparation and implementation of the CRMP complies with the provisions Public Resources Code section 21083.2 concerning the treatment of unique archeological resources. Therefore, the implementation of measures to avoid or lessen impacts and the recovery of additional scientific data required by the measure, in combination with the other Cultural Resource mitigation measure described here, will reduce potential impacts to cultural resources (Impacts Cultural 1-6) to a less than significant level.

e. Mitigation Measure Cultural-5

All grading or excavation must be monitored by a qualified archaeologist and a Native American Monitor of local association. The construction crew will be instructed not to collect artifacts and are required to inform Alternative 1B archaeologist in the event cultural remains are uncovered. A pre-construction workshop must be held to educate the construction crew regarding the prohibition on unauthorized artifact collection during construction. If subsurface materials are uncovered, the monitoring archaeologist can halt construction work in the immediate vicinity of the field and implement the emergency discovery procedures specified in the CRMP. Further, these monitoring requirements comply with the provisions Public Resources Code section 21083.2 concerning the treatment of unique archeological resources. These measures, which provide for education regarding artifacts, a Native American and archaeologist monitor, and a procedure to protect against disturbance of archaeological materials in the case they are discovered, in combination with the other Cultural Resource mitigation measure described here, reduce potential impacts to cultural resources will reduce any potential impacts to cultural resources regarding unanticipated discovery and potential

disturbance of surface and subsurface historic and prehistoric resources (Impacts Cultural 1-6) to a less than significant level.

f. Mitigation Measure Cultural-6

If unanticipated resources are discovered during construction, work in that area shall be stopped and the resources shall be addressed under the procedures set forth in CEQA, section 15064.5. Resources should be avoided through design modification, if possible, and through protective measures. If the resource is significant, measures shall be carried out by the Applicant in accordance with County Archaeological Guidelines. If archaeological deposits in areas of open space within development envelopes are exposed on the ground surface as a result of development, they should be capped with fill and/or planted with shallow-rooted ground cover to obscure the ground surface in order to avoid unauthorized artifact collection by residents. Further, these requirements comply with the provisions Public Resources Code section 21083.2 concerning the treatment of unique archeological resources. These protective measures and requirements protect against the disturbance of archaeological materials in the case they are discovered, and thus, in combination with the other Cultural Resource mitigation measure described here, reduce any potential impacts to cultural resources regarding unanticipated discovery and potential disturbance of surface and subsurface historic and prehistoric resources (Impacts Cultural 1-6) to a less than significant level.

g. Mitigation Measure Cultural-7

In the event human remains are discovered, construction in that area will cease and the remains will stay in situ pending definition of an appropriate plan. The County coroner will be contacted to determine the origin of the remains. If the remains are of Native American origin, the NAHC will be contacted to determine procedures for consultation, protection, and preservation of the remains, including reburial, as provided in the CEQA Guidelines, section 15064.5(e). The Native American monitor shall provide oversight for these procedures and for treatment of the remains that are agreeable to the monitoring tribe in accordance with cultural tradition. A response plan for the unanticipated discovery of human remains will be prepared as part of the CRMP and shall be included in the CRPP. Further, these requirements comply with the provisions Public Resources Code section 21083.2 concerning the treatment of unique archeological resources and human remains. The above methods for consultation, protection, and preservation of discovered human remains, in conjunction with the development of a response plan for the unanticipated discovery and the stopping of construction upon discovery of any such remains, will, in combination with the other Cultural Resource mitigation measure described here, reduce the impacts associated with the potential disturbance of unanticipated human remains to a less than significant level.

h. Mitigation Measure Cultural-8

Property owners shall be provided with a brief homeowner education fact sheet that discusses the importance of protecting the area's historical and cultural resources. The sheet shall provide a list of prohibited activities that could adversely affect archaeological and historical resources, including artifact collection, vandalism, and excavation or ground disturbance outside of approved areas shown on approved site plans for individual lots. The fact sheet must also

provide contact information for a County-approved archaeologist that the homeowners could call to answer questions about the list or to report accidental or unauthorized disturbance of cultural resources. The implementation of measures educate homeowners of the importance of the area's cultural resources, in combination with the other Cultural Resource mitigation measure described here, reduce potential impacts to cultural resources (Impacts Cultural 1-6) to a less than significant level.

i. Mitigation Measure Cultural-9

Recordation of all historical resources through the use of California Department of Parks and Recreation forms is recommended but not necessary, unless required as a condition of approval. If required as a condition of approval, Applicant shall submit DPR forms for all historic resources within Alternative 1 to the Central Coast Information Center. One set of these forms would also be submitted to the County prior to the issuance of any County permit that would authorize ground disturbance. The implementation of the recordation measures, in combination with the other Cultural Resource mitigation measure described here, reduce potential impacts to cultural resources (Impacts Cultural 1-6) to a less than significant level.

9. Traffic and Circulation

The Final EIR identified one potentially significant impact on traffic and circulation that would result from implementation of Alternative 1: (1) Traffic-2, relating to the northbound Dos Pueblos Canyon Road exit. The following mitigation measure would reduce this impact to a less than significant level:

a. Mitigation Measure Traffic-1

The Applicant prepared and submitted preliminary plans for a lengthened northbound deceleration lane and a reconfiguration of the northbound off ramp and on ramp at the Highway 101 Dos Pueblos Canyon Road exit. Further design review will now be undertaken as part of the Caltrans Project Development Process framework, which provides a series of engineering and environmental reviews that ensures the designs are consistent with Caltrans standards and coordinated with any future projects by Caltrans related to Highway 101. Plans for the ramp and interchange improvements must be approved by Caltrans and County Public Works prior to the development of any Santa Barbara Ranch lots south of the highway (Lots 12, 35, 39, 63, 66, 91, 93, 119, 122, 41, 42, 43, 69, 70, 71, 97) and evidence of such approval shall be provided to P&D. The ramp and interchange improvements must be completed within five years of plan approval or before development of the fifth lot on the Santa Barbara Ranch property south of the highway, whichever comes first. Though Caltrans did not submit comments indicating that Alternative 1 would result in a potentially significant impact to the northbound Dos Pueblos Canyon Road exit, the County has concluded it is appropriate to impose Mitigation Measure Traffic-1 in order to ensure that any potential for Alternative 1B to impact the northbound Dos Pueblos Canyon Road exit is lessened to a less than significant level.

10. Noise

The Final EIR identifies three potentially significant noise impacts that would result from implementation of Alternative 1: (1) Noise-1, Noise-2, and Noise-3, all relating to construction noise. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure Noise-1

Construction activity for site preparation and for future development shall be limited to the hours of 7:00 am to 4:00 pm, Monday through Friday. No construction shall occur on state holidays. Construction equipment maintenance shall be limited to the same hours. The implementation of these controls, in combination with the other measures discussed below, will bring Alternative 1B in consistency with the County's Noise Element and thus will reduce the potential construction noise impacts identified in Impact Noise 1, Noise 2 and Noise 3, to a less than significant level.

b. Mitigation Measure Noise-2

As presented in the Final EIR (Section 9.13.3.4), this mitigation measure required incorporation of construction techniques and recommendations in the EIR noise analysis into the project design to reduce exterior noise levels to no more than 65 dBA (decibels, Community Noise Equivalent Level or CNEL). The impact analysis in the Final EIR, however, (Section 9.13.3.2) demonstrates that for all development areas of the project site, both existing and projected future exterior noise levels will remain below this threshold. The mitigation measure is, therefore, not necessary.

c. Mitigation Measure Noise-3

Stationary construction equipment, such as large air compressors or generators, which exceeds 65 dBA CNEL at the Alternative 1B boundaries shall be shielded to P&D's satisfaction and shall be located the maximum feasible distance from nearby occupied residences. The implementation of these controls, in combination with the other measures discussed below, will bring Alternative 1B in consistency with the County's Noise Element and thus will reduce the potential construction noise impacts identified in Impact Noise 1, Noise 2 and Noise 3, to a less than significant level.

