



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Alice McCurdy
Development Review South

DATE: January 27, 2012

RE: Las Varas Ranch Project

At the hearing on January 18, 2012, your Commission asked staff to return to the next hearing scheduled for February 8, 2012 with a discussion of the following issues:

- Respond to public comments received at the January 18, 2012 hearing which were not previously responded to;
- Review the key policies and distill down the key issues raised in the three letters provided by Brownstein, Hyatt, Farber, Schreck, the Law Office of Marc Chytilo, and Shute, Mihaly and Weinberger, and provide staff's opinion or response to those issues and the different conclusions reached;
- Cursory review of the alternative trail route closer to the shoreline;
- Respond to the requested changes discussed by the applicant to the conditions of approval; and
- Return with modified condition language related to the CC&Rs.

At the public hearing, several commenters stated that the review of these proposals will be the last discretionary review. However, this is not the last opportunity for discretionary review of future development south of the highway. Future residences on the five coastal lots would be subject to Coastal Development Permits with Hearings (CDHs), which are discretionary actions subject to review and approval by the Zoning Administrator and subject to environmental review under CEQA. The EIR presented to your Commission has evaluated the potential residential development of each proposed parcel and identified mitigation measures that would be applied to future development. Notwithstanding, as individual homes are proposed, there would be additional opportunity to analyze potential environmental impacts and apply mitigation measures if it is determined that there are unanticipated aspects of the project that were not adequately analyzed and mitigated for in the current EIR.

Comment Letter Summaries and Responses

The following discussion lays out the key issues and positions contained in the three letters referenced above submitted to your Commission, and provides P&D staff's responses to those positions where appropriate.

Shute, Mihaly, and Weinberger Letter

The first set of issues raised in the Shute, Mihaly, and Weinberger letter is that the Lot Line Adjustment in between the railroad and Pacific Ocean cannot be approved because it involves more than four parcels, the developability of lots B and C has not been demonstrated, it would result in two parcels below the minimum parcel size of 100 acres, and it would not be consistent with County policies. As discussed in the prior hearing, the overall project is composed of three separate applications (a Lot Line Adjustment south of the railroad, a Tentative Parcel Map in between the railroad and highway, and a Lot Line Adjustment north of the highway) because the ranch is bisected both by the railroad and by the highway which separate the property with intervening fee ownerships. An ownership map is included as Attachment A to this memorandum for reference. These intervening strips of land necessitate that the overall project be processed as three separate applications because a Lot Line Adjustment cannot address non-contiguous parcels. Thus, only three parcels comprise the Lot Line Adjustment application south of the railroad, consistent with the Lot Line Adjustment provisions of Article II.

A Lot Line Adjustment may not increase the number of developable parcels. As discussed at the last hearing, there are two existing developable parcels within the boundaries of the Lot Line Adjustment: lots B and C. Lot A is too narrow to be considered developable. However, with respect to the developability of lots B and C, both lots would have water service as supplied through a shared water system similar to that being developed under this project. Both lots were tested for their ability to percolate for wastewater disposal purposes and both were found satisfactory in that regard. Both parcels have adequate access via existing ranch roads. Slopes on both lots are fairly level and appropriate for development. Given the sizes of the lots and the coordinated management of the rangeland on the ranch, the development of reasonably sized residential structures on the lots, subject to discretionary review and approval (coastal development permits with hearings), would not significantly affect the agricultural viability of the lots. While cultural resources exist on lot C, there is adequate area outside the boundaries of these resources. Also, mitigation measures such as capping would allow the development of a single family dwelling on the lot. Additionally, lot B is adequate in size to locate residential development outside of the sensitive resources and their buffers located on the lot. Finally, there are no hazards on these lots to preclude development of residences and such development would be able to be consistent with the site's land use designation and zoning as well as meet all zoning requirements.

Lot B requires a Conditional Certificate of Compliance (COC) to validate it as a legal lot. Research has documented that the Dohenys were "innocent purchasers" of the lot. As such, the land use laws that were in effect at the time of purchase guide the conditioning of the COC approval. In the instant case, zoning at the time of purchase provided for a 10 acre minimum lot

size. Thus the lot was conforming as to its size when it was acquired and its lot lines can be adjusted to result in lots smaller than current zoning allows.

The Lot Line Adjustment would result in two developable parcels and therefore the standard that a lot line adjustment not increase the number of developable parcels is met. The Lot Line Adjustment Findings included in Attachment A of the staff report provide the necessary support for the creation of a 55 and 58-acre parcel.

In regards to consistency with County policies, the staff report provides a thorough analysis of the project's consistency with policies of the County's Comprehensive Plan, including the Coastal Land Use Plan. Discussion of specific policies is provided further below.

The letter's second main contention is that the project would be inconsistent with County and Coastal Act policies protecting agricultural land from conversion (Coastal Act Policy 30241 and CLUP Policy 8-2). Specifically, the letter asserts that the development of estate homes on each lot and the potential cumulative removal of 16 acres of farmland, including several acres of prime soils, for residential purposes would constitute the conversion of agricultural land and be inconsistent with such policies and result in a significant impact on agricultural resources. The letter asserts that these impacts were not adequately analyzed in the EIR and mitigation measures are inadequate. Further, the letter argues that the provision of the CC&Rs would be insufficient to protect the agricultural operation from additional conversion and ensure its long term viability. In response, the agriculturally designated and zoned lots allow for residential development as a principally permitted use. Regardless of the current project, which would not increase the number of developable parcels on the ranch, the existing lots on the ranch would reasonably be expected to be developed with residential structures leading to the use of a small portion of the agricultural lands for residential use. Therefore, there is no substantial difference in regard to viability of agricultural lands between the current lot configuration and the proposed lot configuration except that under the proposed project, residential development would be confined to a two acre envelope on each parcel thereby potentially reducing the amount of land set aside of nonagricultural uses. As to the last point, condition of approval 10 has been amended to clarify that regardless of the status of the CCRs, residential buildout on the ranch shall not adversely affect its continued agricultural use.

The letter's third main contention is that the project would be inconsistent with County and Coastal Act policies protecting public beach access and Coastal trail provisions. The letter cites CLUP policies 7-1, 7-3 and 7-25 and concludes that the proposed trail easements offered by the applicant are inconsistent with these policies because: 1) the vertical access easement is inadequate because it does not lead to Edwards Point and it requires approval by the railroad which puts into question its feasibility; 2) the shoreline easement does not allow for passage during periods of high tide; and 3) the lateral coastal trail does not traverse Parcels 1 and 2, which are the parcels through which the trail included in the adopted PRT map runs. In response, access to the beach at the Las Varas Creek outlet is offered in the project and is proximate to Edwards Point. In regard to the vertical trail, the applicant is proposing to dedicate a continuous easement over the lands they control furthering the goals of the Coastal Act for public shoreline access. Staff has contacted the CPUC, who will have permit authority over

public access through the UPRR culvert, and has received positive feedback supporting the idea. Additionally, while it may take time to acquire the easement from the UPRR, the likelihood is that the easement will be granted given the railroad's interest in promoting public safety by offering an alternative other than crossing the tracks at grade and walking along the tracks to access the beach.

With respect to the shoreline easement, policy 7-3 recognizes that bluffs exist along the coastline and accepts that the limited access during high tide can occur under these circumstances. The shoreline along Las Varas has only one area where bluff does not occur and that is at Edwards Point. Along that stretch of the beach, lateral public access is still feasible during normal high tide situations by crossing the cobble area at the northerly portion of the sandy beach. Finally, as noted in other documentation associated with review of this project, the alignment of the coastal trail in the Board-adopted PRT Maps is indicated at a rough scale and staff does not interpret it as necessarily crossing parcels one and two. Rather, it represents a general trail corridor along the coast and the intent of this policy can be met by siting a trail along another portion of the project site, such as that proposed by the applicant, where fewer impacts to agricultural and biological resources would result.

The letter's fourth main contention is that the EIR's analysis of alternatives was inadequate and did not provide a reasonable range of alternatives. Specifically, the letter asserts that the EIR is inadequate because there is no alternative that is consistent with the Article II minimum parcel size requirements, which would involve having only one 114-acre parcel in between the railroad and Pacific Ocean. In response, there is neither a requirement nor a value in analyzing this alternative because the County's Lot Line Adjustment provisions allow for the creation of lots below the minimum parcel size so long as the number of developable lots is not increased and the existing lots that are subject to the Lot Line Adjustment are below the minimum parcel size requirement.

In addition, the letter asserts that the EIR did not provide adequate justification for rejecting the trail relocation alternative. In response, there are two primary alternatives to the trail alignment offered by the applicant: one along the existing ranch road south of Highway 101 that crosses under the highway at Gato Creek and continues west along an old section of Calle Real; and one that runs along the northern side of the railroad tracks, and crosses over the railroad to the coastal bluff in one or two locations (this second alternative includes multiple variations). The EIR concluded that each of these alternatives is infeasible based on the resulting conflict between the public and the active ongoing agricultural operations of the Ranch. The main ranch road south of Highway 101 is in steady use in managing the orchards, and the pastures hold range cows and calves. Additionally, the establishment of at-grade crossings over the railroad was identified as a significant obstacle that contributed to the infeasibility of a blufftop trail alternative, since there is no guarantee that the applicant can "reasonably acquire, control or otherwise have access" across the railroad tracks, which is but one factor to consider in determining the feasibility of alternatives pursuant to Section 15126.6 of CEQA. As stated in this section, "...an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation." The EIR's analysis of five homesite alternatives, in

addition to the No Project Alternative, constitutes a reasonable range of alternatives and is adequate under CEQA.

Law Office of Marc Chytilo Letter

The letter from the Law Office of Marc Chytilo contends as its first point that Alternative 3C would continue to result in significant environmental impacts that would not be adequately reduced and that the range of alternatives evaluated in the EIR is too narrow. The letter contends that the range of alternatives should include relocating the proposed lot lines or retaining the existing number of coastal lots. In essence, the No Project Alternative evaluated in the EIR is consistent with these concepts as it retains the existing number of coastal lots and involves different parcel configurations than that which are proposed as part of the project. In regards to the impacts associated with Alternative 3C, it was specifically selected and designed to reduce significant impacts associated with the proposed project to a level of insignificance. While it would not entirely avoid impacts, impacts would be substantially lessened under this alternative as compared to the proposed project, which is consistent with CEQA's mandate.

The second main contention raised in the letter is that the project is inconsistent with various County policies and that P&D's analysis of the project's consistency with those policies is erroneous. Specifically, the letter identifies the following policies:

- CLUP Policy 4-3 (skyline intrusion)
- CLUP Policy 4-5 (bluff setbacks to protect views from beach)
- CLUP Policy 4-9 (structures sited and designed to preserve unobstructed views of the ocean and clustered to the maximum extent feasible)
- CLUP Policy 7-3 (lateral shoreline easement) and 7-25 (PRT trails)
- CLUP Policy 10-1 (explore measures to avoid development on significant cultural sites)
- CLUP Policy 10-2 (avoid impacts to cultural sites if possible)

In regards to Policy 4-3, the letter contends that the development envelopes have not been sited to avoid skyline intrusion as seen from public viewing places and that the mitigation measures imposed on the project are not sufficient to ensure compliance with this policy. As discussed in the original staff report dated December 22, 2011, staff has concluded that the project, including future residential development, would be consistent with this policy. This is due both to the location of the development envelopes which have been sited to minimize views from the public, as well as the mitigation measures that would be applied to future residential development. The visual simulations prepared as part of the EIR (Section 4.1) further support the finding of consistency with this policy, as the only site that had even the potential for skyline intrusion was building site 6(a); though the EIR concluded that there was sufficient space within this envelope to site future development in a manner that would avoid skyline intrusion.

In regards to Policy 4-5, the letter asserts that there is the potential for future development on Parcel 2 to infringe on views from the beach. However, no evidence is provided to support this claim. Consistency with this policy does not mandate that blufftop structures be hidden from public view. Mitigation imposed on the project would require that structures on Parcels 1 and 2

be set back sufficiently far from the beach so as to not break the viewplane of the Santa Ynez Mountains. As proposed under Alternative 3C, the envelope on Parcel 1 is approximately 150 feet at its closest point and over 500 feet at its most distant point from the beach and the bluff is approximately 75 feet tall such that views from the beach in front of the parcel would be blocked. The envelope on Parcel 2 proposed under Alternative 3C (without the cabana) would be approximately 475 feet from the bluff edge at its closest point. At these distances and with the requirements set forth in mitigation measures, consistency with this policy can be reasonably assured. Regardless, as discussed above, development of these lots would be subject to CDHs, which would provide further opportunity for discretionary review to ensure consistency with this policy once a specific development proposal is submitted.

CLUP Policy 4-9 requires that “structures be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible. The letter asserts that the project is not consistent with this policy because clustering of structures would not be accomplished to the maximum extent feasible. The letter further contends that the EIR failed to evaluate retaining existing conditions on the coastal side. To the contrary, the No Project Alternative evaluated retaining existing conditions on the coastal side in terms of the number of developable parcels. As discussed in Section 6.2 of the staff report dated December 22, 2011, Policy 4-9 does not require clustering across lots. Rather, it applies to clustering of structures on a single property. Regardless, the development envelopes have been selected to specifically preserve views of the ocean from Highway 101. The Parcel 5 envelope is not visible from the highway. The Parcel 3 envelope is only visible from a distance to the west, as depicted in Figure 4.1-6 of the EIR. From this distance and viewing angle, future development would not obstruct public views of the ocean. In regards to Parcel 4, which currently provides broad expansive views of the ocean, the envelope proposed under Alternative 3C would be tucked behind a small knoll. Proper siting and design of future development in this envelope, combined with a height limit of 15 feet, would ensure that broad views of the ocean remain unobstructed, consistent with the current setting.

In regards to Policies 7-3 and 7-25, refer to the discussion of the Shute, Mihaly, and Weinberger letter above which raised the same issue.

CLUP Policy 10-1 requires that all available measures be explored to avoid development on significant historic and archaeological sites. The letter contends that the only way for the project to be consistent with this policy is to retain the existing lot configuration between the highway and railroad. This would equate to denial of the Tentative Parcel Map application. CLUP Policy 10-2 provides that “when developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.” CLUP Policy 10-3 states “When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.” These policies should be considered together, not in isolation. As discussed in Section 6.2 of the staff report dated December 22, 2011, the project would be consistent with these policies as resource avoidance has been accomplished where possible through the siting and reductions in development envelopes, and

where complete avoidance is not possible, mitigation measures consistent with the referenced standards have been identified.

The letter's third main contention is that the findings for the TPM cannot be made because of the project's policy inconsistencies and the fact that the site is not physically suitable for the type and density of development proposed. The policy inconsistencies have been addressed above. As discussed in the Subdivision Map Act Findings in Attachment A of the staff report dated December 22, 2011, the land to be divided is physically suited for the type and density of development proposed. The land is approximately 400 acres to be divided into three lots of 100 acres, 147 acres, and 157 acres, respectively. The project would thus comply with the minimum parcel size (100 acres) for the zone district and land use designation in effect. The project has been designed and mitigation measures have been incorporated as conditions of approval to ensure that any impacts to sensitive resources would be avoided or reduced to less than significant impacts. No land would be removed from active agricultural production and the 2-acre envelopes would not interfere with the ongoing cattle ranching operation.

