

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: September 14, 2006
Department Name: Planning & Development
Department No.: 053
Agenda Date: September 26, 2006
Placement: Standard
Estimate Time: 1.5 hours on September 26, 2006
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: John Baker, Director
Planning & Development

STAFF CONTACT: Zoraida Abresch, Deputy Director 934-6585
North County Development Review Division

SUBJECT: Appeal of Rancho San Marcos Golf Course Expansion,
06APL-00000-00028 (appeal of PC approval of 03RVP-00000-00002)

Recommendation(s):

That the Board of Supervisors:

1. Adopt the required findings for the project specified in the Planning Commission's action letter dated July 6, 2006, including CEQA findings.
2. Certify the Supplemental Environmental Impact Report, 05EIR-00000-00006 and adopt the mitigation monitoring program contained in the conditions of approval of the action letter,
3. Deny the appeal and uphold the Planning Commission's June 28, 2006 approval of 03RVP-00000-00002, and
4. Grant *de novo* approval of Case No. 03RVP-00000-00002 subject to the conditions included in the Planning Commission's action letter dated July 6, 2006.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

At the June 28, 2006 hearing, the Planning Commission voted 5-0 on a motion to approve the project as revised at the hearing. The major issue areas included traffic and parking, the request to allow service of beer and wine, expansion of the existing food service into a full-service restaurant, the potential fire hazards, and water resources. Conditions were added and revised in response to some of these issues and are included in the Conditions of Approval.

Facilitation Meeting: A facilitation meeting between the applicant and the appellant was held on September 7, 2006. The issues discussed were those included in the appeal letter. County Counsel has provided a memo that summarizes the issues discussed. Ultimately, the issues remained unresolved for the appellant and the appeal has not been withdrawn.

Staff Response to Appeal Letter

The appellant has provided a detailed letter (attached) outlining their issues with the findings made by the Planning Commission to approve the project. They are numbered 2.1.1 through 2.1.6. Staff's responses are likewise numbered correspondingly:

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

Traffic: The proposed project would result in a minor increase in traffic associated with the expansion of the food service into a restaurant and the inclusion of a golf school. The project would generate nine AM Peak Hour Trips (PHT) and eight PM PHT and 90 Average Daily Trips (ADT) at full buildout over what is currently allowed by the CUP. The number of allowed rounds of golf per year (70,000) would not increase as part of the project. Adequate site distance in both directions exists at the ingress/egress point. When the golf course was approved in the 1990's, a condition was placed on the project (Condition No. 57) which limited the number of rounds of golf per hour until improvements were made to Hwy 154. Those improvements, including a left turn lane and passing lanes in the southbound direction, have been completed. This incremental increase in traffic would not result in a significant traffic safety impact.

PRO-AM event traffic: The golf course is currently allowed to have two annual professional-amateur golf tournaments. Condition No. 25 has been updated and revised to require the golf course to coordinate with Caltrans and the California Highway Patrol for a Traffic Control Plan. This is similar to how events (such as the Renaissance Faire

and the Chumash Pow Wow) are handled at the Live Oak Camp which uses the same ingress/egress point.

Hours of Operation: The issue of appropriate hours of operation of the restaurant was raised at the Planning Commission hearing. After discussion, the applicant agreed to include the following in the project description:

The restaurant would be open daily at sunrise and close one-hour after dusk. The gates to the course will be closed at sunset, regardless of the season, and last call for alcohol will be one and one-half hour after dusk.

Maximum Number of People: The maximum number of people allowed at the site is not expressly indicated but rather limited by several limiting factors. These include the maximum number of rounds of golf per year (70,000 per the project description), the maximum number of golfers per day (225 per the project description), the maximum capacity of the restaurant as set by the Fire Code (50 patrons interior and 70 patrons exterior by design per the project description), and the amount of parking available onsite (150 paved spaces per Condition No. 70 plus a one-acre overflow). The project does not include non-golf related events (i.e. weddings, etc.) but does allow for two professional-amateur events per year of up to 500 attendees, 100 players, and 50 staff. Additionally, the following condition was added as a monitoring mechanism:

