

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: August 5, 2004
Department Name: Planning & Development
Department No.: 053
Agenda Date: August 17, 2004
Placement: Departmental
Estimate Time: 1 hour
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors
FROM: Val Alexeeff, Director, Planning & Development Department
STAFF CONTACT: Alan Hanson, Project Planner, 568-2854
Kim Schizas, Supervising Planner, 568-2854

SUBJECT: Hearing on the Los Padres Chapter of the Sierra Club's appeal of the Planning Commission's decision on June 2, 2004 to approve 01CUP-00000-00096 revising the conditional use permit under which the El Capitan Canyon Ranch Campground operates as well as allowing for an expansion of the campground's boundaries, construction of new physical improvements, and addition of new uses and activities on a 120 acre project site zoned AG-II-100 (Coastal Zone portion of the subject property) and U, Ordinance 661 (Inland portion of the subject property) on the Gaviota Coast, 3rd Supervisorial District.

Recommendation(s):

That the Board of Supervisor's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report and deny the appeal.
2. Affirm the decision of the Planning Commission to approve of 01CUP-00000-00096 subject to the conditions set forth in Attachment B.
3. Approve 01CUP-00000-00096

Refer back to staff if the Board takes other than the recommended action for appropriate findings and conditions.

Estimated length of hearing: 1 hour

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary & Discussion:

Approval of the subject Conditional Use Permit (01CUP-00000-00096) was granted by the Planning Commission on June 2, 2004 based on the findings set forth under Attachment C (Planning Commission Action Letter, June 8, 2004) to this Board letter, the requirements of Articles II & III of Chapter 35 of the County Code, and the project's consistency with the policies and development standards of the County's Local Coastal Program and Comprehensive Plan. The action by the Planning Commission was subsequently appealed by the Los Padres Chapter of the Sierra Club on June 14, 2004. Please note that although the Planning Commission's action includes project elements located within the Coastal Zone, the appeal only applies to those project elements located within the Inland Area due to the fact that the appellant does not meet the standard for being an aggrieved person per §35-58, Article II, Chapter 35 of the County Code (Coastal Zoning ordinance). This is based on the fact that the Sierra Club did not comment on the draft mitigated ND, provide testimony at the Planning Commission hearing, or by other appropriate means, inform the County of their concerns. Therefore, per §35-182.3(1) of Article II, Chapter 35 of the County Code, the Sierra Club does not have standing to appeal the Planning Commission's action applicable to the Coastal Zone portion of the project site.

The Los Padres Chapter of the Sierra Club based their appeal on the following issues:

- Probable loss of plant and animal diversity.
- Negative impacts on the ocean environment.
- Damage to woodlands onsite as a result of trenching and grading.
- Impact of excessive human density on sensitive areas.
- The manner in which the County established the baseline for environmental review.
- Inadequate environmental review of the full range of impacts posed by the number of campsites proposed (artificially low people/campsites averages were used for this analysis).

Based on staff's our review of the appeal, staff offers the following responses to the concerns raised in the appeal.

Probable Loss of Plant & Animal Diversity

As discussed at length in the Planning Commission staff report and the proposed final mitigated ND, the establishment of the baseline condition for purposes of environmental review was fundamental to the ensuing impact analysis. The environmental baseline was based on the current condition of biological resources and plant and animal diversity resulting from existing/vested uses, activities, and facilities within the campground. Under CEQA, the County is tasked with the responsibility of assessing how the proposed project would affect current baseline conditions; the County is not tasked with changing or improving that baseline condition. As noted in the proposed final mitigated ND, project effects on biological resources were evaluated in detail (including a County contracted biological assessment of the project prepared by a County approved biologist). Based on this analysis, P&D staff and the Planning Commission concluded that neither the proposed campground expansion or any of the "new"

elements of the campground initiated through the CUP revision would create a significant and unavoidable impact on biological resources.

Impact on the Ocean Environment

Contrary to the allegations of the appellant, the information presented in the proposed final mitigated ND supports the staff and Planning Commission conclusion that project effects on downstream ocean resources, such as habitat for sensitive species and water quality, would not be significant. All grading activities would be subject to standard County erosion/sedimentation control measures, thereby avoiding the potential for introduction of significant levels of sediment into El Capitan Creek. All sewage effluent from new development would be processed onsite at locations where soil/geologic conditions are highly favorable for septic use and would not pose a threat to either groundwater or to the creek. Additionally, potential effects on sensitive biological resources would be minimized to less than significant levels through the adopted mitigation measures. Finally, under the proposed reduction in guest attendance levels from the baseline condition, potential human impacts on the neighboring El Capitan State Beach Park would be less than significant.

Damage to Native Woodlands Onsite

The appellant contends that trenching within the oak/sycamore canopy along the riparian corridor of El Capitan Creek for construction of sewer lines would result in serious damage to the critical root zone of these trees thereby posing a significant impact on their health and survivability. The appeal goes on to state that mitigation measures designed to protect native trees from such grading and trenching work will not be effective. As noted in the proposed final mitigated ND, sewer line trenching along the creek corridor to replace the existing sewage disposal system has occurred and has been closely monitored by the project arborist and P&D staff. During onsite monitoring, P&D staff have not observed any loss of, or significant damage to, any of the oaks or sycamores whose critical root zones were encountered by such work. In addition, the project arborist has indicated that the aggressive monitoring of the recent sewer line work, which mirror those mitigation measures discussed by the appellant, have been highly successful (Attachment E, Spiewak, May 4, 2004). As such, P&D staff remain confident that through implementation of the mitigation measures outlined under Attachment B, potential project impacts resulting from grading and trenching to install new sewage disposal facilities on native oaks and sycamores long the El Capitan Creek corridor would be reduced to less than significant levels.

Effect of Guest Visitation on Sensitive Resources

Although the size and number of allowed campsites would be expanded significantly under the proposed CUP revision, actual guest attendance would decline from baseline levels by approximately 600 individuals/day. This reduction in guest capacity, and the changes in campground operations from an informal camping situation with little or no control over campsite location, to a closely controlled, less environmentally impactful campground facility would actually result in a substantial reduction in potential impacts on sensitive onsite resources.

Environmental Baseline

As discussed in detail in the Planning Commission staff report and the proposed final mitigated ND, the baseline condition for purposes of environmental review was the subject of a substantial amount of research and discussions between P&D staff, County Counsel, and the applicant, with

input from the California Department of Parks & Recreation. Although actual evidence of historic campground visitation through sales receipts, operations logs, etc is not available from the applicant, the baseline attendance levels presented in the proposed final mitigated ND represent P&D's best estimate given the assumptions used. P&D staff remain confident that those assumptions are appropriate for the existing facility based on information received from the applicant as well as comparative data from the El Capitan State Beach Park across Highway 101 from the project site.

Adequacy of the MND

The appellant alleges that the environmental review conducted under the proposed final mitigated ND is inadequate. This concern is based on the fact that the ND did not address the potential effects resulting from the campground owner/operator's inability to control guest visitation, especially in light of what the appellant believes are inadequate assumptions on average campsite occupancy levels. While P&D staff and the Planning Commission have recognized that guest limitations in a project description do not guarantee compliance, P&D staff believe that monitoring of campground visitation can be a successful compliance tool, especially in light of P&D's experience with similar monitoring requirements on other CUPs. As such, the Planning Commission imposed significant, long-term monitoring requirements on the applicant as a condition of project approval (please refer to Condition #44 as noted under Attachment B). Further enforcement options are also available to the County through Articles II & III, Chapter 35 of the County Code, which give the Planning Commission the authority to reconsider, or even revoke the CUP in question, based on substantial evidence of non-compliance with permit conditions of approval (§35-172.10, Article II & §35-315.10, Article III, Chapter 35 of the County Code). P&D staff and the Planning Commission believe that this combination of project conditions of approval, as well as standard provisions in the County zoning ordinances, provide sufficient enforcement mechanisms to effect owner/operator compliance with the guest limitations imposed. As such, further analysis of impacts posed by violations of guest attendance levels above stated limits would be of a speculative nature and are not required under CEQA.

Mandates & Service Levels:

Pursuant to §35-327.3(1), Article III, Chapter 35 of the County Code, decisions of the Planning Commission may be appealed to the Board by the applicant or any person adversely affected by such action.

