



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Alice McCurdy
Development Review Division

DATE: April 9, 2015

RE: Las Varas Ranch Project

At the hearing on September 23, 2014 of the Las Varas Ranch project, your Commission voted to recommend that the Board of Supervisors not certify the Environmental Impact Report and instead require additional environmental review in the areas of Aesthetics/Visual Resources, Agricultural Resources, Biological Resources, Cultural Resources, Land Use, Recreation, and Growth Inducement.

On February 17, 2015, the Board of Supervisors considered your recommendation and concluded that aside from the addition of minor clarifications recommended by staff, no additional environmental review is required. The Board directed that staff return to the Planning Commission for a recommendation on the project itself pursuant to Government Code section 65855.

Pursuant to the Board's direction, the Las Varas Ranch project is now before your Commission for a recommendation on the project, including the mix of project elements and recommended conditions of approval. At the Board of Supervisors hearing, in order to simplify the review of the project and adequacy of the environmental analysis, the applicant withdrew the request for the beach cabana on proposed Parcel 2.

Conditions of Approval – Applicant Requested Changes

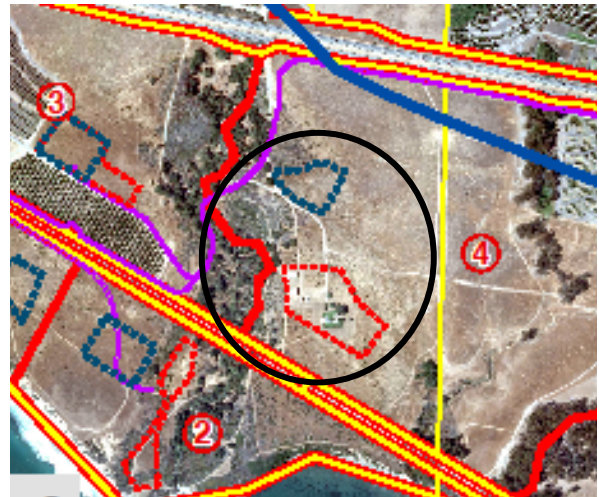
At your last hearing, staff presented modified condition language to clarify the intent of certain conditions based on comments by the applicant and feedback by your Commission. Using those modified conditions as a reference, at the Board of Supervisors, the applicant identified the project description elements and conditions of approval to which they continue to take exception and for which they are requesting changes.

In terms of the project description as outlined in the recommended hybrid alternative presented to your Commission at the last hearing in September, the applicant is requesting that the

development envelope on proposed Parcel 4 be consistent with that which is described in Alternative 3C of the EIR instead of what is included in the recommended hybrid alternative. Both envelopes are two acres in size. The two images below depict the two envelope locations (shown in blue relative to the original proposal shown in red), which differ in their location relative to the existing cluster of historic buildings.



**Recommended Hybrid Alternative –
Parcel 4 envelope location**



**Alternative 3C – Parcel 4 envelope
location**

Incorporating the recommended development envelope size and configuration on proposed Parcel 4 as depicted in the recommended hybrid alternative (2-acre envelope tucked immediately adjacent to and south of the cluster of historic structures) into the project would improve the project's consistency with Coastal Land Use Policy 4-9, which states that "structures shall be sited and designed to preserve unobstructed broad views of the ocean from Highway 101, and shall be clustered to the maximum extent feasible." This envelope location would also have fewer impacts on biological resources as compared to the Alternative 3C development envelope, though in either case impacts would be less than significant with appropriate mitigation. The impacts of this relocated/reduced residential development envelope are analyzed in Alternatives 2A and 2B of the EIR. The envelope's location immediately adjacent to the cluster of historic buildings would further and more concretely demand that any future residential development be designed to be compatible with the scale and character of the historic ranch buildings, as compared to if the development envelope were more isolated from the historic structures. However, this location would be more visible to passing rail passengers as compared to the Alternative 3C location, and future development in this location would partially obstruct scenic views of the existing historic structures from the railroad as compared to the Alternative 3C envelope location. Impacts to historic resources would be potentially greater in this location as compared to Alternative 3C due to its proximity to the historic structures.

The Alternative 3C location would be tucked behind a small knoll, which would limit the visibility of any future development in this envelope from Highway 101, and its distance from

the railroad would ensure that any visual impacts to passing rail passengers is minimal, especially given the intervening cluster of historic structures. Further, as discussed above, its separation from the cluster of historic structures would help to ensure that any future development would not alter the integrity of the historic structures or their setting.

While both locations have their benefits and drawbacks, staff continues to recommend the envelope location as included in the recommended hybrid alternative for the reasons discussed above.

Condition No. 6 – Trail Fencing

Condition No. 6 regarding trail fencing states:

“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, hog wire, 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 review and approval by P&D and Community Services Department, Parks Division.”

The applicant suggests the following changes:

“To minimize the impacts of the trail fencing to the visual character of the site, while preventing trespassing, cattle and worker harassment, vandalism and theft within the adjacent agricultural areas, the fencing between any public trail and any orchard shall be chain link approximately six feet high plus three (3) strands of barbed wire on top, and the fencing between any public trail and the grazing land shall be hog wire with two (2) strands of barbed wire above for a total height of 48 inches or more, with the height and construction of fencing being subject to further fortification if trespassers, poachers, thieves, vandals or others gain entry through the fencing. Wildlife accessible passageways or culverts will be incorporated into the fence design to avoid impeding wildlife corridors. The trails through the property, and the parking lot at the trailhead, shall be closed from dusk to dawn to protect the existing agricultural operation and the security and privacy of existing and future residents.~~a more subtle design than standard chain link shall be incorporated that is more visually permeable (e.g. thinner gauge wire, larger openings, hog wire, etc.), while still providing the necessary security for the adjacent agricultural operation consistent with other agricultural fencing within the ranch.~~

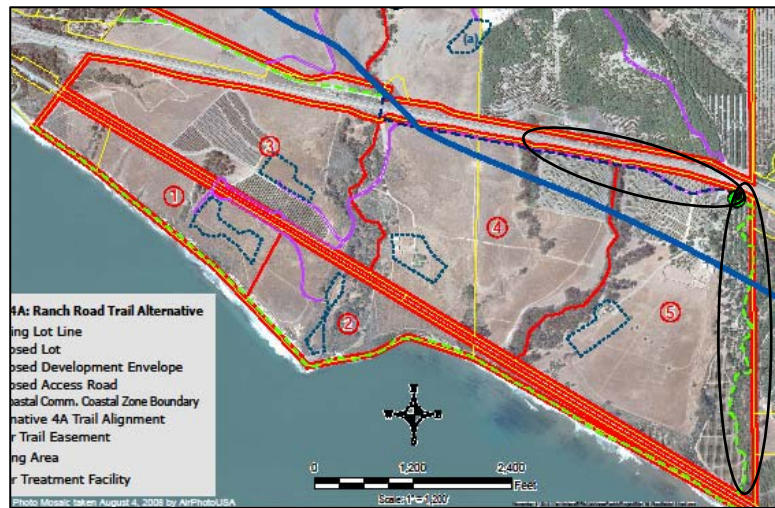
The applicant has requested modification to the condition in order to ensure security of the agricultural operations from the outset. The original condition language provides for the type of fencing requested by the applicant, but only if the less visually intrusive fencing proves ineffective (such as that being proposed along the pastures). Staff consulted with Claude

Garciaclay from County Parks regarding his experience with fencing at Baron Ranch, where a public trail on Baron Ranch passes through an active orchard operation with only minimal fencing. He indicated that there have been only a few instances of people wandering off the trail with negligible impacts to the agricultural operation. Once open, the trails through Las Varas Ranch could experience greater levels of use than currently exists at Baron Ranch given the provision of beach access and the establishment of a segment of the California Coastal Trail. Nonetheless, with this nearby example of negligible impacts to the agricultural operation from trail users in the face of minimal fencing, staff recommends no change to the language of the condition in this regard, especially since there is already a built in mechanism for increased security should the initial fencing prove ineffective. In regards to the applicant's suggested language restricting use of the trail from dawn to dusk, that is already included in the project description and does not need to be re-stated in this condition. In regards to wildlife openings, the more visually permeable fence style would not necessitate wildlife passageways, as most wildlife would be able to jump or scale over or pass through such fencing (as they do currently with the fencing that exists throughout the ranch).

Examples of the type of fencing proposed by the applicant are depicted below:



Under the applicant's proposal, the chain link fencing would be installed where the trails would pass along the orchards, including the vertical trail adjacent to Las Varas Creek and a short section of the lateral trail following the existing ranch road on the south side of the highway (see exhibit below). The hog-wire style of fencing (shown in the photo on the right above) would be placed along the pastures and is consistent with the type of fencing envisioned under Condition No. 6 as recommended by staff.



The EIR identifies the proposed chain link fencing along the trail as resulting in a less than significant impact on visual resources, as chain link fences and other wire fences are not unusual in an agricultural setting. Further, fences are commonplace along trails when such trails abut private property in order to delineate the trail corridor and protect the adjacent property from trespass and vandalism. Nevertheless, the EIR does include a *recommended* mitigation measure, which has been included as Condition No. 6 to the project, to make the chain link fencing even more visually permeable and consistent with other fencing on the ranch, thereby minimizing any adverse impacts to the visual setting of the ranch. Incorporating the hog-wire style of fence along the pastures would go part way towards this objective.

Condition No. 25 – BIO 12-1

Condition No. 25 prohibits the conversion of native vegetation to agriculture outside of the residential development envelopes on Parcels 1 and 2. The specific provision states:

25. 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.

Even under this condition, the 2-acre development envelope on Parcel 2 would remain developable, contrary to the applicant's assertion in their comments to the Board of Supervisors. The EIR identified this mitigation measure as a *recommended* mitigation measure to avoid further habitat fragmentation and to minimize conflicts from future agricultural expansion on native grassland habitat and wildlife on the coastal bluff given the presence of the residential development envelopes. Staff recommends that this condition remain as is. However, since the

EIR identified it as a recommended mitigation measure instead of a required mitigation measure, modifications to the measure could be made without changing the conclusion of the EIR.

Condition No. 54 – Interchange Improvements

The applicant is requesting that Condition No. 54 be modified to identify the County instead of the applicant as the responsible party for constructing the acceleration and deceleration lanes along the southbound shoulder of Highway 101. The EIR concludes that the largest potential source of traffic at this interchange is associated with public use of the future trails and public parking lot, though future residential development would add incrementally to the volume of traffic at this interchange. Upon further review of the basis for this conclusion and mitigation measure, staff has determined that the traffic study prepared for the EIR (included as Attachment E to this staff memorandum) identified the construction of full deceleration and acceleration lanes for motorists traveling southbound on Highway 101 as an improvement that “may need to be constructed” but not a measure required to meet Caltrans safety criteria or mitigate impacts of the project. Therefore, the EIR Revision Letter includes a discussion of why this mitigation measure (TRANS 3, Condition No. 54) has been reclassified as a *recommended* mitigation measure and is not required to reduce the traffic hazard impact to a less than significant level. Other revisions were made to the discussion of this traffic impact in the EIR Revision Letter (not just the mitigation measure) in response to staff’s reevaluation of the traffic study. The level of traffic impacts remains the same without this mitigation measure and the other mitigation measures reduce the impact to a less than significant level. Given this, staff recommends not incorporating this mitigation measure as a condition of approval of the current project.