11. Air Quality

The Final EIR identifies two potentially significant impacts on air quality that would result from implementation of Alternative 1: (1) AQ-1, relating to construction PM₁₀ emissions; and (2) AQ-4, concerning cumulative PM₁₀ emissions. The following mitigation measures would reduce such impacts to a less than significant level:

a. Mitigation Measure AQ-1

Dust generated by Alternative 1B shall be kept to a minimum by following dust control measures, including using water trucks and sprinklers to minimize dust, watering based on wind speeds, installing gravel pads, providing street cleaning if soil track-out occurs, covering soil if exportation, importation, or stockpiling of fill is involved, treating disturbed areas after grading or other similar activities, and designating a person(s) to monitor the dust control program. Implementation of these measures will reduce the dust generated by construction of Alternative 1B, lessening any air quality impacts relating to PM₁₀ emissions and cumulative PM₁₀ emissions (Impacts AQ-1 and AQ-4) from dust to a less than significant level.

b. Mitigation Measure AQ-2

ROC and NO_x emissions generated by Alternative 1B construction shall be kept to a minimum through a variety of measures, including minimizing equipment idling time, maintaining equipment engines in good condition and in proper tune, lengthening the construction period during smog season to minimize the number of vehicles and equipment operating at the same time, and using alternatively fueled construction equipment, such as compressed natural gas, liquefied natural gas, or electric, if feasible. Implementation of the above measures would reduce Alternative 1Bs' construction-related NO_x and ROC emissions from heavy equipment, further lessening any air quality impacts relating to NO_x and ROC emissions and cumulative PM₁₀ emissions (Impact AQ-4) to a less than significant level.

c. Improvement Measure AQ-3

The Applicant shall incorporate each of these energy conservation measures into Project building plans unless the Applicant proves that incorporation of a specific measure is infeasible: must meet or exceed the California Title 24 Energy Code for all relevant applications, install heat transfer modules in furnaces, apply light colored, water-based paint and roofing materials on all structures, incorporate the use of solar panels for water heating systems and water heater systems, include design elements that maximize the use of natural lighting, construct parking areas with concrete or other non-polluting materials instead of asphalt, include provisions for the installation of energy efficient appliances and lighting, and revise Project landscape plans where necessary to use landscaping to shade all buildings and parking areas.

12. Public Services and Infrastructure

The Final EIR identifies seven potentially significant public services and infrastructure impacts that would result from implementation of Alternative 1: (1) PS-2, relating to wastewater treatment and disposal; (2) PS-3, concerning the increase in demand for schools; (3) PS-4, relating to an increase in the demand for police protection services; (4) PS-8, concerning the long-term increase in solid waste; (5) PS-9, dealing with water treatment and supply; (6) PS-10, concerning the cumulative effects on numerous public services; and (7) PS-12, relating to the significant increase in solid waste and the corresponding reduction in capacity of the Tajiguas landfill. The following mitigation measures would reduce such impacts to a less than significant level:

a. Improvement Measure PS-1

Impacts on energy resources are less than significant and mitigation measures are therefore not required. Measures designed to decrease the use of electricity and natural gas are included relative to the air quality resource area are already included in the EIR as Mitigation Measure AQ-3. The measures discussed in AQ-3 are designed to decrease the use of electricity and natural gas relative to less than Impact PS-1, and will lessen Alternative 1B's already less than significant impacts to energy resources. Measure PS-1 was originally shown in the EIR as a Mitigation Measure, but, for the reasons discussed above, is now recommended for approval by the Board as an Improvement Measure.

b. Mitigation Measure PS-2

The Applicant must pay the Development Impact Fees in effect at the time of issuance, including school and sheriff, prior to issuance of building permits. To the extent that Development Impact Fees do not compensate for the construction of Fire Station 10, the developer must contribute a one-time fee for such construction. The County and the City of Goleta will determine the amount of the fee through a fair share analysis in conjunction with the other City and County projects contributing to the construction of the future fire station. The fees required by this measure would provide funding for schools to accommodate additional students in the area. The fees would also pay for additional police protection required as a result of an increase in population in the area, and for increased fire protection services. By providing for such public services, the fees would reduce impacts to schools (Impact PS-3), police protection (Impact PS-4), and fire protection (Impact PS-5), and also reduce cumulative impacts to public services (Impact PS-10), to a less than significant level.

c. Mitigation Measure PS-3

In the event that Fire Station 10 in the City of Goleta is not operational by the time the first residential units are occupied, the Applicant will consult with the County Fire Department and provide an acceptable interim on-site staging area for fire protection equipment and operations. Acceptable arrangements, at the Fire Department's discretion, may include service coordination with the California Department of Forestry or other public safety entities. The on-site staging area for fire protection equipment and operations would provide needed fire protection services, should Fire Station 10 not yet be operational when the first residential units are occupied, reducing any potential impacts to fire protection (Impact PS-5) to a less than significant level.

d. Mitigation Measure PS-4

The Applicant must avoid the use of individual septic systems in the inland areas with shallow soils and must connect all new single family residences to the proposed package wastewater treatment facilities. If conventional septic systems and leachfields are proposed for lots DP-11, DP-12, DP-13, DP-15, DP-16, and DP-20, they must be designed based on site-specific testing to the satisfaction of the RWQCB. While they also have the potential to negatively impact water quality, sewage treatment plants are less likely to result in the inadequate treatment wastewater than are individual septic systems. Avoiding the use of individual

septic systems would thus reduce impacts to water quality from inadequately treated wastewater (Impact PS-2) to a less than significant level.

e. Mitigation Measure PS-5

Alternative 1 is expected to result in the generation of additional students for Goleta Union School District and Santa Barbara High School District. The Applicant shall notify these school districts of the expected buildout date of the Project and pay statutory school fees to allow these districts to plan for new students. A copy of the notice and proof of payment of fees shall be sent to P&D prior to any CDP or LUP approval. Because payment of statutory school fees would provide for the addition of new students, any impacts associated with schools (Impact PS-3) would be reduced to a less than significant level. In conjunction with other measures, this measure would also reduce any cumulative impacts to public services (Impact PS-10) to a less than significant level.

f. Improvement Measure PS-6

Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. Materials shall be recycled as necessary during construction, and all materials shall be recycled prior to occupancy clearance. This requirement shall be printed on the grading and construction plans. Impacts associated with the generation of solid waste during construction are expected to be less than significant, therefore implementation of the above measure would further reduce the already less than significant impacts associated with the generation of solid waste during construction (Impact PS-7). Measure PS-6 was originally shown in the EIR as a Mitigation Measure, but, for the reasons discussed above, is now recommended for approval by the Board as an Improvement Measure.

g. Mitigation Measure PS-7

Materials with recycled content shall be used in Project construction. The Applicant shall submit a description of the amounts and types of recycled materials to be used to P&D and Public Works, and P&D must approve this description prior to CDP or LUP approval. Impacts associated with the generation of solid waste during construction are expected to be less than significant, therefore implementation of the above measure would further reduce the already less than significant impacts associated with associated with the generation of solid waste during construction (Impact PS-7). Measure PS-7 was originally shown in the EIR as a Mitigation Measure, but, for the reasons discussed above, is now recommended for approval by the Board as an Improvement Measure.

h. Mitigation Measure PS-8

At full buildout, Alternative 1 would cause the generation of solid waste. In order to reduce such waste, the Applicant shall develop and implement a Solid Waste Management Program which includes, at the very least, one of the following: provision of space and/or bins for storage of recyclable materials within the Project area, implementation of a curbside recycling and green waste program to serve the new development, development of a

plan for accessible collection of materials on a regular basis, and regular composting of lawn clippings and other landscape materials. The Solid Waste Management Program must be submitted to P&D and Public Works for review and approval prior to any CDP or LUP approval. Implementation of a Solid Waste Management Program would encourage recycling and/or composting and thus reduce the amount of solid waste generated. Through implementation of such a program, impacts associated with the generation of long-term solid waste (Impact PS-8) would be reduced to a less than significant level. Solid waste generated by Alternative 1B would not exceed project-specific significance thresholds established by the County. Further, these types of increases have been anticipated or planned for as outlined in the County's Comprehensive Plan. In conjunction with these factors, the above measure would reduce any cumulative impacts associated with solid waste (Impact PS-12) to a less than significant level.