Fiscal & Facilities Impacts:

The costs of processing appeals are typically covered through fixed fees and funds in Planning & Development's adopted budget. Fees collected for appeals vary based on the location of the project and who files the appeal. This appeal was filed by an interested third party and a fee of \$292 was collected. The cost of processing the appeal above the \$292 filing fee will be borne by Planning & Development. The estimated cost of processing this appeal is approximately \$2,000 and is budgeted in the Permitting & Compliance Program on page D-290 of Planning & Development's 2004-2005 fiscal year budget.

Special Instructions:

The Clerk-of-the-Board shall forward a copy of the Minute Order to Planning & Development, Hearing Support Section, Attn: Cintia Mendoza.

Concurrence:

County Counsel

Attachments

Attachment A - Findings

Attachment B - Conditions of Approval

Attachment C - Appeal to the Board of Supervisors dated June 14, 2004 from
Los Padres Chapter of the Sierra Club

Attachment D - Planning Commission Materials

Exhibit D-1: Planning Commission Action Letter dated June 8, 2004

Exhibit D-2: Planning Commission Staff Report dated May 21, 2004
w/Negative Declaration, 04NGD-00000-00008

Attachment E - Spiewak Letter Dated May 4, 2004

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the Negative Declaration together with the comments received and considered during the public review process. The negative declaration reflects the independent judgment of the Planning Commission, has been completed in compliance with CEQA, and is adequate for this proposal. Changes to the project description do not effect the conclusions of the environmental document.
- 1.2 The Planning Commission finds that through feasible conditions placed upon the project, the significant impacts on the environment that would occur as a result of project construction/implementation have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Jackie Campbell, Planning & Development Department, located at 123 E. Anapamu St., Santa Barbara, CA 93101.
- 1.4 Public Resources Code §21081.6. requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation

2.0 ADMINISTRATIVE FINDINGS

Pursuant to §35-172.8, Article II, and §35-315.8, Article III, Chapter 35 of the County Code, a Conditional Use Permit application shall only be approved if all of the following findings are made:

2.1.1 That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

The project site encompasses 120.1 acres of which 38.5 acres would be protected from any development due to existing environmental constraints such as steep slopes and problematic soils as well as a no-disturbance riparian buffer along El Capitan Creek (generally 25 feet measured from top-of-bank). The remaining acreage is of sufficient size, relatively benign topography, and free of potential hazards and as such, able to readily accommodate all proposed expansion areas and new structural development as well as supporting improvements such as parking.

2.1.2 That adverse environmental impacts are mitigated to the maximum extent feasible.

All potentially significant effects resulting from the proposed project would be mitigated to less than significant levels with implementation of the mitigation measures identified in the

attached proposed final mitigated ND and the conditions of approval set forth under Attachment B of this staff report.

2.1.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

Per the analysis of traffic impacts included in the proposed final mitigated ND, the project would not result in any significant effect on traffic flows or safety in the area and all roadways serving the project (Calle Real & Highway 101) have sufficient capacity to serve any new traffic generated by the project.

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The project site has adequate capacity for on-site sewage disposal and an adequate water supply from the El Capitan Mutual Water District to serve the proposed project. With implementation of the mitigation measures designed to address fire protection concerns, adequate fire protective services would be available to serve the proposed project. Adequate police protection is already available to serve the proposed project.

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

The proposed project would not result in any effect that would be detrimental to the health and safety of the general public or surrounding areas. Adequate and safe access to the project site is available from Calle Real and Highway 101 and the site has sufficient capacity to handle treatment of all potential sewage effluent consistent with RWQCB Basin Plan prohibitions. The project site is in a sufficiently remote location to other noise sensitive receptors that with implementation of the conditions of approval noted in Attachment B, project generated noise should not significantly affect the surrounding area. The proposed reduction in guest capacity from baseline levels assumed for the proposed final mitigated ND would reduce the number of visitors to the campground that may visit the nearby El Capitan State Beach Park thereby lessening project impacts on that facility below baseline levels. With implementation of restrictions on new development included in the project conditions of approval (Attachment B), the effect of the project on public use of the Bill Wallace Trail would be minimal.

2.1.6 *That the project is in conformance with the applicable provisions and policies of this Article II and the Coastal Land Use Plan.*

Per the discussion of policy consistency under §6.2 of this staff report, the proposed project can be considered consistent with all applicable provisions of Articles II & III, Chapter 35 of the County Code as well as the policies of the County's Coastal Land Use and Comprehensive Plans.

2.1.7 *That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The proposed project can be considered of a “low intensity” recreational nature compatible with the surrounding rural character of the area. With implementation of the mitigation measures included in the conditions of project approval (Attachment B), the project would not result in any significant, adverse effect on the scenic quality of the area.

2.1.8 *That the project will not conflict with any easements required for public access through, or public use of the property.*

The project would not conflict with any existing easements for public access through the property or restrict use of the adjoining public property administered by the California Department of parks & Recreation.

2.1.9 *That the proposed use is not inconsistent with the intent of the zone district.*

The purpose and intent of the AG-II zone district is to establish agricultural land use for prime and non-prime agricultural lands outside of any urban, inner rural, or rural neighborhood areas and to preserve those lands for long-term agricultural use. As noted in the analysis of the project’s affect on agricultural resources under the proposed final mitigated ND, potential project impacts, as well as the project’s contribution to cumulative impacts on agricultural resources along the Gaviota Coast would be considered adverse but less than significant.

ATTACHMENT B: CONDITIONS OF APPROVAL

Project Description:

1. This conditional use permit (CUP) is based upon and limited to compliance with the project description, the hearing exhibits marked Planning Commission, Exhibit A, dated May 26, 2004, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The revised CUP as proposed would include continuation of all vested/established/baseline uses, activities, and facilities as well as the following new uses, activities and facilities:

Area A—Area A is a 11.38 acre site (portions of APN 081-230-0050& 006) located northerly of the Calle Real frontage road and westerly of El Capitan Canyon as depicted in Attachment D. Vehicular access to the site is from a private ranch road running northeasterly from Calle Real. This road is proposed to be paved (20 feet in width) for all weather vehicle access. Two existing pedestrian trails with earthen surfaces provide pedestrian access from this area down to the existing campground in the main canyon.

Area A is proposed to be developed with 50 drive-in sites for motorized RVs, 30 campsites for traditional car camping, and 20 “bicycle-in” campsites. Construction of these facilities would involve approximately 7,200 yd³ of cut and 5,750 yd³ of fill, all balanced onsite due to soil shrinkage (approximately 1,450 yd³). The campsites would include small deck platforms (less than 30” above grade) on which to pitch tents, along with fire rings, a table, and a water spigot. All RV sites would have individual water, sewer, electrical, and phone connections. Access to all RV campsites would be provided by paved driveways of 16 feet in width. Access to all car campsites would be provided by paved driveways 12 feet in width. The area in the middle of the campground is proposed as a turf play area. Area A would include two (2) comfort stations, a 20-foot x 20-foot swimming pool and supporting improvements (e.g. pool heating/filtration facilities, cabana, wading pool, etc.), and a 20-foot x 20-foot, one-story entry kiosk/coin laundry/store for incidental items for campers. Both comfort stations would include men’s and women’s restrooms with toilets, showers, sinks, sauna and steam rooms per the elevations and floor plans accompanying this document as Attachment 5. The entry kiosk structure would facilitate camper registration/check-in, include a small guest laundry facility consisting of several clothes washer and dryer appliances for the convenience of guests, and include a small store (200 ft² maximum) to dispense drinks, snacks and incidental items to guests.

The area to the east of this campground contains slopes of over 20% and indicated in Attachment D as “Areas of Non-Disturbance.” These areas are delineated by a “honeycomb” shape hatching on the map submittal and defined as follows:

In order to protect areas of 20 percent slopes and above, “Areas of Non-Disturbance” are proposed to be established as depicted hereon. In essence, the

“Area of Non-Disturbance” is intended to restrict and prohibit any ground disturbance or excavation, or any vegetation removal or alterations, without the consent and approval of the County of Santa Barbara. However, such restrictions and prohibitions shall not preclude the repair, maintenance, reconstruction or improvement of any existing road, utility, facility or improvement, or the operation of any easement or other right, that currently exists within these “Areas of Non-Disturbance” consistent with County repair and maintenance permitting requirements under Article II & III, Chapter 35 of the County Code.