In addition to the requested modifications discussed above, the applicant has requested that Condition Nos. 80, requiring the agricultural conservation easement, and 82, requiring realignment of the shoreline trail easement around Edwards Point, be deleted entirely. Consistent with the discussion of agricultural conservation easements at your last hearing, Condition No. 80 has been deleted. Condition No. 82 remains as previously recommended by staff.

Attachment B to this staff memorandum includes modified conditions of approval; the conditions reflect staff’s current recommended conditions of approval. Attachment A includes the recommended findings for approval. The findings and conditions of approval, along with the recommended actions below, have been updated to reflect the additional Coastal Development Permit applicants being processed in conjunction with the Conditional Certificate of Compliance, Tentative Parcel Map, and Lot Line Adjustment, as required by a recent amendment to the Article II Coastal Zoning Ordinance.

Revised Policy Consistency Analysis

The following policy consistency analysis includes revisions to the policy analysis included in the July 10, 2014 Planning Commission based on the project as currently conditioned by staff.

REQUIREMENT	DISCUSSION
<p><u>ENVIRONMENTALLY SENSITIVE HABITAT</u></p> <p>Coastal Act Policy 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.</p> <p>CLUP Policy 2-11: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.</p> <p>CLUP Policy 9-1: Prior to issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such designation or projects affecting an environmentally sensitive habitat area shall be found to be in conformity with the applicable habitat protection policies or the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact</p>	<p><u>Consistent:</u> Both mapped and unmapped environmentally sensitive habitat (ESH) areas are present within the project site. Consistent with CLUP Policy 9-1, these areas have been precisely mapped as part of the EIR analysis (Section 4.4), and site inspections by qualified biologists have been conducted. The project as conditioned does involve development in close proximity to two mapped ESH areas on the project site, which include the lower reaches (south of U.S. Highway 101) of Gato and Las Varas creeks. Development within the Las Varas Creek ESH area is limited to site alterations associated with future construction of the new public trail along the creek under separate permit, which is permitted within ESH pursuant to CLUP Policy 9-38. Future residential development under the project as conditioned would be required to be setback from the ESH areas (Condition No. 18) in order to protect sensitive resources, and increased surface runoff would be slowed and/or treated before it enters watercourses in order to minimize erosion and control water quality (Condition No. 60). <u>In the case of the existing residence on Parcel 5 that already encroaches into ESH (eucalyptus woodland, which supports monarch butterfly overwintering), any changes to the residence could not result in any further encroachment beyond that which currently exists (Condition No. 18).</u> Native vegetation would remain as part of the project. The proposed bridge over Gato Creek would replace an existing Arizona Crossing, resulting in long-term benefits to the creek corridor in this location. Short-term effects resulting from construction of the bridge and any temporary disturbance to</p>

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<p>an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant.</p>	<p>riparian vegetation would be mitigated (Condition No. 24). Significant disruption or degradation of ESH areas would be avoided as part of the project as the residential development envelopes are located in relatively open areas where minimal vegetation removal would be necessary to accommodate future development. The relocated Parcel 2 development envelope required under Condition No. 83 would provide a substantial buffer from the Gato Creek ESH area by shifting the envelope further west and away from the creek as compared to the original proposed project.</p>
<p><u>RECREATION FACILITIES</u></p> <p>Coastal Act Policy 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.</p> <p>Coastal Act Policy 30212.5: Wherever appropriate and feasible, public facilities, including parking areas of facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public or any single area.</p> <p>CLUP Policy 7-13: In order to protect natural and visual resources of the coastal zone between Ellwood and Gaviota, development of recreational facilities shall not impede views between U.S. 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species.</p>	<p><u>Consistent:</u> Future residential development on the two oceanfront parcels would not restrict public access to and along the shoreline and use of the beach area for recreation. Commercial recreational facilities are provided approximately two miles west of the project site at El Capitan State Beach. The proposed project includes a 30-space parking lot as part of the vertical trail easement in order to accommodate public use of the beach access trail. This will help to avoid overcrowding or overuse by the public of any single area by providing an additional beach access point along the coast once all necessary easements are obtained and improvements completed. Consistent with CLUP Policy 7-13, development of the public coastal access trail and public parking area would not impede views between U.S. Highway 101 and the ocean, and would not involve significant grading or disturbance of native vegetation. The parking area and access trail would be unpaved and the recreational facilities would be compatible with the rural character of the area. Consistent with CLUP Policy 7-14, the project does not propose campgrounds or other ancillary facilities that would interfere with day use of the beach and near-shore waters.</p> <p>As shown on the Coastal Land Use Plan maps,</p>

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<p>CLUP Policy 7-14: Campgrounds and ancillary facilities sited south of U.S. 101 between Ellwood and Gaviota shall be set back as far as feasible from the beach in order to reserve near-shore areas for day use. Where feasible, new recreational facility development, particularly campgrounds and parking lots, shall be located north of U.S. 101.</p> <p>CLUP Policy 7-18: Expanded opportunities for access and recreation shall be provided in the Gaviota coast planning area.</p> <p><u>Implementing Actions:</u></p> <p>a. In order to maximize access to the beaches, vertical easements connecting the proposed coastal bicycle trail (linking Santa Barbara and Gaviota) to the beach shall be acquired by a public agency at the following locations: (3) Edwards (near Gato Canyon). The trails connecting the bicycle path to the beach shall be well-marked and bicycle racks shall be provided. Where necessary, stairways from the top of the bluffs shall be provided. Public parking and other facility development, other than staircases, fences, improved trails, bicycle racks, and picnic tables, shall not be permitted at these accessways except as specified in section b.</p> <p>b. In order to increase opportunities for coastal dependent and related recreational uses, the following areas, which have recreational potential, should be acquired by a public agency: Edwards – Parking, restrooms, picnic tables, bike racks, store, low-intensity camping.</p>	<p>the coastal portion of the ranch in between the railroad tracks and the Pacific Ocean has a Proposed Public or Private Park/Recreational Facility Overlay designation. This overlay designation is reserved for sites that are appropriate and prioritized for recreational development. Policy 7-18 of the Coastal Land Use Plan calls for recreational opportunities and public access to be expanded along the coast. The project as conditioned is consistent with this policy as it improves public access and recreation to and along the coast. Policy 7-18 also includes implementing actions identifying specific sites for recreational opportunities and access along the Gaviota Coast. A portion of the project site is designated for acquisition by the County for the establishment of low-intensity camping, parking, restrooms, bike racks, picnic tables, and a store. The proposed project, as conditioned, and future residential development within this overlay area, would preclude the establishment of at least some of these facilities <u>make it more difficult for the County to acquire this land for public use.</u> However, the County has no funds to acquire this property for the recreational facilities envisioned in the CLUP. Individual landowners are not responsible for developing the recreational facilities identified in the CLUP on their own accord. These implementing actions represent more of a wish list and vision for the County as opposed to a burden <u>that can be</u> imposed on private landowners. <u>To wit, Policy 1-5 of the Coastal Land Use Plan states that “land use plan policies calling for further studies, initiation of new programs, or acquisition of land (emphasis added) or easements will be implemented as staff and funding become available.”</u></p>
<p><u>AGRICULTURAL PRESERVATION</u></p> <p>Coastal Act Policy 30241: The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural</p>	<p>Consistent: The project, as conditioned, would not convert the project site to non-agricultural uses. Single family dwellings are principally permitted uses within agriculturally zoned land and are incidental to ongoing agricultural operations. The residential</p>

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<p>economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p> <p>(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</p> <p>(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</p> <p>Coastal Act Policy 30242: All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless: (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.</p> <p>CLUP Policy 8-2: If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.</p> <p>CLUP Policy 8-4: As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall make the finding that the long-term agricultural</p>	<p>development envelopes, combined with the CC&Rs, and dedication of an agricultural conservation easement would ensure that agricultural resources are protected from future conversion or conflicts between residential and agricultural uses. The ranch would continue to run its existing cattle ranching operation as a collective unit and the future landowners within the ranch would be required to maintain the existing agricultural orchards (though flexibility would be provided for crop changes) through CC&Rs. Implementation of Condition No. 84 would ensure that the project would not result in the conversion of any orchard areas currently in production to non-agricultural uses, consistent with these policies. Construction of the public parking lot and vertical beach access would result in the loss of up to approximately 12 avocado trees. According to the impact analysis in Section 4.2 of the EIR, the project as conditioned would not substantially reduce the viability of the existing ranching and orchard operations. Proposed recreational trails through the project site would be sited in locations so as not to significantly impair the integrity of the existing agricultural operations; fencing along the trails would help to reduce the potential for trespassing and vandalism which could otherwise impact the ongoing agricultural operations, consistent with Policy IA of the Agricultural Element. Further, provision of an established vertical beach access trail (once all of the improvements and the easement through the culvert is obtained from the railroad company) would not diminish the agricultural operation. It would protect the agricultural operation by providing an alternative means of accessing the beach, as the existing unauthorized access through the ranch to Edwards Point adversely impacts the existing agricultural operation by damaging fencing and in some cases disturbing cattle.</p>

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<p>productivity of the property will not be diminished by the proposed division.</p> <p>Agricultural Element Policy IA: The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses. Imposition of any condition requiring an offer of dedication of a recreational trail or other recreational easement shall be discretionary (determined on a case-by-case basis), and in exercising its discretion, the County shall consider the impact of such an easement upon agricultural production of all lands affected by and adjacent to said trail or other easement.</p> <ol style="list-style-type: none"> 1. On lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, provisions for recreational trails or other recreational easements defined in the Comprehensive Plan may be imposed by the County as a condition for a discretionary permit or land division only in the following circumstances: <ol style="list-style-type: none"> a. The area in which the trail is proposed to be located is land which is not under cultivation or being grazed or is not part of a rotation program, or is not an integral part of the agricultural operations on the parcel; or, b. The land use permit requested is not for a use which is compatible with agricultural production on the property, as defined in the County Agricultural Preserve Uniform Rules. In this instance, the recreational trail or other recreational use shall be required to be located only on the portion of the property taken out of agricultural production for the permit; or, c. The land division requested requires a rezoning of the property to a more intensive zone district than that applied 	<p>The proposed realigned lateral trail alongside U.S. Highway 101as required under Condition No. 81 would not violate the integrity of the agricultural operation, consistent with Policy IA of the Agricultural Element. The trail is proposed along existing ranch roads and would not remove areas currently used for grazing. While a small number of orchard trees would likely need to be removed to accommodate the trail along a portion of its length south of the highway, the overall integrity of the operation would remain the same and the impacts to the orchard operation would be minor given the small amount of acreage relative to the operation as a whole.</p> <p>With the exception of the two proposed oceanfront parcels, each proposed parcel under the project would meet minimum parcel sizes for agriculturally zoned and designated land. The two oceanfront parcels do not currently meet minimum parcel size requirements and the Lot Line Adjustment would not result in diminishing the agricultural viability of these lots. The coastal lots are currently used for grazing as part of the larger cattle operation, and proposed CC&Rs combined with dedication of an agricultural conservation easement (Condition No. 80) <u>residential development envelopes</u> would ensure that the coastal lots continue to be available for grazing. The proposed development envelopes, as modified through the conditions of approval, would not interfere with the movement of cattle or significantly impair the productivity of this area for cattle grazing given their relatively small size, as confirmed in the Rangeland Assessment prepared as part of the EIR for this project. Implementation of an agricultural conservation easement (Condition No. 80) would further ensure that the long term agricultural productivity of the property will not be diminished, consistent with CLUP Policy 8-4 and Coastal Act Policy</p>