i. Mitigation Measure PS-9

The Alternative 1B landscape plan must be developed to maximize the use of low-water demand species for ornamental purposes, and must define precisely high and lower demand species areas to allow for expedient review and approval by P&D and the Board of Architectural Review prior to CDP or LUP approval. Project CC&Rs shall include information and photographs about drought-tolerant plants for individual private spaces, like yards, and encourage and facilitate owner use of these water-saving species. The CC&Rs must incorporate language and illustrations advocating low water use plantings. Landscape plan components and CC&Rs must be reviewed prior to approval of any CDP or LUP. Implementation of the above measure will maximize the use of low-water demand species and decrease the use of water for ornamental purposes. In conjunction with measures PS-10, -11, and -12, any impacts to water treatment and supply (Impact PS-9) would be reduced to a less than significant level.

j. Mitigation Measure PS-10

The Applicant shall, where feasible, utilize reclaimed water for all common area exterior landscaping. If not feasible, Applicant must provide documentation as to the efforts made to procure reclaimed water and the negative outcome. The final Alternative 1B plans shall include the necessary fixtures and separate plumbing systems to allow the use of reclaimed water, should such water become available. Alternative 1B plans must be reviewed and approved by P&D prior to any CDP or LUP approval. Implementation of the above measure will minimize the use of potable water for landscaping purposes and, in conjunction with measures PS-9, -11, and -12, reduce any impacts to water treatment and supply (Impact PS-9) to a less than significant level.

k. Mitigation Measure PS-11

Indoor water use in all proposed structures shall be limited through the following measures: installation of recirculating, point-of-use, or on-demand water heaters, installation of low flow toilets and water-saving fixtures, including low flow showerheads, and installation of only high efficiency washing machines in each home. Indoor water conserving measures shall be graphically depicted on building plans, which shall be reviewed and approved by P&D prior to CDP or LUP approval, and indoor water-conserving measures shall be

implemented prior to occupancy clearance. Implementation of the above measure will minimize the indoor use of water in all proposed structures and, in conjunction with measures PS-9, -10, and -12, reduce any impacts to water treatment and supply (Impact PS-9) to a less than significant level.

1. Mitigation Measure PS-12

Through the use of multiple water sources and water conservation strategies, the Project would provide domestic water service without diverting water from the Dos Pueblos Creek. A Final Water Management Plan will be submitted prior to issuance of the CDP and LUP permits. Implementation of this measure could potentially minimize the need for water through conservation strategies. The measure also ensures that water will not be diverted from the Dos Pueblos Creek. In conjunction with measures PS-9, -10, and -11, any impacts to water treatment and supply (Impact PS-9) would be reduced to a less than significant level.

13. Global Climate Change

The Final EIR identifies one potentially significant impact on global climate change that would result from implementation of Alternative 1B: (1) AQ-7 that it would cumulatively contribute to greenhouse gas emissions. The following mitigation measures, when collectively implemented, would reduce this cumulative impact to a less than significant level by reducing Alternative 1B's contribution of greenhouse gas emissions, reducing Alternative 1B energy and water demands, and locating development under Alternative 1B in a manner that would not be impacted by the impacts of global warming to the coastal bluffs.

a. Mitigation Measure AQ-3

The Applicant shall incorporate each of these energy conservation measures into Project building plans unless the Applicant proves that incorporation of a specific measure is infeasible: must meet or exceed the California Title 24 Energy Code for all relevant applications, install heat transfer modules in furnaces, apply light colored, water-based paint and roofing materials on all structures, incorporate the use of solar panels for water heating systems and water heater systems, include design elements that maximize the use of natural lighting, construct parking areas with concrete or other non-polluting materials instead of asphalt, include provisions for the installation of energy efficient appliances and lighting, and revise Project landscape plans where necessary to use landscaping to shade all buildings and parking areas. The implementation of energy conservation measures, in conjunction with the other measures discussed below will reduce the cumulative greenhouse gas emissions impact to a less than significant level. Please note, while Mitigation Measure AQ-3 is an Improvement Measure as to Air Quality impacts, it is a Mitigation Measure as to cumulative Climate Change impacts.

b. Mitigation Measure Geol-1

All structures and improvements in portions of the development adjacent to coastal bluffs must be setback a minimum of 110 feet from coastal bluff tops. This is in excess of the County's requirement that structures and improvements be setback a minimum of 53 feet from coastal bluff tops in order to provide protection from bluff erosion for a minimum of 75 years. The implementation of this mitigation measure will avoid any impacts

associated with bluff retreat and will therefore reduce a potential impact of climate change associated with cumulative greenhouse gas emissions to a level of less than significance.

c. Mitigation Measure PS-9

The Alternative 1B landscape plan must be developed to maximize the use of low-water demand species for ornamental purposes, and must define precisely high and lower demand species areas to allow for expedient review and approval by P&D and the Board of Architectural Review prior to CDP or LUP approval. Project CC&Rs shall include information and photographs about drought-tolerant plants for individual private spaces, like yards, and encourage and facilitate owner use of these water-saving species. The CC&Rs must incorporate language and illustrations advocating low water use plantings. Landscape plan components and CC&Rs must be reviewed prior to approval of any CDP or LUP. The implementation of low-water demand measures, in conjunction with the other measures discussed below, and will therefore reduce a potential impact of climate change associated with cumulative greenhouse gas emissions to a level of less than significance.

d. Mitigation Measure PS-10

The Applicant shall, where feasible, utilize reclaimed water for all common area exterior landscaping. If not feasible, Applicant must provide documentation as to the efforts made to procure reclaimed water and the negative outcome. The final Alternative 1B plans shall include the necessary fixtures and separate plumbing systems to allow the use of reclaimed water, should such water become available. Alternative 1B plans must be reviewed and approved by P&D prior to any CDP or LUP approval. The implementation of reclaimed water measures, in conjunction with the other measures discussed below, and will therefore reduce a potential impact of climate change associated with cumulative greenhouse gas emissions to a level of less than significance.

e. Mitigation Measure PS-11

Indoor water use in all proposed structures shall be limited through the following measures: installation of recirculating, point-of-use, or on-demand water heaters, installation of low flow toilets and water-saving fixtures, including low flow showerheads, and installation of only high efficiency washing machines in each home. Indoor water conserving measures shall be graphically depicted on building plans, which shall be reviewed and approved by P&D prior to CDP or LUP approval, and indoor water-conserving measures shall be implemented prior to occupancy clearance. The implementation of water conservation measures, in conjunction with the other measures discussed below, and will therefore reduce a potential impact of climate change associated with cumulative greenhouse gas emissions to a level of less than significance.

f. Mitigation Measure PS-12

Through the use of multiple water sources and water conservation strategies, the Project would provide domestic water service without diverting water from the Dos Pueblos Creek. A Final Water Management Plan will be submitted prior to issuance of the

CDP and LUP permits. The lack of use of Dos Pueblos Creek for domestic water service, in conjunction with the other measures discussed below, and will therefore reduce a potential impact of climate change associated with cumulative greenhouse gas emissions to a level of less than significance.

D. Findings Related to Less Than Significant (Class III) Effects

The Final EIR identified several subject areas for which Alternative 1 is considered to cause a less than significant environmental impact or make a less than significant contribution to cumulative environmental impacts (Class III). Each of these impacts is discussed below.

1. Geology, Geologic Hazards, and Soils

The Final EIR identified one less than significant impact on geology, geologic hazards, and soils that would occur as a result of implementation of Alternative 1B: cumulative effects related to erosion and sedimentation (Geol-7).

2. Hydrology and Water Quality

The Final EIR identified one less than significant impact on hydrology and water quality that would occur as a result of implementation of Alternative 1B: cumulative surface runoff (Flood-2).

3. Biological Resources

The Final EIR identified three less than significant impacts on biological resources that would occur as a result of implementation of Alternative 1B: impacts to special-status plants associated with oak woodland habitats (Bio-3), increased restriction of wildlife movements (Bio-12), and grazing pressure (Bio-19).

4. Hazards and Hazardous Materials

The Final EIR identified one less than significant impact on hazards and hazardous materials that would occur as a result of implementation of Alternative 1B: offsite contaminated soil disposal (HM-5).