As with the Shute, Mihaly, and Weinberger letter, the letter further contends that the Lot Line Adjustment findings cannot be made because the project involves more than four parcels and results in an increase in the number of developable parcels. Section 66412(d) of the Subdivision Map Act states that a "Lot Line Adjustment between four or fewer *adjoining* parcels" is exempt from the Subdivision Map Act. Since the three existing coastal lots south of the railroad are separated from the other lots north of the railroad and are not *adjoining*, only three parcels are subject to the Lot Line Adjustment, consistent with this requirement. The letter contends that the existing Lots B and C have not been demonstrated to be residentially developable pursuant to the Lot Line Adjustment findings. The findings state that water availability must be demonstrated by a County-approved onsite or offsite well or shared water system serving the parcel, and the County's administrative practice has not been to require that such services be developed in advance of a development proposal. It would be illogical to provide these services if no development exists or is proposed. Rather, consistent with staff's interpretation of Coastal Land Use Plan Policy 2-6 (adequate public services), it must simply be demonstrated that adequate water service be available to serve the site. Since it has been demonstrated that a shared water system is available to serve the new parcels, it can easily be extended to provide water service to Parcel C as well. The same argument holds true for adequate access meeting Fire Department standards. See the discussion above regarding the Shute, Mihaly, and Weinberger letter for more information on the Lot Line Adjustment Findings.

The letter's fourth main contention is that the Response to Comments in the FEIR are inadequate. CEQA requires that responses to comments in a Final EIR be based on good faith, reasoned analysis. The responses to comments provided in the Las Varas Ranch EIR comply with this standard.

Letter from Brownstein, Hyatt, Farber, Schreck (agent for applicant)

Susan Petrovich with Brownstein, Hyatt, Farber, Schreck submitted two letters to the Planning Commission, one regarding the project as a whole and one focusing on trail issues. The first letter includes a discussion of the project and provides responses to certain public comments submitted on the Draft EIR and offers suggestions for clarifying or improving up on the Final EIR. The letter also identifies mitigation measures and conditions of approval for which the applicant is requesting modifications. These modification requests are discussed later in this memorandum. The following discussion is in regards to the second letter focuses on the laws and policies affecting trail issues.

The letter provides information regarding the trail components proposed as part of the project. The information provided in the letter generally is consistent with staff's recommendations and conclusions regarding the consistency of the proposed trails with applicable County and State policies. The letter references provisions of the Coastal Act, which includes agricultural preservation among its list of priority uses within the coastal zone, along with recreational opportunities and natural resource protection. The letter asserts that Senate Bill 908, which provided funding for the California Coastal Conservancy to develop an implementation plan for the coastal trail, does not mandate that the trail be located as close to the ocean as possible or feasible. While it is true that the implementation plan completed by the Coastal Conservancy in 2003, entitled "Completing the California Coastal Trail," does not *mandate* that the trail be located as close to the ocean as possible, one of the *objectives* of the trail articulated in the plan is to "provide a continuous trail as close to the ocean as possible with connections to the shoreline at appropriate intervals." As discussed in the staff report dated December 22, 2011 as well as the Section 4.10 of the EIR, other objectives of the trail include assuring that the location and design are consistent with the California Coastal Act and Local Coastal Program and respectful of the rights of private landowners.

The letter references several County and state policies related to public access and agricultural preservation. Included among these are policies of the County's Agricultural Element. It is important to note that the Agricultural Element has never been certified by the California Coastal Commission as part of the County's Local Coastal Program. As such, it does not apply to the coastal zone. Regardless, policies in the Coastal Land Use Plan and California Coastal Act provide protection for agricultural land and agricultural operations from adverse impacts from recreational trails and activities.

The letter concludes by asserting that the proposed trail easements being offered as part of the project are consistent with the criteria set forth in the County and state laws, policies and implementation guidelines. This assertion is consistent with the staff analysis provided in the Final EIR and staff report dated December 22, 2011.

Alternative Coastal Trail Route

At the hearing on January 18, 2012, several trails representatives spoke in favor of relocating the lateral coastal trail to the south side of the highway and closer to the shoreline, objecting to the

proposed coastal trail route following old Calle Real north of the highway. Your Commission requested that staff review the proposed reconfigured trail route and provide a discussion of the issues at the next hearing. To aid in this effort, P&D staff walked the proposed alternative trail route on January 26, 2012 along with representatives from the trail coalition, County Parks Department staff, the ranch manager and consulting biologist, and two members of the Planning Commission. A description of the alternative trail route is provided below based on this site visit. To aid the discussion, a map overlaying the proposed alternative trail route on a sensitive habitat map as well as on an aerial photo (submitted by the trails representatives at your last hearing) is provided in Attachment B. Subsequent to the site visit, the trails coalition submitted an updated trail route to P&D. This is included in Attachment B for your information, overlain on the sensitive habitat map; however, the changes have not been analyzed and are not addressed in the discussion below.

Starting at the east end of the project site, the proposed trail would drop down from the railroad tracks after a new at-grade crossing. The trail would then cross over Las Varas Creek, which is pretty narrow at this point as it passes through the culvert. The eastern bank of the creek is fairly incised, and manipulation of the creek bank and installation of a short span bridge would therefore be necessary in this location. After crossing the creek, the trail would follow alongside approximately 750 feet of the existing dirt ranch road at the lower end of an avocado orchard before climbing through a short patch of coastal sage scrub to reach the upper coastal terrace on the north side of the railroad. At this point the trail would be in the sight, sound and smell of the ocean and would extend along the southern edge of pasture land (in between the pasture and railroad) for approximately 2,000 feet before reaching a drainage composed of Eucalyptus woodland habitat.

Crossing the drainage channel would necessitate a raised walkway of approximately 30 feet in length in order to provide access across the creek during the rainy season when there is active flow in the channel. Additionally, the channel created by this drainage is very wide with steep slopes at the base of the railroad, which would necessitate traversing inland in order to cross the drainage in a narrower and less steep portion of the channel. After climbing up the other side of the drainage channel and returning to the coastal terrace, the trail would once again follow the edge of the pasture land for approximately 200 feet. This section would pass through an area containing native grassland vegetation. After that point, the trail would have to pass across another drainage. At the base of the railroad tracks, the drainage is rather steep and currently contains a significant amount of downed trees and vegetation. However, a trail could traverse the small grove of Eucalyptus within the drainage at an angle. A short footbridge across the channel would be required in order to avoid the active flow and any wetland features present. The trail would once again follow the railroad tracks along the southern edge of the grazing pasture for approximately 1,000 feet before utilizing an existing at-grade railroad crossing on the eastern edge of Gato Creek. A public access crossing at this location would be required, either at grade or under the railroad tracks using the existing culvert within Gato Creek (which would not be passable during significant flow volumes during the rainy season).

Crossing the tracks at-grade, the trail would then follow an existing ranch road down to the east side of the mouth of Gato Creek. The mouth of the creek would either be crossed with a

footbridge, or alternatively, by walking across the cobbles around Edwards Point and returning to the trail on the other side of the point. After traversing up a small slope containing coastal scrub habitat, the trail would follow the bluff within existing pasture area for approximately 1,800 feet. The views along this section of the trail would be spectacular.

Upon reaching the next drainage, the trail would either cross back over the railroad at the existing at-grade crossing (which would be used for residential access to Parcels 1 and 2), or it would cross the drainage (where either a new footbridge would be required or an existing ranch road through the bottom of the drainage could potentially be used) and continue along the bluffs for another 2,000 feet to the western end of the property. If the latter route is chosen, crossing the railroad tracks at the western end of the property would necessitate a pedestrian bridge over the railroad. According to Parks staff, the cost of this improvement today would be approximately \$5 million. If using the at-grade crossing, the trail would then continue west across another drainage containing a small grove of Eucalyptus and then along the north side of the railroad tracks following alongside an existing paved ranch road to the end of the property.

The site visit provided a general understanding of issues involved with development of this alternative trail. The alternative coastal trail route does bring trail users closer to the ocean and provides the sounds of the ocean and views of the breaking waves. However, due to the nature of the trail and its intended minimalist design, the alternative trail route would only be designed for able-bodied walkers, mountain bikers, and equestrian use. This option would require further environmental study and policy consistency analysis to evaluate impacts to biological resources and agricultural resources.

While not presented by the trail advocates, another possibility is to simply have the trail follow along the north side of the railroad tracks through the entire length of the ranch and to just have a single out-and-back spur trail to Edwards Point using the existing at-grade crossing on the eastern bank of Gato Creek. This would still have the effect of removing approximately 7 acres of pastureland east of Gato Creek from use by the cattle, but otherwise impacts to the cattle grazing operation would be reduced relative to the other coastal trail alternatives. Concerns related to disturbance to cattle by trail users and their dogs and the issues related to trash would still exist, but the trail itself would not result in the loss of a significant amount of pastureland. In addition, the constraint associated with obtaining permission from the railroad for public use of the at-grade crossing would remain under this scenario. Under this scenario, the trail would need to traverse along the southern edge of an existing avocado orchard backing up against the railroad; this area is proposed to be developed with an access road to serve future development on Parcels 1 and 2 and could potentially be modified to accommodate a narrow trail along one side.

In addition, the EIR discussed an alternative trail route that would follow the existing agricultural road immediately south of the highway and then connect to the north side of the highway through the existing Gato Creek undercrossing. It would then follow the old Calle Real route to the western property boundary. See Section 6.2.3.1 of the Final EIR for further discussion of this alternative route.

Requested Revisions to Conditions of Approval

The applicant has requested various revisions to conditions of approval imposed on the project. These are addressed as follows:

Parcel 5 development envelope. The applicant has requested that the Parcel 5 development envelope not be reduced in size pursuant to Alternative 3C. The applicant wants to retain flexibility to shift future development in response to changing environmental and resource conditions. The Parcel 5 development envelope under Alternative 3C essentially reduces the envelope consistent with the EIR mitigation measures based on the presence of sensitive biological resources in their current state, including wetland habitat and monarch butterfly habitat. Condition Nos. 17, 18, and 29 require that all site improvements, including future residences and other habitable structures maintain a minimum 100-foot setback from sensitive biological habitat, including wetlands. The reduced envelope in Alternative 3C satisfies these requirements. However, regardless of whether the envelope is reduced as part of the approved project, the applicant would need to comply with these setback requirements as part of any future development. Therefore, the resources would still be protected even if the development envelope were not reduced at this point in time.

Condition No. 6, Trail Fencing. Mitigation AES 5 is a recommended mitigation measure in the EIR intended to minimize the visual impacts of fencing along the public trails while recognizing the need for security from trespassing. The applicant has objected to the condition due to a concern that it does not provide an opportunity to provide chain link fencing in the event that other fencing alternatives are ineffective at excluding the public and their dogs from the orchards. The condition was written with the intent of ensuring adequate security. To address this issue, a sentence has been added to the condition that states: "In the event that the installed fencing is deemed ineffective in excluding the public and their dogs from the orchards and/or grazing land, the applicant may install an alternative form of fencing that provides the necessary security upon notice provided to P&D and County Parks Department."

Condition No. 17, Buffer from Sensitive Habitat. The applicant is objecting to the timing of this condition in terms of mapping the sensitive habitat boundaries prior to map recordation. The applicant has misinterpreted the condition. The condition states that the "requirement" shall be included on an Exhibit Map attached to the Final Map and shall be reviewed and approved by P&D. However, the condition goes on to state that "a written report prepared by a County-qualified biologist containing detailed mapping of the development envelope habitats shall be submitted to P&D for review and approval prior to CDP approval for future residential development." Since all of the conditions will be included on an informational sheet to be recorded with the Final Map, the condition has been clarified by removing the reference to the Exhibit Map requirement. This would apply to Condition #18 as well.

Condition No. 20, Biologist review of Landscape Plans. The letter asserts that Mitigation Measure BIO 7-1 goes too far by requiring all native species in proposed landscaping and precluding the use of any ornamental landscaping within the development envelopes. The letter argues that the mitigation should focus on prohibiting invasive species. While the use of natives

in landscaping is preferred, it is recognized that non-native landscaping can be appropriate so long as it is non-invasive and does not impact existing native vegetation on-site. The condition of approval has been revised to provide more flexibility, while still requiring review of landscape plans by the P&D staff biologist.

Condition No. 24, CC&R Provisions for Protection of Grassland Habitat and Wildlife. The letter suggests revising the term “cattle operation” to “livestock operation” to reflect the use of horses and the potential for the ranch to have additional livestock over time. The letter also suggests adding the word “non-agricultural” to describe the fencing outside of the development envelopes. Lastly, the letter suggests modifying the reference to farmed and grazed areas by replacing the word “actively” with “outside.” The applicant’s suggested modifications to this condition are acceptable and consistent with the purpose and intent of the condition. The revised conditions of approval attached to this staff memorandum reflect these suggested changes.

Condition No. 25, Habitat Avoidance, Protection, and Restoration Plan. The applicant is objecting to a reduction in the development envelopes on Parcels 1 and 2 as part of project approval for the same reasons as discussed above for Parcel 5. The intent with this mitigation measure is to minimize the loss and fragmentation of grassland habitat on the coastal bluffs by reducing the extent of the development envelopes. However, the intent of this mitigation measure can be met while also providing a certain amount of flexibility to the landowner by focusing the reduction not on the development envelope but on the future home site. The condition has been modified to reflect this change.

Condition No. 34, Ground Disturbance. The applicant is objecting to this condition because they believe it is overly restrictive and unnecessarily restricts the landowner’s rights of expanding the orchards on the property. In reviewing the condition, it clearly exempts grazing from this condition and merely prevents orchard planting within the boundaries of the recorded archaeological site. Staff believes it is appropriately protective of the sensitive cultural resources present on the site and does not overly restrict existing and future agricultural use of the property.

Condition No. 57, Grading Limits. The applicant objects to the requirement for identifying grading limit lines on grading plans. This is not an uncommon condition and is used to ensure that the extent of grading is contained in order to protect against unintentional grading during construction and associated impacts with respect to soil erosion and sedimentation. As such, staff believes that the condition is appropriate. The condition has been modified to clarify that the intent of the condition is to regulate grading activities during construction.

Condition No. 74, CUP Expiration. The applicant is requesting that the Conditional Use Permit (CUP) for the private shared water system either be valid for an initial term of 10 years or longer with the possibility for extensions. This is due to the fact that the landowner has no plans to develop these lots at this time and would not construct the water system unless and until development is proposed. Article II provides certain time limits and expiration periods for CUPs and Coastal Development Permits that limit the amount of time an approved permit can remain valid before the development or use is established. To effectuate a CUP the applicant must

obtain a follow-up Land Use Permit. Pursuant to Section 35-172.9.3 of Article II, the CUP shall be considered void and of no further effect if: 1) the required time limit in which to obtain the required Land Use Permit has expired and an extension has not been approved; and 2) the Coastal Development Permit approved in conjunction with the CUP has expired. Pursuant to Section 35-169.6.2 of Article II, a CDP approved in conjunction with a CUP shall be valid for one year from the date of decision maker action. That approval may be extended up to five years by the original decision maker (in this case the Board of Supervisors). Once issued, the CDP shall expire in two years unless the use or structure has been established. Thus, the maximum amount of time that the CUP can be valid for before the follow up permits must be issued and the use or structure commenced would be seven years. No changes to the condition have been made.