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<p>to the property prior to the application.</p> <p>2. A recreational trail or other recreational use shall not be required as a condition for a discretionary permit (except a land division or a rezone which permits a smaller minimum parcel size than that permitted on the property at the time of the application) on lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, in the following circumstances:</p> <p>a. The permit requested is for a lot line adjustment or Minor Conditional Use Permit only; or,</p> <p>b. The discretionary permit requested is compatible with the agricultural use of the land, as defined in the County Agricultural Preserve Uniform Rules.</p> <p>3. The following trails shall not be subject to paragraphs 1 and 2 above due to their historic and recreational significance:</p> <ul style="list-style-type: none"> • Franklin Trail • Arroyo Burro Trail • Fremont Trail • San Antonio Canyon Trail <p>4. Where trails are required, they shall be sited to minimize the impacts to prime soils, agricultural operations, public safety, and environmentally sensitive areas.</p> <p><u>Agricultural Element Policy II.B:</u> Santa Barbara County shall recognize, and give high priority to, the need for protection from trespass, thievery, vandalism, roaming dogs, etc., on all agricultural lands.</p> <p><u>Agricultural Element Policy II.D:</u> Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The</p>	<p>30241, and that the integrity of agricultural operations would not be violated by incompatible uses consistent with Policy IA of the Agricultural Element.</p>

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<p>County shall support programs which encourage the retention of highly productive agricultural lands.</p> <p><u>Agricultural Element Policy III.A:</u> Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.</p>	

Recommended Actions

Follow the procedures outlined below and recommend conditional approval of Case Nos. 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07RZN-00000-00007, 07RZN-00000-00006, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, and 15CDP-00000-00028 marked "Officially Accepted, County of Santa Barbara April 29, 2015 County Planning Commission Exhibit No. 1", based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of this staff memorandum dated April 9, 2015, including CEQA findings.
2. Recommend that the Board of Supervisors certify the Environmental Impact Report (10EIR-00000-00005) included as Attachment C to the Planning Commission staff report dated July 10, 2014, including the EIR Revision Letter (RV01) dated April 9, 2015 included herein as Attachment C, and adopt the mitigation monitoring program contained in the conditions of approval.
3. Adopt a Resolution (Attachment D to the Planning Commission staff report dated July 10, 2014) and recommend that the Board of Supervisors approve and adopt an ordinance amending the zoning map for the subject parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 (draft ordinance amendment included as Attachment D to the Planning Commission staff report dated July 10, 2014);
4. Recommend that the Board of Supervisors approve a modified project (Case Nos. 05TPM-00000-00002, 11COC-00000-00001, 05LLA-00000-00006, 05LLA-00000-00005, 07RZN-00000-00007, 07RZN-00000-00006, 07CUP-00000-00057, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, and 15CDP-00000-

00028), subject to the conditions included as Attachment B to the staff memorandum dated April 9, 2015.

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

Attachments:

- Attachment A: Revised Findings
- Attachment B: Revised Conditions of Approval
- Attachment C: EIR Revision Letter dated April 9, 2015
- Attachment D: Board Agenda Letter, February 17, 2015
- Attachment E: EIR Traffic Study, 2010

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15090 AND 15091:

1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final Environmental Impact Report (10EIR-00000-00005), including the FEIR Revision letter (RV1) dated April 9, 2015, was presented to the County Planning Commission and all voting members of the County Planning Commission have reviewed and considered the information contained in the Final EIR and EIR Revision Letter (10EIR-00000-00005 RV1) and its appendices prior to approving the project. In addition, all voting members of the County Planning Commission have reviewed and considered testimony and additional information presented at or prior to public hearing[s] on January 18, 2012, February 8, 2012, ~~and~~ July 30, 2014, September 23, 2014, and April 29, 2015. The Final EIR and EIR Revision Letter reflects the independent judgment and analysis of the County Planning Commission and is adequate for this proposal.

1.2 FULL DISCLOSURE

The County Planning Commission finds and certifies that the Final EIR (10EIR-00000-00005), including the FEIR Revision letter (RV1) dated April 9, 2015, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The County Planning Commission further finds and certifies that the Final EIR and EIR Revision Letter (10EIR-00000-00005 RV1) haves been completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final EIR (10EIR-00000-00005), as revised by the EIR Revision letter dated April 9, 2015, identified several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the Final EIR (10EIR-00000-00005), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below:

Aesthetics/Visual Resources

The project site contains numerous scenic views and viewsheds open to the public from various public vantage points, including U.S. Highway 101, Union Pacific Railroad (UPRR), beach, public trails, and near shore waters of the Pacific Ocean. The project site offers high quality expansive views of the rural undeveloped coastline and foothills of the Santa Ynez Mountains. Visual simulations prepared as part of the EIR demonstrate the potential visibility of the development envelopes from various public vantage points. Although many of the development envelopes have been located to avoid visual impacts, future residential development within at least some of the development envelopes, including those proposed under project alternatives, has the potential to degrade public views if not sited and designed properly. Future development has the potential to be visually incompatible with the rural character of the area and the scale and character of existing development on the site as well as to intrude into the skyline or impair scenic views if not sited and designed properly. Additionally, if not designed properly, future residential development has the potential to degrade the existing dark night sky conditions by introducing new sources of light and glare into the area. These are considered significant but mitigable impacts. Mitigation measures to reduce these potential impacts include: 1) restricting building heights to 16 feet north of the highway and 15 feet south of the highway, consistent with Ridgeline/Hillside guidelines and View Corridor Overlay height requirements; 2) requiring future development to be compatible with the design, scale and character of vicinity development and utilize natural building materials and colors compatible with surrounding terrain; 3) requiring that the size, bulk, scale, height, and style of future development south of the highway be compatible with the ranch's existing historic buildings, as determined by an architectural historian; 4) requiring that development on Parcels 1 and 2 be set back far enough from the beach and sized appropriately so as not to intrude into the skyline ~~or break the view plane of the Santa Ynez Mountains~~ as viewed by the public from the beach; and 5) following night sky lighting practices. The relocated and reduced development envelopes analyzed as project alternatives and incorporated into the project as conditions of approval would help to further reduce visual impacts. The County Planning Commission finds that these mitigation measures, in combination with the incorporation of alternative development envelope locations and sizes, are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative aesthetic impacts is not considerable.

Agricultural Resources

The project site contains approximately 200 acres of lemon and avocado orchards and approximately 630 acres of suitable grazing land to support the existing cattle operation. A Rangeland Assessment prepared as part of the EIR concluded that the existing ranch in its current configuration has a carrying capacity of approximately 42 animal units per year, which exceeds the threshold of 25 to 30 animal units per year suggested by the

Santa Barbara County Cattleman's Association as indicative of a viable cattle operation. However, the report concluded that the individual parcels are not viable as standalone parcels, as their rangeland carrying capacities are below this threshold. The development of residential uses under the proposed project in close proximity to active agricultural areas could create conflicts between the two uses, as the common nuisances associated with agriculture (e.g. noise, dust, odor, etc.) could be experienced by residents and ultimately lead to adverse modifications to or reductions in the agricultural operation. Mitigation to reduce this potential conflict and to ensure that future residential development under the recommended hybrid alternative does not impair the ongoing agricultural operation includes a buyer notification program to be recorded on the individual deeds accompanying the sale of each lot and the recordation of CC&Rs, as proposed by the applicant, to ensure the continued agricultural use of the ranch. In addition, restrictions would be placed on future construction of residential development on Parcels 4 and 5 to reduce impacts to heifer calving and weaning activities. The County Planning Commission finds that these mitigation measures are adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative agricultural impacts is not considerable.

Biological Resources

The recommended hybrid alternative, including the future residential development on each parcel, would result in potential adverse impacts to nesting and foraging bird and bat species, erosion and sedimentation from construction and resultant effects on aquatic species, removal of or disturbance to sensitive vegetation and habitats, introduction of invasive plants, temporary impacts to riparian vegetation, water quality and aquatic species from removal of the existing Gato Creek Arizona crossing and construction of the span bridge, fragmentation and loss of wildlife habitat, degradation of monarch butterfly habitat, degradation of seasonal wetlands, and disturbance to or removal of native riparian vegetation and sensitive plant species associated with the water system infrastructure. These impacts would primarily result from: 1) construction of the new bridge over Gato Creek, which results in short-term adverse construction impacts but long-term beneficial impacts associated with the removal of the existing Arizona crossing; 2) construction of roadway infrastructure and individual home sites and the associated potential for vegetation removal, erosion and sedimentation, and disturbance to bird nesting and roosting; and 3) the location of residential development envelopes adjacent to or within sensitive habitat and vegetation communities. Mitigation measures to reduce these potentially significant impacts to biological resources include: 1) preconstruction surveys for active bird nests and bat roosts within 500 feet of construction areas; 2) implementation of erosion and sediment control measures during construction; 3) establishing a minimum 100-foot buffer between future residences and habitable structures and the edge of sensitive habitat areas (30 feet for native grasslands) to protect sensitive habitat from degradation from construction activities and ongoing fuel management; 4) preparation and implementation of a fuel management plan to be

balanced with sensitive resource protection; 5) review of landscape plans by the P&D staff biologist to ensure that invasive species are not introduced on to the site; 6) revegetation of disturbed areas with native plants; 7) implementation of a Gato Creek protection and restoration plan during construction of the span bridge; 8) implementation of a habitat protection and avoidance plan for development on Lots 1 and 2; 9) protection of monarch habitat; 10) maintaining minimum wetland buffers; and 11) aligning water lines to avoid sensitive plant species or riparian vegetation. The County Planning Commission finds that these mitigation measures, combined with the reduced and relocated residential development envelopes identified as project alternatives and incorporated as conditions of approval, are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above and incorporation of the project alternatives recommended by staff would ensure that the project's contribution to cumulative impacts to biological resources is not considerable.

Cultural Resources

As detailed in the EIR, the project site contains several historic and archaeological resources. A historic resources report prepared for the site concluded that several of the existing structures on-site are historically significant and the portion of the ranch south of the highway qualifies as a Rural Historic Landscape as a result of the ranch's association with the broad historical pattern of Goleta ranching. The site has retained its historic integrity since most of its important landscape characteristics are unchanged since the period of significance (1880 to 1959). Proposed infrastructure improvements and residential development envelopes have largely been sited to avoid impacts to known archaeological resources. The recommended hybrid alternative has the potential to disturb unknown cultural deposits resulting from ground disturbance associated with the installation of infrastructure and future residential development, which is considered a significant but mitigable impact. Mitigation measures to reduce this impact include construction monitoring, unless subsurface testing within the area of disturbance determines that no resources are present, as well as the standard discovery measure. The proposed Parcel 3 development envelope overlaps a portion of a recorded archaeological site, considered a significant resource under CEQA. Mitigation to reduce this impact includes reducing the residential development envelope on Parcel 3 in order to avoid the significant portions of the recorded archaeological site, prohibiting ground disturbance outside of the Parcel 3 development envelope, temporary fencing to protect the site during construction activities, and construction monitoring and further analysis in the event that archaeological remains are encountered. The Parcel 7 development envelope and access road are located adjacent to the boundaries of a recorded archaeological site. Ground disturbance associated with construction could result in potential unintended impacts to the recorded site given its proximity. Mitigation to reduce this impact includes the erection of temporary fencing around the site during construction, prohibiting ground disturbance in close proximity to the recorded archaeological site, as well as construction monitoring and the standard discovery clause. The County Planning

Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative archaeological impacts is not considerable.