5. Land Use

The Final EIR identified three less than significant impacts on land use that would occur as a result of implementation of Alternative 1B: consistency with applicable land use plans, policies, and regulations (Land-1), potential neighborhood compatibility (Land-2), cumulative impacts associated with long-term changes in land use patterns on the Gaviota Coast (Land-3), as well as associated residual land use impacts.

6. Agricultural Resources

The Final EIR identified four less than significant impacts on agricultural resources that would occur as a result of implementation of Alternative 1B: cancellation of a Williamson Act contract and creation of an agricultural conservation easement (AG-1), loss of prime agricultural land within Williamson Act protection (AG-2), physical conversion of prime agricultural land to development (AG-3), and potential reduction in grazing (AG-4).

7. Mineral Resources

The Final EIR identified one less than significant impact on mineral resources that would occur as a result of implementation of Alternative 1B: effects of nearby quarry operation on future residential land uses (Mineral-1), as well as associated residual mineral resources impacts.

8. Visual Resources

The Final EIR identified four less than significant impacts on visual resources that would occur as a result of implementation of Alternative 1B: effects upon key observation point 3 (Vis-3), key observation point 6A (Vis-6A) and distant views from the Pacific Ocean (Vis-9), and short-term construction impacts (Vis-12).

9. Recreation

The Final EIR identified one less than significant impact on recreation that would occur as a result of implementation of Alternative 1B: increased use of existing neighborhood and regional parks (Rec-3).

10. Cultural Resources

The Final EIR identified one less than significant impact on cultural resources that would occur as a result of implementation of Alternative 1B: disturbance of historic resources (Cultural-3).

11. Traffic and Circulation

The Final EIR identified two less than significant impacts on traffic and circulation that would occur as a result of implementation of Alternative 1B: increased Project-related trip generation (Traffic-1) and cumulative impacts from increased Project-related trip generation (Traffic-3).

12. Air Quality

The Final EIR identified five less than significant impacts on air quality that would occur as a result of implementation of Alternative 1B: NO_x and ROG emissions caused by construction (AQ-2), increase in long term emissions (AQ-3), cumulative impacts from NO_x and ROG (AQ-5) and CO hot spot emissions (AQ-6), and cumulative greenhouse gas emissions (AQ-7).

13. Public Services and Infrastructure

The Final EIR identified four less than significant impact on public services and infrastructure that would occur as a result of implementation of Alternative 1B: increased energy demand (PS-1), increased need for hospital services (PS-6), generation of solid waste during construction (PS-7), and cumulative impacts associated with the increased need for fire protection services (PS-11).

14. Global Climate Change

The Final EIR identified two less than significant impacts on global climate change that would occur as a result of implementation of Alternative 1B: bluff retreat (Geol-1) and effects upon water treatment and supply (PS-9).

15. Cumulative Effects

CEQA Guidelines Section 15130 provides direction regarding the discussion of cumulative effects, but does not specify a particular format or organization. In the Santa Barbara Ranch Final EIR, cumulative effects are discussed throughout the environmental analysis chapters as appropriate to the subject or issue of concern. In some instances, the discussions rely on a consideration of other projects in the area, including past, current, and reasonably foreseeable projects that were reviewed in Section 8.10. In other topics, such as traffic and air quality, the discussion of cumulative effects relies on regional projections. Most of the cumulative impact discussions are identified with specific Impact number assignments, while some are presented with simpler text discussions. Having considered this information, along with other information in the public record for this project, the Board makes the following findings with respect to cumulative effects.

a. Cumulative Effects that are Less than Significant (Class III)

Impact Geol-7: Cumulative Erosion and Sedimentation. Project specific controls minimize these effects and topographic divides between properties avoid or minimize the possibility that multiple projects will contribute additive effects within any one basin.

Impact Flood-2: Cumulative Impacts to Flooding. Surface runoff from foreseeable projects contributes little increased flooding potential, and topographic divides between properties minimize the possibility that multiple projects will contribute additive effects within any one basin.

Impact HM-5: Cumulative Effect of Offsite Contaminated Soil Disposal. Although many projects in the County involve oil field remediation, they do not adversely affect landfill capacity. The City of Santa Maria operates its Non-hazardous Hydrocarbon Impacted Soils (NHIS) program, which allows the disposal of soil from many remediation sites, and its re-use as cover material at the landfill. This and similar programs minimize the cumulative effect of hydrocarbon soil remediation projects.

Impact Land-3: Long Term Changes in Land Use Patterns on the Gaviota Coast. The overall development potential over the Gaviota Coast is approximately 100 dwelling units over an area of 40,000 acres, not counting this project. The Project reduces the development potential within much of the Naples Town Site, and does not set a precedent

Minerals. The Final EIR (Section 9.8.3.3) notes that there are no cumulative effects related to mineral resources associated with the project.

Cultural Resources. The Final EIR (Section 9.11.3.5) describes the cumulative losses of prehistoric and other cultural resources throughout the region. With the Mitigation Measures placed on the project (Mitigation Cultural-1 through 9), its project level contribution towards this cumulative effect is less than considerable.

Impact Traffic-3: Cumulative Impacts from Project-Related Trip Generation. The Project plus cumulative traffic volumes, based on regional forecasts, will not exceed thresholds to identify significant impacts at any of the intersections studied in the Final EIR.

Noise. The Final EIR (Section 9.13.3.3) documents that there will be no significant cumulative noise effects.

Impact AQ-5: Cumulative NO_x and ROG Emissions. The Project emissions will remain below the long-term threshold for these pollutants (25 lb/day), and the Project is consistent with Clean Air Plan, as clarified in the revised discussion of Impact AQ-3 provided in the Corrections and Clarifications, dated June 30, 2008. Therefore, it will not contribute significantly to this cumulative effect.

Impact AQ-6: Cumulative CO Hot Spot Emissions. The cumulative traffic flow at intersections studied is below 800 trips/hour, which is the threshold to warrant an analysis of this cumulative effect.

Impact AQ-7: Cumulative Greenhouse Gas Emissions. While the Project will contribute to the emissions of greenhouse gasses as discussed in the Final EIR (Impact AQ-7 and in Section 9.16), there is no standard or procedure available at this time to allow judgment of the significance of the Project's contribution. In addition, the Project as proposed will result in fewer residential units than retaining existing zoning and lot pattern. Therefore, relative to the current lot configuration the Project should result in lower emissions of greenhouse gasses.

Impact PS-11: Cumulative Impact to Fire Protection Services. The Project applicant will contribute funds towards the long-term solution of a new fire to be located in Goleta (as described in Mitigation PS- 3). This will ensure that the Project's contribution towards cumulative demands on fire protection services is less than significant.

b. Cumulative Effects that are Potentially Significant but Mitigable (Class II)

Impact WQ-3: Cumulative Development Pollutants. The Project conditions incorporate specific controls, Best management Practices (BMPs), and principles of Low Impact Development (LID), which will minimize the effects of single projects (Mitigation Measures WQ-1a, 1b, 1c, 1d, 1e). These conditions are typical of those applied to all new construction and development projects. There are minimal additive effects of different projects due to the separation of watersheds along the Gaviota Coast and the fact that the Project occupies or accounts for most of the Dos Pueblos Creek watershed. These factors combine to ensure that the mitigation measures will be capable of minimizing potential cumulative effects.

Impact Biol-18: Wildlife Mortality. While not identified as a cumulative impact, the Final EIR discussion of this topic notes additive effects of various components within project. In this regard, the features of the project taken together have “cumulative” effects. The Final EIR also includes Mitigation Bio-9a and 9b to address and minimize these effects.

Impact AG-6: Cumulative Conversion of Agriculturally Designated lands to Non-agricultural Uses. The Project incorporates several unique features, and is accompanied by mitigation measures, to minimize its contribution towards the conversion of agricultural lands in the County. By design, Alternative 1B will result in an increase of prime agricultural land, as well as overall acreage, within the protection of the Agricultural Conservation Easements (ACE) proposed. This design includes the protection of an excess of prime agricultural land to more than offset the loss of such land as some avocado orchard areas are converted to residential uses (Mitigation Measures AG-1, 2, and 3). Mitigation AG-4 includes requirements for buyer notification to help ensure compatibility between agricultural and nearby residential uses. The Project design also includes agricultural support facilities, uniform agricultural management, and use of recycled wastewater to augment the agricultural water supply. Taken together, these measures will ensure that the project’s contribution towards cumulative loss of agricultural lands is less than significant.