The applicant proposes to provide about 500 linear feet of landscape screening along the northerly Highway 101 frontage and 300 linear feet of screening along the western side of the upper half of Area A, to screen the campsites from public view per the submitted preliminary landscape plan (Attachment 3).

Area B—Area B is a 3.13 acre site (a portion of APN 081-230-005) located on the westerly side of the canyon about 4,000 feet north of Calle Real. The site is located on the westerly side of El Capitan Creek approximately 1,500 feet north of the existing northerly bridge crossing of the creek. Area B is relative level to gently sloping (<5%) within the valley floor area. The valley floor is improved with an existing horse corral. An existing unpaved ranch road enters the site from the south and from the northeast.

This area would be used for group camping, and as such RV cabins are to be clustered in a manner to facilitate interaction and group activities. All RV cabins would have individual water, sewer, electrical, and phone connections. A comfort station (one of the four previously approved under the current campground CUP(s) but not yet permitted or constructed) per the attached architectural plans (Attachment 5) would be located in between the RV cabin clusters and would include men’s and women’s restrooms with toilets, showers, sinks, sauna, and steam rooms. A total of 16 RV cabins are proposed to be clustered in this area. Ten (10) parking spaces are also provided in this area. This area includes three native trees (one oak and two sycamores) on the west side of the road providing vehicular access to the site. One of these sycamores would be removed and replaced by a mix of seven (7) coast live oak and western sycamores per the submitted preliminary landscape (Attachment 4). Grading to construct Area B improvements would be less than 50 yd³. The number of campsites within Area B is included in the baseline of 275. However, these campsites are located outside the existing (vested) campground CUP boundaries.

Area C—Area C is 1.06 acres in size (a portion of 081-230-005) and consists of an existing ranch road previously used by the El Capitan Mutual Water Company to access one of their well sites. This area is proposed as the location of the camp manager’s residence which is proposed to be no more than 2,950 ft² not including garage or accessory structures. The proposed building pad is located at the most northern extent of this expansion area under 20% slope. Construction of the driveway accessing the proposed manager’s residence would involve approximately 300 yd³ of cut and 250 yd³ of fill, all balanced onsite due to shrinkage (approximately 50 yd³).

Area E¹—Area E is 2.11 acres in size (a portion of APN 081-230-011) located on the eastern side of the canyon contiguous to the existing CUP boundary. This area is accessed by an existing ranch road and has relatively flat to gentle slopes of 10%-15%. The area is proposed as an ancillary use area for campground gatherings and functions. All areas within Area E having slopes in excess of 20% are identified in Attachment D as Areas of Non-Disturbance per the definition noted above.

Area F—This expansion area is a 17.49 acre site adjacent to and east of the main canyon that contains an existing shop, office and maintenance building; an open sided vehicle and equipment carport; open air equipment storage, and open air material storage all accessed by a paved road running northeasterly from the Calle Real frontage road. The shop, office and maintenance building is a one-story, steel sided Butler-type building with about 4,600 square feet of floor space. The building, roadway and other improvements were constructed in 1969 and have generally facilitated ranch management and maintenance activities. The ranch headquarters site will continue to be used for ranch and campground maintenance and office operations and would also be used as a multi-purpose support for the campground, including a laundry facility for the campground operators consisting of two (2) commercial sized washing machines and supporting dryers. The area directly in front of the Calle Real entrance is the location of one of the new waste disposal fields.

Individual Sewer Hook-Ups—All RV cabins and RV campsites are proposed to be connected to either the recently upgraded wastewater disposal system or a new wastewater disposal system located within the SW corner of Area A via at-grade individual RV sewer connections. In order to use this new system, an extension of subsurface sewer laterals to each RV Cabin/campsite would be required, terminating at a ground level screw cap in a concrete containment pad. There would be no individual hard plumbing installed to either the RV Cabin or guest RV beyond the ground inlet. The RV user would temporarily connect to the inlet to flush wastewater from the RV waste containment tanks, disconnecting when dumping is completed per the requirements of the Regional Water Quality Control Board's (RWQCB) Wastewater Discharge Requirements Order (WDR) dated May 16, 2003.

Office/Watchman's Trailer—The existing one-story watchman's trailer of approximately 1,600 ft² was originally permitted under 71-CP-040. That CUP was regularly renewed until it lapsed in the late 1980s. The trailer is currently used as the registration & office trailer at the campground entrance.

Concert Series Use & Attendance—The applicant proposes to include live music concerts and other artistic performances during the summer high season, as well as other times of the

¹ Under a prior project description the project included a proposed expansion Area D, approximately 1.5 acres in size located on the west side of El Capitan Creek and immediately north of proposed expansion Area C. Based on a biological assessment of project related impacts prepared by a consultant working under contract to the County (please refer to Attachment 11), potential impacts on biological resources in the area resulting from the construction and use of previously proposed expansion Area D would have been considered significant and unavoidable. In light of this information, the applicant revised the project description to remove Area D. However, for the sake of clarity between the attached biological assessment and this document, the designation of the remaining proposed expansion areas (e.g. A,B,C,E, & F) is unchanged.

year. These concerts would be advertised events and available to both campground guests as well as the general public and would be considered separate from entertainment provided exclusively for campground guests listed under incidental activities noted above. Maximum attendance at these concerts will be subject to priority seating for overnight guests, may include Day Use guests, but would not exceed a total of 500 attendees. The maximum 500 attendees are inclusive of the Day Use and Overnight Guest limits expressed below, and are not meant to be additive to these limits. Concerts would generally occur on weekends from between 7:00 to 10:00 pm during the high season (May through October) with occasional weekday, daytime, off-season, and holiday events. Concert events would normally occur adjacent to the store/restaurant and involve amplified sound and lighting of the stage area. Concert attendees would be seated within the picnic area immediately to the south of the restaurant/general store.

Guest Attendance—The total maximum campground guest occupancy shall be limited to 1,600 individuals on any given day. This limit shall include both day and overnight guests. The maximum limit on the number of day use guests shall be 300 people/day. Day Use Guests are defined as guests, fee-paying or not, wishing to use various campground facilities without engaging in an overnight stay at a campsite. Overnight guests are defined as individuals engaged in an overnight stay at a campsite. Overnight guests shall not stay at the campground for more than 29 consecutive days or less than what the State Board of Equalization considers to be permanent occupancy and not subject to hotel tax. There is no limit on overnight guest capacity provided that the total guest occupancy at the campground does not exceed 1,600 individuals on any given day.

Incidental Uses—Additional incidental uses under the proposed CUP Revision would include, but not be limited to, retreats, conferences, children's day camps, group camping, outdoor education, health, yoga, exercise & healing services, business communications services for guests, spiritual exercises, lectures, and concerts or other similar, compatible, low intensity uses which may be made available to any combination of day guests and/or overnight campground guests which does not exceed the established total maximum daily occupancy limit for the campground.

Creek Corridor Restoration—The proposed project description includes recommendations for restoration of the El Capitan Creek riparian corridor pursuant to *Biological Assessment of Existing Experimental Camping Scenarios @ El Capitan Canyon Campground, Santa Barbara County*, a report prepared by Lawrence Hunt dated November 8, 2002. Implementation of the restoration plan shall be an on-going, continuous effort conducted as the sole responsibility of the applicant. In addition, the applicant shall maintain the riparian corridor of El Capitan Creek as noted in Attachment D as a non-disturbance corridor. All ground disturbance and/or excavation, or any vegetation removal/alteration shall be prohibited within this corridor with exception for riparian restoration activities and the repair and maintenance of any existing improvement, facility, or infrastructure consistent with County repair and maintenance permitting requirements under Article II & III, Chapter 35 of the County Code.