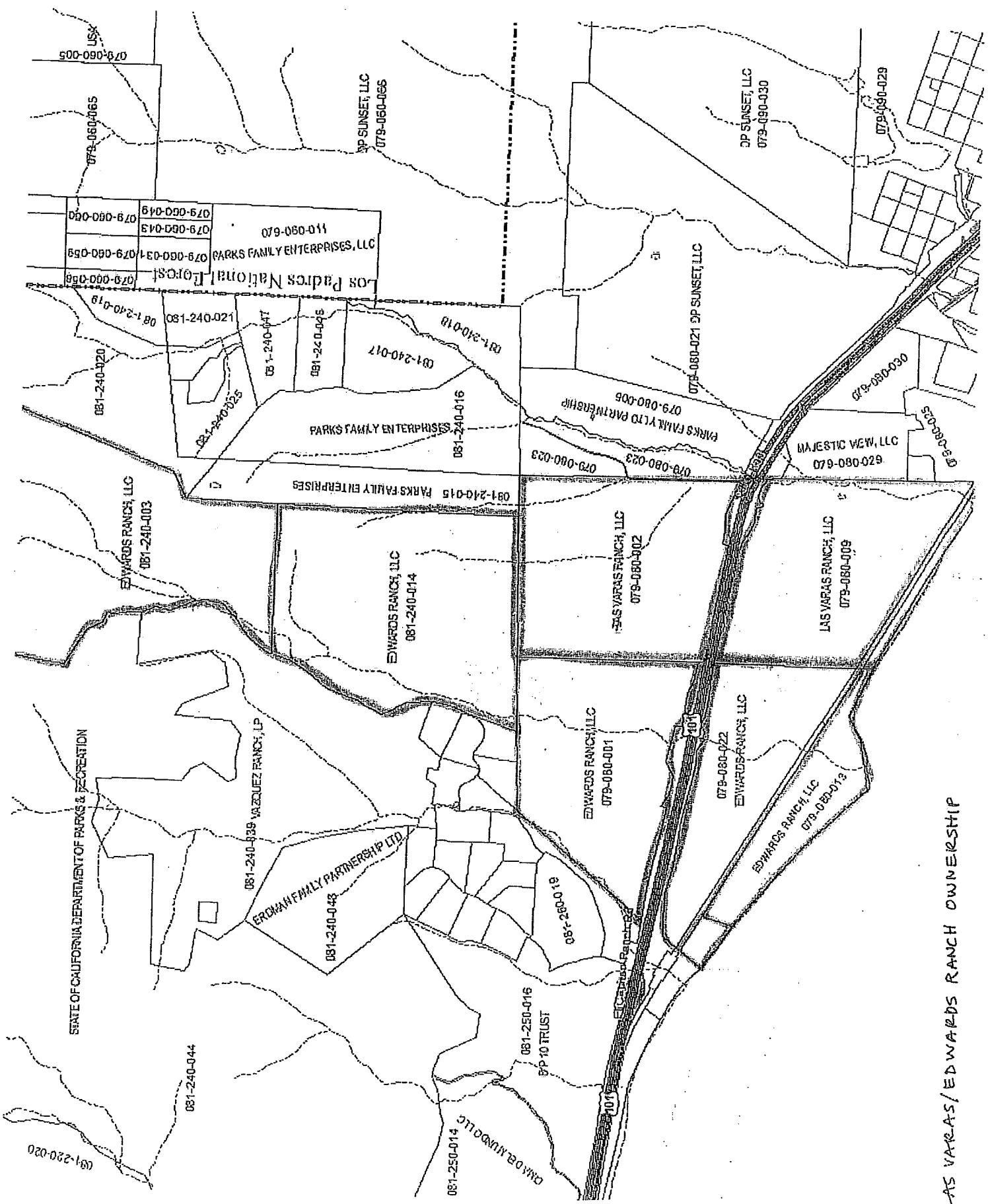
Parcel 2 Cabana. The applicant has requested that provisions be made on Parcel 2 to accommodate a future 800 square foot cabana closer to the beach than the development envelope. The applicant provided a comment letter from their consulting biologist indicating that a cabana closer to the beach at Edwards Point would have less than significant impacts on biological resources if certain measures are followed. The EIR concluded that development of a residence in this location would result in a Class I impact on biological resources, due primarily to its location adjacent to Gato Creek and the presence of sensitive wildlife species including California red-legged frog and southwestern pond turtle. It is possible that siting of a smaller structure in this same general location would not result in significant impacts if properly designed and configured. However, further analysis would be required in order to be conclusive. Additional impacts that would need to be considered include impacts on aesthetics/visual resources and recreation associated with siting a cabana directly adjacent to Edwards Point.

Modified CC&R Conditions

In response to questions and concerns regarding the applicability and enforceability of conditions of approval that reference the CC&Rs, staff has modified the conditions to clarify that the conditions would remain in full force and effect regardless of the status of the CC&Rs in the future. This applies to Conditions 9, 10, 22, 24, and 58. These changes are shown in strikethrough and underline in Attachment C.

Attachments:

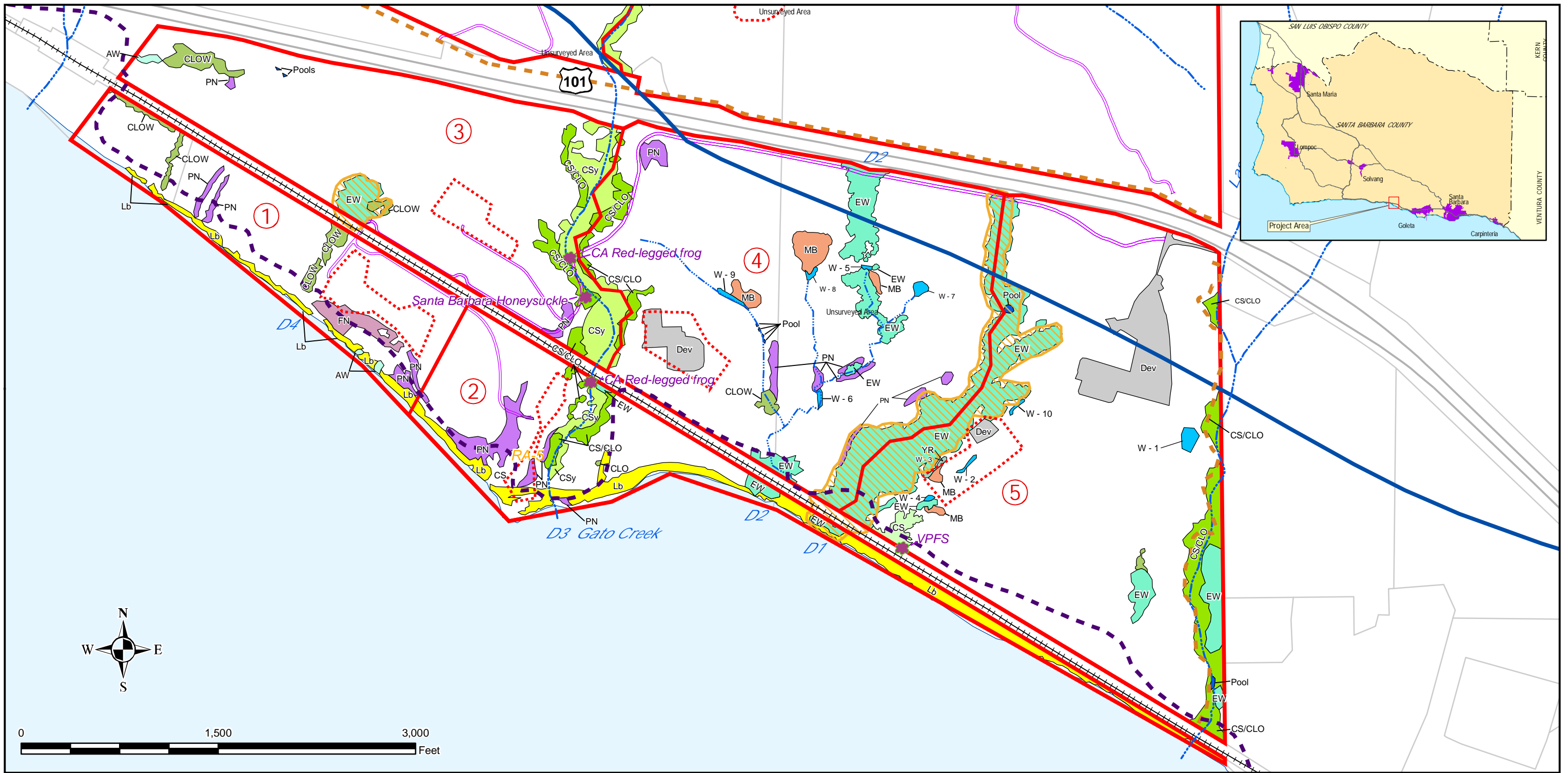
- Attachment A: Ownership Map of Las Varas Ranch
- Attachment B: Alternative Trail Maps
- Attachment C: Revised Conditions of Approval



ATTACHMENT A

Possible Las Varas Ranch Coastal Trail Route





Coastal Trail Proposals with Sensitive Habitats

Woodlands

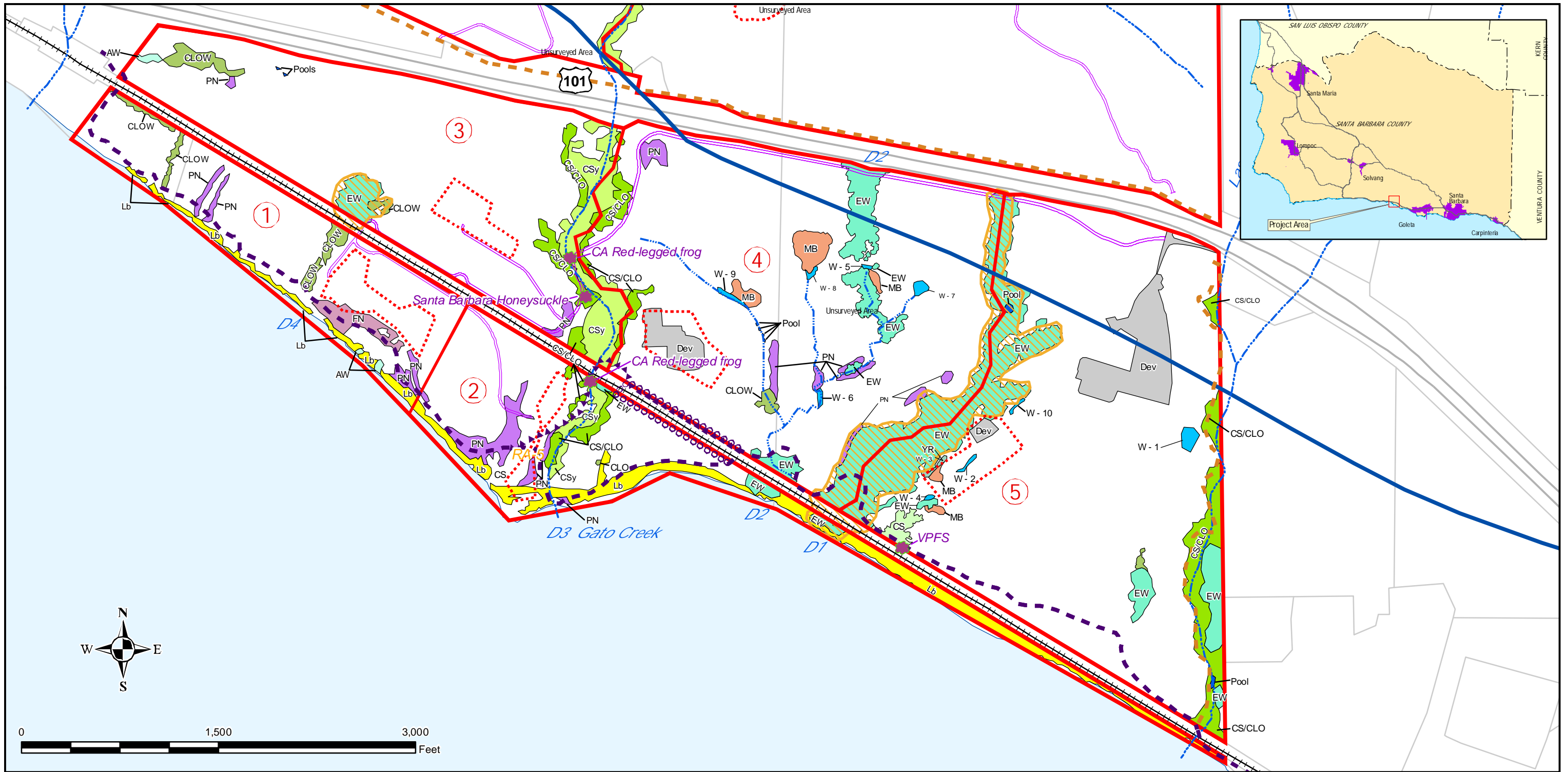
- AW Arroyo Willow Thickets / Seeps
- CSy California Sycamore Riparian Woodland
- CS/CLO California Sycamore / Coast Live Oak Riparian Woodland
- CLOW Coast Live Oak Woodland and Individual Trees (CLO)
- CLOF Coast Live Oak Forest
- EW Eucalyptus Woodland or Groves
- Coastal Sage Scrub (Shrublands)**
- CS California Sagebrush Scrub
- Co Sawtooth Goldenbush Scrub
- Lb Lemonadeberry Scrub

Grasslands

- PN Purple Needlegrass Native Perennial Grassland
- FN Purple Needlegrass and Foothill Needlegrass Native Perennial Grassland
- MB Meadow Barley Patches
- Potential Wetlands / Seeps**
- YR Yard Rush Riparian Grassland
- W# Potential Wetland
- Pool Scour Pool
- Other Categories**
- Dev Developed Area
- UnSrv Unsurveyed Area

- Sensitive Species
- Monarch Butterfly Sites
- D2 Drainages with special discussion
- Proposed Development Envelope
- Proposed Lot
- Existing Lot Line
- Proposed Access Road
- California Coastal Commission Coastal Zone Boundary
- Consortium Proposed Coastal Trail
- Ranch Proposed Coastal Trail

All Boundaries are approximate, see text for sources.
 January 26, 2012 AR14maps/EIRs/LasVarasRanch/Coastal Trail Proposals with Sensitive Habitats 11x17.mxd



Alternative Coastal Trail Proposals with Sensitive Habitats

Woodlands

- AW Arroyo Willow Thickets / Seeps
- CSy California Sycamore Riparian Woodland
- CS/CLO California Sycamore / Coast Live Oak Riparian Woodland
- CLOW Coast Live Oak Woodland and Individual Trees (CLO)
- CLOF Coast Live Oak Forest
- EW Eucalyptus Woodland or Groves

Coastal Sage Scrub (Shrublands)

- CS California Sagebrush Scrub
- Gc Sawtooth Goldenbush Scrub
- Lb Lemonadeberry Scrub

Grasslands

- PN Purple Needlegrass Native Perennial Grassland
- FN Purple Needlegrass and Foothill Needlegrass Native Perennial Grassland
- MB Meadow Barley Patches

Potential Wetlands / Seeps

- YR Yard Rush Riparian Grassland
- W-# Potential Wetland
- Pool Scour Pool

Other Categories

- Dev Developed Area
- UnSrv Unsurveyed Area

- Sensitive Species
- Monarch Butterfly Sites
- D2 Drainages with special discussion
- Proposed Development Envelope
- 1 Proposed Lot
- Existing Lot Line
- Proposed Access Road
- California Coastal Commission Coastal Zone Boundary
- Consortium Proposed Coastal Trail
- Consortium Proposed Coastal Trail Alternative 1
- Consortium Proposed Coastal Trail Alternative 2
- Ranch Proposed Coastal Trail

All Boundaries are approximate, see text for sources.
 February 2, 2012 AR14maps/EIRs/LasVarasRanch/Coastal Trail Proposals with Sensitive Habitats 11x17.mxd

ATTACHMENT B: CONDITIONS OF APPROVAL
ALTERNATIVE 3C

PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked ~~Exhibit #1~~ Alternative 3C, dated January 18, 2012, 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:

LOT RECONFIGURATION

The proposed project is composed of three distinct applications, broken down by geographic area: 1) in between the Union Pacific Railroad (UPRR) and Pacific Ocean; 2) in between U.S. Highway 101 and UPRR; and 3) north of U.S. Highway 101.

