



COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Board of Supervisors

FROM: John Baker, Assistant CEO and P&D Director

DATE: October 2, 2008

RE: Santa Barbara Ranch – Supplemental Board Information for October 13, 2008 Special Agenda

This memorandum supplements the Board Agenda Letter dated September 23, 2008, and provides additional information since the initial report was issued. Changes in the Board Recommendations and attachments resulting from this transmittal are noted by redlining.

That the Board of Supervisors take the following actions as recommended by the Planning Commission:

1. Adopt the Findings in Attachment A consisting of CEQA Findings (A-1), Project Findings (A-3) and Policy Consistency (A-4), as revised by Attachment F-6.
2. Certify the Final EIR (including the Confirming Analysis attached to the CEQA Findings) and adopt the Mitigation Monitoring and Reporting Program (A-2) in Attachment A, as revised by Attachment F-6;
3. Adopt the Resolutions and Ordinances in Attachment B consisting of: (i) Resolution Amending Comprehensive Plan (Attachment B-1); (ii) Resolution Amending Coastal Land Use Plan; (Attachment B-2); (iii) Resolution Amending Special Problems Area Designation (Attachment B-3); (iv) Ordinance Amending Land Use and Development Code (Attachment B-4), (v) Ordinance Amending Zoning Map (Attachment B-5); ~~and~~ (vi) Ordinance Approving Development Agreements (Attachment B-6) and Resolution Granting Tentative Approval of the WA-ACE Easement Exchange and Rescission Agreement (Attachment B-7), as revised by Attachment F-6; and
4. Approve Alternative 1B subject to the Conditions of Approval in Attachment C, as revised by Attachment F-6.

Supplemental Information

Project Processing. Following the Planning Commission's action on August 20, 2008, staff received separate complaints alleging unauthorized construction on portions of Dos Pueblos Ranch ("DPR") and Santa Barbara Ranch ("SBR"). Copies of the complaints and responses by the property owners accompany this report as Attachment F-2. In regard to DPR, the complaint involves an area that is expressly outside of the project site. As such, staff has opened an enforcement file and will pursue the matter wholly independent of the proposed project. As for SBR, the allegation involves Lot 43 of the Official Map of Naples and includes "...a large barn-like structure, slightly smaller building, and numerous trailers." These buildings, whether conforming or non-conforming to the County's Land Use and Development Code, are to be removed as part of the proposed project. In view of the complaint and the applicant's willingness to comply, staff has proposed changes to the conditions of approval to address the allegation. Other minor corrections to conditions are also presented in Attachment F-6 (shown in underline and strikethrough).

Environmental Review. Following the Planning Commission's action on August 20, 2008, separate letters were received from the California Department of Fish and Game and the State Historic Preservation Office. The CDFG letter, although addressed to the applicant, has led to further dialogue with staff regarding the Department's desire to cooperatively resolve points of contention regarding vegetative mapping and Dos Pueblos Creek surface water diversion. Staff has provided CDFG with additional information as requested along with a clarifying memorandum from URS Corporation, authors of the EIR for the Santa Barbara Ranch Project. The SHPO letter, on the other hand, merely clarifies the State's earlier communications regarding the Draft and Final EIR. Copies of these letters and responses from URS Corporation accompany this supplemental report as Attachments F-3 and F-4, respectively. In addition to these letters, the applicant's biologist (and author of the Open Space and Habitat Management Plan) has questioned the terminology and performance standards embodied in mitigation measures dealing with plant species surveys and revegetation. Staff has conferred with URS Corporation on the issues and concluded that the requested revisions are reasonable and do not change the conclusions of the Final EIR. The recommended corrections appear in Attachment F-6 to this report.

Coastal Access. As noted in the Board's earlier staff report, the Planning Commission recommended: (i) deletion of beach access at SBR (and associated wildlife pavilion and loop trail along Langtry); and (ii) staged implementation of the coastal trail network pending the outcome of proposals on adjacent properties. The applicant's legal counsel has asked that several findings be modified to better reflect the Commission's action. As a companion piece, the Planning Commission endorsed the idea of incentivizing the owners of DPR to provide redundant coastal access on their property along and parallel to the south side of Hwy 101. The owners have repeatedly objected to this arrangement, agreeing instead to providing access on the north side of the freeway. The solution proposed by the Planning Commission and reflected in Attachment B-6 is to offer DPR the right to vest their portion of the Santa Barbara Ranch Project by means of

Development Agreement in exchange for granting the southerly access and cooperating with SBR on renovation of Dos Pueblos Creek. This proposal, along with the request by the applicant's legal counsel, necessitates adjustments in both the findings and the mitigation measures and accompany this report as Attachment F-6. Again, these adjustments do not change the conclusions of the Final EIR.