While none of the existing historic structures on-site are proposed to be removed or altered, the introduction of new development into the Rural Historic Landscape has the potential to be incompatible with the character-defining features of the site and impair their integrity to a point where they are no longer able to convey their historic significance. Further, new development in close proximity to historic structures has the potential to degrade the historical significance of these structures by altering the characteristics of the surrounding environment that contribute to their significance. These impacts are considered potentially significant but mitigable. Mitigation includes requiring that new development within the Rural Historic Landscape boundaries be compatible in size, bulk, scale, height and style with the existing historic buildings consistent with the Secretary of the Interior's standards, as determined by a County-approved architectural historian. Other mitigation includes photo-documentation of the significant buildings within the Rural Historic Landscape prior to development in these areas and requiring that any rehabilitation of these structures comply with the Secretary of the Interior's standards. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative historic impacts is not considerable.

Fire Hazards

The project site is beyond the standard 5 minute response time for emergency personnel. While this standard applies to urban and not rural areas, it is nevertheless indicative of adequate fire protection service for future residential development. The Santa Barbara County Fire Department uses a countywide level of service ratio of one fire fighter per 4,000 people to identify the maximum population that can be adequately served (Goleta Community Plan, p. 115). A ratio of one fire fighter to 2,000 people is considered "ideal." The population served by the three fire stations serving the project site presently meets or exceeds the 1:4,000 ratio. Thus, to maintain this level of service standard, any increase in population would require the County to hire additional fire fighters within the vicinity of the project site. Currently, the Fire Department budget is inadequate to maintain desired service level standards. In summary, the project is located beyond the five minute response time for the three nearest fire stations and any increase in the area population, even minor, would further exceed the service ratio limit necessary to maintain the minimum level of fire protection service. The proposed project would result in a small increase in population requiring fire protection services, resulting in a significant but mitigable impact. This impact would be mitigated by the payment of development impact mitigation fees at the time of new development, which is considered a sufficient

fair-share contribution towards construction of a new fire station in western Goleta. The County Planning Commission finds that this mitigation measure is adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measure discussed above would ensure that the project's contribution to cumulative impacts is not considerable.

Geologic Hazards

Similar to other projects involving grading on sloping topography, the recommended hybrid project alternative has the potential to result in erosion and sedimentation during and after grading and construction, which is considered a significant but mitigable impact. The implementation of standard best management practices during construction to control erosion and revegetate disturbed areas would reduce short-term erosion and sedimentation impacts to less than significant levels. The incorporation of best management practices and drainage features to reduce runoff in the long-term would effectively reduce long-term erosion and sedimentation impacts to less than significant levels. The County's coastal zoning ordinance requires that development be sited a minimum of a 75-year setback from the top of coastal bluffs in order to protect it from bluff retreat and protect the bluffs from development-induced erosion. For the project site, this equates to a setback of approximately 70 feet from the top of bluff. The development envelope on Parcel 1 is sited approximately 150 feet from the top of bluff at its closest point, more than double the minimum required setback. With relocation of the development envelope on Parcel 2 to the coastal bluff consistent with Alternative 3C, the envelope would be approximately 400 feet from the top of the bluff at its closest point. Nonetheless, if not sited and designed properly, future development could generate runoff that could contribute to bluff erosion. This is considered a potentially significant but mitigable impact. Mitigation to reduce this impact includes a requirement that structures and improvements on Parcels 1 and 2 be designed such that surface and subsurface drainage is conducted away from coastal bluffs and does not contribute to bluff erosion. Other potential geologic hazards affecting future development include landslides and slope stability within parcels 6 and 7 north of the highway, expansive soils and liquefaction potentially affecting development within the coastal plain, and the potential for radon gas exposure due to the presence of the Rincon formation underlying much of the project site. Mitigation to reduce these impacts includes requiring further site-specific geologic studies to provide recommendations for proper grading, foundation design, and other structural components of future development, and radon testing in all areas of proposed structural development. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative geologic impacts is not considerable.

Hazardous Materials

There are 17 recorded oil and gas wells that have been abandoned within the project site. There is evidence that at least two of these wells were leaking prior to being abandoned. Given the timing of many of the abandonments, there is the possibility that many of the wells were not abandoned in conformance with current safety standards. There is the possibility for oil, methane, or toxic gases to migrate through the wells and be released into the environment, which poses a potential health hazard to construction workers and the general public. This is considered a significant but mitigable impact. Mitigation to reduce this impact includes requiring monitoring during construction activities within 500 feet of mapped abandoned wells and following standard protocol in the event that any contamination or unexpected wells or piping are encountered. As a farming operation, the ranch currently stores agricultural chemicals, agricultural machinery lubricants and fuels within the project site. These are stored in and around the agricultural storage buildings within proposed Parcel 5. There are no records of spills or other incidents of release of hazardous materials, however the storage of these fuels and spent lubricants requires that the landowner obtain a permit from the County Fire department for hazardous waste generation. Because the ranch is not currently in compliance with these requirements and given the increase in the on-site resident and visitor population that would result from the recommended hybrid project alternative, the impact to public health and safety related to hazardous materials is considered potentially significant but mitigable. Mitigation to reduce this impact includes a requirement that the applicant obtain all necessary permits and authorizations from the County Fire Department or other appropriate agency with jurisdiction for the storage and handling of hazardous materials and prepare and submit to the County Fire Department a Spill Prevention Control and Countermeasure plan for their review and approval. The County Planning Commission finds that this mitigation measure is adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measure discussed above would ensure that the project's contribution to cumulative impacts is not considerable.

Land Use

The residential development envelopes included as part of the recommended hybrid project alternative could accommodate large residences that could potentially be out of character with the surrounding rural agricultural setting and existing development which has historically been modest in scale. The potential land use conflict and incompatibility is largely due to the visibility and prominence of future development as viewed by the public. Maintaining the existing agricultural operations and undeveloped areas within the ranch would help to minimize potential incompatibilities of future development by maintaining a rural context of the setting and ensuring that future residential uses remain subordinate to the rural character of the area. Absent any restrictions or guidelines addressing future development of the site and absent specific architectural designs and details to evaluate, the potential land use impact from future development is considered

potentially significant but mitigable. Mitigation to reduce this impact includes requiring that future development be compatible with the size, bulk, scale, height, and style of existing historic structures within the project site, imposing building height limits and requiring design review of future development, and requiring that the CC&Rs be recorded which codify the applicant's commitment to remain in agriculture. The County Planning Commission finds that these mitigation measures are adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative land use impacts is not considerable.

Recreation

New development included as part of the recommended hybrid project alternative is not expected to block scenic views of the mountains or ocean, nor would it intrude into the skyline as seen from El Capitan State Beach or public trails northwest of the project site. However, future residential development has the potential to degrade the experience of the recreating public as experienced from nearby locations if not designed to be compatible with the surrounding landscape (e.g. bright or reflective building materials, excessive mass, bulk and scale, inappropriate landscaping, etc.). This impact is considered potentially significant but mitigable with appropriate design review of future development by the Central Board of Architectural Review.

Development of the two coastal bluff parcels within the project site (proposed Parcels 1 and 2) could degrade the quality of the recreational experience if not sited and designed properly to be compatible with the surrounding land uses and rural character. This is considered a significant but mitigable impact. Relocation of the Parcel 2 development envelope under the recommended project alternative to a location on the coastal bluff and set back further from the bluff edge would reduce the potential for future development to be visually prominent or to degrade the quality of the public's recreational experience. The mitigation measures identified to reduce impacts to historic resources and visual resources would similarly reduce this impact. Additional mitigation to reduce this impact includes requiring that residences 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 from the beach. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative recreation impacts is not considerable.

Transportation/Circulation

The project site is accessed by an at-grade interchange on U.S. Highway 101. A traffic study conducted as part of the project concluded that the corner and stopping sight distances do not meet minimum Caltrans design criteria. In addition, the length of the

existing left-turn deceleration lane for northbound motorists is less than the length required by Caltrans. Since the recommended hybrid project alternative would increase vehicular traffic at this intersection, primarily associated with the public beach parking, future users would be exposed to a potential traffic hazard resulting from sight distances and deceleration lanes below that which are typically required for safe operation. Impacts would be significant but mitigable. Mitigation to reduce this impact includes modifying a small cut slope 600 feet north of the Las Varas Ranch Road access to increase sight distance and; extending the existing northbound left turn deceleration lane by approximately 240 feet within the center median to meet the minimum Caltrans distance of 530 feet; ~~and providing full acceleration and deceleration lanes along the southbound shoulder of the highway~~. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative transportation impacts is not considerable.

Water Resources/Flooding

The introduction of new impervious surfaces into the project site would increase the extent of surface runoff and peak flows within the site's watercourses. However, the vast majority of the site would remain undeveloped and there is ample opportunity to achieve infiltration of additional runoff before it reaches nearby watercourses. Thus, the increase in runoff is not expected to significantly alter flooding or stream flows within the project site. Impacts are less than significant and no mitigation is required. Construction-related water quality impacts primarily result from the exposure of soil to erosion and transport by surface water runoff, and the transport of construction materials and waste into area watercourses from the site during rain events. These short-term water quality impacts are considered significant but mitigable with the incorporation of standard best management practices during construction, including incorporation of an erosion and sediment control plan and ensuring that equipment washout areas are located at least 100 feet from any waterbody. The recommended hybrid project alternative would not have substantial impacts on the hydrological regime or substantially alter drainage patterns of the property or result in significant increases in surface runoff at the watershed level. However, future development could have more localized impacts on water quality through increases in pollutant loads typically associated with rural residential land uses. Long-term water quality impacts are considered significant but mitigable with incorporation of biofiltration to allow for infiltration of runoff, minimizing the extent of impervious surfaces, and protecting any outdoor trash container areas to prevent off-site transport. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative impacts to water resources is not considerable.

1.5 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENT TO THE DEVELOPMENT CODE AND ZONING MAP FINDINGS

The following findings apply to the two rezone applications, 07RZN-00000-00006 and 07RZN-00000-00007.

A. Findings required for all Amendments to the County Land Use and Development Code, the Local Coastal Program, and the County Zoning Map. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

1. The request is in the interests of the general community welfare.

The project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture (“U”) under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use & Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. The two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. Such *consistency rezones* are in the interests of the general community welfare because they ensure that the parcels are appropriately zoned and subject to applicable zoning ordinances and regulations in effect. These ordinances and regulations are in place, at least in part, to protect the general welfare of the community.

2. The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.

The rezones would update the zoning of the subject parcels consistent with current governing ordinances and the designation in the Comprehensive Plan. The rezones

would not change the operation of the ranch or result in the potential for greater development of the ranch than what would otherwise be allowed. As such, the rezones do not alter the scope of the project, which has been found consistent with applicable policies of the Comprehensive Plan and Land Use & Development Code as discussed in Sections 6.2 and 6.3 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference. Therefore, this finding can be made.