In between the Union Pacific Railroad (UPRR) and Pacific Ocean, the project includes a lot line adjustment between Lots A and B after receipt of a Conditional Certificate of Compliance for Lot B, followed by a voluntary merger by the applicant between Lots B and C. This has the effect of reconfiguring three existing parcels of 11.08 acres (Lot A), 94.25 acres (Lot B), and 8.35 acres (Lot C) into two lots of 55 acres (Parcel 1) and 58.68 acres (Parcel 2), respectively.

The resultant 55-acre parcel (Parcel 1) would have a 5-acre designated residential development envelope and the resultant 58.68-acre parcel (Parcel 2) would have a ~~2.55~~-acre designated residential development envelope. Total estimated grading quantities are approximately 350 cubic yards of cut and 250 cubic yards of fill associated with access road improvements.

In between the UPRR and U.S. Highway 101, the project includes a lot merger combining two existing lots of 239.53 acres (Lot D) and 165.21 acres (Lot E) and a subdivision (Vesting Tentative Parcel Map) resulting in three proposed parcels of 100.00 acres (Parcel 3), 147.53 acres (Parcel 4), and 157.21 acres (Parcel 5), respectively. Parcel 3 would have a ~~3.525~~-acre residential development envelope, while Parcels 4 and 5 would each include a ~~52~~-acre designated residential development envelope encompassing existing development on the site. Total estimated grading quantities are approximately 2,000 cubic yards of cut and 1,500 cubic yards of fill associated with access road improvements.

North of U.S. Highway 101, the project includes a lot line adjustment of two lots following a voluntary lot merger by the applicant combining four existing lots of 740.09 acres (Lot F), 281.35 acres (Lot G), 242.3 acres (Lot H), and 1.27 acres (Lot I) into two lots. The lot line adjustment and lot merger would result in two parcels of 1,115 acres (Parcel 6) and 150.01 acres (Parcel 7), respectively. The resultant 1,115-acre parcel (Parcel 6) would not include a specific development envelope given its size, though residential development would be limited to up to a five-acre development envelope within one of three potential development areas identified on the site plan.

The resultant 150.01-acre parcel (Parcel 7) would include a 2.5-acre residential development envelope. Total estimated grading quantities are approximately 5,500 cubic yards of cut and 5,000 cubic yards of fill associated with roadway development and improvements.

FUTURE RESIDENTIAL DEVELOPMENT

Future residential (non-agricultural) structures, improvements and development within each lot would be restricted to two contiguous acres within each designated development envelope or potential development area. No non-agricultural structures, improvements, development, grading or ground disturbance is to occur outside of the residential development envelopes within each of the proposed parcels except for proposed access roads, utility lines, any wastewater disposal areas and connection laterals to serve future residences as needed, and underground water storage tanks or cisterns for fire protection or other purposes serving the individual development envelope, and any above ground storage tanks, pump facilities or distribution lines pertaining to the shared water system. Agricultural structures and uses, including associated ground disturbance, may be located inside or outside of the development envelopes. Non-agricultural structures may include, but are not limited to, primary residences, garages, guest houses, and other accessory structures as may be permitted under zoning including storage structures, hobby rooms, artist studios, pool houses, and cabanas. Non-agricultural improvements include, but are not limited to, driveways and utility corridors serving non-agricultural structures, swimming pools, hot tubs, non-agricultural fences and walls, patios, decks, tennis and ball courts, wastewater disposal areas (septic tanks and leach fields), landscape irrigation systems, hard surfaced areas, walks, arbors, trellises, turf, and landscaping.

Access roads would range from 16 feet to 20 feet in width and would be improved with all-weather surfaces. All resulting parcels would be served by private septic systems and a private water system as discussed below. Additional grading would be expected as part of future building pad preparation on each residential building site, though the majority of the development envelopes are located on relatively flat terrain, thereby minimizing the amount of cut and/or fill that would be necessary. Drainage from proposed development areas and roadways would be collected and conducted to appropriate adjacent natural drainages. Undeveloped areas of the Ranch would continue to sheet flow consistent with historical drainage patterns.

PUBLIC TRAIL EASEMENTS

The project includes the dedication of an easement to the County of Santa Barbara for a public parking lot and public riding and hiking trail leading to the beach along the eastern boundary of proposed Parcel 5. The easement includes an 84-foot x 170-foot area in the northeast corner of proposed Parcel 5 for the parking lot and an approximately 4,000-foot long, 15-foot wide corridor for the trail. It would pass through an existing 8-foot wide, 12 to 15-foot high culvert under the Union Pacific Railroad tracks and out to the beach once a public access easement is obtained from the railroad company. The trail would largely follow the western bank of Las Varas Creek as it meanders south to the Pacific Ocean. The first half of the trail would pass through clearings along the edge of an existing avocado orchard, though there would be a few instances in which orchard trees would remain in between the trail corridor and the creek. The second (lower) half of the trail follows an existing dirt ranch road along the eastern side of the avocado orchard, in between the orchard and Las Varas Creek, before reaching the aforementioned culvert. The trail is primarily flat with one or two short drops in elevation along the way.

The project also includes the dedication of a lateral 25-foot wide easement to the County of Santa Barbara for a public riding and hiking trail along the southern property line of proposed Parcel 6 and continuing along Calle Real immediately south of Parcel 7 adjacent to U.S.

Highway 101. Per the applicant, construction of the trail would be contingent upon the placement of a pedestrian bridge over the existing underpass used by cattle to cross under U.S. Highway 101 at Gato Creek. From east to west, this trail corridor would follow the existing ranch road until reaching the existing farm employee residence/orchard facility area. At that point the trail would continue on the southern (highway) side of these structures (in order to avoid the residence and agricultural packing/storage facility) before rejoining the ranch road near the border between parcels 6 and 7. The trail would then continue to follow the existing ranch road, crossing Gato Creek on the pedestrian bridge referenced above, at which point the trail would follow an old segment of Calle Real through the remainder of the site.

The project also includes granting of a lateral easement across the coastal properties (Parcels 1 and 2) to allow for public access along the shoreline, to include the sandy beach area located seaward of the base of the coastal bluffs.

In addition to dedicating these easements to the County, the project also includes construction of the parking lot (which would have a gravel surface and include a bicycle rack), which would occur concurrent with construction of the first residential development south of the highway. The County or other appropriate agency would design, construct, and operate the trails and any other necessary improvements, though most of the trail segments follow existing ranch roads or are located alongside orchards such that only minor improvements would be necessary. In order to protect the existing agricultural areas from public trespass along the future public trails, fencing is proposed by the applicant along the orchard or grazing side of both the vertical and lateral trail easements. The fence is proposed to be approximately six feet high of a chain link material. The height and construction is subject to change if trespassers, poachers, or others gain entry through the fencing. Wildlife accessible passageways or culverts would be incorporated into the fence design to avoid impacting movement of wildlife along the corridors. The applicant has proposed to restrict use of the public easements from dawn to dusk in order to protect the existing agricultural operation and security of existing and future residents.

ACCESS ROADS

Internal circulation within the project site would be improved in order to provide access to each of the development envelopes or potential development areas in compliance with County Fire Department access requirements. This would occur through a combination of widening, paving, and extending existing ranch roads through the site, with widths ranging from 16 feet for individual lot driveways and roadways serving two lots, to 20 feet for roadways serving multiple lots. Specifically, the access road improvements include a total of up to approximately 4,145 linear feet of new roads, approximately 4,750 linear feet of widening of existing ranch roads, and approximately 7,490 linear feet of paving of existing ranch roads. The project includes replacement of the existing Arizona crossing on Gato Creek in between proposed Parcels 3 and 4 with a span bridge, which would be raised above the 100-year flood elevation of the creek and include abutments located outside of the creek banks.

WATER AND SEWER SERVICE

The project includes a Minor Conditional Use Permit for a State Small Water System for future residences on the seven proposed parcels that would result from the proposed project. The water system would be designed to support up to two residential water connections (assuming an agricultural employee residence or guest house on each parcel) for each parcel for a total of 14 water connections. It would be designed to meet domestic and landscape irrigation water demands. Each new residential development served by the shared water system would include a water storage tank for fire protection purposes of a minimum of 2,500 gallons, consistent with Development Standard #3 of the County Fire Department.

Water would be supplied by surface water from existing water diversion and storage facilities within the Ranch and groundwater from a recently drilled well. The water system would include a water well, two booster pumps, treatment facility, and two above-ground water tanks to serve two different pressure zones (one located above the northern end of building area 6c and the other located adjacent to an existing ranch road approximately 150 feet east of Gato Creek and west of the middle of building area 6c). The treatment facility would be located on Parcel 6 adjacent to an existing ranch road near Gato Creek and would include a building of approximately 960 square feet (24 feet x 40 feet) for treatment equipment and supplies. It would require electrical power and an all-weather access road. The water tanks would have storage capacities of 30,000 and 60,000 gallons. The water lines would range between 2 and 4 inches in diameter.

The water treatment system is a “packaged” type plant consisting of a filtration unit, chemical feeds, waste decant tank, finished water storage tank, and booster pump. The support chemicals for the system include 12.5% Sodium Hypochlorite for oxidation, a coagulant (either aluminum sulfate or ferric chloride), and a cationic polymer to aid the coagulation process. The chemicals will be in bulk dry format and mixed in separate 50 to 100 gallon tanks and liquid fed into the raw water supply line prior to entering the packaged system. The system produces a waste stream that is typically 3-5% of the total flow pulled, which is composed of backwash water and waste from the clarifiers. The waste stream would be diverted to a decant tank (approximately 2,500 gallons) located next to the treatment building and the system would recover 95% of the waste stream which would be recirculated for potable use. The decant tank would need periodic removal of the solids, and it is anticipated that removal of the solids would be performed by a service company and disposed of at a sanitation receiving station on a semi-annual or annual basis. There would be no effluent released from the system.

Irrigation for the continued agricultural operation would be supplied by the existing Edwards Reservoir. Back up wells are in place to supplement the primary sources of irrigation during dry years, though these are rarely used.

Domestic water service for the existing residential development on the project site is provided by the Goleta Water District through two agricultural water meters. However, this water is non-potable, so potable water is provided by bottled water deliveries from the District. This service would remain in place for existing development within the project site. Sewer service would be provided by individual septic systems and associated leach fields within each proposed parcel. Existing septic systems are in place to serve existing development within proposed Parcels 4 and 5, as well as the existing residential units on Parcel 6. New systems would be installed for the remaining proposed parcels. With the exception of Parcel 2, septic systems would be installed within the designated residential development envelopes. The system for Parcel 2 would be installed on the coastal terrace just west of the residential development envelope.

AGRICULTURAL OPERATIONS

Existing grazing lands on the ranch are proposed to continue as common grazing lands to be collectively managed through a cooperative grazing agreement and the development of CC&Rs to ensure such collective management. At a minimum, the CC&Rs would limit perimeter fencing outside of development envelopes and would provide a cooperative management structure through identification of an HOA or other cooperative entity. Fences for agricultural purposes would be coordinated with Ranch Management so as not to impact existing and future agricultural operations. Each parcel resulting from the projects will be subject to CC&Rs that will include a requirement that all land outside the designated owners' development envelopes will be devoted to agricultural usage. The CC&Rs would include the

following type of language and would not be able to be terminated or substantially altered for a minimum of 50 years, after which time they would be automatically extended each year unless two-thirds of the landowners vote otherwise. Amendments not affecting the continued agricultural operation could occur at anytime during the life of the CC&Rs and require only a majority vote given the broad range of issues they would cover:

Prior to Declarant's¹ conveyance of the first Lot, Declarant shall record an easement for the benefit of [insert here either the name of the homeowners association or of the agricultural co-op], over all areas of the Ranch excluding (i) the designated Owner development envelopes, and, the common access roadway system; and, (iii) the areas devoted to water storage; and, (iv) the areas presently devoted to orchard usage (which excluded areas are depicted on Exhibit "___" attached to this Declaration and made a part hereof), which easement shall entitle and obligate [insert here either the name of the homeowners association or of the agricultural co-op] to manage, operate, maintain, and control the easement area for agricultural production, including but not limited to irrigated and dry land livestock grazing, using sound ranching practices and sound rangeland maintenance measures to ensure that the easement area is operated to its full agricultural potential without jeopardy to the land and its water supply, and for marketing the livestock and other agricultural products from the easement area. The easement area, or any portion thereof, may be leased to responsible third parties, but [insert here either the name of the homeowners association or of the agricultural co-op] shall reserve ultimate management control, responsibility, and supervision over the easement. Every Lot within the Ranch shall be subject to said easement and no Owner shall obstruct or interfere with [insert here either the name of the homeowners association or of the agricultural co-op]'s rights thereunder. Said easement also shall include a grant of access rights as shall be reasonably necessary for [insert here either the name of the homeowners association or of the agricultural co-op]'s management, operation, maintenance, and control over the easement area and livestock grazed thereon for agricultural production.

Existing orchards on the ranch are proposed to remain but would be individually managed by individual lot owners. However, minimum standards for production of commercial agriculture and best management practices in the orchard areas would be governed by the ranch CC&Rs.