Agricultural Resources. As reported in the Board's original agenda letter, a distinguishing feature of Alternative 1B is a proposed conservation easement exchange under the authority of Government Code Section 51256 et. seq. In compliance with statutory requirements, staff formally initiated the easement valuation process and apprised the Department of Conservation of the Board's impending hearing. Staff was subsequently requested by DoC to prepare a resolution and rescission agreement to formalize the WA-ACE Easement Exchange. Copies of those documents appear in Attachment B-7 and are now included among the Board's recommended actions. At the suggestion of DoC staff, conditions of approval recommended by the Agricultural Preserve Advisory Committee are now embodied in the Rescission Agreement. The protections are the same, but the responsibility for enforcement (were it to become necessary) would be vested with the County instead of DoC or easement holder. Also noteworthy is the requirement for final acreage tabulations be established by Surveyor Certificate to reconcile numeric differences in computations performed by the applicant and URS Corporation. As noted in Attachment F-3, DoC "...concur that there is an adequate basis to support the public interest finding required to cancel the proposed parcels of contracted land....provided the information is complete and accurate."

Development Agreements. Under the authority of Government Code Section 65864 et.seq., and Chapter 35.86 of the County's Land Use and Development Code, the applicant has asked that development agreements be adopted for the purpose of "vesting" the project (one for inland areas and one for areas within the Coastal Zone). A development agreement constitutes a contractual commitment between the parties that, for a specified time period, ensures that the project may proceed in accordance with rules, regulations, and policies that are applicable to a particular development as they exist at the time of approval. As reported in the Board's original agenda letter, the Development Agreements have been undergoing legal review by County Counsel since their initial approval by the Planning Commission. The legal review is now complete and finalized documents accompany this report as Attachment F-5. As noted previously, the legal review has not changed the public interest recommendations made by the Planning Commission.

Supplemental Materials. As noted above, the Williamson Act Easement Exchange Program ("WAEPP") requires that appraisals be furnished by both the County Assessor and landowner to establish fair market value of the exchange along with a determination of whether applicant must pay a cancellation penalty. These appraisals are still under preparation and the results will be reported to the Board as soon as the information becomes available. In the meantime, valuation "placeholders" have been inserted into the WA-ACE Easement Exchange Resolution and companion Rescission Agreement (Attachment B-7). Attached as Attachment F-7 is a draft set of minutes and

findings from the Agricultural Preserve Advisory Committee which are scheduled for action on October 3rd. The Committee, independent of the Planning Commission, has endorsed the WA-ACE Easement Exchange and adopted findings in support of this action. Should there be any change in the Committee's approval of these items, staff will provide a further update to the Board.

Administrative Record. Attachment F-8 includes a list of key source documents that have either been referenced or provided in hard copy form to the Board during the course of proceedings on the Transfer of Development Rights and Santa Barbara Ranch Project. Copies of any or all of these documents will gladly be furnished should any Board member so desire.

Special Instructions: ~~None.~~—The Clerk of the Board is directed to record a certificate of tentative cancellation and, within 30 days of the tentative cancellation of the contract, shall publish notice of the decision and deliver a copy of the published notice to the Director of Conservation.

Attachments:

Attachment A: Findings

- A-1 CEQA Findings
- A-2 Mitigation Monitoring and Reporting Program
- A-3 Project Findings
- A-4 Policy Consistency

Attachment B: Resolutions and Ordinances

- B-1 Resolution Amending Resolution Amending Comprehensive Plan
- B-2 Resolution Amending Coastal Land Use Plan
- B-3 Resolution Amending Special Problems Area Designation
- B-4 Ordinance Amending Land Use and Development Code (NTS)
- B-5 Ordinance Amending Zoning Map (NTS)
- B-6 Ordinance Approving Development Agreements
- B-7 Resolution Approving the WA-ACE Easement Exchange and Rescission Agreement

Attachment C: Conditions of Approval

- C-1 Conditions
- C-2 Tables
- C-3 Exhibits

Attachment D: Support Documents

- D-1 WA-ACE Easement Exchange
- D-2 Confirming Analysis for Alternative 1B

Attachment E: Advisory Bodies

- E-1 Action Letter (Planning Commission)
- E-2 Planning Commission Staff Reports (Project Deliberations & Workshops)
- E-3 Agricultural Advisory Committee Action Minutes
- E-4 Agricultural Preserve Advisory Committee (Findings)

Attachment F: Miscellaneous

- F-1** Comment Letter (California Native Plant Society)
- F-2** Violation Complaints and Property Owner Responses
- F-3** Additional Comment Letters (SHPO, CDFG and DOC)
- F-4** URS Responses to Comment Letters and Various Environmental Issues
- F-5** Inland and Coastal Development Agreements (Attachments to B-6)
- F-6** Revisions to Attachments A through C
- F-7** Supplemental Materials
- F-8** Source Documents

Authored by: Tom Figg, Project Planner

ATTACHMENT B-7

ATTACHMENT F-2

ATTACHMENT F-3

ATTACHMENT F-4

ATTACHMENT F-5

ATTACHMENT F-6

ATTACHMENT F-7

ATTACHMENT F-8