Previously Approved, Unconstructed/Not-Established Activities & Facilities (not baseline)

- 1) Three (3) new restrooms/comfort stations allowed under 72-CP-014 and located within the boundaries of the current CUP(s) as noted in Attachment D
- 2) Sewage disposal system improvements as described under 03CDP-00000-00118
- 3) Rental Horses & Petting Area limited to no more than 25 horses allowed per 69-CP-030 anywhere within the boundaries of the current CUP(s) as noted in Attachment D
- 4) RV storage for up to 30 RV's on APN 081-250-001 under 74-CP-130 and noted on Planning Commission Exhibit A, dated August 20, 1975

Baseline Uses, Activities & Facilities to be Continued

- 5) 275 individual campsites located anywhere within the boundaries of the current CUP(s) as noted in Attachment D
- 6) Existing general store/restaurant of approximately 2,650 ft² in size with interior retail space and seating for between 6-20 customers fluctuating with periodic changes in retail & food service marketing plans & seasonal demands as well as exterior "picnic" style seating for between 120 to 150 customers on the lawn to the south of the store/restaurant and "al fresco" style table & seating amenities for 30 to 40 customers on the lawn area to the north of the store/restaurant
- 7) Existing recreation hall housed within a 24' x 48' yurt permitted under 01LUP-00000-00511 located in the central campground area as noted in Attachment D²
- 8) Existing Historic display/shelter housed in a 30-foot diameter yurt located in the upper meadow area as noted in Attachment D and permitted under 01LUP-00000-00511
- 9) Existing swimming pool of approximately 30 feet x 50 feet with a surrounding deck of 55 feet x 75 feet and accompanying ancillary facilities such as an existing solar water heating system permitted under 03LUP-00000-00165
- 10) Internal road network within the existing campground consisting of roadways ranging in width from 16 feet to 20 feet and constructed of aggregate base surfaced with a double chip seal per that permitted under 01LUP-0000-00666 as well as an unsurfaced roadway extending from the existing vehicular bridge across El Capitan Creek to the State water tank property
- 11) Sewage disposal system improvements as permitted under 03LUP-00000-00471 & 03CDP-00000-00046
- 12) Sewage disposal system improvements as permitted under 03LUP-00000-01009 including subsurface laterals to 111 RV cabins within the current CUP(s) boundaries
- 13) Potable water, phone, & electric service to individual campsites per 01LUP-00000-00666
- 14) Three (3) existing restroom facilities remodeled in 2001 under County issued building permits

² The existing recreation hall noted in Attachment D would be replaced by the previously approved but as of yet unpermitted/unconstructed recreation hall with a maximum size of 4,000 ft².

- 15) Two existing tram parking areas, one near the store/restaurant and entrance and the other on the west side of the creek at the south end of the current CUP boundary
- 16) Existing bridges across El Capitan Creek including an existing footbridge across from the general store/restaurant, the Arizona crossing to the south, and the vehicular bridge to the north
- 17) Retreats/Conferences/Day Use activities limited to retreats, corporate conferences & day camps associated with overnight camping anywhere within the boundaries of the current CUP(s) as noted in Attachment D
- 18) Additional/incidental activities and uses limited to campground guests only (e.g. massage, hiking, horseback riding, cycling, guided tours, surfing camps, entertainment limited exclusively to campground guests and not advertised, etc.) and located anywhere within the boundaries of the current CUP(s) as noted in Attachment D
- 19) Existing operational facilities (e.g. maintenance shop/storage area) of approximately 5,000 ft² located on the west side of El Capitan Creek north of the general store/restaurant

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Mitigation Measures:

Aesthetics/Visual Resources

2. The size, design, scale and character of all new structures shall be compatible with existing development onsite and blend with the surrounding natural environment. **Plan Requirements & Timing:** The applicant shall submit architectural drawings of proposed structure(s) for review and approval by the Board of Architectural Review (BAR) prior to approval of any Land Use Permits\Coastal Development Permits (LUP/CDP) for such structural development onsite. Grading plans, if required, shall be submitted to P&D concurrent with, or prior to, BAR plan filing.

Monitoring: Permit Compliance shall monitor in the field to verify that all structural development is done per the BAR and P&D approved building plans prior to final inspection.

3. The future manager's residence shall not exceed a maximum height of 16 feet as defined under §35-209, Building Height, Article III, Chapter 35 of the County Code. The maximum height for all other structures shall not exceed 25 feet as defined under §35-209, building Height, Article III, Chapter 35 of the County Code. **Plan Requirements:** This requirement shall be included on building plans. **Timing:** Plans shall be reviewed and approved by the BAR prior to approval of any LUP/CDP for any structural development onsite.

Monitoring: Height of building(s) shall be checked by Building & Safety during frame/inspection approval.

4. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirements:** All exterior materials shall be denoted on all building plans and approved by the BAR and P&D. **Timing:** All structures shall be painted prior to occupancy clearance.

Monitoring: Permit Compliance shall field inspect to verify compliance prior to the final inspection.

5. All exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. The applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a lighting plan for each expansion area and/or new structural development to be reviewed and approved by P&D and the BAR. **Timing:** Said lighting plan shall be reviewed and approved by the BAR and P&D prior to the approval of a LUP/CDP for each expansion area and/or new structural development onsite.

Monitoring: Permit Compliance shall inspect structures prior to final inspection to ensure that exterior lighting fixtures have been installed consistent with their depiction on the approved final lighting plan.

6. The design, scale and character of the final project landscaping plans for each expansion area or element of the project requiring a landscaping plan shall be consistent with the submitted preliminary landscape plans and compatible with the surrounding natural environment. All landscape plant materials shall be of sufficient size, type, and density to provide for adequate screening of all new development within ten (10) years of completion of landscaping for each expansion area and/or element of the project requiring a landscaping plan. **Plan Requirements & Timing:** The final landscaping plans for each expansion area, as well as for any new structural development within the current CUP boundary, shall include the size of all plant materials to be installed. The final Area A landscape plan shall identify the number and specific location of existing avocado trees, eucalyptus trees, and the existing scrub along the southern property boundary to be retained. The final landscaping plan for all proposed comfort stations shall identify the type, size, and number of trees and other vegetation to be retained as part of the landscape screen for such facilities. Said final landscape plans shall be reviewed and approved by the BAR and P&D prior to approval of any LUP/CDP for the corresponding structural development onsite.

Monitoring: Permit Compliance shall monitor in the field to verify that all elements of the approved final landscape plans are installed as approved prior to final inspection and that all existing trees and vegetation to be retained for screening/landscaping purposes per said plans are protected in the field during construction.

Air Quality

7. If any construction site within the limits of the proposed project boundaries is graded and left undeveloped for over three (3) weeks, the applicant shall employ the following methods immediately to inhibit dust generation:

- a) Seeding and watering to revegetate graded areas; and/or;
- b) Spreading of soil binders; and/or;
- c) Any other methods deemed appropriate by P&D.

Plan Requirements: These requirements shall be noted on all plans submitted for any LUP/CDP or building and grading permits. **Timing:** Said requirements shall be incorporated on all plans prior to approval of any LUP/CDP for the project.

Monitoring: Grading inspectors and Permit Compliance staff shall perform periodic site inspections to verify compliance.

8. Fugitive dust generated by the development activities shall be kept to a minimum with a goal of retaining such dust on the site. The applicant shall comply with the following dust control measures:

- a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

Plan Requirements: All such requirements shall be printed on all grading and building plans as well as any plans submitted for a LUP/CDP for any construction of such improvements. **Timing:** All such plans shall include these requirements prior to the approval of any LUP/CDP for the project. These requirements shall be adhered to throughout all grading and construction activities.

Monitoring: Permit Compliance and grading inspectors shall verify monitor compliance in the field. APCD inspectors shall respond to nuisance complaints.

9. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress.

Plan Requirements: This requirements shall be included on all grading and building plans submitted for approval of any LUP/CDP and provided to the APCD. **Timing:** The name and telephone number of the person responsible for monitoring dust control measures shall be noted designated and provided to P&D and the APCD prior to commencement of any site disturbing activities.

Monitoring: Permit Compliance and/or APCD shall contact the designated monitor as necessary to ensure compliance with dust control measures.

Biological Resources

10. To minimize potential impacts on Santa Barbara honeysuckle on site, pre-construction surveys for all development in Areas A & B shall be conducted to locate individual Santa Barbara honeysuckle plants. Where it is determined that proposed development would result in the loss of any plants of this species, the applicant shall redesign proposed improvements to avoid such plants to the extent feasible. If such redesign is not feasible, the applicant shall prepare a replacement/restoration plan on a 3:1 basis for implementation as part of that particular phase of project construction. **Plan Requirements & Timing:** The required pre-construction survey shall be prepared by a P&D approved biologist/botanist and submitted to P&D for review prior to the approval of a CDP or LUP for development within these expansion areas. If said survey determines that individual Santa Barbara honeysuckle plants exist within the limits of any proposed expansion area, the project shall be redesigned and protection measures prepared if feasible to protect such individual plant species. If such protection is not feasible, a 3:1 replacement/restoration plan shall be prepared by a County approved biologist/botanist and approved by P&D prior to approval of any CDP or LUP for development within these proposed expansion areas. Said replacement/restoration plan shall include provisions for ensuring plant survival such as watering and protection from predation. Said plan shall be implemented prior to final inspection for the particular expansion area involved. Any performance securities required for installation and maintenance of replacement plants will be released after inspection and approval of installation by P&D staff.