REZONES

The applicant has requested a consistency rezone of the Inland parcels that are currently zoned Unlimited Agriculture ("U") under Ordinance Number 661 (now obsolete) to Agriculture II with a 100-acre minimum lot area (AG-II-100) under the County Land Use and Development Code. These include two entire parcels (Existing Lots G and F) and portions of three other parcels (Existing Lots H, E, and D). The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. The proposed rezone would update the zoning of the subject parcels consistent with current governing ordinances and the designation in the Comprehensive Plan. Parcels, and portions thereof, within the Coastal Zone are currently zoned AG-II-100 and therefore do not require rezoning.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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

¹ "Declarant" is the property owner who signs and records the CC&R's, the full name of which is "Declaration of Covenants, Conditions and Restrictions."

hearing exhibits and conditions of approval thereto. 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 FROM 10EIR-00000-00005

2. **AES 1.** In the event future residential development is sited within building area #1 (6a) on Parcel 6, it shall be restricted in height to 16 feet above existing grade (consistent with the Ridgeline/Hillside guidelines) and shall be sited and designed so as to avoid intrusion into the skyline as viewed from U.S. Highway 101. Excessive grading, interpreted for this project to mean a cut or fill slope of five feet or greater, shall not be permitted as a means to avoid skyline intrusion. Development of this site shall be subject to review and approval by the Central Board of Architectural Review (CBAR). Landscape plans shall be prepared with the objective of integrating the structures with the surrounding landscape and softening views. **Plan Requirements and Timing:** The applicant shall submit architectural drawings of the project for review by the CBAR prior to approval of Coastal Development Permits for future residential development. Grading plans, if required, shall be submitted to P&D concurrent with or prior to CBAR plan filing. Story poles shall be erected as part of the CBAR review process.

MONITORING: P&D shall ensure residence is built in compliance with plans approved by the CBAR. (*Pertains to 05LLA-00000-00006*)

3. **AES 2.** Future residential structures shall not exceed a maximum height of 15 feet above existing grade (excluding architectural projections) within the View Corridor Overlay District and the area designated as a Rural Historic Landscape (Parcels 1 through 5). **Plan requirement:** This measure shall be included on building plans for future residential development. Story poles shall be erected for each future residence as part of the CBAR review process. **Timing:** Plans shall be submitted for review by the CBAR prior to Coastal Development Permit approval for future residential development.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval. (*Pertains to 05TPM-00000-00002 and 05LLA-00000-00005*)

4. **AES 3.** All elements of the project (e.g., design, scale, character, colors, materials and landscaping) shall be compatible with the rural character of the area and vicinity development, including existing development within the site, and shall be subject to review and approval by the CBAR.

Plan Requirement and Timing: The applicant shall submit architectural drawings of the project for review by the Central Board of Architectural Review prior to approval of Coastal Development Permits for future residential development. Grading plans, if required, shall be submitted to P&D concurrent with or prior to CBAR plan filing.

MONITORING: P&D shall confirm buildings have been constructed consistent with approved plans prior to granting occupancy clearance. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

5. **AES 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 non-agricultural fences. White-board fencing shall not be permitted. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance.

MONITORING: P&D shall inspect prior to occupancy clearance to ensure compliance. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

6. **AES 5 Fencing.** To minimize the impacts of the trail fencing to the visual character of the site, a more subtle design than standard chain link shall be incorporated that is more visually permeable (e.g. thinner gauge wire, larger openings, etc.), while still providing the necessary security for the adjacent agricultural operation consistent with other agricultural fencing within the ranch. In the event that the installed fencing is deemed ineffective in excluding the public and their dogs from the orchards and/or grazing land, the applicant may install an alternative form of fencing that provides the necessary security upon notice provide to P&D and County Parks Department.

PLAN REQUIREMENTS AND TIMING: The final fence design shall be submitted to P&D for review and approval prior to issuance of the Coastal Development Permit for initial infrastructure development. The approved fencing shall be installed prior to opening of the public trails by the County Parks Department.

MONITORING: The County Parks Department shall confirm that the fencing is in place prior to opening the trails for public use. *(Pertains to 05TPM-00000-00002 and 05LLA-00000-00006)*

7. **AES 6.** To minimize nighttime lighting effects, future residential development on the site shall incorporate a lighting plan with the following elements:

- Conserve energy and follow night sky lighting practices, generally conforming to the standards and recommendations of the International Dark-Sky Association (IDA)² and the Illuminating Engineering Society of North America (IESNA)³ for rural settings;
- Any exterior night lighting installed on the project site within the residential development envelopes shall be of low intensity, low glare design, minimum height, and shall be fully hooded and shielded to direct light downward, such that lamp usage is not directly visible beyond the area of illumination;
- Exterior lighting shall only be permitted within the development envelopes, unless associated with the agricultural operation;
- Motion, light, and time sensors shall be used that minimize duration of use and 24-hour security lighting shall be avoided;
- Uplighting of landscaping or structures shall be prohibited;
- Locations of exterior lighting shall be minimized to that necessary for safety along driveways and parking areas. The driveway lighting shall be low intensity and indirect with on-demand switching to minimize night light visibility from public viewing places.

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 to be reviewed and approved by P&D and the BAR prior to approval of each applicable Coastal Development Permit or Land Use Permit for future residential development.

MONITORING: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Coastal Development Permit or Land Use Permit for residential structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

² Outdoor Lighting Code Handbook, Version 1.14
(<http://www.darkskysociety.org/handouts/idacodehandbook.pdf>)

³ IESNA Lighting Handbook 9th Edition (<http://www.ies.org/store/departments/lighting-handbooks-10001.cfm>)

8. **AG 2-1: Controlled Access.** To protect the liability of the ranch's agricultural operations, public access within the trails shall be restricted on days when a pesticide application (aerial or ground-based) is being conducted until the treated area is safe to re-enter, when orchards or trees are being pruned adjacent to the trails, or when other activities that may endanger the public or pose a potential conflict are being conducted adjacent to or in close proximity to the trails. The applicant/landowner shall notify the County Parks Department and post a notice at the trails' public control points within the ranch at least 48 hours in advance of closures. In addition, permanent signs shall be placed at the trails' public control points within the ranch identifying the agricultural practices and the issues associated with being present adjacent to an active agricultural area, as well as educating trail users on proper trail etiquette and directing them to the right locations. **Plan Requirements and Timing:** A copy of the sign shall be reviewed and approved by P&D and Parks Department prior to zoning clearance for site improvements. The signs shall be installed prior to opening of the trails for public access.

MONITORING: P&D shall site inspect and document installation prior to opening the trails for public access. (*Pertains to 05TPM-00000-00002 and 05LLA-00000-00006*)

9. **AG 2-2: Buyer Notification Program.** The following buyer notification shall be recorded on a separate information sheet with the final map and lot line adjustment or deed accompanying the sale of each lot:

Important: Buyer Notification

This property is zoned agriculture and is located in an area that is in active agriculture. The County of Santa Barbara has determined that it is in the public interest to preserve agricultural land and operations within the County and to specifically protect these lands for continued agricultural use. Through enactment of an ordinance adding Section 3-23, Article V to Chapter 3 of the County Code, any inconvenience or discomfort from properly conducted agricultural operations, including but not limited to noise, odors, dust, and chemicals, will not be deemed a nuisance. Landowners within or adjacent to agricultural operations shall be prepared to accept such problems as the natural result of living in or near agricultural areas.

Plan Requirements and Timing: The notification shall be recorded with the final map and lot line adjustments and incorporated into the CC&Rs recorded for each lot. This shall occur prior to final map clearance and issuance of any CDP or LUP for any new residence within the Ranch. The CC&Rs shall be recorded prior to or concurrent with the sale of the first new lot within the Ranch. In the event that the CC&Rs are terminated, this condition shall stay in full force and effect.

MONITORING: P&D shall ensure the notification is included in the recorded map or line lot adjustment, prior to final map clearance. P&D shall review the CC&R document prior to issuance of any CDP or LUP for any new residence within the Ranch. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006*)

10. **AG 2-3: CC&Rs.** Future residential buildout shall not adversely impact continued agricultural use of the Ranch. The project CC&Rs shall address continued agricultural use of the ranch. The CC&Rs shall, at a minimum, address the following agricultural issues:

- Establishment of residential development envelopes, with the requirement that all residential buildings and non-agricultural structures be located within the development

envelopes (except provisions for water storage tanks for fire protection purposes and other permitted infrastructure improvements);

- No conversion of existing orchards to a non-agricultural use and conversion of existing orchards to grazing land shall be minimized, though crop types may be changed; any necessary buffers between orchards and residential and non-agricultural development must be contained within the residential development envelopes;
- No impingement of existing cattle grazing operation by non-agricultural uses; fencing outside of the 2-acre areas selected by each owner for residential development within each development envelope shall not interfere with the ongoing agricultural operation and shall ensure continued use of common grazing lands;
- Provide cooperative management structure through identification of an HOA;
- Establishment of standards for production of commercial agriculture and best management practices in the orchard areas.

Plan Requirements and Timing: The CC&Rs shall be prepared by the applicant and approved by P&D prior to Final Map Clearances. CC&Rs shall be recorded concurrent with the recordation of the final maps/lot line adjustments. These provisions of the CC&Rs shall remain in place for a minimum of 50 years or so long as the CC&Rs remain in effect, whichever is longer. In the event that the CC&Rs are terminated, this condition shall stay in full force and effect.

MONITORING: P&D shall review the CC&R document prior to Final Map Clearance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

11. AQ 1: Construction-Generated Airborne Dust (PM₁₀). The applicant shall prepare a Construction Management Plan to control PM₁₀ emissions during grading and construction. At a minimum the Plan shall include the following dust control measures:

- 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 should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. Minimize the amount of disturbed area and reduce onsite vehicle speeds to 15 mph per hour or less.
- All access points shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered with a tarp from the point of origin.
- After clearing, grading, earthmoving, or excavation is completed, the disturbed area shall be treated by watering, revegetating, or spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- 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 off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SBCAPCD prior to approval of permits for map recordation and for finish grading for any structures.

Plan Requirements/Timing: These measures shall be noted on all grading and building plans and approved by the County Planning and Development department prior to approval of follow on permits. These dust control requirements shall be noted on a separate informational sheet to be recorded with the maps.

MONITORING: The County building/grading inspector shall perform periodic site inspections throughout the grading and construction period. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

12. AQ 2: Construction-Related Emissions. The applicant shall prepare a Construction Management Plan to control diesel emissions during construction. At a minimum the Plan shall incorporate the following mitigation measures:

- All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
- Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emissions standards should be used to the maximum extent feasible.
- Diesel catalytic converters, diesel oxidation catalysts, and diesel particulate filters, as certified and/or verified by EPA or California, shall be installed on equipment operating on-site, if available.
- Diesel-powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading should be limited to five minutes; auxiliary power units should be used whenever possible.
- Construction worker's trips should be minimized by requiring carpooling where feasible.
- The engine size of construction equipment shall be the minimum practical size.
- The amount of construction equipment operating simultaneously shall be minimized through efficient construction management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained per the manufacturer's specifications.
- Construction equipment operating on site shall be equipped with two or four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

Plan Requirements/Timing: These measures shall be noted on all construction plans and approved by the County Planning and Development department prior to approval of Coastal Development Permits and/or Land Use Permits.

MONITORING: The County building/grading inspector shall perform periodic site inspections throughout the construction period. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

13. AQ 3: Energy Conservation Measures. The applicant shall incorporate the following energy conservation measures into future residential building plans unless the applicant or future landowner proves to the satisfaction of P&D that incorporation of a specific measure is infeasible:

1. Exceed the California Title 24 Energy Code requirements by 20% or greater for all relevant applications, including energy efficient appliances and lighting.
2. Apply water-based paint on all structures.
3. Low NOx residential and commercial water heaters and space heaters per specifications in the 1991 Air Quality Attainment Plan;
4. Solar panels for residential water heating systems and other facilities or use of on-demand water heater(s); Include design elements that maximize the use of natural lighting and passive solar cooling/heating.
5. Construct parking areas with concrete or other non-polluting materials instead of asphalt.
6. Develop landscape plans that use landscaping to shade buildings and parking areas where feasible.

Plan Requirements and Timing: The applicant shall incorporate the listed provisions into building and improvement plans or shall submit proof of infeasibility prior to approval of Coastal Development Permits and/or Land Use Permits for individual residences.

MONITORING: Building and Safety shall site inspect to ensure development is in accordance with approved plans prior to Final Building Inspection Clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

14. **BIO 2: Schedule Ground disturbance to Avoid Bird and Bat Breeding Season or Conduct Pre-construction surveys and Establish Buffers for Raptors and Special-Status Avian and Bat species.** All construction-related activities, including, but not limited to, vegetation removal and initial ground disturbance for all project elements, shall be scheduled to avoid the breeding bird season, which is generally February 1 to August 15. If construction must begin within this period, a qualified biologist shall be retained to conduct a pre-construction survey for active nests in areas within 500 ft. of development. The biologist shall also survey structures and habitats within 500 feet for bat roosts and nests and bat foraging activity. **Plan Requirements and Timing:** The preconstruction survey shall be undertaken within 10 days prior to construction, to determine whether raptors or other special status species are nesting or roosting on site. A biological report shall be prepared and reviewed by Planning & Development before any project construction activities are initiated. If raptors are found to be nesting, applicant shall avoid work in the area by providing a 500 ft. buffer between the nest and ground-disturbing activities until birds have fledged. If other active avian nests are found, no ground-disturbing activity shall occur within a buffer zone of 300 ft. around the nest, or as determined by the qualified biologist, based on the type and location of the nest and the specific work activity being conducted. If any day, night or maternity roosts of bat species are found, the site shall be monitored, and a 500 ft. buffer shall be applied.

MONITORING: P&D shall be given the name and contact information for the qualified biologist prior to initiation of the pre-construction survey. The biologist shall contact P&D prior to and at the conclusion of the field survey to inform P&D in writing of the survey plan and the results of the surveys. If no sensitive species are found, P&D will allow grading activities to commence. All required mitigation shall be implemented prior to the start of proposed grading activities. P&D or a qualified local biologist approved by the County shall monitor for compliance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

15. **BIO 4-1: Additional Provisions for SWPPP and Erosion Control Plans.** Condition #53 (MM WAT 2-1) and #56 (MM WAT 2-4) require the preparation of Stormwater and Erosion Control Plans. These plans shall also show the locations of coastal scrub, oak woodland, riparian woodland, delineated seasonal wetlands and undefined water bodies, and seeps within 100 feet of any work areas in the project area. Habitats occurring within 100 feet of proposed work areas shall be delineated in the field for avoidance during construction. Plan Requirements and Timing: See Condition #53 and #56.