85. Annual Report: *The applicant shall submit an annual report by January 15th of each year which includes the following: 1) Total rounds of golf played by month, 2) Tournament counts (attendees, players, staff), and 3) reports of any fire events or compliance issues on the property. Plan Requirements / Timing:* The report shall be reviewed by P&D for compliance with conditions and reported each year to the Planning Commission by February 28. **MONITORING:** *The Planning Commission may elect to discontinue the reports at the Commission hearing if it is determined to no longer be necessary.*

Water Supply: The current CUP allows for the extraction of 395.9 AFY of groundwater for both irrigation and domestic use. The revised CUP does not include an increase in the amount of allowed water usage; however, it does include a request to use a well (on their property) across the river, on a temporary basis, in the event that the existing wells on site are not producing adequately. Condition No. 32 below has been added to restrict the use of the temporary well:

32. Conditions for the Temporary Installation of Water Pipelines to Supplement Water Supply. *If installation is deemed necessary to supplement irrigation water for the golf course during the dry season with the wells on APN 145-170-034, the following conditions shall apply to the temporary water pipeline:*

- *The water pipelines across the Santa Ynez River shall be no larger than 4 inches in diameter;*

- *The pipelines shall be installed to ensure that low-water flows from summer releases of the Lake Cachuma Dam pass under the pipeline without being impeded;*
- *No heavy equipment shall be used while installing or removing the pipe.*
- *No footings, fill, or stabilizing materials shall be used for the installation of the pipeline;*
- *Only materials found in the channel shall be used to adjust the pipeline profile;*
- *No vegetation shall be removed;*
- *The pipeline shall be dismantled by hand between the existing wellhead to the opposite bank after the first rains.*

Plan Requirements and Timing: *This requirement shall be included in the project and conditions of approval and recorded with the County Records Office with the required Agreement to Comply with Conditions of Approval signed by the applicant prior to approval of Land Use Permits. MONITORING: Permit Compliance shall spot check in the field.*

The amount of water required for domestic use (2 AFY) is a very small fraction of the water used at the course. In the past, when the wells have not produced to capacity (due mainly to fluctuations in groundwater levels and failing wells), the golf course operators have simply restricted the amount of irrigation in some areas of the course. The revised CUP includes the installation of a more advanced irrigation system in some areas of the course to allow control of the flow of individual spray heads to irrigate only where it is needed.

Condition No. 30, which builds on original Condition No. 20, requires recordation of an agreement to collect well production data and water level records for each well which are provided to P&D on an annual basis and are maintained onsite for public inspection.

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

Fire Protection: An extensive discussion about fire protection took place at the Planning Commission hearing. The neighbor to the south whose property was burned during a fire originating from the golf course property in August 2005 was heavily involved in the environmental review and Planning Commission hearing process. He voiced his concerns to the Commission and worked directly with staff and the applicant to craft language in the required Fire Prevention and Management Plan that goes beyond what is required of the applicant by the Fire Code and County Fire Department. The requirement for the Fire Management Plan was codified at the hearing in the following condition:

84. Fire Management Plan: *Prior to approval of the Land Use Permit, the applicant shall submit to the County Fire Department, the Fire Prevention and Management Manual dated May 28, 2006. **Plan Requirements / Timing:** The Plan shall be approved*

by County Fire prior to Land Use Permit issuance. Applicant shall comply with the requirements of the plan. **MONITORING:** A report of any fire events shall be included in the annual monitoring report (see Condition #85).

Also, the following condition was added to the project at the Planning Commission hearing concerning smoking and Red Flag Fire Alert Days as determined by the County Fire Department and US Forest Service:

44. Fire Hazard / Smoking: During Red Flag Fire Alert Days, smoking shall be prohibited on the golf course except in designated areas around the clubhouse/restaurant, pro shop, oak pavilion and golf school. Red Flag Fire Alert Days shall be those designated by the Fire Department and/or Forest Service. **Plan Requirements and Timing:** Signs stating this requirement shall be posted throughout the golf course and maintained year-round. Additional temporary warning signs indicating "Warning: Red Flag Fire Alert Day. Smoking Allowed in Clubhouse Area Only. No Smoking on Golf Course" shall be posted during Red Flag Fire Alert Days and removed on non-alert days. **MONITORING:** Permit Compliance shall ensure that permanent signs are in place prior to occupancy clearance of the first structure. Permit Compliance shall periodically monitor the site to ensure the temporary signs are available and used during Red Flag Fire Alert Days.