Impact Vis-13. Cumulative [Visual] Impacts. The Project incorporates design measures, and is subject to Mitigation Measures, that reduce its specific visual impacts to less than significant levels. These include revised Design Guidelines that place an emphasis on individual siting for residences depending on unique characteristics of their lots, while allowing for some variation and flexibility in architecture. Mitigation Measures include (Vis-1 (design, architecture, landscaping) Vis-2 (windrow maintenance), Vis-4 (lighting control), and Vis-5 (restrictions, standards for walls and fences). These features and mitigation measures, combined with the fact that future development over this portion of the Gaviota Coast will amount to about 200 units (counting this Project) over approximately 40,000 acres, will ensure that the overall rural character is retained throughout the region.

Impact Rec-6: Cumulative Impact of Alternative 1 on the Gaviota Coast Recreational Experience. This effect relates primarily to visual effects of all land uses on travelers through the region and with destinations at one of the several campgrounds or beaches along the coast. The Project will involve development that will be visible from Highway 101,

and from some portions of the Coastal Trail (De Anza Trail) through the Project. It incorporates design features and mitigation measures, reviewed above in the discussion of Impact Vis 13, which serve to reduce its site-specific visual effects to less than significant. In combination with the overall very low density of foreseeable development along the Gaviota Coast, these measures will avoid significant impacts on the overall recreational experience of visitors.

Impact AQ-4: Cumulative PM10 Emissions. Compliance with the County grading ordinance, and other Air Pollution Control district (APCD) requirements (with measures described in Mitigation AQ-1 Construction PM10), allow the Project-specific emissions of PM10 to be mitigated. All construction and development projects are subject to the same requirements, and maintaining consistency with these regulations reduces the cumulative effect of PM10 emissions.

Impact PS-10: Cumulative Impact on Public Services. The Project, along with all other development in the area, will represent an increased demand for public services. The Goleta Planning Area Impact Fees Program, applies to this and other projects, and provides funding for police, fire, and schools (Mitigation PS-2). The Project is also subject to a special requirement to contribute capital funding towards the new Fire Station 10 in Goleta (described in Impact PS-11 above). Continued implementation of the County CLUP, Comprehensive Plan, and funding and other programs applicable to all development projects, will serve to avoid significant cumulative effects on public services.

Impact PS-12: Cumulative Impact, Solid Waste. Continuing growth throughout the region will lead to the ever increasing generation of solid waste. Although the Alternative 1B Project will contribute towards this cumulative effect, it is subject to specific mitigation measures to reduce its contribution. These include the recycling of demolition and construction waste (Mitigation PS-6)), use of recycled materials in construction (Mitigation PS-7), and preparation and implementation of a solid waste management program (Mitigation PS-8). The Project also represents a decrease in development potential compared with the pattern of existing legal lots, and so will avoid the increased solid waste generation from development of a larger number of lots. Thus, the Project's contribution towards the cumulative generation of solid waste in the region will be mitigated to less than significance.

c. Cumulative Impacts that are Significant and Not Mitigable (Class I)

Impact Bio-22: Cumulative Loss of Coastal and Foothill Habitats. This impact is discussed in Section B.1. above. While the Project design and mitigation measures can reduce this impact, it is not feasible to avoid the impact entirely or even to reduce it substantially. This is because much of the impact has already occurred through development within the City of Goleta, adjacent unincorporated areas, and at UCSB, that converted the relatively flat coastal terrace grasslands to urban and suburban uses. The Project incorporates features that will help to reduce fragmentation effects, and other measures to maintain the habitat values in this area. Thus, while the Project's, contribution towards the cumulative loss of this habitat may be less than cumulatively considerable, it cannot avoid or substantially reduce the overall cumulative effect.

E. Findings Related to Beneficial (Class IV) Effects

The EIR identifies two impacts, Bio-21 and Rec-2, which are considered beneficial (Class IV) Project effects.

Through **Bio-21**, the EIR proposes the long-term protection of open space areas in the Open Space Conservation Easement areas. These natural areas contain valuable aquatic, wetland, and upland habitats that are known to support or potentially support a wide variety of special-status and non-regulated plants and animals. Protection of these areas could restore and enhance important habitats and ecological relationships in and around the Project area.

Implementation of **Rec-2** would improve public access to the Gaviota Coast. Access to this area of the coast is presently limited. Rec-2 provides for a public parking area, restrooms, trails, and vertical beach access, and thus would have a beneficial effect on coastal access.

F. Findings Regarding Significant Irreversible Changes

Section 21100(b)(2)(B) of CEQA requires that an EIR identify any significant effect on the environment that would be irreversible if Alternative 1B were implemented. Section 15126.2(c) of the CEQA Guidelines identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

The Final EIR explains that Alternative 1B will consume energy, some mineral products, and other non-renewable resources. There will also be a fundamental land use change. Land that is currently in agriculture and relatively low intensity uses will be irrevocably changed via development that combines more intensive residential and equestrian uses with the agricultural and open space features. The visual impact may alter over time as landscaping and agricultural plantings mature, but the transformation of areas of the land to a development that combines residential, agricultural, and open space uses will be irreversible.

The Project does not involve operations or features that are likely to lead to a major environmental accident or release that could threaten human health or the ecology of the area. The agricultural and equestrian uses proposed are typical for the Gaviota Coast area. Although such uses involve materials or operations that may pose some hazards, the application of common controls, with oversight by regulatory agencies, is adequate to reduce the potential threat to acceptable levels. In this respect, Alternative 1B poses a similar or smaller threat than other industrial, landfilling, intensive camping, and agricultural uses on the Gaviota Coast. The development of residential uses and increased visitor use will expose more people to an area of the County that has a high potential for wildfires, and that exposure will continue indefinitely. But the design of Alternative 1B includes several design and performance measures that serve to counteract this effort and to reduce the hazard of fires.

The primary resource that will be affected by Alternative 1B is land. Although the land itself will not be consumed, it will be transformed to a permanent use that differs from the dominant agricultural and vacant lands that exist now. More people will be introduced into the area – including new residents, uses of the equestrian facilities, and more visitors to the beach using the new parking, restroom, picnic area, and trails. This change will continue indefinitely and is irreversible.

G. Findings Regarding Growth-Inducing Effects

Section 15126.2(d) of the CEQA Guidelines states that an EIR should discuss “...the ways in which the Proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth can be induced in a number of ways, including through elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

Alternative 1B would not directly or indirectly remove any obstacles to growth on adjacent parcels or in the general area due to the fact that it would not extend services to outside properties. The project may induce some economic growth but due to the limited number of homes and the non-intensive timing of construction, this effect will not be substantial. Finally, the project would not set a precedent for growth because it proposes development that is uniquely permitted due to Santa Barbara Ranch’s large holdings within the Official Map of the Town of Naples and due to the small size of the legal lots at Naples. The pattern and potential for future residential development along the Gaviota Coast is already established by virtue of existing parcel configurations and the areas that have already been subject to acquisition or open space easements that limit future development. Although the numbers presented in the Final EIR discussion (Section 5.5) are only rough estimates, it appears that future residential development along the Gaviota Coast could amount to about 100 additional single family residences beyond the 71 residences proposed under Alternative 1B. Whether or not this degree of future development occurs is entirely independent of Alternative 1B.

H. Project Alternatives

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. (Public Resources Code § 21002). CEQA also requires that agencies make findings whether technical or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (CEQA Guidelines Section 15091(a)(3).) The discussion below under Section H(2) of this section focuses on the feasibility of project alternatives due to the fact that the mitigation measures were considered within the framework of the alternatives. For instance, Alternative 4 includes a scenario where some visual impacts would be reduced by reduction of some homes. The various alternatives, therefore, serve to present methods and approaches to mitigating impacts and the findings regarding the feasibility of alternatives refer also to the feasibility of identified mitigation measures.

With the exception of the “no project” alternative, the particular alternatives or types of alternatives that must be assessed are not specified under CEQA. CEQA “establishes no

categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d. 553, 556.) The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. (Public Resources Code § 21000.) In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development.