3. The request is consistent with good zoning and planning practices.

The project site contains several inland parcels and portions of parcels that are currently zoned Unlimited Agriculture (“U”) under Ordinance Number 661, which is now obsolete and has been replaced by the County Land Use and Development Code. The subject parcels are designated Agriculture II, 100-acre minimum lot area (A-II-100) under the Comprehensive Plan. It is the practice of the County to rezone such parcels to their appropriate zoning under the Land Use and Development Code when the opportunity presents itself in the form of a discretionary application for development, which would be to Agriculture II with a 100-acre minimum lot area (AG-II-100) in this instance. The two rezones would update the zoning of the subject parcels, or inland portions thereof, consistent with current governing ordinances and the designation in the Comprehensive Plan. As such, the rezones are consistent with good zoning and planning practices.

2.2 CUP FINDINGS

The following findings apply to the private shared water system that serves all seven proposed lots, Case No. 07CUP-00000-00057, which is located within the coastal zone boundaries and inland portions of the County. As a result, the findings from both Article II Coastal Zoning Ordinance and the County Land Use & Development Code are provided below.

A. Findings required for all Conditional Use Permits - Coastal. In compliance with Section 35-172.8 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Major or Minor Conditional Use Permit the review authority shall first make all of the following findings:

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

The 1,784-acre project site is adequate in size, shape, location and physical characteristics to accommodate the shared water system and the potential future development of up to seven single family residences and residential accessory structures. Future development, including infrastructure improvements, would be limited to approximately 1% of the total project site and would be sited in areas of the

ranch that are generally free from physical constraints such as steep slopes or dense vegetation that would be unsuitable for development.

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

As analyzed in the project EIR (10EIR-00000-00005), [including the EIR Revision Letter \(RV1\) dated April 9, 2015](#), and discussed in [Finding 1.4 of this document and Section 6.1 of the staff report dated July 10, 2014](#), herein incorporated by reference, significant and adverse environmental impacts related to the shared water system have been mitigated to the maximum extent feasible. This includes incorporating the recommended mitigation measures from the EIR as conditions of project approval to mitigate impacts to the maximum extent feasible.

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

The shared water system would serve up to 14 connections, assuming a single family residence and either guest house or agricultural employee dwelling on each lot. As discussed in Section 6.2 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference, the streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. Mitigation measures have been applied to the project as conditions of approval requiring improvements to the Las Varas Ranch Road interchange with U.S. Highway 101 in order to meet Caltrans standards and reduce potential traffic safety hazards.

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

The purpose of the shared water system is to provide potable water to serve future residential development on the project site. The shared water system would therefore ensure that adequate water supply is available to serve the project. The water system would be designed to meet County Fire Department standards for water storage to ensure adequate fire protection. Sewage disposal for future residential development would be by private septic systems. Percolation and drywell testing has demonstrated the feasibility of private disposal systems to ensure adequate sewage disposal to serve the project.

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

As discussed in Section 6.2 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference, the project as conditioned would be consistent with applicable policies of the Comprehensive Plan. The project site consists of approximately 1,784 acres and is located in a low density rural area of the County.

As discussed in Section 4.12 of the Revised Final EIR, herein incorporated by reference, the shared water system and water service to up to 14 new residential structures would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. The shared water system would have no significant impact on water supply and availability to other nearby properties. The shared water system is compatible with the rural area. The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale, would not intrude into the skyline, and would be painted with natural earth tone colors to ensure that they would be subordinate to the scenic and rural character of the area.

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

As discussed in Section 6.2 and 6.3 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference, the private shared water system is a permitted use in the AG-II-100 zone district with a Minor Conditional Use Permit and the project is in conformance with applicable provisions and policies of the Coastal Land Use Plan and the Coastal Zoning Ordinance.

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

The shared water system is compatible with the rural area. The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale, would not intrude into the skyline, and would be painted with natural earth tone colors to ensure that they would be subordinate to the scenic and rural character of the area.

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

The private shared water system will not conflict with any easements for public access through the property as the infrastructure to support the shared water system will largely be underground and the wells, storage tanks, and treatment facility are not located within or adjacent to any existing or proposed public access easements.

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

A private shared water system is permitted in the AG-II-100 zone district with a Minor Conditional Use Permit. It is therefore not inconsistent with the intent of the AG-II-100 zone district.

B. Findings required for all Conditional Use Permits - Inland. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings:

1. The site for the proposed project is adequate in terms of location, physical

characteristics, shape, and size to accommodate the type of use and level of development proposed.

The 1,784-acre project site is adequate in size, shape, location and physical characteristics to accommodate the shared water system and the potential future development of up to seven single family residences and residential accessory structures. Future development, including infrastructure improvements, would be limited to approximately 1% of the total project site and would be sited in areas of the ranch that are generally free from physical constraints such as steep slopes or dense vegetation that would be unsuitable for development.

2. Environmental impacts.

a. Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.

As analyzed in the project EIR (10EIR-00000-00005), [including the EIR Revision Letter \(RV1\) dated April 9, 2015](#), and discussed in [Finding 1.4 of this document and Section 6.1 of the staff report dated July 10, 2014](#), herein incorporated by reference, significant environmental impacts associated with the shared water system have been mitigated to the maximum extent feasible. This includes incorporating the recommended mitigation measures from the EIR as conditions of project approval to mitigate impacts to the maximum extent feasible.

3. Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The shared water system would serve up to 14 connections, assuming a single family residence and either guest house or agricultural employee dwelling on each lot. As discussed in Section 6.2 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference, the streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. Mitigation measures have been applied to the project as conditions of approval requiring improvements to the Las Varas Ranch Road interchange with U.S. Highway 101 in order to meet Caltrans standards and reduce potential traffic safety hazards.

4. There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

The purpose of the shared water system is to provide potable water to serve future residential development on the project site. The shared water system would therefore ensure that adequate water supply is available to serve the project. The water system would be designed to meet County Fire Department standards for water storage to ensure adequate fire protection. Sewage disposal for future residential development would be by private septic systems. Percolation and drywell testing has demonstrated the feasibility of private disposal systems to ensure adequate sewage disposal to serve the project.

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

As discussed in Section 6.2 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015.](#) herein incorporated by reference, the project as conditioned would be consistent with applicable policies of the Comprehensive Plan. The project site consists of approximately 1,784 acres and is located in a low density rural area of the County. As discussed in Section 4.12 of the Revised Final EIR, herein incorporated by reference, the shared water system and water service to up to 14 new residential structures would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. The shared water system would have no significant impact on water supply and availability to other nearby properties. The shared water system is compatible with the rural area. The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale, would not intrude into the skyline, and would be painted with natural earth tone colors to ensure that they would be subordinate to the scenic and rural character of the area.

6. The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Section 6.2 and 6.3 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015.](#) herein incorporated by reference, the private shared water system is a permitted use in the AG-II-100 zone district with a Minor Conditional Use Permit and the project is in conformance with applicable provisions and policies of the County Comprehensive Plan and the County Land Use and Development Code.

7. Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

The shared water system is compatible with the rural area. The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale, would not intrude into the skyline, and would be painted with natural earth tone colors to ensure that they would be subordinate to the scenic and rural character of the area.

2.3 LOT LINE ADJUSTMENT FINDINGS (COUNTY CODE CHAPTER 21, ARTICLE II, AND COUNTY LUDC)

The following findings apply to the two Lot Line Adjustment applications, Case Nos. 05LLA-00000-00005 and 05LLA-00000-00006.

A. Finding required for all Lot Line Adjustments. In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), Section 35-134 of Article II, and Section

35.30.110 of the County LUDC, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

1. The Lot Line Adjustment is in conformity with the County General Plan and purposes and policies of Chapter 35 of this Code, the Zoning Ordinance of the County of Santa Barbara.

The Lot Line Adjustments are an integral part of the project that has been evaluated for conformity with applicable County policies and ordinance standards. As discussed in Sections 6.2 and 6.3 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the project and its associated Lot Line Adjustments (as modified by the conditions of approval) are in conformity with the County General Plan, Chapter 21, and the Article II Coastal Zoning Ordinance and County Land Use and Development Code. ~~As conditioned, the project includes establishment of an agricultural conservation easement (Condition No. 80) to ensure project compliance with County policies protecting agricultural resources.~~

2. No parcel involved in the Lot Line Adjustment that conforms to the minimum parcel size of the zone district in which it is located shall become nonconforming as to parcel size as a result of the Lot Line Adjustment.

There is no parcel involved in either of the Lot Line Adjustments that currently conforms to the minimum parcel size of the AG-II-100 zone district that would become nonconforming as to parcel size as a result of the Lot Line Adjustment.

3. Except as provided herein, all parcels resulting from the Lot Line Adjustment shall meet the minimum parcel size requirement of the zone district in which the parcel is located. A Lot Line Adjustment may be approved that results in nonconforming (as to size) parcels provided that it complies with Subsection a. or b. listed below:

a. The Lot Line Adjustment satisfies all of the following requirements:

- (1) Four or fewer existing parcels are involved in the adjustment; and**
- (2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected parcel; and,**
- (3) The Lot Line Adjustment shall not result in a greater number of residential developable parcels than existed prior to the adjustment. For the purposes of this subsection only, a parcel shall not be deemed residentially developable if the documents reflecting its approval and/or creation identify that: 1) the parcel is not a building site, or 2) the parcel is designated for a non-residential purpose including, but not limited to, well sites, reservoirs and roads. A parcel shall be deemed residentially developable for the purposes of this subsection if it has an existing single family dwelling constructed pursuant to a**

valid County permit.

Otherwise, to be deemed a residentially developable parcel for the purposes of this subsection only, existing and proposed parcels shall satisfy all of the following criteria as set forth in the County Comprehensive Plan and zoning and building ordinances:

- (a) Water supply. The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.**
- (b) Sewage disposal. The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.**
- (c) Access. The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.**
- (d) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
- (e) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**
- (f) Environmentally sensitive habitat. Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.**
- (g) Hazards. Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.**
- (h) Consistency with Comprehensive Plan and Development Code. Development of the parcel is consistent with the setback, lot**

coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.

The Lot Line Adjustment north of U.S. Highway 101 (05LLA-00000-00006) involves parcels that conform to minimum parcel size requirements and therefore this finding can be made. The Lot Line Adjustment involving the three existing parcels in between the railroad and Pacific Ocean (05LLA-00000-00005) results in two parcels that are nonconforming as to minimum parcel size. However, two of the existing parcels are residentially developable pursuant to the above criteria and therefore this finding can be made since the Lot Line Adjustment results in no increase in the number of developable parcels. The third parcel is a long, narrow parcel encompassing the bluff edge and cliff face sandwiched in between the railroad and sandy beach and could not support residential development. The two existing developable parcels are approximately 8 acres and 94 acres, respectively. Percolation tests conducted on the site demonstrate that private disposal systems are feasible on each of these existing parcels. These parcels are located within the Goleta Water District's service boundary, so water service would also be feasibly obtained. These two parcels are currently accessed by existing unpaved ranch roads and do not involve steep grades or other constraints that would not meet County Fire Department standards for access. Improvement of these roads would ensure that adequate access is available to serve these parcels. Aside from the coastal bluffs, the two parcels are generally level and free of steep slopes. Development could be sited consistent with the minimum setbacks required to accommodate the estimated 75-year bluff retreat. The two parcels are currently used as part of the ranch's cattle grazing operation and residential development on each lot would not threaten or impair the ongoing ranching operation as a whole, as development of these two parcels would only remove a small amount of useable pastureland (up to approximately four acres) relative to the total of 630 acres of suitable grazing across the ranch as a whole. There is no cultivated agriculture that would be impacted by development of these two lots. There is sufficient area within each lot to site development outside of existing environmentally sensitive habitat and buffer areas, as a large portion of each lot consists of non-native annual grassland which is not considered environmentally sensitive habitat. There are no known hazards on either parcel that would result in a hazard to life or property that could not be avoided or minimized through fuel management (for fire defensibility) and bluff setbacks (to accommodate bluff retreat). Development within the 8-acre parcel would be sited to avoid impacts to archaeological resources if possible, or any archaeological resources would be capped to allow for reasonable development and use of the site. As discussed in Section 6.2 and Section 6.3 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference, the parcels are consistent with the applicable requirements of Article II and the Coastal Land Use Plan. Further, the parcels are large enough such that they could be developed consistent with the setback, lot coverage and parking requirements of the Coastal Zoning Ordinance.