These fire conditions are in addition to other fire conditions already placed on the project such as Condition No.14 *Building Requirements Within High Fire Hazard Areas*, Condition No.15 *Use of Fire Resistant Vegetation*, and Condition No.16 *Fire Management and Emergency Response Plan*. Original CUP conditions No.113 *Fire prevention message signage*, Condition No.114 *Prescribed burning permit*, Condition No.115 *Pile burning permit*, and Condition No.116 *MOU with County Fire and US Forest Service*, are all still applicable to the project as Condition Nos.57 through 60. Finally, the applicant is required to comply with all required conditions of the Fire Department letter dated March 26, 2003 (Condition No.65a).

Scenic Highway: The project is adjacent to Hwy 154, a designated scenic corridor. The public view of the course from Hwy 154 was very important to the Central Board of Architectural Review (CBAR) when they reviewed the project on May 19, 2006 (a summary of the minutes can be found in Section 6.5 of the PC staff report). The CBAR was concerned with protection of the historic structures onsite, compatibility of the proposed structures with these existing structures, lighting, and landscaping. The minutes reflect that the CBAR felt the "Architecture is fantastic." and that the "Design is environmentally sensitive." The CBAR has started a library of projects that they feel exemplify the rustic and rural architecture that their board wishes to encourage. The Rancho San Marcos Golf Course Expansion project was the first project included in their library as an example. The project must receive final CBAR approval prior to issuance of Land Use Permits.

Condition No.98 from the existing CUP (Condition No. 55 of the revised CUP) states: *All proposed new structures shall be shielded behind existing mature trees and vegetation to the extent feasible.* The project is consistent with this condition as the majority of the

proposed development would occur within the central golf area which is surrounded by very large oak trees. The project involves the demolition of two structures in this area and a clustering of proposed development in the same area. Also, Condition No.21 requires that all building plans be reviewed and approved for compatibility of the new structures with the existing buildings by a County-approved architectural historian.

Additionally, the project includes contour modifications to improve play along the fairway and green at Hole No.15. This is the link on the top of the rise at the western end of the golf course. Modifications requested are those typically performed by golf courses periodically to change or improve the play of the link. The grading would occur in areas previously disturbed for course construction and would not be visible from Hwy 154.

The one-acre overflow parking area is unimproved ground partially visible from Hwy 154. The overflow parking would only be needed on a very infrequent basis, possibly only during the two annual PRO-AM events. Existing Condition No.99 (revised CUP Condition No.56) states: *All parking lots shall be screened fully from State Highway 154.* Staff has interpreted this condition to apply to the permanently paved and designated parking lots onsite and has not required landscape screening of the open field to be used for overflow parking due to its infrequent use and natural setting.

Water Quality: An extensive water quality mitigation and monitoring program was required as part of the original approval of the golf course. The two main potential impacts could result from 1) pesticides, herbicides, fertilizers, and other chemicals used on a routine basis and 2) stormwater runoff during construction. It should be noted that the golf course is not designed to drain directly to the Santa Ynez River.

With respect to the routine use of chemicals on the course, Condition No.31 requires an ongoing water quality monitoring program and water quality sampling. Specifically, Condition No.31 builds on original CUP Condition No.22 which required recordation of an agreement for an Integrated Golf Course Management Plan (IGCMP). This IGCMP dictates the method of fertilizer, herbicide, pesticide, and fungicide application on the course and requires a water quality sampling and monitoring program. Condition No.31 requires that this existing monitoring program be extended to any future water wells. The condition requires that the water *“be analyzed for chemicals used throughout the golf course, nitrates, and general mineral constituents. Records shall be maintained and submitted to Permit Compliance in June and December of each calendar year.”* Permit Compliance then reviews the reports and contacts the Regional Water Quality Control Board as appropriate.

Condition No.39 requires the water quality of the onsite ponds to be monitored for pesticides, herbicides, nutrients, and total dissolved solids at least once annually within two weeks of chemical application. The samples must be analyzed by a certified laboratory and the results submitted to P&D. If measurable quantities of pesticides or herbicides are detected, use of the specific chemicals found shall be discontinued within areas draining

into the ponds until concentrations decline. Use of these chemicals shall then be allowed again but in such a manner so as to avoid any further contamination of the ponds. To date, no further restrictions on chemical applications per this condition have been warranted.