Monitoring: Permit Compliance shall verify compliance in the field prior to any final inspection for the particular expansion area involved.

11. In order to avoid damage to native trees and the eucalyptus windrow along the western boundary of proposed expansion Area A to the maximum extent feasible during construction of sewer improvements, the applicant, in consultation with a County approved biologist, shall mark the proposed locations of all such improvements in the field. Improvements shall be sited to reduce project generated impacts to native trees to the maximum extent feasible. P&D staff shall review and approve the final alignment/location of said improvements prior to commencement of any sewer line excavation activities. **Plan Requirements & Timing:** Said condition of permit approval shall be printed on all plans submitted for approval of all required building and grading permits for proposed sewer improvements. The applicant shall hire a biologist from the list of County approved biologists and submit a copy of the contract for such supervision to P&D prior to the commencement of any grading/construction activities for the project.

Monitoring: P&D staff shall review and approve the final alignment of all proposed sewer improvements prior to commencement of any sewer line excavation. Permit Compliance shall verify that installation/construction of all proposed sewage system improvements is in compliance with the P&D approved final alignment for said improvements.

12. The applicant shall submit "as-built" plans for all sewer improvements installed/constructed under this permit to P&D. **Plan Requirements & Timing:** Said plans shall be submitted to P&D within 30 days of project completion as noted in the field by Permit Compliance staff.

Monitoring: P&D staff shall verify compliance.

13. The applicant shall hire a County approved arborist to supervise all trenching/grading within twenty-five (25) feet of the dripline of any native tree (e.g. coast live oaks and western sycamores) and the eucalyptus windrow along the western boundary of proposed expansion Area A. Any roots one (1) inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed (or otherwise protected) under the supervision of the arborist. **Plan Requirements & Timing:** Said condition of permit approval shall be printed on all plans submitted for all required grading or building permits for the project. Prior to commencement of any grading/construction activities the applicant shall hire an arborist from the list of County approved arborists and submit a copy of the contract for such supervision to P&D prior to the commencement of any grading/construction activities.

Monitoring: P&D staff shall verify compliance.

14. In the event that unforeseen soil, geological, or other conditions render sewer line construction in the approved locations technically infeasible, the applicant shall notify P&D and the project arborist. The project arborist, in consultation with P&D staff, shall identify an alternative alignment or location which protects native trees to the maximum extent feasible. Said alternative alignment/location shall be approved under a field substantial conformity determination per the requirements of §35-314.8, Article III, Chapter 35 of the County Code. Upon approval of the field substantial conformity determination the applicant shall be permitted to proceed with construction under the alternative alignment/location, which shall be noted on the submitted "as-built" plans. **Plan Requirements & Timing:** Said condition of permit approval shall be printed on all plans submitted for approval of all required grading or building permits.

Monitoring: P&D staff shall monitor for compliance. Permit Compliance staff shall verify construction/installation per the approved field substantial conformity determination.

15. In order to protect native trees (e.g. coast live oaks and western sycamores) from the adverse effects of all grading and construction onsite, the applicant, under the supervision of the project arborist, shall implement a tree protection and replacement plan that includes the following elements:

- a) Construction equipment staging and storage areas shall be located no closer than 25 feet from the dripline/edge of canopy of all native trees onsite and no construction equipment shall be parked, stored or operated within these protected areas. No fill soil, rocks or construction materials shall be stored or placed within these protected areas.
- b) Any native trees which are inadvertently damaged or removed during project construction shall be replaced on a 10:1 basis with one (1) gallon size saplings grown from seed obtained from the same watershed as the project site for coast live oaks and on a 3:1 basis for western sycamores, again using one (1) gallon saplings grown from seed obtained from the same drainage, or other riparian species in a manner approved by P&D. Where it is determined upon commencement of development within a construction area that removal of a native tree(s) cannot be avoided and it is feasible to replant, said tree(s) shall be boxed and replanted in a location recommended by the project arborist and approved by P&D staff. A drip irrigation system with a timer shall be installed at the time of replanting to ensure tree survival. Trees shall be planted prior to completion of the project as noted by Permit Compliance staff and irrigated and maintained until established (five years). The plantings shall be protected from

predation by wild and domestic animals as well as from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

Plan Requirements & Timing: This condition shall be printed on all plans submitted for approval of any required grading/building permit(s).

Monitoring: Permit Compliance staff shall conduct site inspections throughout all phases of development to ensure compliance with all tree protection and replacement measures. Release of any performance security requires P&D staff signature.

16. Prior to the removal of the western sycamore within proposed expansion Area B, the applicant shall comply with the following requirements:

- a) Three (3) days prior to such tree removal, the tree shall be surveyed by a County approved biologist to verify if it is free of any active bird nests or nesting activity. Removal shall only occur when no active nests or nesting activity is occurring, as determined by the project biologist and confirmed by P&D's biologist.
- b) The applicant shall prepare a plan to install appropriately designed, sized, and located nest boxes for cavity nesting birds in the area of Area B.

Plan Requirements & Timing: Prior to removal of the western sycamore in question, the results of the project biologist's survey shall be submitted to P&D for review and approval. Tree removal shall not commence until such approval from P&D is granted to the applicant. The plan for the design, size, and location of the nesting boxes to mitigate the loss of this western sycamore shall be approved by P&D and shall include a maintenance plan to maintain such boxes for the life of the CUP. Installation of nesting boxes shall be implemented per the approved plan within 30 days of tree removal.

Monitoring: Permit Compliance staff shall conduct site inspections throughout all phases of development to ensure compliance with all tree protection and replacement measures. Release of any performance security requires P&D staff signature.

17. To protect the oak woodland, eucalyptus windrow along the western boundary of proposed expansion Area A, and adjacent Venturan coastal sage scrub containing Santa Barbara honeysuckle along the eastern boundary of proposed expansion Area A, the site plan for Area A shall be redesigned to maintain a minimum 25-foot no-disturbance zone between the limits of grading for Area A and the dripline of the oak woodland canopy. **Plan Requirements & Timing:** Said revisions to the site plan for Area A shall be prepared by a licensed engineer and submitted to P&D for review and approval prior to the approval of any CDP for construction of improvements within Area A. Said plans shall include provisions for installation of field fencing to delineate the 25-foot buffer.

Monitoring: Permit Compliance shall verify construction of proposed expansion Area A is done in compliance with the approved site plan revision and that a 25-foot no-disturbance buffer is maintained during all construction activities.

18. Construction of all new structures that must be supported by a continuous perimeter foundation shall maintain a minimum 25-foot setback from all native woodland canopies as defined by P&D staff. Where the native tree canopy is comprised of an individual tree, or an insufficient number of

trees to constitute a native woodland as determined by P&D staff, the native tree protection setback for such new structures shall be based on the tree(s)'critical root zone (CRZ) as defined under P&D's *Tree Protection Policy Paper* dated April 10, 2002. **Plan Requirements & Timing:** All plans submitted for approval of any CDP/LUP for new structural development requiring a continuous perimeter foundation shall accurately locate, identify as to species, delineate the extent of the canopy perimeter, note the tree diameter at breast height (dbh), and show the CRZ of all non-woodland trees for all native trees within 25 feet of the proposed structure. Said plans shall be reviewed and approved by a County approved arborist/biologist prior to submittal to P&D.

Monitoring: Permit Compliance staff shall verify in the field that the placement of all new structures requiring continuous perimeter foundations comply with this condition and/or any adjustments approved by P&D to the CRZ.

19. Mechanized construction activities and/or use of mechanized construction equipment within 300 feet of any active raptor nest site shall be prohibited during the raptor nesting season from March 1st to July 31st except for emergency repairs conducted under a County approved emergency permit. **Plan Requirements & Timing:** To ensure that all active raptor nest sites are accurately and timely identified, a pre-construction raptor nest survey of the entirety of each specific project site and surrounding 300-foot buffer shall be conducted by a County approved biologist three (3) days prior to any construction planned to occur during the nesting season. Prior to construction commencement during the nesting season, a report of the surveying biologist's conclusions shall be submitted to P&D for review and approval. If active raptor nesting is observed within a specific project site or its' 300-foot buffer, there shall be no use of mechanized construction equipment during the nesting season.