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. CEQA Guidelines § 15126(d)(2). Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the EIR.

1. Project Objectives

As described in the Final EIR, the primary objectives and underlying purpose of the Santa Barbara Ranch Project are to:

- a.** Provide for a project that would result in fewer environmental impacts than would otherwise result from development of all of the existing Naples Townsite lots
- b.** Achieve a long-term solution to the potential development of the existing Naples Townsite lots that would result pending litigation and future dispute over the potential development of the property between the landowners and the County.
- c.** Achieve a comprehensive development concept for Naples that would afford the County the opportunity to control land-use planning for the entire Naples Townsite that would not leave the County to address development at Naples on an ad hoc, fragmented basis.
- d.** Maintain long-term continued agricultural use within the Project site and on adjacent properties that is compatible with a low-density residential development on the Naples Townsite.
- e.** Allow residential development with the Naples Townsite that balances agricultural, open space, recreational, and residential uses consistent with the California Coastal Act, the CLUP, Comprehensive Plan and the MOU (the 2002 Memorandum of Understanding between the County and landowners representing approximately 80 percent of the Naples Townsite lots setting forth a protocol and structure for the submittal of Project applications as part of a potential global resolution of pending and threatened litigation.)

f. Incorporate a site layout, design and architectural style that reflects the scenic and rural character of the Naples Townsite and Gaviota areas, minimize environmental impacts, and preserve and/or restore wildlife habitats and other coastal resources.

In concluding its review of the above project objectives, the Final EIR (page ES-8) identifies two additional goals or objectives, which reflect the fact that this is a project with a private applicant and two private landowners. These additional objectives are as follows:

g. Seek a suitable balance between preservation of rural, coastal resource values; the ownership and use of legal lots within the property area, and density allowing for agricultural and open space.

h. Achieve within the Coastal Land Use Plan (CLUP) a reduction in development density through a design that project landowners are willing to develop in lieu of the possible density of existing lots.

Based on these Project objectives, the Final EIR evaluated seven alternatives as potential options for reducing or eliminating potentially significant environmental impacts of the MOU Project. As discussed below, six of these alternatives are determined by the Board not to be feasible, while the seventh, Alternative 1/1B, the environmentally superior alternative, is determined to be feasible and is recommended for adoption.

2. Findings that Certain Project Alternatives Are Not Feasible

Per Public Resource Code sections 21061.1 and 21081(a)(3) and CEQA Guideline sections 15091(c)(3) and 15364, the County may reject an alternative if it finds that it fails to meet Project objectives and/or is economically, legally, socially or technologically infeasible.

a. Alternative 2 – Offsite Dos Pueblos Ranch Alternative

Alternative 2 reflects the recommendations of the Naples Coalition, a group of organizations concerned about proposed development at the Naples Town site. Alternative 2 would result in a total of 64 single family residences located primarily within Dos Pueblos Ranch. The residences would be sited to avoid development within areas visible from Highway 101 and areas on the coastal bluffs.

For the following reasons the Board recommends that the Board finds Alternative 2 to be infeasible:

(i) Fails to Meet Project Objectives

(a) Inconsistent with Agricultural Preservation Policies

Alternative 2 would remove 600 acres of Dos Pueblos Ranch from within current Williamson Act preserves with no concrete proposal to replace those areas. Removal of this land from Williamson Act contract would require provision

of 600 acres of similar or better agricultural land to be preserved to offset the land that would be taken out of contract. The County has seen no indication that this offset could feasibly be accomplished. In this respect, Alternative 2 is also not consistent with the County's and coastal policies regarding agricultural preservation. In addition, Alternative 2 would not fully meet Project Objectives (e) and (g) [as listed above] which call for a balance between agricultural, open space, recreational, and residential uses that is consistent with the California Coastal Act, the CLUP, and Comprehensive Plan, as well as a suitable balance between preservation of rural, coastal resource values that allows for agricultural and open space.

(b) Fails to achieve a reduced density that landowners will develop in lieu of Grid development

As disclosed in the *Santa Barbara Transferable Development Rights Feasibility Analysis* (TDR Report), and in the *2007 Summary Report to Update the Santa Barbara Ranch TDR Feasibility Study*, both by the Solimar Research Group, the development right value of the existing "Grid" pattern of lots would be \$205 million (assuming development of 125 out of the existing 219 lots on the Santa Barbara Ranch property). Per the TDR report, development under the Alternative 1 design would result in a development right value of approximately \$155 million. This difference indicates that the Applicant would be foregoing about \$50 million in development right value by not pursuing development under the existing conditions.

Alternative 2 would preclude the development of the 9 coastal terrace lots proposed under Alternative 1 or 1B. These 9 coastal terrace lots represent nearly \$100 million in development right value. Thus, under Alternative 2 the Applicant would forego an additional large increment of development right value. With a reduction this significant in the level of economic return the Applicant would reasonably be expected to proceed with the full development of the existing Naples Town site lots on the Grid pattern. Thus, Alternative 2 does not meet Project Objective (h), which calls for a project that achieves a CLUP that reduces the potential density through a design that Project landowners are willing to develop in lieu of full development of the Naples Townsite lots. Further, this alternative does not meet Objective (g), a balance between preservation of rural resources and ownership and use of legal lots. While a landowner may agree to forfeit his rights to legal lots, the application process must take into account the landowner's actual proposed use of legal lots.

(ii) Economically Infeasible

As discussed above, Alternative 2 would preclude the development of the 9 coastal terrace lots, requiring the Applicant to forgo an additional nearly \$100 million in development right value associated with development of coastal terrace lots. Given the disparity in values between the coastal terrace and the hillside inland lots, it is unlikely that Alternative 2 could be modified by increasing the number of lots in order to provide parity in overall development value. With a reduction this significant in the level of economic return to the Project Applicants, Alternative 2 would be economically infeasible for the reasons discussed in subparagraph (i) above.

(iii) Legally Infeasible

Development under Alternative 2 would require the cooperation of the Schulte family, who have confirmed that they will not allow the 600 acres of development of the Dos Pueblos Ranch parcels under consideration in Alternative 2, rendering this Alternative legally infeasible.

b. Alternatives 3 (3A and 3B) – No Project Alternatives

Under §15126.6(e)(3) of the State CEQA Guidelines, the required “no project” alternative is either an evaluation of the environmental impacts of the continuation of the existing plan, policy or operation into the future or a comparison of the environmental effects of the Project site remaining in its existing state with the environmental effects that would occur if the Project is approved.

(i) Alternative 3A – No Project Alternative with Grid Development

Alternative 3A, the No Project Alternative with Grid Development compares the impacts of approving the MOU Project with the impacts that could result from a denial of the entitlement for the Project. Under the Grid Development alternative, a single-family dwelling units and one guest houses may be located on the 219 legal lots shown on the Official Map of Naples.

For the following reasons the Board finds Alternative 3A to be infeasible:

(a) Fails to Meet Any Project Objectives

Alternative 3A is not supportive of any of the Project Objectives. Instead, development under the Naples Town Site “Grid” would result in a series of policy and planning conflicts, would not allow for a balance between agricultural, open space, recreational, and residential uses, and would not achieve a comprehensive development concept for Naples that would afford the County the opportunity to control land-use planning for the entire Naples Townsite. Instead, the County would be forced to address development at Naples on an ad hoc, fragmented basis.

(b) Does Not Reduce Any of the Environmental Impacts of the Project

As detailed in Table 11.1-1 of the Final EIR, Alternative 3A would result in additional environmental impacts in comparison to the MOU Project with regard to every environmental impact category examined in the Final EIR, with the exception of Mineral Resources, where, as with the MOU Project, no impacts would result.

(ii) Alternative 3B – No Project Alternative – Retention of Existing Condition

Under the No Project Alternative 3B, all current agricultural uses would continue at present levels and no other improvements or development would occur.