MONITORING: P&D shall review the documentation prior to issuance of Coastal Development Permits or Land Use Permits for future development. P&D shall site inspect during construction for compliance with the SWPPP. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

16. **BIO 4-2: Erosion Control BMPs and Seasonal Restrictions on Construction.** The applicant shall incorporate all applicable Best Management Practices (BMPs), including seasonal restrictions on construction, as appropriate, into the grading/drainage plan and implemented in the field to contain, control, and prevent soil erosion and sedimentation occurring outside of the development envelopes or areas of disturbance. Seasonal restrictions on construction shall be subject to: a) raptor and other bird nesting season (March-July), and b) monarch autumnal and/or overwintering sites (November-February). In all cases, seasonal restrictions on construction for species protection shall be determined on a site-specific basis by a qualified local biologist, depending on field conditions revealed during field surveys. Plan Requirements and Timing: The BMPs shall be maintained for the duration of construction. Installation and maintenance of appropriate sediment control measures shall be photo-documented and submitted by the applicant to County P&D prior to and during grading. These measures shall be identified on all grading and building plans and submitted to P&D for review and approval prior to issuance of Coastal Development Permits or Land Use Permits for future development.

MONITORING: P&D shall review the documentation prior to issuance of Coastal Development Permits or Land Use Permits for future development. P&D shall site inspect during construction for compliance with this condition. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

17. **BIO 5: Buffer from Sensitive Habitat.** Future residences and habitable structures within each development envelope, as well as the water treatment facility and storage tanks, shall be sited a minimum of 100 feet from the edge of sensitive habitat as depicted in Exhibit #1 attached to these conditions (30 ft. for native grasslands) and as determined in the field by a County-qualified biologist at the time of future development. Based on the field survey, building envelopes shall not encroach into the sensitive habitat areas. **Plan Requirements and Timing:** Prior to recordation of the Final Map, this requirement shall be included on an ~~Exhibit Map~~ Informational Sheet attached to the Final Map and shall be reviewed and approved by P&D. This requirement shall be shown on all building plans and a written report prepared by a County-qualified biologist containing detailed mapping of the development envelope habitats shall be submitted to P&D for review and approval prior to Coastal Development Permit approval for future residential development or approval of the Land Use Permit for the water treatment facility, as applicable.

MONITORING: P&D shall review and approve prior to recordation. P&D shall review the plans prior to approval of Coastal Development Permits or Land Use Permits for future structures to ensure compliance with this measure. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

18. BIO 6-1: Buffer from Sensitive Habitat. All future residences, guest houses and other habitable structures (including the water treatment facility) must be positioned so that the 100-ft. fuel modification zones (30 feet for native grasslands) will not encroach within sensitive native habitat as depicted in Exhibit #1 attached to these conditions, and as determined in the field by a County-qualified biologist at the time of future development, including oak forest and woodland, Eucalyptus (for Monarch habitat and drainage features) California sycamore riparian woodlands, native grasslands (foothill and purple needlegrass, and meadow barley), specific types of coastal sage scrub (i.e., goldenbush scrub and lemonadeberry scrub) and wetlands. Based on the field survey, fuel management shall not encroach into the sensitive habitat areas. **Plan Requirements and Timing:** Prior to recordation of the Final Map, this requirement shall be included on an Exhibit Map Informational Sheet attached to the Final Map and shall be reviewed and approved by P&D. This requirement shall be included on all building and grading plans submitted for future residential development.

MONITORING: P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum buffer requirements. Permit Compliance shall site inspect during construction of future structures to ensure compliance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

19. BIO 6-2 Fuel Management Plan Required. The applicant shall prepare a Fuel Management Plan to ensure that avoidance is accomplished and to ensure that fuel management is balanced with sensitive resource protection. **Plan Requirements:** The Fuel Management Plan shall include the following:

- The goal of the plan would be to meet the dual goals of public safety and protection of significant vegetation.
- The plan shall depict fuel management zones (i.e., Zone 1, 2, and 3) wherever required and shall include specific habitat and rare species protection and fuel management measures to be used in each management zone and for each habitat type. Onsite vegetation management shall be limited to the zones and clearance requirements/percentages conceptually described.
- Impacts to native grasslands and special status plant and animal species shall be minimized. Zone 2 clearance of shrub cover shall not exceed 50% of shrub cover and shall be created in a mosaic pattern. Mowing of native bunchgrass shall occur in such a manner that at least 4 inches of height of each plant remains after mowing.

Timing: The Fuel Management Plan shall be reviewed and approved by P&D prior to approval of Coastal Development Permits or Land Use Permits for future residential development. Site plans shall show any proposed fuel management zones and measures to protect any sensitive habitat occurring within the zones.

MONITORING: P&D permit compliance staff shall monitor implementation of the Protection Plan. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

20. BIO 7-1: Biologist review of Landscape Plans. Landscape Plans for future development shall be reviewed and approved by the P&D Staff Biologist. The applicant shall use primarily native, locally collected plant species (coastal Santa Barbara and Ventura County species or other non-invasive plant material) for landscaping purposes. The use of non-native invasive species shall be prohibited. **Plan Requirements and Timing:** The plans shall be approved by the staff biologist prior to approval of Coastal Development Permits or Land Use Permits for future residential development.

MONITORING: P&D permit compliance shall monitor implementation in the field. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

21. **BIO 7-2: Revegetation of Disturbed Soils and Weed Eradication.** All soil surfaces exposed during any construction activity and which are not proposed to be developed or landscaped shall be revegetated with native plants typical of the adjacent habitat immediately after construction. All disturbed areas shall be monitored for the presence of invasive species. If weedy invasive species are found to be present, a weed-eradication program for the affected area shall be developed and implemented. **Plan Requirements:** Prior to issuance of Land Use or Coastal Development permits and grading permits for future dwellings and the road system, a Revegetation Plan prepared by a county-approved biologist shall be submitted for P&D review and approval. The Plan shall be implemented and deemed at least partially successful prior to occupancy clearance for the first residence.

MONITORING: P&D shall site inspect to ensure compliance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

22. **BIO 8: Prepare Resident Education Program.** The applicant shall retain a qualified local biologist to prepare a Resident Education Program. **Plan Requirements:** At a minimum, the Program shall contain literature discussing proactive measures that landowners shall implement regarding the following:

- Minimizing the attractiveness of the project area, specifically livestock areas, to non-native wildlife and avoiding or minimizing native wildlife mortality;
- Reducing or avoiding negative human/wildlife interactions;
- Keeping cats and dogs in at night in order to reduce predation by them on native wildlife and to prevent them from being preyed upon by coyotes and mountain lions;
- Requiring leashing of dogs on hiking trails;
- Developing measures to prevent domestic cats and dogs from roaming in habitats outside the development envelopes, such as barrier fencing around the development envelopes;
- Preventing domestic cats and dogs from reproducing and becoming feral;
- Eliminating food sources and other attractive nuisances to wildlife in and around development envelopes;
- Limiting impacts of non-native aquatic and terrestrial plants and animals on native wildlife and habitats (See BIO-6 and BIO 7-1 above);
- Prohibiting release of non-native animals into open spaces and collecting of native wildlife, such as turtles, frogs, and snakes;
- Educating residents concerning snakes and the benefits of these predators for rodent control, identification of harmless species, and the alternative of capturing and moving snakes to open space areas rather than killing them;
- The value of swallows, black phoebes, and other eave-nesting birds for insect control,
- Simple, proactive, non-invasive measures that can be implemented by landowners to prevent nesting by these species on residences and other structures; and
- Other relevant topics.

Timing: Prior to Map Recordation or final documentation of the Lot Line Adjustments, the Resident Education Program shall be submitted to County P&D for review and approval. The approved Program shall be included in the CC&Rs recorded for the project. In the event that the CC&Rs are terminated, this condition shall stay in full force and effect.

MONITORING: P&D shall review the CC&Rs to ensure compliance with this condition prior to final map clearance and final documentation of the Lot Line Adjustments and shall confirm recordation of the Program as part of the site's CC&Rs prior to Coastal

Development Permit or Land Use Permit approval for the first residence. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006*)

23. **BIO 9:** The applicant shall prepare a **Gato Creek Bridge Crossing Protection and Restoration Plan** for avoiding impacts to sensitive species and native vegetation in Gato Creek during construction of the bridge. The Plan shall include:

- **Pre-Construction Surveys.** Pre-construction surveys for California red-legged frogs, South Coast newts, and other special-status amphibian species shall be conducted prior to construction activities no more than one week before construction begins. If any individuals of CARLF are found, the agencies shall be contacted. If other sensitive species are identified, appropriate measures shall be taken to ensure their protection as recommended by the consulting biologist and approved by P&D.
- **Biological Monitoring.** Removal of the existing crossing and installation of the proposed span crossing shall be monitored by a qualified wildlife biologist with a handling permit for potentially-affected wildlife. A County-qualified wildlife biologist shall monitor all aspects of removing the existing crossing and installation of the new span crossing and installation of grade control structures.
- **Installation of boulder weirs.** Prior to construction, plans for installing one or more boulder weirs (grade control structures) shall be prepared in consultation with a County-qualified wildlife biologist. The grade control structures shall consist of large boulders placed across the streambed upstream and downstream of the existing crossing in order to reduce the magnitude of streambed gradient re-adjustment following removal of the existing crossing. The boulder weir plans shall be included on all grading plans.
- **Dry season construction.** All work shall be conducted in the dry season after CRLF and newt larvae have metamorphosed (August 1 - October 15). Removing and replacing the existing crossing shall be done in as short a period of time as possible.
- **Staging outside Gato Creek corridor.** All staging and laydown areas shall be located outside of the Gato Creek riparian corridor on previously-disturbed ground.
- **Restoration of Vegetation.** Any native riparian vegetation removed or damaged shall be restored at a 3:1 (restored acres: disturbed acres) ratio. A separate plan shall be prepared by a County-qualified botanist that would be reviewed and approved by P&D. The goal of the restoration would be to restore any riparian habitat or functions disturbed by construction with a similar assemblage of species that occur in the area such that the restoration area is suitably integrated into the larger ecological matrix. Specific measures for restoration and monitoring success shall be included in the plan, including: an explicit species list, installation methods and activities, performance standards, monitoring methods, and schedules and budgets.
- **Fencing during construction.** Any additional protection procedures proposed to be used, including marking the extent of ground disturbance and fencing areas for avoidance.

Plan Requirements: The Gato Creek Bridge Crossing Protection and Restoration Plan shall be prepared by a qualified biologist approved by the County and shall be submitted to P&D and approved prior to Land Use Permit issuance for construction of the bridge. No alteration to the stream channel or banks shall be permitted (no Land Use Permit shall be issued) until the Owner/Applicant demonstrates receipt of all authorizations from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers and/or any other applicable federal or state agencies for any planned alteration to the stream channel or banks.

MONITORING: P&D or a qualified local biologist approved by the County shall monitor compliance with the Plan in the field. A report prepared by the biological monitor shall be submitted to P&D documenting the construction activities and any impacts to sensitive species or vegetation. (*Pertains to 05TPM-00000-00002*)

24. BIO 12-1: CC&R Provisions for Protection of Grassland Habitat and Wildlife. In order to protect remaining grassland habitat within the project site and use of the habitat by wildlife, the following measures shall be incorporated into CC&R's for the project:

- a. **Open Space provisions and Regulation of Agricultural Use.** Areas outside of development envelopes on Parcel 1 and 2 that contain native vegetation shall remain as open space and shall not be converted to row-crop agriculture, including, but not limited, to: alfalfa production, vineyards, orchards, or dry-farmed fields. Grazing shall be allowed.
- b. **Fencing.** New fences outside of development envelopes, along access roads and elsewhere in open space areas, shall be constructed to allow for wildlife passage while still providing the necessary functions for the cattle-livestock operations. The use of deer fencing or other tall mesh-type fencing shall be restricted to agricultural areas and within development envelopes. Construction of non-agricultural stone, stucco, or other solid walls outside of development envelopes shall be prohibited.
- c. **Rodenticides prohibited.** Rodenticides, pesticides, and other chemical and/or mechanical control of insects and rodents shall be prohibited outside of development envelopes and actively-outside farmed and grazed areas as required in order to avoid impacts to prey populations on which raptors and carnivores depend for food. Rodent traps within the development envelopes shall be restricted to snap-traps and not rodenticides, which may kill rodents over a broad area outside the development envelopes.

Plan Requirements and Timing: These requirements shall be incorporated into the CC&Rs and included on an Exhibit Map attached to the Final Map and final documentation for the Lot Line Adjustments and shall be reviewed by P&D prior to final map clearance. The CC&Rs shall be reviewed by P&D prior to recordation. Notwithstanding their inclusion in the CC&Rs, these measures shall be adhered to throughout the life of the project. In the event that the CC&Rs are terminated, this condition shall stay in full force and effect.

MONITORING: P&D shall review the CC&Rs to ensure compliance with this condition prior to final map clearance and shall respond to complaints. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006*)

25. BIO 12-2: Habitat Avoidance, Protection, and Restoration Plan. To minimize impacts to sensitive resources from future development on Parcels 1 and 2, an onsite Habitat Avoidance, Protection, and Restoration Plan shall be prepared by a qualified biologist prior to development occurring on proposed Parcels 1 and 2. The Plan shall be prepared based on siting surveys conducted according to Mitigation Measure BIO-5. The Plan shall meet the following minimum parameters:

- a. Development envelopes—The building site on Parcel 1 shall be limited to 2 acres and the building site on Parcel 2 shall be limited to 1 acre~~shall be reduced in size from 5 acres to 2 acres (Parcel 1) and from 2.5 acres to 1 acre (Parcel 2);~~
- b. Building sites within each development envelopes shall avoid impacting native grasslands;
- c. Any native habitats temporarily or permanently disturbed shall be restored at a 2:1 ratio based on acreage.
- d. Roadways. Roadways shall not contain curbs, ditches, or other barriers to small, ground-dwelling wildlife. The width of access roads shall be the minimum necessary

for vehicular and emergency vehicle safety in order to avoid or minimize habitat fragmentation and barriers to wildlife movement. Maximum speed limits on all access roads shall not exceed 20 mph in order to avoid or minimize wildlife mortality.

- e. Lighting. All outdoor lighting (including around residences, barns, corrals, and other facilities), access roads, and trails shall be of the minimum number and wattage necessary for safety and shall be shielded and directed downward to minimize light “pollution” to adjacent open spaces. Lighting within development envelopes shall not be directed outside of the envelopes.
- f. Landscaping shall avoid disturbance of native habitats.

Plan Requirements and Timing: The Plan shall include a map depicting all plant community types within the development area plus 300 ft., required buffers from each plant community per the coastal zone standards, all proposed grading, access, and residential development areas, exclusion areas, protective fencing locations, and fuel management areas. The Plan shall include measures to protect sensitive habitats during construction. The Plan shall be submitted to P&D for review and approval prior to approval of Coastal Development Permits for residential and accessory residential development on Parcels 1 and 2. P&D shall review plans for future residential development to ensure compliance with these requirements prior to permit issuance for future development.