Monitoring: Permit Compliance staff shall monitor in the field to verify compliance.

20. All visitor and/or employee owned pets shall be confined indoors or kept on a leash and under pet owner's control the at all times while onsite. Loose pets at any time such as cats and dogs are strictly prohibited. **Plan Requirements & Timing:** Signs advising guests and employees of this requirement shall be prominently posted at all entry kiosks, major recreational facilities, and the general store. All plans submitted for approval of any CDP/LUP for the proposed project shall include this prohibition. The applicant shall also provide all campground visitors information in a brochure that emphasizes the importance of controlling pets to limit impacts on wildlife in the area and the unlawful nature of allowing pets to roam freely. Said brochure shall also include a warning that any person repeatedly allowing their pet(s) to roam freely while onsite shall be asked to leave the campground premises. The contents of this brochure shall be reviewed and approved by P&D prior to approval of any permits for any aspect of the proposed project.

Monitoring: Enforcement of said prohibitions against loose pets and/or compliance with leash requirements shall be the responsibility of the campground operator. Permit Compliance shall periodically field monitor to verify compliance during construction phases and Zoning Enforcement and/or Animal Control shall respond to future complaints.

21. All grading/excavation or native vegetation removal shall be prohibited within 25 feet of the top-of-bank of El Capitan Creek. **Plan Requirements & Timing:** All plans submitted for approval of any required grading/building permit(s) shall include this condition.

Monitoring: Permit Compliance staff shall conduct site inspections to verify compliance throughout the construction phase.

22. In order to protect sensitive biological resources, and avoid development on steep slopes, no grading, development, vegetation removal, construction equipment operation, or storage of materials shall occur in the identified no-disturbance areas and/or the eucalyptus windrow along the western boundary of proposed expansion Area A shown on the project site plan, Attachment D of this staff report. The no-disturbance area(s) shall be staked/fenced or otherwise physically separated from development areas prior to the commencement of grading or construction. **Plan Requirements & Timing:** Prior to approval of any CDP/LUP for any element of the proposed project, a Notice to Property Owner (NTPO) stating this limitation and a figure depicting the no-disturbance areas shall be recorded with the County Clerk-Recorder. The no-disturbance areas and this condition shall be shown on all plans submitted for land use clearance and building permits.

Monitoring: P&D staff shall confirm recordation of the NTPO and review project plans for compliance. Permit Compliance shall confirm that staking/permanent fencing is in place throughout all applicable grading and construction activities.

23. The applicant shall provide all campground guests with informational brochures outlining how campground guests can prevent human/wildlife conflicts during their stay at the facility. **Plan Requirements & Timing:** Information brochures shall be submitted to P&D prior to effectuation of the CUP. Distribution of the brochures shall commence upon CUP effectuation. **Monitoring:** Permit Compliance shall periodically spot check in the filed for compliance.

Cultural Resources

24. In the event that future improvements are proposed within the CA-SBA-131 site boundary requiring excavation such as fence postholes or stable foundations, a Phase II subsurface testing program to evaluate the nature, extent, and significance of the cultural resources potentially impacted shall be implemented as delineated by Laurence W. Spanne per his report dated July 28, 2001. This evaluation program shall be designed consistent with County Archaeological Guidelines and shall involve the following:

- a) Controlled hand excavation and surface collection of a representative sample of the site deposit to be impacted determined by a P&D qualified archaeologist;
- b) Detailed analysis of the material recovered;
- c) An assessment of cultural resource integrity;
- d) The preparation of a final report with recommendations for impact mitigation if necessary. Should this program verify the conclusion of the Phase II investigation noted above that the archaeological site is significant, a Phase III mitigation program in the form of data recovery excavation shall be required consistent with County Archaeological Guidelines.

Plan Requirements & Timing: Prior to approval of any CDP for future development within 300 feet of the currently described limits of CA-SBA-131 on file with P&D, the applicant shall hire a P&D approved archaeologist to perform the required Phase II study for the proposed disturbance area. The consultant shall submit a final report to P&D staff detailing the results of the study prior to approval of any such CDP.

Monitoring: P&D shall review the study and Permit Compliance staff shall verify in the field that all approved recommendations are completed in full prior to approval of any CDP subject to this condition.

25. Any excavation within the 100-foot buffer extending from the CA-SBA-131 boundary shall be monitored by a P&D approved archaeologist and a Native American observer. In the event that potentially significant deposits are encountered, grading shall be stopped immediately and temporarily redirected until a systematic Phase III data recovery investigation funded by the applicant is completed pursuant to *County of Santa Barbara Cultural Resource Guidelines* to evaluate the significance of the finds. **Plan Requirements & Timing:** The CA-SBA-131 site boundary and 100-foot buffer as determined by Spanne (2001) on file with P&D shall be indicated on the grading plan as an “archaeologically sensitive area.” Prior to approval of any CDP for excavation within the CA-SBA-131 100-foot buffer, a Letter of Commitment between the applicant and a County approved archaeologist and Native American representative, consisting of a project description and a scope of work for monitoring all ground disturbances, shall be reviewed and approved by P&D.

Monitoring: Permit Compliance staff shall monitor contract compliance and spot check for mitigation measure compliance in the field.

26. The applicant shall provide all campground visitors information in a brochure that emphasizes the importance of cultural resources within the facility and the unlawful nature of prehistoric artifact disturbance and/or collection. A warning shall be provided indicating that any person found collecting archaeological artifacts on campground property shall be asked to leave. These components shall be noted on the campground brochure/map provided to all visitors and equestrian users. **Plan Requirements & Timing:** The brochure wording shall be prepared in consultation with a P&D-approved archaeologist, and be reviewed and approved by P&D prior to all grading and building plans submitted for approval of any CDP, grading permit, or building permit within the campground.

Monitoring: Permit Compliance staff shall periodically verify the availability of said visitor brochures during site inspections.

27. Construction grading within the site boundary of CA-SBA-2254 shall be monitored by a County-qualified archaeologist and a Native American observer. In the event that potentially significant deposits are encountered, grading shall be stopped immediately and temporarily redirected until a systematic Phase III data recovery investigation funded by the applicant is completed pursuant to *County of Santa Barbara Cultural Resource Guidelines* to evaluate the significance of the finds. **Plan Requirements & Timing:** The CA-SBA-2254 site boundary as determined by the SAIC Extended Phase I/II final report on file with P&D shall be indicated on the grading plan as an “archaeologically sensitive area.” The archaeological monitoring requirement shall be indicated as note on all grading plans submitted for approval of any CDP or grading/building permit for construction of Area A. Prior to approval of any CDP for construction of Area A, a Letter of Commitment between the applicant and a County-qualified archaeologist and Native American representative, consisting of a project description and a scope of work for monitoring all ground disturbances within CA-SBA-2254, shall be reviewed and approved by P&D.

Monitoring: P&D staff shall verify contract compliance and Permit Compliance staff shall monitor for compliance in the field.

28. A pre-construction meeting shall be attended by a County-qualified archaeologist and Native American representative. This meeting shall address the following:
- i. Review the types of cultural resources that may be uncovered;
 - ii. Provide examples of common archaeological artifacts and other cultural materials to examine;
 - iii. Identify what would temporarily stop construction and for how long; describe a reasonable worst-case resource discovery scenario (i.e., discovery of intact human remains);
 - iv. Describe reporting requirements and the responsibilities of the construction supervisor and crew.

The workshop shall make attendees aware of prohibited activities, including unauthorized collecting of artifacts, which can result in impacts on cultural resources. All construction personnel who would work during any phase of ground disturbance shall be required to attend the meeting. **Plan Requirements & Timing:** These components shall be noted on all grading and building plans submitted for approval of any CDP, grading permit, or building permit for Area A. The pre-construction meeting shall be conducted prior to commencement of any grading or construction activities associated with development of Area A. The construction contractor shall provide the P&D with a list of all personnel who attend the meeting.

Monitoring: Permit Compliance staff shall attend the pre-construction meeting and periodically inspect the project site to verify compliance.