Condition No.42 requires that the water quality in catch basins adjacent to the Santa Ynez River shall be monitored for pesticides, herbicides, and nutrients at least once annually during the first storm that results in runoff to the basins. The samples must be analyzed by a certified laboratory and the results submitted to P&D and EHS. If measurable quantities of pesticides or herbicides are found, use of the specific chemical(s) detected must be discontinued until a revised Integrated Golf Course Management Plan has been reviewed and approved by EHS, P&D and the Agricultural Commissioner. To date, sample testing findings have not required the County to take action and cause the applicant to discontinue use of any particular chemical.

With respect to stormwater runoff, several conditions are required to avoid potential impacts. The applicants are required to implement an Erosion and Sediment Control Plan per Condition No.26 which includes the use of Best Management Practices (BMP) with respect to stormwater runoff. This condition requires the following monitoring timeframes:

- a. *Initially (prior to the start of grading)*
- b. *Drainage device inspection (after forms and pipes are in place)*
- c. *During the rainy season (November 1 to April 15), minimum of 2 County inspections per month on active projects with open grading with one acre or more of land disturbance.*

Condition No.27 requires construction equipment and vehicle washing be conducted in such a manner that the waste water generated will be contained and properly disposed of.

Condition No.28 requires the applicant to obtain a General Construction Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control and development of a Stormwater Pollution Prevention Plan or SWPPP.

Condition No.29 requires proper handling of construction materials and waste to avoid impacts to stormwater runoff.

Finally, Condition No.43 requires that drainage pathways from fairways are not be directed to the onsite pond(s). Underdrains are required to discharge away from the Santa Ynez River.

Water Supply: The total increase in water demand associated with the project is 1.2 AFY as indicated in the Supplemental Environmental Impact Report (SEIR). The applicant proposes installation of a new irrigation system with flow restrictor heads to

conserve water and provide more directed spray to fairways, tees and greens. Installation of this system will reduce water consumption significantly, well beyond the project increase in domestic water use of 1.2 AFY. Additionally, the golf course does not propose to increase groundwater extractions beyond the allowed 395.9 AFY.

The temporary installation of a 4-inch water line across the Santa Ynez River will not require a permit from either the US Army Corp of Engineers nor the Dept. of Fish and Game. Condition No.32 provides requirements for the installation and removal of the temporary water line.

Traffic: Caltrans has not required the applicant to fund any improvements to Hwy 154 as part of this project. The VPAC's comments concerning the project were summarized in Section 6.6 of the Planning Commission staff report and a memorandum from the VPAC dated June 28, 2006 was included in the staff report as Attachment D. Additionally, the chair of the VPAC, Bob Field, attended the hearing and addressed the Commission.

2.1.3 That streets and highways are adequate and properly designed.

Traffic: The project-specific letter from Caltrans dated May 17, 2006 was included in Appendix G of the Final SEIR with staff's responses as required by CEQA. The letter does not indicate that the Level of Service (LOS) is "E" nor does it indicate that the LOS is projected to go to "F".

Caltrans does indicate that they reserve the right to require significant mitigation measures as possible conditions of an encroachment permit for this project. The staff response to this comment is that no physical construction is proposed or required within the Caltrans right of way of Hwy 154, therefore, no encroachment permit is required.

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

Water Supply: Please see the Water Supply portions of Sections 2.1.1 & 2.1.2 above for responses to the comments in this section. Additionally, the project is within a high fire hazard area. As such, the Fire Department requires additional High-Fire Hazard Area structural development standards. The golf course currently maintains a fire suppression system consisting of a 30,000 gallon cistern, a diesel engine-driven fire pump, and 5.4 million gallons of back-up water storage in the onsite pond. The project is required to comply with the Fire Department letter dated March 26, 2003.

Fire & Police Protection: Impacts FP-1 and FP-2 in Section 4.6 of the SEIR identify the potential impacts on fire and police protection as a result of the project. They are both identified as Class II Significant and Mitigable impacts. Feasible mitigation measures have been identified and applied to the project as Condition Nos.14-18.