- 4. The Lot Line Adjustment will not increase any violation of parcel width, setback, lot coverage, parking or other similar requirement of the applicable zone district or make an existing violation more onerous.**

There are no existing violations in terms of parcel width, setbacks, lot coverage, parking, or other similar requirements of the AG-II-100 zone district. Therefore, the two Lot Line Adjustments will not increase any violations associated with the AG-II-100 zone district.

- 5. The subject properties are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Article or the Lot Line Adjustment has been conditioned to require compliance with such rules and regulations and such zoning violation fees imposed pursuant to applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal non-conforming uses and structures under the respective County Ordinances: Article II (Sections 35-161 and 35-162) and Land Use and Development Code (Section 35.101.20 and 25.101.30).**

The properties subject to the Lot Line Adjustments are in compliance with all laws, rules, and regulations of Article II and the County Land Use and Development Code. There are currently no violations identified for the subject parcels, as they comply with the applicable provisions of Article II and the County Land Use and Development Code.

- 6. Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.**

There are no existing utilities, infrastructure or easements that would need to be relocated as part of the two Lot Line Adjustments.

2.4 TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)

The following findings apply to Case No. 05TPM-00000-00002.

- A. The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:**
 - 1. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from**

refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.

There are no County streets affected by the Tentative Parcel Map. Therefore, this finding can be made.

2. Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street;

The parcels created through the Tentative Parcel Map would be improved with access roads meeting County Fire Department standards. The TPM would not create any landlocked parcels and each of the three parcels would be accessible through private roads and driveways from U.S. Highway 101.

3. Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view;

The proposed parcels are generally level or gently sloping and the subdivision and associated infrastructure improvements would not create steep or unsafe cut or fill slopes. The development envelopes are located in level or gently sloping areas of the parcels.

4. Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors;

No grading or construction work would be permitted prior to recordation of the parcel map.

5. Potential creation of hazard to life or property from floods, fire, or other catastrophe;

The TPM would not create any hazards to life or property from floods, fire, or other catastrophes. Future development would be required to meet County Fire Department standards for defensible space and water storage for fire suppression purposes. Additionally, the residential development envelopes are not located within any identified flood zones and setbacks from adjacent creeks and drainages would ensure that life and property is protected from flood hazards.

6. Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;

The TPM is an integral part of the project evaluated for consistency with applicable County policies in Section 6.2 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference. As discussed in this section the TPM, along with the other elements of the project (as conditioned), would comply with applicable policies of the County Comprehensive Plan, including the Coastal Land Use Plan. The TPM would not affect the alignment of the state highway.

7. Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1;

The lots created through the TPM would not have a ratio of depth to width in excess of 3 to 1.

8. Subdivision designs with lots backing up to watercourses.

The proposed subdivision would not result in lots backing up to watercourses, though the lot lines would follow the alignments of existing drainages separating each lot.

B. A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 *et seq.*, the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.

The TPM is an integral part of the project evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the staff report dated July 10, 2014, [along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015](#), herein incorporated by reference. As discussed in these sections, the subdivision and associated infrastructure improvements (as modified by the conditions of approval) are consistent with the County's Comprehensive Plan, Zoning Ordinance, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. The TPM creates three parcels that meet minimum parcel size requirements and conform to other applicable requirements for the AG-II-100 zone district. Finding 2.5.A below, herein incorporated by reference, discusses the TPM's consistency with applicable provisions of the State Subdivision Map Act. Finding 2.4.A above, herein incorporated by reference, discusses the TPM's consistency with Chapter 21.

2.5 SUBDIVISION MAP ACT FINDINGS

A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the

review authority shall make the following findings for the Las Varas Ranch Tentative Parcel Map (Case No. 05TPM-00000-00002):

- 1. State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The proposed subdivision identifies residential development envelopes that would accommodate future development, however no development is currently proposed. The envelopes would provide for future passive or natural heating or cooling opportunities given their size and open location.

- 2. State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.**

As discussed in Section 6.2 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the subdivision (as modified by the conditions of approval) is consistent with the County General Plan, including the Coastal Land Use Plan. ~~The agricultural conservation easement included as part of the recommended hybrid alternative (Condition No. 80) would enhance consistency of the project with the applicable County and State policies protecting agricultural resources.~~

Incorporating the alignment of the proposed Coastal Trail as described in Alternative 4A of the EIR (Condition No. 81) would ~~similarly~~ enhance the project's consistency with County policies related to public access by providing a connection between the Coastal Trail and vertical beach access trail and bringing the trail closer to the shoreline.

- 3. State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:**
 - a. The proposed map is not consistent with applicable general and specific plans as specified in §66451.**

As discussed in Section 6.2 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the subdivision (as modified by the conditions of approval) is consistent with the County General Plan, including the Coastal Land Use Plan. ~~The agricultural conservation easement included as part of the project as conditioned would enhance consistency of the project with the applicable County policies protecting agricultural resources.~~ Incorporating the alignment of the proposed Coastal Trail as described in Alternative 4A of the EIR would ~~similarly~~ enhance the project's consistency with County policies related to public access by

providing a connection between the Coastal Trail and the vertical beach access trail and bringing the trail closer to the shoreline.

b. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

As discussed in Section 6.2 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the subdivision (as modified by the conditions of approval) is consistent with the County General Plan, including the Coastal Land Use Plan. ~~The agricultural conservation easement included as part of the project as conditioned would enhance consistency of the project with the applicable County policies protecting agricultural resources.~~ Incorporating the alignment of the proposed Coastal Trail as described in Alternative 4A would ~~similarly~~ enhance the project's consistency with County policies related to public access by providing a connection between the Coastal Trail and vertical beach access trail and bringing the trail closer to the shoreline.

c. The site is not physically suitable for the type of development proposed.

The land to be subdivided totals approximately 400 acres and is proposed to be divided into three lots totaling 100 acres, 147 acres, and 157 acres, respectively, with the lot lines following existing north-south trending drainages. The land is generally level and there is ample open area to accommodate future development of a single family residence and associated accessory structures on each lot. No land would be removed from active agricultural production and the proposed 2-acre envelopes would not interfere with the ongoing cattle ranching operation, which would continue to operate as a cooperative over the three lots. Therefore, the site is physically suitable for the type of development proposed.

d. The site is not physically suited for the proposed density of development.

The proposed lots created through the Tentative Parcel Map would comply with the minimum parcel size (100 acres) for the zone district and land use designation in effect. Single family dwellings and associated accessory structures are permitted uses in the AG-II-100 zone district. The site is suited to accommodate future development of a single family residence and associated accessory structures on each of the lots.

e. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

As discussed in Section 6.1 of the staff report dated July 10, 2014, herein incorporated by reference, the proposed project would potentially result in substantial environmental damage and injure fish or wildlife or their habitat. The EIR prepared for the project identified both project alternatives (e.g. Alternative 3C) as well as mitigation measures to reduce these impacts to less than significant levels. Applicable mitigation measures have been incorporated into the project as conditions of project approval. With implementation of the recommended hybrid alternative and

these mitigation measures, the subdivision and proposed improvements would not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

f. The design of the subdivision or type of improvements is likely to cause serious public health problems.

The subdivision and proposed improvements are not likely to cause serious public health problems. As discussed in Section 6.1 of the staff report dated July 10, 2014, herein incorporated by reference, potential traffic hazards resulting from the project would be mitigated to less than significant levels with various improvements to the Las Varas Ranch Road interchange with U.S. Highway 101 as part of project approval. In addition, the EIR identifies mitigation measures to reduce impacts to public health associated with the potential to encounter contaminated soil from improperly abandoned oil and/or gas wells as well as a requirement that the applicant obtain all necessary permits and authorizations from the County Fire Department or other agency with jurisdiction for the storage and handling of hazardous materials. Implementation of the Alternative 4A coastal trail alignment would provide a connection between the vertical and lateral trail easements, avoiding the potential public health and safety problems associated with disconnected trails that could encourage trail users to cross the highway. With implementation of these mitigation measures included as conditions of project approval, along with the recommended hybrid alternative, the subdivision and proposed improvements would not be likely to cause serious public health problems.

g. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no existing public access easements through the project site. Therefore, the project would not conflict with any public access easements through the project site.

4. State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:

(a) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.

(b) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).

- (c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.**
(d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

The project site is not subject to a Williamson Act contract. Therefore, the subdivision would not conflict with the California Land Conservation Act of 1965. The project site is not subject to an open-space easement, agricultural conservation easement, or conservation easement and would therefore not conflict with the Open-Space Easement Act of 1974 or applicable provisions of Chapter 4 of the Public Resources Code or Chapter 4 of the Civil Code.

- 5. State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.**

The proposed project would be served by private septic systems. Therefore, the project would not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems.

2.6 COASTAL DEVELOPMENT PERMIT FINDINGS

The following findings apply to the portion of the private shared water system located in the coastal zone under Case No. 11CDP-00000-00078, as well as the CDPs that accompany the Conditional Certificate of Compliance (15CDP-00000-0002), Lot Line Adjustment (15CDP-00000-00027), and Tentative Parcel Map (15CDP-00000-00026).

- 2.6.1 Finding required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.**

As discussed in Section 6.2 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, adequate services are available to serve the proposed project, including the lots that are subject to the Lot Line Adjustment, Conditional Certificate of Compliance, and Tentative Parcel Map. The purpose of the shared water system is to provide potable water to serve future residential development on the project site. The shared water system would therefore ensure that adequate water supply is

available to serve the project. The water system would be designed to meet County Fire Department standards for water storage to ensure adequate fire protection.

2.6.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission the review authority shall first make all of the following findings:

1. The proposed development conforms:

- a. **To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. **The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in Sections 6.2 and 6.3 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the shared water system and lots subject to the Lot Line Adjustment, Conditional Certificate of Compliance, and Tentative Parcel Map, as modified with the recommended hybrid alternative and mitigated with the incorporation of conditions of approval conforms to applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan as well as applicable provisions of the Article II Coastal Zoning Ordinance.

2. The proposed development is located on a legally created lot.

The project includes two lot line adjustments and one parcel map, along with a combination of voluntary mergers and a Conditional Certificate of Compliance for the existing 94-acre parcel south of the railroad tracks. With approval of all components of the project and recordation of the lot line adjustments and Tentative Parcel Map, the lots would be legally created and the proposed shared water system would be located on legally created lots.

3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).

The subject property and development on the property are in compliance with all laws, rules and regulations of the Article II Coastal Zoning Ordinance. There are no outstanding violations on the subject property and the subject lots and proposed

shared water system conforms to provisions of Article II, as discussed in Section 6.3 of the staff report dated July 10, 2014.