Fire Protection

29. The *Fire Safety & Fuel Management Plan* shall be submitted to the Santa Barbara County Fire Department and P&D for review and approval. The plan shall meet all applicable Fire Department standards and requirements as well as protect native vegetation to the maximum extent feasible in compliance with the California Public Resources Code. **Plan Requirements & Timing:** Said plan shall be submitted to P&D and the Fire Department for review and approval prior to approval of any LUP/CDP for any expansion area improvements and/or new structural development.

Monitoring: The project site shall be inspected by the Fire Department prior to any final inspection to verify compliance with all elements of the approved fire safety & fuel management plan.

30. The final project landscape plan shall incorporate fire resistant species to the maximum extent feasible. **Plan Requirements:** Prior to approval of any LUP/CDP for any expansion area improvements and/or new structural development, the applicant shall submit the project landscape plans to P&D and the Fire Department for review and approval. **Timing:** Said landscape plans shall be reviewed and approved by the County Fire Department prior to submittal to P&D. The applicant shall install the landscaping consistent with the approved plan prior to the associated final inspection.

Monitoring: Permit Compliance shall site inspect to verify landscape installation per the approved final landscape plan and once each year to monitor landscape maintenance during the maintenance period.

Geologic Processes

31. In order to minimize potential long-term erosion impacts on steep slopes, the components of the proposed Area A campground facilities and the associated grading shall be relocated outside of the areas of slopes greater than 30%. The revised site plan/preliminary grading plan for Area A shall relocate all proposed campsites and other associated facilities outside of any slopes in excess of 30%. **Plan Requirements & Timing:** The revised site plan/preliminary grading plan shall be submitted to P&D prior to the Planning Commission's consideration of the requested CUP revisions. The applicant shall submit revised grading and drainage plans prepared by a licensed civil engineer consistent with the above requirement to P&D for review and approved prior to the approval of the CDP required to construct the new facilities in Area A.

Monitoring: P&D staff shall review the submitted plans to verify compliance with this measure prior to approval of any CDP for Area A improvements. Permit Compliance staff and grading inspectors shall verify in the field that all Area A improvements are constructed consistent with the approved plans.

32. In order to minimize short-term erosion and sedimentation associated with the development of the proposed project, grading, erosion, and sediment control plans shall be designed to minimize erosion and shall include the following:

- a) Grading shall be strictly prohibited within 25 feet of the top of bank of El Capitan Creek. The protected area shall be designated with orange construction fencing or other barrier to prevent entry by equipment or personnel during all grading and construction activities within 100 feet of the top of the creek bank.
- b) Methods such as geotextile fabrics, erosion control blankets, retention basins, drainage diversion structures, siltation basins and spot grading shall be used to reduce erosion and siltation into adjacent water bodies during all grading and construction activities within the canyon floor.
- c) All entrances/exits to any construction sites from Calle Real shall be stabilized (e.g. using rumble plates, gravel beds or other best available technology) to reduce transport of sediment off site. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods.
- d) Graded areas shall be revegetated within three (3) weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- e) Grading on slopes steeper than 5:1 (20%) shall be designed to minimize surface water runoff.
- f) Temporary storage of construction equipment shall be limited to 50 by 50 foot areas approved by P&D and located along the existing dirt access road; equipment storage sites shall be located at least 100 feet from any water bodies. Equipment storage areas may exceed 50 by 50 only if approved by P&D after finding that such storage area expansion would pose no significant effect on any sensitive biological, cultural, or hydrological resource.

Plan Requirements: The grading, erosion, and sediment control plan(s) shall be submitted for review and approval by P&D prior to approval of any LUP/CDP for any element of the proposed project, including those within the existing campground CUP boundaries. The plan shall be

designed to address erosion and sediment control during all phases of development of the site. The applicant shall notify Permit Compliance prior to commencement of grading for scheduling of a pre-construction meeting to discuss the various elements of the approved plan(s). **Timing:** All such components of the grading plan(s) shall be implemented immediately upon commencement of grading activities and shall remain in place throughout grading and development of the site until all disturbed areas are permanently stabilized.

Monitoring: Permit Compliance will photo document revegetation and ensure compliance in the field. Grading inspectors shall monitor technical aspects of the grading activities.

Hazardous Materials/Risk of Upset

33. The applicant shall prepare and implement a County Fire Department approved hazardous materials sampling plan for Area A to determine if any site remediation is necessary to clean up any existing contamination from past agricultural operations per Fire Department standards. If the results of said sampling plan determine that contamination above Federal, State, or County actions levels does exist onsite, the applicant shall prepare and file for approval with the County Fire Department a site remediation plan to reduce such contamination to acceptable levels. **Plan Requirements & Timing:** Said plan shall be approved and implementation completed as verified in writing from the County Fire Department prior to the issuance of any grading permits for construction of Area A. If the results of said sampling plan show that contamination exists onsite in excess of Federal, State, or County action levels, a site remediation plan shall be filed with and approved by the County Fire Department prior to approval of any grading permits for construction of Area A. Prior to any final inspection of the constructed facilities within Area A the applicant shall provide written verification from the County Fire Department that all approved site remediation work has been completed per the approved remediation plan.

Monitoring: P&D staff shall verify compliance with all requirements of this mitigation measure, including completion of any required site remediation work, prior to any final inspection for any improvements within Area A.

Land Use

34. The applicant shall apply for, and receive approval of, amendments to the campground's current WDR's from the RWQCB sufficient to accommodate the proposed campground guest capacity (both day and overnight) as well as the number of proposed campsites prior to the installation of any RV cabin that would increase the total number of RV cabins onsite to more than 150 or submittal of any LUP/CDP application for new construction. **Plan Requirements & Timing:** The applicant shall submit RWQCB issued amended WDR's sufficient to accommodate the proposed number of guests (both day and overnight) and campsites prior to the approval of any LUP/CDP for new construction.

Monitoring: P&D and EHS staff shall verify the issuance of said amended WDR's prior to approval of any LUP/CDP for any new construction.

35. Prior to approval of any LUP/CDP for construction within 100 feet of El Capitan Creek, the applicant shall apply for and obtain approval of a Streambed Alteration Permit from the CDF&G. **Plan Requirements & Timing:** All plans submitted for any improvements to be constructed/implemented within 100 feet of El Capitan Creek shall include this requirement. Proof of a CDF&G approved Streambed Alteration Permit shall be submitted to P&D prior to the approval of any LUP/CDP for work to be conducted within 100 feet of the top-of-bank of El Capitan Creek.

Monitoring: P&D staff shall verify compliance prior to approval of any LUP/CDP for work within 100 feet of the top-of-bank of El Capitan Creek.

36. The applicant shall file for, and receive approval of, a HMBP from the County Fire Department for all fuel storage on the property. **Plan Requirements & Timing:** Said HMBP shall be reviewed and approved by the County Fire Department and a copy of the approved document forwarded to P&D prior to the approval of any LUP/CDP for the proposed project.

Monitoring: P&D staff shall verify compliance prior to approval of any LUP/CDP for the project.

Noise

37. All non-construction related outdoor activities generating noise, including amplified sound from the commercial concert venue, shall not exceed 65 dB(A) community noise equivalent level (CNEL) measured at three locations along the southerly property line of the expanded campground based on the A-weighted sound level measurement as calculated using the methodology set forth in the Noise Element of the County's Comprehensive Plan. All non-construction related outdoor noise generating activities shall be limited to the hours of 8:30 a.m. to 10:00 p.m. **Plan Requirements:** The applicant shall post hours of operation as a note on a separate information sheet at the campground entrances, kiosks/guest serving facilities, comfort stations, and the general store/restaurant. **Timing:** The information sheet shall be submitted for review by P&D with any land use permit application filed to effectuate approval of the requested conditional use permit.

Monitoring: To ensure compliance with the 65 dB(A) CNEL noise limit in a timely manner, the applicant shall have noise levels measured by an acoustical engineer at a minimum of three points along the southern property boundary of the expanded campground for at least three concerts, special events or weddings/ceremonies per year for a two (2) year period. The results of these

monitoring efforts shall be forwarded to P&D within 15 days after each event where such noise measurements are taken.

Public Facilities

38. The applicant shall prepare a sewage disposal system maintenance plan and enter into a maintenance agreement with the system manufacturer, manufacturer's designated representative, or appropriately licensed contractor to ensure that proper maintenance is conducted in a timely manner. **Plan Requirements & Timing:** The applicant shall submit the required maintenance plan and contract to EHS for review and approval prior to approval of any LUP/CDP for the construction /installation of any new sewage disposal improvements.