Maximum Number of People: Please see the Maximum Number of People portion of Section 2.1.1 above for a response to this comment.

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

Alcohol Use: The project includes a request to remove the restriction on the sale of beer and wine at the golf course. The SEIR concluded that this action may result in an incremental increase in the likelihood of intoxicated drivers, however, historical data does not show evidence to suggest post project increases in accident rates. The SEIR analyzed traffic accident data obtained from Caltrans for Hwy 154 and State Route 246 to compare accident rates on Hwy 154 to other similarly configured roadways in the state. The SEIR found that all segments on Hwy 154 had accident rates lower than the statewide average. The SEIR also noted that the accident rate of Hwy 154 when the original EIR was being developed was likewise below the statewide average. In between the years of study from the original EIR and the current SEIR, the County has permitted several wineries and wine-tasting rooms in Los Olivos and the Santa Ynez Valley in general. A breakdown of the accident data shows that the major cause of accidents were other driver-related factors such as speeding, failure to yield, and improper turns. On segments of Hwy 154 north of the golf course, the percentage of accidents attributed to alcohol ranged from four to seven, while south of the golf course, the percentage ranged from five to 13. Ultimately, the SEIR concludes that the historical data does not indicate a conclusive trend between alcohol-serving facilities and higher accident rates. Instead, the data suggests roadway improvements may be more influential in reducing accidents and the SEIR notes that Caltrans has implemented several improvements on Hwy 154 such as resurfacing and additional passing lanes. The SEIR concludes that the potential impact resulting from the change in the CUP to allow for alcohol sale/use would be insignificant.

The SEIR admits that the potential accident rate change that may occur following the permitting of alcohol at the golf course cannot be definitively quantified. Reviewing historic accident data can potentially identify trends, however, in this instance, there does not appear to be a clear trend between alcohol-serving facilities and higher accident rates. Lacking scientific data, we cannot assume that the legal sale of alcohol (if the golf course is allowed to revise their CUP), would directly lead to its illegal use and increase in intoxicated patrons on area roadways.

A summary of the alcohol issue during the previous review of the original project can be found in the Issue Summary Section 4.0 of the Planning Commission Staff Report, attached.

Fire Protection: Please see the Fire Protection portion of Section 2.1.2 above for a response to this comment.

2.1.6 That the project is in conformance with the applicable provisions and policies of Article III and the Comprehensive Plan.

Rural Compatibility: The golf course has been in operation since the late 1990's pursuant to the existing CUP. As part of the approval of the existing CUP, the Board of Supervisors found that the golf course use was compatible with and subordinate to the scenic and rural character of the area. The sale of alcohol has been allowed in the rural area, most notably associated with wineries and restaurants.

Mandates and Service Levels:

Section 35-327.3.1 of Article III (the Inland Zoning Ordinance) of Chapter 35 of the County Code provides that the decisions of the Planning Commission may be appealed to the Board of Supervisors.

Pursuant to Government Code Sections 65355 and 65090, a notice shall be published in at least one newspaper of general circulation.

Pursuant to Government Code Section 65091, mailed notice required to property owners within 300 feet of the project, including the real property owners, project applicant and local agencies expected to provide essential services, shall be done at least 10 days prior to the hearing.

Fiscal and Facilities Impacts:

The costs for processing appeals are typically provided through a fixed appeal fee and funds in P&D's adopted budget. In regards to this appeal, the appellant paid an appeal fee of \$435. P&D will absorb the costs beyond that fee. These funds are budgeted in the Permitting and Compliance Program of the Development Review North Division, as shown on page D-294 of the adopted 2006/2007 fiscal year budget. There are no facilities impacts.

Special Instructions:

The Clerk of the Board shall complete noticing for the project in a newspaper of general circulation in the County of Santa Barbara ten (10) days prior to the hearing (mailing labels are attached).

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

Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors final action.

Appeal of Rancho San Marcos Golf Course Expansion

Agenda Date: September 26, 2006

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Concurrence:

N/A

Attachments:

County Counsel memo re: Facilitation Meeting (to be provided separately)

Prepared by: Adam Baughman, Planner III, 934-6263

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