For the following reasons the Board finds Alternative 3B to be infeasible:

(a) Fails to Meet Most Project Objectives

Alternative 3B would not meet most of the Project Objectives. Because no development would be approved, it would not resolve pending litigation and future disputes over the potential development of the property between the landowners and the County. Further, it would not allow residential development with the Naples Townsite that balances agricultural, open space, recreational, and residential uses consistent with the California Coastal Act, the CLUP, Comprehensive Plan and the MOU. As well, it would not incorporate a site layout, design and architectural style that reflects the scenic and rural character of the Naples Townsite and Gaviota areas. Finally, it would not reduce the density of the Naples Townsite lot in a manner such that Project landowners are willing to forgo full development of the Naples Townsite lots.

(b) Economically Infeasible

In a manner similar to the discussion in Alternative 2 above, this alternative—retention of the existing condition—would have the applicant/land owner forgoing approximately \$200 million in return from potential development of the property under its existing lot configuration, or somewhat less under the development scenario proposed. The TDR program is not capable of generating this level of funding, and no alternate source of funding approaching this magnitude has been identified. There is no mechanism for the County to acquire the property or to secure easements to prevent its development. Thus, this alternative of retaining the property in its current condition is not economically feasible.

c. Alternative 4- Reduced Development Alternative

Alternative 4 would retain the general design approach of the MOU Project, but would delete lots 26, 47, 52A, 52B, 48, and 49 to address potential visual impacts. Accordingly, it would result in the development of only 48 new residences. Alternative 4 would not include development on Dos Pueblos Ranch, and thus development on Dos Pueblos Ranch would occur independently under this Alternative.

For the following reasons the Board finds Alternative 4 to be infeasible:

(i) Does Not Reduce Any of the Significant and Unavoidable Environmental Impacts of the MOU Project

Development of Alternative 4 would not lessen any of the significant and unavoidable impacts of the MOU Project. While it would result in a reduction in visual impacts, Alternative 4 would still result in an overall change in visual character at the Project site. Accordingly, like the MOU Project, Alternative 4 would result in significant and unavoidable impacts related to the cumulative loss of coastal and foothill habitats (Impact Bio-22) and Visual Impacts (Impact Vis-0).

(ii) Fails to achieve a reduced density that landowners will develop in lieu of Grid development

Alternative 4 excludes development of the 9 coastal terrace lots that are part of the MOU Project. As determined in TDR Report, those lots, conservatively, have a development right value of nearly \$100 million. Accordingly, pursuing Alternatives 4 would require the Project Applicants not only to forgo between \$79 and 50 million dollars in development right value associated with Grid Development, but to also forgo nearly a \$100 million in an additional development right value. With a reduction this significant in the level of economic return, the Project Applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots. Thus, Alternative 4 does not meet Project Objective (h), which calls for a project that achieves a CLUP reducing the potential density that would result from the development of the Naples Townsite lots through a reduced density project landowners are willing to develop in lieu of development of the Naples Townsite lots.

(iii) Fails to achieve fewer environmental impacts from development of all of the existing Naples town site lots, and to achieve a long-term solution

Alternative 4 is limited to the Santa Barbara Ranch property, and does not address resolution of the Naples town site lots on the Dos Pueblos Ranch property. As a result, it would not provide the comprehensive and long-term resolution to the development potential of these lots, which is found in Alternative 1B (or as the original Alternative 1).

(iv) Economically Infeasible

Alternative 4 excludes development of the 9 coastal terrace lots that are part of the MOU Project. As determined in TDR Report, those lots, conservatively, have a development right value of nearly \$100 million. Accordingly, pursuing Alternatives 4 would require the Project applicants not only to forgo between \$79 and 50 million dollars in development right value associated with Grid Development, but to also forgo nearly a \$100 million in an additional development right value. With a reduction this significant in the level of economic return, the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots.

d. Alternative 5 – Clustered Development Alternative

Alternative 5 would cluster 54 single family residences of varying designs and one worker duplex in two primary areas, with one located north of Highway 101 and the other located south of Highway 101. The residences would be smaller than those proposed under the MOU Project. Alternative 5 would result in a higher density of development in the area between Highway 101 and the Union Pacific Railroad that under the MOU Project, and would include a mix of housing types and lot sizes that would be more representative of an urban setting.

For the following reasons the Board finds Alternative 5 to be infeasible:

(i) Fails to Meet Most Project Objectives

(a) Inconsistent with the Rural and Agricultural Nature of the Gaviota Coast

The design and range of residential housing types in Alternative 5 are inconsistent with the rural and agricultural nature of the Gaviota Coast. As a result, Alternative 5 fails to meet most Project Objectives. The urban-style development of Alternative 5 would not result in low-density residential development on the Naples Townsite and it would not balance agricultural, open space, recreational, and residential uses consistent with the California Coastal Act, the CLUP and Comprehensive Plan. Further that urban-style development would not result in a site layout, design and architectural style that reflects the scenic and rural character of the Naples Townsite and Gaviota areas, nor would it balance preservation of rural, coastal resource values.

(b) Fails to achieve a reduced density that landowners will develop in lieu of Grid development

Alternative 5 excludes development of the 9 coastal terrace lots that are part of the MOU Project. As determined in TDR Report, those lots, conservatively, have a development right value of nearly \$100 million. Accordingly, pursuing Alternatives 5 would require the Project applicants not only to forgo between \$79 and 50 million dollars in development right value associated with Grid development, but to also forgo nearly a \$100 million in an additional development right value. With a reduction this significant in the level of economic return, the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots. Thus, Alternative 5 does not meet Project Objective (h), which calls for a project that achieves a CLUP reducing the potential density that would result from the development of the Naples Townsite lots through a reduced density Project landowners are willing to develop in lieu of development of the Naples Townsite lots.

(c) Fails to achieve fewer environmental impacts from development of all of the existing Naples town site lots, and to achieve a long-term solution

Like Alternative 4, Alternative 5 excludes consideration of the Dos Pueblos Ranch, where approximately 15 Naples town site lots are located. These lots would be subject to development proposals in the future, and this alternative would fail to provide a comprehensive solution for planning these lots.

(ii) Economically Infeasible

Alternative 5 excludes development of the 9 coastal terrace lots that are part of the MOU Project. As determined in TDR Report, those lots, conservatively, have a development right value of nearly \$100 million. Accordingly, pursuing Alternatives 5 would require the Project applicants not only to forgo between \$79 and 50 million dollars in development right value associated with Grid development, but to also forgo nearly a \$100 million in an additional development right value. With a reduction this significant in the level of economic return, the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots.

(iii) Legally Infeasible

Development under Alternative 5 would require the cooperation of the Schulte family, who have confirmed that they will not allow development of the Dos Pueblos Ranch parcels under consideration in Alternative 5, rendering this Alternative legally infeasible.

e. Alternative 6-Transfer of Development Rights

Under Alternative 6 development rights would be transferred from the Santa Barbara Ranch Property to another location in order to preserve some or all of the property for agricultural and open space uses. Accordingly, Alternative 6 has the same environmental impacts as Alternative 3B or, potentially of Alternative 4 if only a partial transfer occurred. As valued in the TDR Report, Alternative 6 would likely result in a return of just \$ 20 million, a reduction so significant in the level of economic return that the Project applicants would no longer reasonably be able to forgo proceeding with the full development of the existing Naples Town site lots.

Therefore, the Board finds Alternative 6 to be infeasible based on the same findings it recommended be adopted regarding the infeasibility of Alternatives 3B and 4.

3. Findings that Alternative 1B is Found to be Environmentally Superior and Feasible and is Recommended for Adoption

Alternative 1B comprises the 485-acre Santa Barbara Ranch Property plus the adjacent 2,752-acre Dos Pueblos Ranch, encompassing 85% of the Naples Town Site lots on the Official Map of Naples. Alternative 1B would include development of 72 large lot single family residences and includes, like the MOU project, an equestrian center, agricultural support facilities, a worker duplex, public amenities, and the creation of conservation easements permanently protection 2,687 acres for agricultural uses and 372 acres for open space. Alternative 1B would result in the reduction of Naples Town Site Lots from 235 to 71, a reduction of 164 lots.

Alternative 1B varies from Alternative 1 in only a few respects – none of which result in any new, or substantially more severe, significant impacts than those disclosed in the Final EIR for Alternative 1, nor that require any new mitigation measures in addition to those recommended in the Final EIR for Alternative 1. (See Confirming Environmental Analysis of Alternative 1B.) Alternative 1B relocates fourteen lots located north of Highway 101 into areas that had been proposed for development on Dos Pueblos Ranch (DP Lots 1- 10). Twelve of the relocated lots would be located within areas that had been proposed for the development of residences in Alternative 1. Two lots would be located immediately adjacent to those lots on the eastern boundary of Dos Pueblos Ranch.