4. The proposed development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale and would not obstruct public views to and along the coast. The Lot Line Adjustment, Conditional Certificate of Compliance, and Tentative Parcel Map do not involve development that will significantly obstruct public views to, and along the coast, since development proposed in conjunction with these approvals is limited to access and infrastructure improvements and not any development that would have the potential to obstruct views.

5. The proposed development will be compatible with the established physical scale of the area.

The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale, would not intrude into the skyline, and would be painted with natural earth tone colors to ensure that they would be compatible with the established physical scale of the area. The Lot Line Adjustment, Conditional Certificate of Compliance, and Tentative Parcel Map would result in parcels that are compatible with the established physical scale of the area, as the lot sizes (which range from approximately 55 acres up to 157 acres) are compatible with other surrounding lots in the area. Similarly, the infrastructure and access road improvements to accommodate future development of each lot are compatible with the established physical scale of the area; infrastructure improvements would largely be below ground and access road improvements would primarily follow existing ranch roads and would not involve large retaining walls or other structural elements that would be out of scale with the surrounding rural area.

6. The proposed development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The shared water system would not be in conflict with any public access through or recreational use of the site. The shared water system would comply with the public access and recreation policies of Article II and the Comprehensive Plan, including the Coastal Land Use Plan. As discussed in Section 6.2 of the staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the Lot Line Adjustment, Conditional Certificate of Compliance, and Tentative Parcel Map comply with the public access and recreation policies of Article II and the Coastal Land Use Plan.

2.6.3 Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay. In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites

designated with the ESH Overlay zone, the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.

These development standards mirror applicable policies of the Coastal Land Use Plan. As discussed in Section 6.2 of the Planning Commission staff report dated July 10, 2014, along with the Planning Commission staff memoranda dated September 16, 2014 and April 9, 2015, herein incorporated by reference, the project meets all applicable development standards related with the ESH Overlay zone. The only area of the site that is impacted by the shared water system and is designated with the ESH Overlay zone is Gato Creek. Creation and reconfiguration of the lots through the Lot Line Adjustment, Conditional Certificate of Compliance, and Tentative Parcel Map would have no direct effect on Environmentally Sensitive Habitat areas. The shared water system and infrastructure and access improvements to accommodate future development within the coastal zone would comply with all applicable development standards for creeks associated with the ESH Overlay zone. The shared water system would cross Gato Creek immediately south of U.S. Highway 101. Section 35-97.19(2) allows pipelines within stream corridors when no alternative route is feasible, as is the case on Las Varas Ranch. Additionally, the access road serving Lots 1, 2, and 3 would cross Gato Creek with a new span bridge in replace of an existing Arizona crossing. In compliance with Sections 35-97.19(4) and (5), any impacts associated with ~~its~~ construction would be reduced through the implementation of required mitigation measures incorporated as conditions of approval, including Condition Nos. 17 and 31, and any temporary removal of riparian vegetation during construction would be restored with native vegetation consistent with Condition No. 22.

ATTACHMENT B: CONDITIONS OF APPROVAL

PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1, dated ~~July 30, 2014~~April 29, 2015, 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 follows¹:

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 3.5-acre residential development envelope, while Parcels 4 and 5 would each include a 5-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

¹ The project description contained in Condition No. 1 is modified by the conditions of approval, including those related to development envelope sizes and locations and trail easement alignments. Where there is a conflict, the conditions of approval apply and supersede the project description.

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 **no more than** two contiguous acres within each designated development envelope or potential development area. Once the property owner has designated the final contiguous acreage within the designated development envelope on the applicable Coastal Development Permit or Land Use Permit in association with future development, the remainder of the designated development envelope shall cease to be devoted to residential use and shall become part of the agricultural operation, subject to the exceptions set forth herein. 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-northern~~ property lines of proposed Parcel ~~6-4 and 5~~ and continuing along Calle Real immediately south of Parcel 7 adjacent to U.S. Highway 101 (as described in Alternative 4A of the Revised Final EIR). ~~Per the applicant's proposed easement, construction of the trail would be require the placement of a pedestrian span 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 immediately south of Highway 101 until reaching the existing ~~farm-employee residence/orchard facility area~~ Gato Creek undercrossing. 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)~~ use the existing undercrossing to cross to the north side of Highway 101 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, westward through the remainder of the siteranch.

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 on 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~~ new residence within a designated development envelope 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 though 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.

The applicant would record the offers to dedicate the trails and parking lot prior to recordation of the Tentative Parcel Map and documentation of the Lot Line Adjustment/Mergers included in the project. Such offer to dedicate shall include a condition that the offer to dedicate may not be accepted and no trail or parking lot constructed or opened prior to the final approval, and the

exhaustion of all appeals and litigation, and the property owner's acceptance of, a CDP for a residence within a designated development envelope on the portion of the property located south of Highway 101.

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 and by two existing Goleta Water District agricultural meters served by the Goleta West Conduit. 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. Goleta Water District is no longer offering new domestic water hookups from the Goleta West Conduit due to quality and pressure issues. 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 septic 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's² 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

² "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."

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 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 Land Use 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.~~ **DELETE [not required with elimination of building site 6a]**

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.
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 or Land Use 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.
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 for any new residential structure and associated infrastructure improvements.
MONITORING: P&D shall inspect prior to occupancy clearance to ensure compliance.
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, hog wire, etc.), while still providing the necessary security for the adjacent agricultural operation consistent with other agricultural fencing within the ranch.
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 Community Services Department, Parks Division. 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 review and approval by P&D and Community Services Department, Parks Division.

MONITORING: The County Parks Department shall confirm that the fencing is in place prior to opening the trails for public use.

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)³ and the Illuminating Engineering Society of North America (IESNA)⁴ 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.
 - This condition does not apply to agricultural development and activities.

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.

8. **AG 1-1: Construction Timing.** All construction-related activities associated with future residential development on Parcels 4 and 5, including associated infrastructure improvements, shall be timed so as not to commence during the calving and weaning season (approximately July through December), if calving is occurring in the pastures. Residential construction on these lots shall commence outside of ~~this the calving~~ season (January through June) if calving is occurring in the pastures on the lots where the construction is to occur, so as not to significantly disturb or distress first-calf heifer calving and weaning. 10-foot high visual screening construction fencing shall be installed around the edge of the construction area to provide visual screening between the construction activities and cattle. In addition, construction workers shall adhere to the following restrictions:

³ Outdoor Lighting Code Handbook, Version 1.14 (<http://www.darksksociety.org/handouts/idacodehandbook.pdf>)

⁴ IESNA Lighting Handbook 9th Edition (<http://www.ies.org/store/department/lighting-handbooks-10001.cfm>)

- 1) No dogs shall be allowed on the construction site, including dogs within vehicles;
- 2) Construction traffic shall use existing roads where feasible;
- 3) All staging and storage of construction vehicles, materials, and equipment shall occur within the development envelope;
- 4) Construction vehicle speeds shall be limited to 5 mph; and
- 5) Construction crews shall be trained by the ranch manager to avoid cow disturbances.

Plan Requirements and Timing: This requirement shall be included on all grading and building plans associated with residential development on Parcels 4 and 5 and submitted for review and approval by P&D. The location of the temporary construction fencing shall be depicted on the plans submitted for review and approval by P&D.

MONITORING: P&D staff shall confirm that this requirement is printed on all grading and building plans submitted to P&D for review and approval prior to Coastal Development Permit issuance for residential development on Parcels 4 and 5. P&D compliance monitoring staff shall site inspect to ensure compliance in the field and respond to complaints.

9. **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 agricultural activities that may endanger the public or pose a potential conflict are being conducted adjacent to or in close proximity to the trails (estimated to be approximately six days per year). 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, the importance of not wandering from the trail, and directing them to the right trail locations.
Plan Requirements and Timing: A copy of the signage shall be reviewed and approved by P&D and Parks Department prior to zoning clearance for site improvements opening the trails. 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.

10. **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 provision shall remain 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.

11. **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~~ should 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;
- Off-road vehicle and equestrian use within the first-calf heifer calving pastures shall be limited to ranch personnel during the calving season if calving is occurring in the pastures;
- 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 and County Counsel 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 or expire, this ~~provision-condition~~ shall remain in full force and effect.

MONITORING: P&D shall review the CC&R document prior to Final Map Clearance.

12. **AQ 1: Construction-Generated Airborne Dust (PM₁₀).** The applicant shall prepare a Construction Management Plan to control PM₁₀ emissions during grading for and construction of residential development and associated infrastructure. 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.
- This condition shall not apply to agricultural development and activities.

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 for residential development and associated infrastructure improvements. 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.

13. **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.
- This condition does not apply to agricultural development and activities.

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.

14. **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 residential building and improvement plans or shall submit proof of infeasibility (with concurrence from P&D) prior to approval of Coastal Development Permits and/or Land Use Permits for individual residences.

MONITORING: Building and Safety shall site inspect to ensure that residential development and associated infrastructure is in accordance with approved plans prior to Final Building Inspection Clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.

15. **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 until the birds have fledged, 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, or as determined by the qualified biologist based on the type and location of the roost and the specific work activity being conducted.

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 for project elements. P&D or a qualified local biologist approved by the County shall monitor for compliance.

16. **BIO 4-1: Additional Provisions for SWPPP and Erosion Control Plans.** Condition #55 (MM WAT 2-1) and #58 (MM WAT 2-4) require the preparation of Stormwater and Erosion Control Plans for new residentially-related development. 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 for non-agricultural structures. 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 #55 and #58.

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.

17. **BIO 4-2: Erosion Control BMPs and Seasonal Restrictions on Residential Construction.** The applicant shall incorporate all applicable Best Management Practices (BMPs), including seasonal restrictions on construction, as appropriate, into the grading/drainage plan for any residential construction 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 residential 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.

18. **BIO 5: Buffer from Sensitive Habitat.** With the exception of the existing residence on Parcel 5 and future remodels (or rebuilds in the event of a natural disaster), 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. Any expansion of the existing residence on Parcel 5 shall not result in any further encroachment into these buffers as compared to the existing building footprint. 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 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. This condition does not apply to agricultural development and activities.

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.

19. **BIO 6-1: Buffer from Sensitive Habitat.** With the exception of the existing residence on Parcel 5 and future remodels (or rebuilds in the event of a natural disaster), 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. Any expansion of the existing residence on Parcel 5 shall not result in any further encroachment into these buffers as compared to the existing building footprint. 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-condition~~ shall be included on an 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. This condition does not apply to agricultural development and activities.

MONITORING: P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum buffer requirements set forth in this

condition. Permit Compliance shall site inspect during construction of future structures to ensure compliance.

20. **BIO 6-2 Fuel Management Plan Required.** The applicant shall prepare a Fuel Management Plan to ensure that avoidance of native vegetation 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. Pre-mowing surveys within the fuel management zones to ensure no ground-dwelling birds are nesting shall be conducted if mowing occurs during the nesting season (February 1 to August 15).

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. Vegetation clearance within the fuel management zones shall be conducted in compliance with the Fuel Management Plan.

MONITORING: P&D permit compliance staff shall monitor implementation of the Fuel Management Plan and respond to complaints.

21. **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.

22. **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.

23. **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 remain in full force and effect.

MONITORING: P&D and County Counsel 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.

24. **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. The biologist, at his/her discretion, shall perform capture and relocation of non-listed fish, tadpoles, aquatic insects, and other animals found in the scour pool below the existing crossing to further downstream.