Monitoring: P&D staff shall verify compliance with requirements for an EHS approved maintenance plan and contract prior to approval of any LUP/CDP.

Water Resources/Flooding

39. Best available erosion and sediment control measures shall be implemented during all grading and construction within the entirety of the project site. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geobags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by P&D and Flood Control prior to approval of any LUP/CDP for construction of any project improvements. The plan shall be designed to address erosion and sediment control during all phases of development of the project site. **Timing:** The plan shall be implemented prior to the commencement of any grading/construction activities.

Monitoring: Permit Compliance staff and grading inspectors shall perform site inspections throughout all construction phases.

40. During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of any LUP/CDP for construction of any proposed improvements. The washout area(s) shall be in place and maintained throughout construction.

Monitoring: P&D staff shall check plans prior to approval of LUP\CDP and Permit Compliance staff and grading inspectors shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).

41. The applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board prior to construction of any expansion area improvements or new structural development. **Plan Requirements & Timing:** Prior to approval of any LUP/CDP for construction of any proposed expansion area improvements and/or new structural development, the applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

Monitoring: P&D shall review the documentation prior to approval of any LUP/CDP for construction of said improvements. Permit Compliance staff and grading inspectors shall site inspect during construction for compliance with the SWPPP.

42. The applicant shall prepare a revised site plan for the proposed campground identifying the location for all equestrian activities, uses, and support facilities as well as a waste management plan for handling of equestrian waste. **Plan Requirements & Timing:** Said site and waste management plans shall be submitted to P&D and EHS for review and approval prior to approval of any LUP/CDP for construction of supporting facilities/infrastructure. If such equestrian activities do not involve construction of any improvements requiring County permits, the required site and waste management plans shall be reviewed and approved by P&D and EHS prior to initiation of any equestrian use/activity. The approved waste management plan shall be fully implemented upon commencement of any equestrian or animal related activities onsite.

Monitoring: Permit Compliance shall monitor in the field to verify compliance.

Project Specific Conditions:

43. The applicant shall provide a composite utility plan of the State owned access and utility corridor providing access to the El Capitan State Beach Park water well and storage tank showing all existing infrastructure as well as applicant proposed infrastructure. **Plan Requirements & Timing:** Said composite utility plan shall be prepared by a licensed engineer in plan view and cross section for review and approval by EHS and B&S staff prior to the issuance of any land use permit for development within expansion Areas B & C.

Monitoring: P&D staff shall verify compliance prior to the approval of any land use permit for development of expansion Areas B & C.

44. To ensure compliance with the limitations on guest attendance at the campground facility set forth under the project description, the applicant shall provide quarterly attendance reports to P&D for review for the first two (2) years and annual reports for the following five (5) years. This requirement shall be reinitiated upon any change of ownership. After the required five (5) year monitoring period, the applicant shall maintain attendance records and file with the County on an annual basis. **Plan Requirements & Timing:** Said monitoring reports shall provide daily guest

attendance numbers specifying day guests, overnight guests, and guests attending concert events open to the public. Said guest attendance monitoring reports for the first two years of operation shall be submitted on a quarterly basis beginning with the first quarter after effectuation of the revised CUP. At the end of this two year period monitoring reports shall be submitted on an annual basis beginning with the end of the last quarterly report submittal period.

Monitoring: Permit Compliance staff shall review all guest attendance monitoring reports for compliance with the limitations on guest attendance set forth under the project description.

45. If within five years of the date of issuance of a CDP/LUP for the project, the County, State Department of Fish & Game, Regional Water Quality Control Board, or any other responsible agency, should determine that monitoring of runoff from or groundwater underlying the project site is necessary, the applicant shall be required, upon notification from the County, to contribute to such a monitoring program an amount not to exceed \$2,000.
46. Compliance with the following Departmental conditions letters is required as follows:
 - a) Air Pollution Control District dated April 13, 2004
 - b) Environmental Health Services dated May 7, 2004

Conditions Specific to Conditional Use Permits:

47. This Conditional Use Permit is not valid until a CDP/LUP for the development and/or use has been obtained. Failure to obtain said CDP/LUP shall render this Conditional Use Permit null and void. Prior to the issuance of any CDP/LUP, all of the conditions listed in this Conditional Use Permit that are required to be satisfied prior to approval of said LUP/CDP must be satisfied. Upon issuance of the CDP/LUP the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.
48. If the Planning Commission determines at a noticed public hearing that the permittee is not in compliance with any permit condition(s), pursuant to the provisions of §35-172.10, Article II and/or §35-315.10, Article III, Chapter 35 of the County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
49. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any CDP/LUP issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
50. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the permittee.
51. Within 18 months after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a CDP/LUP has been issued. Failure to commence the construction and/or use pursuant to a valid CDP/LUP shall render the Conditional Use Permit null and void.

52. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with Planning and Development prior to the expiration date.
53. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts. Mitigation fees shall be those in effect at the time of issuance of a CDP/LUP.

County Rules & Regulations/Legal Requirements:

54. **Additional Permits Required:** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a CDP/LUP and any required accompanying building/grading permit(s) from Planning & Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any permit will be issued by Planning & Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
55. **Signed Agreement to Comply Required: Signed Agreement to Comply with Conditions Required:** Prior to approval of Land Use Permits\Coastal Development Permits, the applicant shall provide evidence that he has recorded an Agreement to Comply with Conditions on a form acceptable to Planning and Development. Such form may be obtained from the P&D office.
56. **Landscape Requirements:** Two performance securities shall be provided by the applicant prior to approval of any LUP/CDP for any construction/development of any proposed expansion area improvements and/or any new structural development, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for five (5) years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security five (5) years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:
- a) Installation of all landscape and irrigation improvements specific to each expansion area and/or new structures as approved by the BAR for said expansion area and/or new structure prior to occupancy clearance.

Monitoring: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

57. **Landscape Requirements:** Landscaping shall be maintained for the life of the project.
58. **Print & illustrate conditions on plans:** All applicable final conditions of approval imposed by the Planning Commission shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
59. **Mitigation Monitoring required:** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant agrees to:
- a) Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b) Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel, and with key construction personnel.
 - c) Pay fees prior to approval of Land Use Permits\Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
60. **Fees Required:** Prior to approval of any LUP/CDP for any new structural development of construction/development of any expansion area improvements or new structural development, the applicant shall pay all applicable P&D permit processing fees in full.
61. **Change of Use:** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
62. **Indemnity & Separation Clauses:** The developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the conditional use permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
63. **Legal Challenge:** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.

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Attachment B- Conditions of Approval
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End of Attachment

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Attachment C

Los Padres Chapter of the Sierra Club's Appeal of the Planning Commission's June 4, 2004 Action

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Attachment D

Planning Commission Staff Report, Proposed Final MND,
& Supporting Materials Dated May 21, 2004

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Attachment E

Spiewak Letter Dated May 4, 200



Office of County Counsel
MEMORANDUM

Date: August 4, 2004
To: Board of Supervisors
From: Alan L. Seltzer, Chief Assistant
Re: Facilitation Meeting for Appeal on El Capitan Canyon Ranch Campgrounds
CUP Revision

On August 3, 2004, a facilitation meeting occurred in the above-referenced appeal. Ada Babine appeared for appellant Sierra Club. Roger Himovitz, Mark Lloyd and Larry Callahan appeared for the applicant. Jackie Campbell and Alan Hanson from Planning & Development also participated.

Ada Babine, on behalf of appellant Sierra Club, summarized the grounds for the appeal as set forth in the appeal letter. In particular, she was concerned about the impacts of the campground expansion (both area and number of sites) and the inadequacy of environmental review of project impacts. She offered that retaining the maximum number of campsites at 275 would make the project more acceptable.

Mr. Himovitz and Mr. Lloyd responded. They stated that the existing campground had vested rights to 275 campsites within a mapped area, with no creek setbacks or limitations on the number of visitors. They also stated that while the number of campsites will increase to provide bicycling, RV and other needed camping opportunities, mitigation measures imposed on the revised CUP protected the environment through creek setbacks and "no development" areas, limitations on visitors and activities, and an improved wastewater system. They suggested that the identification of project impacts was not so much a function of the number of campsites, but rather should be based on the entire project as mitigated with limitations on development areas and activities.

The meeting was cordial and respectful, but resulted in no suggestions for resolution of the appeal or narrowing of issues for consideration by the Board.