Alternative 1B also reduces the potential view impacts that would be associated with Alternative 1, by moving lots that would be visible from Highway 101 into less visible locations. Further, Alternative 1B would result in a larger Agricultural Conservation Easement (ACE) and the implementation of design guidelines revised to reflect more rural-sensitive architecture. Finally, Alternative 1B includes slight refinements to development envelopes on the south side of Highway 101 within Lots DP-15, DP-16 and DP-20, in order to account for current information regarding cultural resources.

While, as detailed in Chapter 11 of the Final EIR, and Table 11.1-1, Alternative 1 and therefore Alternative 1B, has approximately the same environmental impacts as the MOU Project and Alternative 4, with respect to certain key factors, Alternative 1B offers distinct advantages over the MOU Project and all other alternatives and best meets the Project Objectives. Accordingly, the Board finds Alternative 1B to be the environmentally superior alternative and further recommends that the Board adopt Alternative 1B based on the following specific findings:

a. Best Meets The Project Objectives

Alternative 1B meets all of the Project Objectives. By placing 3,059 acres of Dos Pueblos Ranch under permanent agricultural and open space easements, Alternative 1B resolves potential policy and environmental issues that are otherwise anticipated if the owners of Dos Pueblos Ranch independently pursue development of the Naples Town Site lots within their ownership. Alternative 1B will, more than the MOU Project or any other alternative, achieve a long-term solution to the potential development of the existing Naples

Townsite lots, and will, more than the MOU Project or any other alternative, reduce the potential density that would result from the development of the Naples Townsite lots.

Alternative 1B also reduces potential visual impacts more than the other action alternative which meets project objectives and the No Action Alternative. Alternative 1B would reduce the visual contrast of residences as seen against the backdrop of natural hillsides and/or skyline and make Alternative 1B blend in with the surrounding area, thereby mitigating impacts Vis-1 through Vis-8 to a less than significant level. Such visual impacts would still exist under the MOU Alternative and the No Action Alternatives.

b. Results In More Beneficial Impacts (Class IV)

While the MOU Project, as well as Alternative 4, provides for agricultural management and productivity above the current conditions on Santa Barbara Ranch, neither provides the increase in agricultural preservation proposed by Alternative 1B. Further, the plan for Alternative 1B addresses agricultural preservation in a more comprehensive manner than any other alternative. Under Alternative 1B, the Applicant would record an easement of 2,687 acres, including more than 900 acres that are not already in agricultural use, to the Land Trust for Santa Barbara County or a similar not for profit entity. The easement will provide for the continuation of expansion of agricultural uses with oversight by the Land Trust. CC&Rs must also be recorded for each lot addressing allowable uses and restrictions related to the development and continuation of agricultural uses within the easement.

IV. Statement of Overriding Considerations

A. Project Benefits

Having balanced the benefits of Alternative 1B against its significant and unavoidable environmental effects, the Board hereby determines that Alternative 1B's unavoidable impacts are acceptable in light of its benefits. In consideration of the environmental, social, economic, and other factors discussed below, Board approves Alternative 1B because, in its view, the Project will render the significant effects acceptable.

- **Issue Resolution.** Alternative 1B would implement Policy 2-13 and resolve a long-standing dispute over the appropriate development of 85% of the lots encompassed by the Official Map of Naples. Global resolution will avoid the incremental and piecemeal development of the legal lots of record, which could compromise agricultural and open space preservation goals. The County would not have the lawful ability to extract public benefits in the form of large agricultural conservation easements near the urban/rural boundary, open space conservation easements, coastal trails or public amenities in future individual cases. The County would be exposed to reactivation of current and threatened litigation and could be vulnerable to multiple lawsuits filed by subsequent purchasers of townsite lots who individually seek development permits.

- **Agricultural Preservation.** Alternative 1B would result in a net increase in both the quantity and quality of land protected for agricultural purposes. The WA-ACE Easement Exchange proposed under Alternative 1B would extend the duration of Williamson

Act protections at Dos Pueblos Ranch from 10 years to perpetuity. Allowed uses and prohibitions under the ACE are comparable to those restrictions that apply to WA Contracts, with additional measures recommended by the County's Agricultural Preserve Advisory Committee. The ACE Agreements provide for third party trustee oversight unlike WA Contracts that do not have independent monitoring or land management provisions. All owners within the ACE would be required to financial support (through a cooperative or equivalent mechanism) essential farm infrastructure and employ best management practices with regard to all agricultural operations.

- **Resource Protection.** Alternative 1B would result in a net reduction of 195 Official Map lots within the California Coastal Zone. Overall development potential of the Project area would be decreased by 164 lots under Alternative 1B compared to 94 under the "Grid" scenario after deducting for major policy constraints and physical limitations. Under Alternative 1B, only 12 lots would remain within public view of the Hwy 101 corridor (looking north) compared to as many as 58 resulting from buildout of the Official Map. The "Grid" alternative would also result in adverse effects to sensitive plant and animal species (most notably, native grasslands) unless specific effects to public, health and safety can be made in defense of denying development of legal lots.

- **Comprehensive Planning.** Alternative 1B includes amendments to the Comprehensive Plan and component CLUP to create a new Naples Town Site land use and zoning designation, with concurrent revisions to the land use maps specific to the Project site. These amendments: (i) provide a means for resolving an inherent conflict between legal residential lot densities and underlying land use designations at Naples; (ii) enable the County to control land use planning for Naples as opposed to a situation where individual lot owners could seek development permits for single family homes under the current "Grid" configuration of the Official Map; (iii) allow for continued agricultural operations, restoration of sensitive habitats, and improved recreational and coastal access opportunities for County residents; and (vi) provide for a project that would result in fewer environmental impacts than would otherwise result from development of all of the existing Naples Townsite lots.

B. Summary

In summary, Alternative 1B would meet all Project objectives and would: (i) result in fewer environmental impacts than would otherwise result from development of all of the existing Naples Townsite lots; (ii) achieve a long-term solution to the potential development of the existing Naples Townsite lots that would otherwise result in reactivation of pending litigation and future dispute over the potential development of the property between the landowners and the County; (iii) achieve a comprehensive development concept for Naples that would afford the County the opportunity to control land-use planning for the entire Naples Townsite and that would not leave the County to address development at Naples on an ad hoc, fragmented basis; (iv) maintain long-term continued agricultural use within the Project site and on adjacent properties that is compatible with a low-density residential development on the Naples Townsite; (v) allow residential development with the Naples Townsite that balances agricultural, open space, recreational, and residential uses consistent with the California Coastal Act, the CLUP and Comprehensive Plan; (vi) incorporate a site layout, design and architectural style that reflects the

scenic and rural character of the Naples Townsite and Gaviota areas, minimize environmental impacts, and preserve and/or restore wildlife habitats and other coastal resources; (vii) strike a suitable balance between preservation of rural, coastal resource values; the ownership and use of legal lots within the property area, and density allowing for agricultural and open space; and (viii) achieve a CLUP that reduces the potential density that would result from the development of the Naples Townsite lots through a reduced density Project landowners are willing to develop in lieu of the possible density of existing lots.

V. Environmental Reporting and Monitoring Program

Public Resources Code §21081.6 requires the County to adopt a reporting or monitoring program for the changes to Alternative 1B which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved Alternative 1B description and mitigation measures described in the FEIR for Alternative 1B, with the corresponding permit monitoring requirements entitled “Mitigation, Monitoring and Reporting Program” is attached hereto, and by this reference, is incorporated herein.

MITIGATION MONITORING AND REPORTING PROGRAM

PRELIMINARY DRAFT
SANTA BARBARA COUNTY

SANTA BARBARA RANCH PROJECT

Prepared for:



**County of Santa Barbara
Planning & Development Department**
123 East Anapamu Street
Santa Barbara, CA 93101

Prepared by:

URS Corporation
130 Robin Hill Road, Suite 100
Santa Barbara, CA 93117



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