MONITORING: P&D shall review the Habitat Avoidance, Protection, and Restoration Plan for each lot, in addition to grading and building plans, to ensure consistency with approved plans. Any necessary Restoration Plans for disturbed habitats shall include long-term monitoring for 5 years. P&D shall ensure compliance with approved plans during construction of infrastructure and future dwellings prior to Final Building Inspection Clearance. (*Pertains to 05LLA-00000-00005*)

26. ~~**[Not required under Alternative 3C] BIO 13: Envelope Reduction.** The development envelope on Parcel 2 shall be reduced and limited to the rear half of the envelope where there is further setback available from Gato Creek, consistent with the depiction in Alternative 2A. **Plan Requirements and Timing.** The development envelope shall be reconfigured and included on the map prior to recordation of the Lot Line Adjustment. P&D shall confirm reconfiguration of the development envelope prior to final map clearance.~~

~~**MONITORING:** P&D shall confirm appropriate configuration of the development envelope on plans submitted for future development of Parcel 2. P&D shall site inspect during construction to confirm compliance.~~

27. **BIO 15-1:** Trees in the monarch groves shall not be trimmed or removed during construction or occupation unless approved and monitored by County P&D and a qualified monarch butterfly biologist. **Plan Requirements and Timing:** Monarch Butterfly Environmentally Sensitive Habitat areas, adjacent woodland trees, and windrows shall be shown on all grading and building plans for work within 100 feet of these areas and submitted to P&D for review prior to approval of Coastal Development Permits or Land Use Permits for future residential development.

MONITORING: P&D shall review plans and site inspect during construction to ensure compliance with this measure. (*Pertains to 05TPM-00000-00002 and 05LLA-0000-00005*)

28. **BIO 15-2: Monarch Protection Plan.** The landowner and future applicants for Lots 1, 2, 4 and 5 shall prepare and implement a Monarch Butterfly Protection Plan. The Plan shall include:

- Timing restrictions on grading and construction of access roads and future residential development that require use of heavy equipment, including backhoes, to avoid noise, dust, and increased human activity impacts to overwintering monarch butterflies (i.e., construction activities should occur between March and October);
- If grading or other heavy equipment work must occur between October and March, a qualified biologist shall survey all eucalyptus trees within 50 feet of the development area prior to the start of work to determine use by monarchs. If butterfly aggregations are found within 50 feet of the work area, work activities shall be delayed until monarchs have left the site.

Plan Requirements and Timing: The Plan shall be reviewed and approved prior to issuance of Grading Permits for access roads, and prior to approval of Coastal Development Permits or Land Use Permits for future dwellings. The results of any pre-construction surveys shall be reviewed and approved by P&D prior to construction.

MONITORING: P&D permit compliance staff shall monitor implementation of the Protection Plan and shall confirm results of any pre-construction surveys prior to construction. (*Pertains to 05TPM-00000-00002 and 05LLA-0000-00005*)

29. **BIO 16: Wetlands.** All site improvements and project development shall maintain a minimum 100-ft. buffer from all coastal wetlands. The potential wetlands in the vicinity of Parcels 4 and 5 shall be properly delineated (i.e., using U.S. Army Corps of Engineers methods and coastal zone definitions) and identified on all grading or building plans for future residential development. No new structures, including irrigation and non-native landscaping, shall be placed, and no disturbance shall occur, within the wetlands or the 100 ft. buffers. **Plan Requirements and Timing:** Plans for future residential development shall be submitted to P&D for review prior to Coastal Development Permit approval. All wetlands and buffers shall be shown on grading and building plans, and the edge of the buffer shall be fenced in the field during construction.

MONITORING: P&D shall confirm compliance with this measure prior to permit issuance for future residential development on Parcels 4 and 5. P&D permit compliance staff shall monitor to ensure that the required 100-ft. buffers are maintained around all delineated wetlands during construction. (*Pertains to 05TPM-00000-00002 and 05LLA-0000-00005*)

30. **BIO 18: Water line Location.** The water line locations shall utilize existing roads and disturbed areas to the maximum extent feasible. Trenching shall be avoided under oak tree canopies and near sensitive plants. Prior to construction, the applicant shall survey and flag the alignment of the water lines along Gato Creek. A County-qualified biologist shall be retained to participate in the survey and realign the water line where necessary to avoid impacts to sensitive plant species or riparian vegetation. Any field revisions shall be plotted on a revised site plan submitted to P&D for review and approval. **Plan Requirements and Timing:** The revised plans showing relocated water lines shall be submitted to P&D for review and approval prior to Final Map Clearance. Individual oaks trees and all sensitive habitats and species shall be shown on the Map and on grading plans.

MONITORING: P&D shall review and approve the Final Map prior to recordation and shall ensure that the required sensitive areas are avoided during construction. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

31. **CULT 1-1.** All earth disturbances associated with infrastructure improvements and future residential development shall be monitored by a P&D-qualified archaeologist unless subsurface testing within the area of disturbance determines that no resources are present. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permits and/or

land use clearances, a contract or Letter of Commitment between the applicant and the archaeologist, consisting of a project description and scope of work, shall be prepared. The contract must be executed and submitted to P&D for review and approval. If after initial monitoring of the proposed area of disturbance or testing for presence/absence, the archaeologist determines that additional monitoring is unnecessary based on the absence of cultural resources, the requirement for further monitoring can be terminated with approval by P&D. Prior to occupancy clearance or Building & Safety sign-off, a cultural resources monitoring report must be submitted to P&D and the CCIC.

MONITORING: P&D shall confirm monitoring by archaeologist as required and spot check in the field. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

32. **CULT 1-2.** In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** These measures shall be noted on all grading and building plans and approved by the County Planning and Development department prior to land use clearances.

MONITORING: P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check in the field. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

33. **CULT 2-1.** The development envelope on Parcel 3 shall be reduced in size in order to avoid the high-density area of CA-SBA-80 that contributes to the site's significance, as recommended in the Phase 2 Archaeological Investigation of Parcel 3 conducted by Applied Earthworks in 2010. **Plan Requirements and Timing:** The development envelope shall be reconfigured prior to final map recordation. The applicant shall include a note on a separate informational sheet to be recorded with the final map designating the known significant portions of the archaeological site as an unbuildable area. The area shall not be identified as an archaeological site on the informational sheet.

MONITORING: P&D shall confirm reconfiguration of the development envelope and review the informational sheet prior to final map clearance. P&D shall site inspect during construction to confirm compliance. (*Pertains to 05TPM-00000-00002*)

34. **CULT 2-2** No ground disturbance of any kind, including landscaping and vegetation removal involving disturbance of root balls, shall be permitted outside of the reconfigured Parcel 3 development envelope. Utility infrastructure shall be sited so as to avoid the significant portions of CA-SBA-80, as recommended in the Phase 2 Archaeological Investigation of Parcel 3 conducted by Applied Earthworks in 2010. No additional orchard planting shall be permitted within the boundaries of CA-SBA-80. Grazing shall be exempt from this requirement. **Plan Requirements and Timing:** These requirements shall be shown on all approved grading and building plans. Plans shall be reviewed for conformance with this measure prior to approval of Coastal Development Permits or Land Use Permits for future development on Parcel 3.

MONITORING: P&D shall site inspect during construction to confirm compliance. (*Pertains to 05TPM-00000-00002 and 07CUP-00000-00057*)

35. **CULT 2-3.** The high-density area of CA-SBA-80 (as determined by a County-qualified archaeologist) shall be temporarily fenced with chain link flagged with color or other material authorized by P&D where ground disturbance is proposed within 100 feet. **Plan Requirements:** The fencing requirement shall be shown on approved grading and building plans. The fence shall be designated as “exclusionary fencing” and shall not mention an archaeological site. **Timing:** Plans to be approved and fencing to be in place prior to start of construction.

MONITORING: P&D shall verify installation of fencing by reviewing photo documentation or by site inspection prior to grading or construction, and ensure fencing is in place throughout grading and construction through site inspections. *(Pertains to 05TPM-00000-00002 and 07CUP-00000-00057)*

36. **CULT 2-4.** All earth disturbances within the development envelope for proposed Parcel 3 shall be monitored by a P&D-qualified archaeologist and a Native American Observer in accordance with the County Cultural Resource Guidelines. **Plan Requirements and Timing:** Prior to approval of land use clearances, a contract or Letter of Commitment between the applicant and the archaeologist, including identification of a Native American observer, consisting of a project description and scope of work, shall be prepared. The contract must be executed and submitted to P&D for review and approval. Prior to occupancy clearance or Building & Safety sign-off, a cultural resources monitoring report must be submitted to P&D and the CCIC.

MONITORING: P&D shall confirm monitoring by archaeologist and Native American observer and spot check in the field. *(Pertains to 05TPM-00000-00002 and 07CUP-00000-00057)*

37. **CULT 2-5.** In the event significant archaeological remains such as features or diagnostic artifacts are encountered during grading in the low-density portion of CA-SBA-80, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant. **Plan Requirements/Timing:** These measures shall be noted on all grading and building plans and approved by the County Planning and Development department prior to land use clearances.

MONITORING: P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check fieldwork. *(Pertains to 05TPM-00000-00002 and 07CUP-00000-00057)*

38. **CULT 3.** Archaeological site CA-SBA-2409 and a buffer area (to be determined by a County-qualified archaeologist) shall be temporarily fenced with chain link flagged with color or other material authorized by P&D where ground disturbance is proposed within 100 feet of the site. **Plan Requirements:** The fencing requirement shall be shown on approved grading and building plans. The fence shall be designated as “exclusionary fencing” and shall not mention an archaeological site. **Timing:** Plans to be approved and fencing to be in place prior to start of construction.

MONITORING: P&D shall verify installation of fencing by reviewing photo documentation or by site inspection prior to grading or construction, and ensure fencing is in place throughout grading and construction through site inspections. *(Pertains to 05LLA-00000-00006 and 07CUP-00000-00057)*

39. **CULT 5:** Proposed residential and accessory buildings in Envelope Nos. 1, 2, 3, 4 and 5 shall be compatible in size, bulk, scale, height and style with the Las Varas Ranch's existing historic buildings. Plans for proposed future residential development within these envelopes shall be reviewed by a County-qualified architectural historian contracted by the owner/applicant to ensure that future development does not compromise the integrity of the rural setting and adheres to the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. **Plan Requirements and Timing:** Final plans shall be reviewed and a report prepared for review and approval by Planning & Development and subject to third-party peer review prior to final approval of future residences by the Central Board of Architectural Review.

MONITORING: Permit compliance staff shall confirm buildings are constructed in conformance with final approved plans. (*Pertains to 05TPM-00000-00002 and 05LLA-0000-00005*)

40. **CULT 6-1.** The significant historic buildings in Area 1 and Area 2 shall be retained *in situ*. Any rehabilitation of these buildings shall be undertaken using the Secretary of the Interior's Standards for Rehabilitation. **Plan Requirements and Timing:** Any plans for rehabilitation or alteration of these buildings shall be prepared in conjunction with a County-approved architectural historian contracted by the owner/applicant to ensure adherence with the Secretary of the Interior's Standards. Final plans shall be reviewed and a report prepared for review and approval by Planning & Development prior to approval by the Central Board of Architectural Review.

MONITORING: Permit compliance staff shall confirm buildings are constructed in conformance with final approved plans. (*Pertains to 05TPM-0000-00002*)

41. **CULT 6-2:** Prior to the project's implementation the applicant shall provide for photographic documentation of the significant buildings in Areas 1 and 2 within their setting by a County-approved historian. Such photographic documentation includes large-format black and white archival photographs of the elevations of each building and their relationship to each other within their setting. A color Xerox copy of these photographs, with a copy of this report, shall be provided to Planning and Development in hard copy and digital format and the original photographs and negatives shall be compiled in a binder, with a site map with arrows indicating the direction of each photograph, and provided to the Goleta Valley Historical Society. **Plan Requirements and Timing:** A letter from the Goleta Valley Historical Society to Planning and Development accepting receipt of this documentation shall be provided prior to CDP issuance for infrastructure improvements or the first new residential construction south of U.S. Highway 101.

MONITORING: P&D shall confirm receipt of photographic documentation prior to CDP issuance. (*Pertains to 05TPM-0000-00002*)

42. **FIRE-1: Impact Fees.** All applicable Development Impact Mitigation Fees in effect at the time of permit issuance for future residential development of the site shall be paid.

Plan Requirements and Timing. Payment of Development Impact Mitigation Fees to the County shall be made in the time, manner, and amount as prescribed by applicable fee schedules in effect at the time of Coastal Development Permit or Land Use Permit issuance.

MONITORING: P&D shall ensure payment of applicable fees is made at the appropriate times prior to permit issuance. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006*)

43. **GEO 1: Bluff Retreat.** All structures and improvements adjacent to the coastal bluffs shall be setback from the bluff tops consistent with the approved development envelopes. All structures and improvements within Parcels 1 and 2 shall be designed such that surface and subsurface drainage from development is conducted away from coastal bluffs and does not contribute to bluff erosion. **Plan Requirements and Timing:** Final development and building plans shall incorporate drainage designs prepared by a licensed engineer. The drainage designs and any supporting documentation shall be submitted to Planning and Development for review and approval prior to approval of Coastal Development Permits for development on Parcels 1 and 2.

MONITORING: Planning and Development shall review and approve plans for Coastal Development Permits for Parcels 1 and 2. Permit Compliance shall site inspect to ensure that construction is in accordance with the approved plans. *(Pertains to 05LLA-0000-00005 and 07CUP-00000-00057)*

44. **GEO 2: Geologic Hazards.** Site-specific engineering geology/geotechnical report(s) and soils engineering studies addressing structure sites, shared water system, and access roads shall be performed. These reports shall provide recommendations for proper grading, foundation design, and other structural components of future development. **Plan Requirements and Timing:** These studies/reports shall be prepared by a licensed geologist and/or geotechnical engineer and shall be submitted to P&D for review and approval prior to approval of Coastal Development Permits or Land Use Permits for any site development. All recommendations shall be incorporated into grading and building designs and included on all grading and building plans.

MONITORING: Planning and Development shall review and approve applicable studies prior to approval of Coastal Development Permits or Land Use Permits. Permit Compliance shall site inspect to ensure that construction is in accordance with the approved plans. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

45. **GEO 3:** Prior to issuance of building permits, radon testing shall be conducted in all areas of proposed structural development. If radon gas is present, habitable structures shall be designed and constructed in accordance with Environmental Protection Agency (EPA) guidelines for minimizing impacts associated with radon gas exposure. **Plan Requirements and Timing:** A radon report, including recommendations, if applicable, shall be submitted to Building and Safety prior to issuance of building permits. As necessary, construction elements necessary to minimize radon gas exposure shall be incorporated in building design and depicted on building plans. P&D shall review and approve plans prior to Building Permit issuance.

MONITORING: Building and Safety shall site inspect to ensure construction is consistent with approved plans. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006 and 05LLA-00000-00005)*

46. **HAZ 1-1: Hazardous Materials Discovery – Field Observation.** A registered environmental assessor shall conduct a pre-grading/construction training with appropriate construction crews regarding the identification of contaminated soil and shall be on-site during grading and site excavation activities in areas that are within 500 feet of mapped abandoned oil wells. In the event that visual contamination or chemical odors are detected while implementing the approved work on the project site, all work shall cease immediately.

The property owner or appointed agent shall contact the County Fire Department's Hazardous Materials Unit (HMU); the resumption of work requires the approval of the HMU. **Plan Requirements/Timing:** This requirement shall be noted on all grading and building plans.

MONITORING: Permit Compliance staff shall site inspect to ensure compliance. (*Pertains to 05TPM-00000-00002 and 05LLA-00000-00006*)

47. **HAZ 1-2: Encountering Oil Production Infrastructure.** In the event that any unexpected wells or piping are encountered during normal grading operations, all grading operations shall cease until the Division of Oil and Gas has been notified and appropriate actions have been taken. Previously abandoned wells showing evidence of continued leaking shall require re-abandonment to current standards under the direction of DOGGR and the County Fire Department in compliance with California Code of Regulations Title 14, Chapter 4 and the Public Resources Code, Section 3106. **Plan Requirements and Timing:** This requirement shall be noted on all grading and building plans.

MONITORING: Permit Compliance staff shall site inspect to ensure compliance. The County Fire Department and DOGGR shall monitor abandonment activities and documentation, as necessary. (*Pertains to 05TPM-00000-00002 and 05LLA-00000-00006*)

48. **HAZ 2: Hazardous Materials Permits.** The landowner/applicant shall obtain all necessary permits and authorizations from the County Fire Department for the storage and handling of hazardous materials, including agricultural chemicals, fuels, and spent lubricants. The landowner/applicant shall prepare and submit to the County Fire Department a Spill Prevention Control and Countermeasure (SPCC) plan for their review and approval. **Plan Requirements and Timing:** The landowner/applicant shall submit all necessary material to the County Fire Department prior to the issuance of Coastal Development Permits for site infrastructure. The landowner/applicant shall obtain written confirmation from the County Fire Department that all applicable requirements have been met and shall submit this documentation to Planning and Development for review and approval prior to Coastal Development Permit issuance for site infrastructure.

MONITORING: P&D shall confirm compliance with this condition prior to Coastal Development Permit issuance. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

49. **REC 2:** The design for any future residences on proposed Parcels 1 and 2, including massing, building materials, colors, and landscaping, shall be compatible with the rural character of the area. Residences shall be set back far enough from the beach and sized appropriately so as to not intrude into the skyline or break the view plane of the Santa Ynez Mountains as viewed by the public. Excessive grading, interpreted for this project to mean a cut or fill slope of five feet or greater, shall not be permitted as a means to avoid skyline intrusion. The minimum distance for residential structures from the bluff top or beach edge shall be 200 feet. **Plan Requirements and Timing:** Final architectural plans shall be reviewed and approved by the Central Board of Architectural Review prior to issuance of Coastal Development Permits. Story poles shall be required as part of BAR approval. The story poles shall identify the peak height of each structure and include a line or tape in between poles identifying the peak roof pitch. Upon final design, visual simulations of each residence tied to proposed building pad elevation taken from two locations at Edwards Point (i.e. on either side of the point knoll) shall be prepared to demonstrate visibility of each residence from the beach.

MONITORING: P&D shall site inspect to ensure construction is in compliance with approved plans. *(Pertains to 05LLA-00000-00005)*

50. **TRANS 1:**To improve the corner and stopping sight distance, the small cut slope approximately 600 feet north of the Las Varas Ranch Road access on the beach side shall be modified to increase the sight distance. **Plan Requirements and Timing:** The applicant shall submit grading plans to P&D for review and approval prior to approval of the first Coastal Development Permit for future residential development south of the highway or the beach parking lot, whichever comes first. An encroachment permit shall be obtained from Caltrans prior to Grading Permit issuance.

MONITORING: Grading inspector shall site inspect to ensure compliance with approved plans prior to occupancy clearance. *(Pertains to 05TPM-00000-00002 and 05LLA-00000-00005)*

51. **TRANS 2:**The existing northbound left turn lane shall be extended approximately 240 feet within the center median to meet the minimum Caltrans distance of 530 feet. **Plan Requirements and Timing:** The applicant shall submit plans to P&D and Public Works for review and approval prior to approval of the first Coastal Development Permit for future residential development south of the highway or the beach parking lot, whichever comes first. An encroachment shall be obtained from Caltrans prior to construction.

MONITORING: P&D shall site inspect to ensure compliance with approved plans prior to occupancy clearance. *(Pertains to 05TPM-00000-00002 and 05LLA-00000-00005)*

52. **TRANS 3:**Full deceleration and acceleration lanes at Las Varas Ranch Road along the southbound shoulder of U.S. Highway 101 shall be constructed to meet minimum Caltrans requirements. **Plan Requirements and Timing:** The applicant shall submit plans to P&D and Public Works for review and approval prior to approval of the first Coastal Development Permit for future residential development south of the highway or the beach parking lot, whichever comes first. An encroachment permit shall be obtained from Caltrans prior to construction.

MONITORING: P&D shall site inspect to ensure compliance with approved plans prior to occupancy clearance. *(Pertains to 05TPM-00000-00002 and 05LLA-00000-00005)*

53. **WAT 2-1 SWPPP.** The Owner/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.

PLAN REQUIREMENTS AND TIMING: Prior to issuance of Coastal Development Permits or Land Use Permits for future development, including infrastructure improvements and future residential development, the Owner/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. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities.

MONITORING: P&D permit processing planner shall review the documentation prior to approval of Coastal Development Permits and/or Land Use Permits. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

54. **WAT 2-2 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

1. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
2. Apply concrete, asphalt, and seal coat only during dry weather.
3. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
4. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.
5. Re-vegetate graded areas upon within 30 days of completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading.

PLAN REQUIREMENTS: The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans. Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to approval of Coastal Development Permits or Land Use Permits for all future development.

TIMING: Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.

MONITORING: The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

55. **WAT 2-3 Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site as necessary to avoid spillage. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Land Use Permits, Coastal Development Permits, Grading Permits, and Building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

56. **WAT 2-4 Erosion and Sediment Control Plan.** Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until regraded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit an Erosion and Sediment Control Plan (ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The Erosion and Sediment control plan shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control

requirements can be found on the County web site re: Grading Ordinance Chapter 14 ([www.countysb.org/government/county_ordinance_code Chapter 14 14-9](http://www.countysb.org/government/county_ordinance_code_Chapter_14_14-9) and 14-29 – refer to Erosion and Sediment Control Plan Requirements.)

PLAN REQUIREMENTS: The grading and erosion and sediment control plan(s) shall be submitted for review and approved by P&D prior to issuance of Coastal Development Permits and Land Use Permits. The plan shall be designed to address erosion and sediment control during all phases of development of the site until all disturbed areas are permanently stabilized.

TIMING: The plan shall be implemented prior to the commencement of and throughout grading/construction.

MONITORING: P&D staff shall perform site inspections throughout the construction phase. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057*)

57. **WAT 2-5 Grading Limits.** All future plans for development within individual development envelopes shall designate a ~~“limit of disturbance”~~ grading limit lines within the envelope to apply during construction.

PLAN REQUIREMENTS AND TIMING: The ~~“limit of disturbance”~~ grading limit lines ~~area~~ shall be depicted on all applicable site, grading, and building plans submitted to P&D for Coastal Development Permit or Land Use Permit approval. The areas shall be reinforced with temporary construction fencing or an equivalent barrier during construction.

MONITORING: The plans shall be submitted to P&D for review prior to approval of applicable Coastal Development Permit or Land Use Permit approval and Permit Compliance staff shall confirm installation of the temporary construction fencing in the field prior to construction. (*Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006*)

58. **WAT 3-1 Storm Water Retention-Biofiltration Systems.** To reduce storm water runoff, allow for infiltration, reduce pollutants and minimize degradation of storm water quality from development, parking lots and other paved surfaces, the Owner/Applicant shall construct a permanent biofiltration system to treat storm water runoff from the site. Biofiltration includes vegetated swales, channels, buffer strips, retention, and rain gardens, and shall be designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. The biofiltration systems shall be designed by a registered civil engineer specializing in water quality or other qualified professional to ensure that the filtration properties and the plants selected are adequate to reduce concentrations of the target pollutants including nutrients, heavy metals, pathogens, and oil and grease. Where feasible, local plants sources (i.e., collected from the watershed or propagated from cuttings or seed collected from the watershed) shall be used in the biofiltration system. Invasive plants shall not be used. Biofilters shall not replace existing riparian vegetation or native vegetation unless otherwise approved by P&D. **Plan Requirements and Timing:** The Owner/Applicant shall include the biofilter/bioretenion design, including the plant palette and the source of plant material, on grading, drainage, and landscape plans for initial infrastructure improvements (i.e. access roads, water treatment facility, and public parking area), and depict it graphically. Applicants for future individual lot development within the project site shall include site-specific biofilter/bioretenion designs, including the plant palette and the source of plant material, on grading, drainage, and landscape plans for future residential development, and depict it graphically. Maintenance plans for the biofilter systems shall be submitted to P&D for review and approval. Performance securities will be required to ensure installation and long-term maintenance, including maintenance inspections at least once/year. Long-term maintenance and proof of inspections shall be the responsibility of the HOA for

common roadway areas and individual landowners for each future residence. Maintenance requirements shall be specified in the CC&Rs and recorded with the Clerk of the Board. The plans and copies of the applicable long-term maintenance programs shall be submitted to P&D, and Public Works, Project Clean Water staff, for review prior to issuance of Land Use Permits or Coastal Development Permits for all future development. Performance securities shall be submitted to P&D prior to Coastal Development Permit or Land Use Permit issuance for applicable development. In the event that the CC&R's are terminated, this condition shall remain in full force and effect.

MONITORING: P&D compliance monitoring staff shall site inspect for installation and periodically inspect for maintenance throughout a five-year performance period. Performance security release requires P&D compliance monitoring staff approval. The HOA or landowner, as applicable, is responsible for annual maintenance inspections of the biofiltration system. The HOA or landowner, as applicable, shall keep records of such inspections and provide them as requested to the County. The HOA or landowner shall make the site available to P&D for periodic inspections for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year, retain proof of inspections, submit proof to the County upon request and allow the County access to the property to inspect to ensure compliance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

59. **WAT 3-2** To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design where feasible, including parking areas, courtyards, etc. **Plan Requirements and Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans for future infrastructure and residential development. The applicable plans shall be submitted to P&D for review prior to approval of Coastal Development Permits or Land Use Permits for individual residences and prior to issuance of the Coastal Development Permit for infrastructure improvements.

MONITORING: P&D shall site inspect for installation. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

60. **WAT 3-3** All outdoor trash container areas must meet the following requirements:
- Trash container areas must divert drainage from adjoining paved areas.
 - Trash container areas must be protected and regularly maintained to prevent off-site transport of trash.

MONITORING: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07CUP-00000-00057)*

61. **WAT 4-1** Outdoor water use shall be limited through the measures listed below.
- Landscaping shall be primarily with native and/or drought tolerant species.
 - Drip irrigation or other water-conserving irrigation shall be installed.
 - Plant material shall be grouped by water needs.
 - Turf shall constitute less than 20% of the total landscaped area.
 - No turf shall be allowed on slopes of over 4%.

- f. Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
- g. If a successor ordinance is adopted regulating outdoor water use, it shall be complied with and shall supersede the above requirements.

Plan Requirements: Prior to Coastal Development Permit or Land Use Permit approval for future residential development, a landscape and irrigation plan shall be submitted to P&D for review and approval. The applicant/owner shall enter into an agreement with the County to install required landscaping/irrigation and maintain required landscaping for the life of the project. **Timing:** The applicant shall implement all aspects of the landscape and irrigation plan prior to occupancy clearance.

MONITORING: Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

62. **WAT 4-2** Indoor water use shall be limited through the following measures:
- a. All hot water lines shall be insulated.
 - b. Recirculating, point-of-use, or on-demand water heaters shall be installed.
 - c. Self regenerating water softening shall be prohibited in all structures.
 - d. Pool(s) shall have pool cover(s).

Plan Requirements: Prior to approval of Coastal Development Permits or Land Use Permits for future residential development, indoor water-conserving measures shall be graphically depicted on building plans, subject to P&D review and approval. **Timing:** Indoor water-conserving measures shall be implemented prior to occupancy clearance.

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance. *(Pertains to 05TPM-00000-00002, 05LLA-00000-00005 and 05LLA-00000-00006)*

TENTATIVE PARCEL MAP CONDITIONS

63. **Map-01 Maps-Info.** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
64. **Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
65. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Parcel Map, the Owner/Applicant shall submit a Parcel Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.

66. **Map-10 Public Utility Easements.** Prior to recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the Parcel Map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
67. **Rules-19 Maps/LLA Revisions.** If the unrecorded Tentative Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Map.

LOT LINE ADJUSTMENT CONDITIONS

68. **Map-01 Maps-Info.** Prior to recordation of the deed for the Lot Line Adjustment and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the deed. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
69. **Map-15 LLA-Deed Recordation.** The following language shall be included on the deeds used to finalize the lot line adjustment: “This deed arises from the lot line adjustment [Case Nos. 05LLA-00000-00005 or 05LLA-00000-00006] and defines a single parcel within the meaning of California Civil Code Section 1093 among two legal parcels created by 05LLA-00000-00005 [or 05LLA-00000-00006].” The County Surveyor shall determine the appropriate documents necessary to record with the deeds.
70. **Rules-19 Maps/LLA Revisions.** If the unrecorded Lot Line Adjustment is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Lot Line Adjustment.
71. **Rules-36 Map/LLA Expiration.** This Lot Line Adjustment shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.

CONDITIONAL USE PERMIT CONDITIONS

72. **Rules-02 Effective Date-Appealable to CCC.** The Conditional Use Permit for the private shared water system shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission.
73. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by the Conditional Use Permit shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

74. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Land Use Permit (coastal)/Zoning Clearance (inland) within five years following the effective date of this Conditional Use Permit. If the required permits are not issued within five years following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-172.9 of Article II (coastal) and Section 35.82.060.G.2 of the County LUDC (inland), and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
75. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-172.9 of Article II (coastal) and Section 35.82.060 of the County LUDC (inland). Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any CDP/LUP/ZCI approved or 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.
76. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
77. **Rules-06 Recorded Map Required.** The Tentative Map (05TPM-00000-00002) and Lot Line Adjustments (05LLA-00000-00005 and 05LLA-00000-00006) shall be recorded prior to issuance of any permits for development, including grading.

PROJECT SPECIFIC CONDITIONS

78. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
1. Air Pollution Control District dated December 12, 2011;
 2. County Surveyor dated March 18, 2005;
 3. Environmental Health Services Division dated February 16, 2011;
 4. Fire Department dated March 17, 2005;
 5. Flood Control Water Agency dated October 4, 2007;
 6. Parks Department dated December 21, 2011;
 7. Transportation Division dated December 21, 2011.
79. **Rules-31 Mitigation Monitoring Required.** The Owner/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 Owner/Applicant shall:
1. 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;
 2. Pay fees prior to approval of Land Use Permit or Coastal Development Permit as authorized by 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 Owner/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;

3. Note the following on each page of grading and building plans “This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from 10EIR-00000-00005;
4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

80. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 this project. In the event that the County fails promptly to notify the Owner / 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.

81. Rules-34 Legal Challenge. In the event that any condition imposing a fee, exaction, dedication or other 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 in 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.