- **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.

25. **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 livestock-agricultural 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.** Rodent traps for non-agricultural purposes within the residential 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 Informational Sheet 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 and County Counsel 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 or expire, this condition shall remain 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.

26. **BIO 12-2: Habitat Avoidance, Protection, and Restoration Plan.** To minimize impacts to sensitive resources from future project 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 either of proposed Parcels 1 and 2. Unless project development is occurring simultaneously on the two parcels, a separate Plan shall be prepared for each at the time of proposed project development on the parcel for which the Plan is prepared. The Each such Plan shall be prepared based on siting surveys conducted according to Mitigation Measure BIO-5. The Each Plan shall meet the following minimum parameters:

- a. 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;
- b. The proposed Bbuilding sites within each-the development envelope for that parcel shall avoid impacting native grasslands;
- c. Any native habitats temporarily or permanently disturbed by project development shall be restored-mitigated 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 to meet County Fire Department requirements 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 for each parcel shall include a map depicting all plant community types within the development area for that parcel 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 Each such~~ Plan shall include measures to protect sensitive habitats during construction. ~~The Each such~~ 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 each plans for future residential development on Parcels 1 and 2 to ensure compliance with these requirements prior to permit issuance for future development on either parcel.

MONITORING: P&D shall review the Habitat Avoidance, Protection, and Restoration Plan for each ~~lot of~~ Parcels 1 and 2, 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.

- 27. ~~**DELETED [not needed with relocation of Parcel 2 envelope] 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.~~

- 28. **BIO 15-1:** Trees in the monarch groves shall not be trimmed or removed during project construction or occupation unless approved and monitored by County P&D and a qualified monarch butterfly biologist, except that dead trees may be removed outside of the overwintering period if such removal occurs without damage to living trees and with concurrence from a County-qualified monarch butterfly biologist that their removal would not adversely impact the microclimate of the grove. **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 residential construction to ensure compliance with this measure.

29. **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 in association with each future permit and shall confirm results of any pre-construction surveys prior to construction.

30. **BIO 16: Wetlands.** With the exception of the existing residence on Parcel 5 and future remodels (with no change to the building footprint), aAll 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 proposed to be located proximate to said wetlands. 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. Any rebuild or expansion of the existing residence on Parcel 5 shall comply with the 100-foot setback requirement. **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. This condition shall not apply to agricultural development and activities.

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.

31. **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 Land Use Permit or Coastal Development Permit issuance. Individual oaks trees and all sensitive habitats and species along and adjacent to the pipeline route shall be shown on the site plan and on grading plans.

MONITORING: P&D shall review and approve the final water line alignments prior to Land Use Permit and/or Coastal Development Permit issuance, and shall ensure that the required sensitive areas are avoided during construction.

32. **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.

33. **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 consistent with~~ 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.

34. **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 and consistent with its depiction in Alternative 3C of the EIR. **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.

35. **CULT 2-2.** Except as provided herein, 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 and driveways 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.

36. **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.

37. **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 for residential development and associated infrastructure, 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.

38. **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.

39. **CULT 3-1.** 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.

40. **CULT 3-2.** Except as provided herein, No ground disturbance of any kind, including landscaping and vegetation removal involving disturbance of root balls, shall be permitted within 100 feet of the boundaries of CA-SBA-2409. Utility infrastructure and driveways shall be sited so as to avoid the boundaries of CA-SBA-2409. No orchard planting shall be permitted within the boundaries of CA-SBA-2409. 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 Land Use Permits for future development on Parcel 7.

MONITORING: P&D shall site inspect during construction to confirm compliance.

41. **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.

42. **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~~ rehabilitated or altered in conformance with final approved plans.

43. **CULT 6-2:** Prior to ~~the project's implementation~~ the applicant approval of any new residential development or associated infrastructure on Parcel 4 and 5, the applicant shall provide ~~for~~ photographic documentation of the significant buildings in the portion of Historic Areas 1 and/or 2 located on that parcel, within their setting, which photographs shall be taken 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~~ on either Parcel 4 or 5.

MONITORING: P&D shall confirm receipt of photographic documentation prior to CDP issuance.

44. **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.

45. **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.

46. **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 residential development and associated infrastructure. **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 for new residential development.

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.

47. **GEO 3:** Prior to issuance of building permits for new residential development, radon testing shall be conducted in all areas of proposed ~~structural-residential~~ 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 for new residential development. 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.

48. **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) or other appropriate agency with jurisdiction; the resumption of work requires the approval of the HMU or other appropriate agency with jurisdiction. **Plan Requirements/Timing:** This requirement shall be noted on all grading and building plans.

MONITORING: Permit Compliance staff shall site inspect to ensure compliance.

49. **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 or other agency with jurisdiction 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 or other agency with jurisdiction and DOGGR shall monitor abandonment activities and documentation, as necessary.

50. **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.

51. **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 from the beach. 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.

52. **TRANS 1:** To improve the corner and stopping sight distance, the Owner/Applicant shall modify the small cut slope approximately 600 feet north of the Las Varas Ranch Road access on the beach side to increase the sight distance. **Plan Requirements and Timing:** The owner/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 within a designated development envelope south of the highway ~~or the beach parking lot, whichever comes first~~. The owner/applicant shall obtain an encroachment permit from Caltrans prior to Grading Permit issuance.

MONITORING: Grading inspector shall site inspect to ensure compliance with approved plans prior to occupancy clearance.

53. **TRANS 2:** The Owner/Applicant shall extend the existing northbound left turn lane approximately 240 feet within the center median to meet the minimum Caltrans distance of 530 feet. **Plan Requirements and Timing:** The owner/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 within a designated residential development

envelope south of the highway ~~or the beach parking lot, whichever comes first~~. The owner/applicant shall obtain an encroachment permit from Caltrans prior to construction.

MONITORING: P&D shall site inspect to ensure compliance with approved plans prior to occupancy clearance.

54. ~~**DELETED TRANS 3:**—The Owner/Applicant shall construct full deceleration and acceleration lanes at Las Varas Ranch Road along the southbound shoulder of U.S. Highway 101 to meet minimum Caltrans requirements. **Plan Requirements and Timing:** The owner/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. The owner/applicant shall obtain an encroachment permit from Caltrans prior to construction.~~

~~**MONITORING:** P&D shall site inspect to ensure compliance with approved plans prior to occupancy clearance.~~

55. **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 residential development, including infrastructure improvements ~~and for~~ 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 for future residential development or infrastructure improvements. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

56. **WAT 2-2 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during project 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 residential 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 residential development and associated infrastructure.

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.

57. **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 residential 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.

58. **WAT 2-4 Erosion and Sediment Control Plan.** For all future residential development, including infrastructure improvements, 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) for all future residential construction, including infrastructure improvements, 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 residential 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.

59. **WAT 2-5 Grading Limits.** All future plans for **residential** development within **individual designated** development envelopes shall designate grading limit lines within the envelope to apply during construction, **which limits shall correspond to the maximum building envelope (not to exceed two acres) described in these conditions.**

PLAN REQUIREMENTS AND TIMING: The grading limit lines 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 **that the maximum allowable size of the building envelope has not been exceeded and** installation of the temporary construction fencing **has been completed** in the field prior to construction.

60. **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~~**five-year** 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 **or expire**, 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.

61. **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.

62. **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 inadvertent 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~~ respond to complaints.

63. **WAT 4-1** Outdoor water use for future residential development within designated development envelopes 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%.
 - Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
 - 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 within a designated development envelope, 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.

64. **WAT 4-2** Indoor water use [for future residential development within a designated development envelope](#) shall be limited through the following measures:
- All hot water lines shall be insulated.
 - Recirculating, point-of-use, or on-demand water heaters shall be installed.
 - Self regenerating water softening shall be prohibited in all structures.
 - 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.

TENTATIVE PARCEL MAP CONDITIONS

65. **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.
66. **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 [non-agricultural](#) grading or construction activities and during any subsequent [non-agricultural](#) 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.
67. **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.
68. **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.
69. **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

70. **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.
71. **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.
72. **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.
73. **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

74. **Rules-02 Effective Date-Appellable 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.
75. **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 for the shared water system, 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.
76. **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.

77. **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, including but not limited to testing of the water system, 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.
78. **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.
79. **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 non-agricultural development, including grading.

PROJECT SPECIFIC CONDITIONS

80. ~~**DELETED Agricultural Conservation Easement.** Prior to Final Map Clearances for the Tentative Parcel Map and two Lot Line Adjustments, the applicant shall grant a 1,784-acre Agricultural Conservation Easement (hereafter referred to as "Easement") in perpetuity, as shown on Attachment G to the Planning Commission staff report, dated July 10, 2014, to the County or a qualified nonprofit organization as defined by California Civil Code Section 815.3(a) or California Government Code Section 51075(f), which shall accept and record the Easement. The Easement shall be recorded free of prior liens and encumbrances (other than existing and approved easements for roads, trails, and utilities) which the County determines may affect the interest being conveyed, and shall run with the land in favor of the County or conservation organization, binding all successors and assigns. The recorded grant of easement shall include a formal legal description of the entire property and a metes and bounds legal description and graphic description, prepared by a licensed surveyor, of the Easement. The easement language shall indicate that no non-agricultural development shall occur within the Easement except the following activities as approved for the Project, or pursuant to a future permit:~~
- ~~1. Construction of residential structures, improvements, and development within each designated development envelope on each lot;~~
 - ~~1. Habitat restoration, enhancement and maintenance, including associated grading and drainage improvements for such purposes;~~
 - ~~2. Installation, repair or upgrading of approved roads, utilities, including storm drains, water lines and associated water supply facilities, irrigation lines, underground water storage tanks or cisterns serving residential development, wastewater disposal areas, and similar facilities;~~
 - ~~3. Construction of water quality management structures, erosion control and flood control management activities;~~

- ~~4. Fuel modification required by the County of Santa Barbara Fire Department undertaken in accordance with the final fuel modification plans approved for each parcel in association with future residential development, or other fuel modification plans required and approved by the County;~~
- ~~5. Improvements for and maintenance of public access, recreation, and/or environmental education and research including, but not limited to, trails, fencing along designated pathways, and associated appurtenances and necessary signage;~~
- ~~6. Reconstruction of existing drains or maintenance and repair activities consistent with permit conditions;~~
- ~~7. Activities for the remediation of hazardous materials as approved by the County; and,~~
- ~~8. Minor earth disturbance for archaeological study.~~

~~**Management:** Management and maintenance of the Easement, consistent with adopted mitigation measures and conditions for the proposed project shall be the responsibility of the owner/applicant through the established Homeowners Association and CC&Rs. However, nothing shall preclude the owner/applicant from entering into an agreement with the grantee of the Easement for management and maintenance of the Easement. **Plan Requirements and Timing:** Prior to Final Map Clearances for the Tentative Parcel Map and two Lot Line Adjustments, the owner/applicant shall 1) submit the easement language to the County for review and approval by the Planning and Development Department and County Counsel and 2) grant the proposed 1,784-acre Agricultural Conservation Easement in perpetuity to the County or a qualified nonprofit organization as defined by California Civil Code Section 815.3(a) or California Government Code Section 51075(f), which shall accept and record the Easement.~~

~~**MONITORING:** P&D staff shall confirm that the Easement has been granted in accordance with this condition prior to Final Map Clearances for the Tentative Parcel Map and two Lot Line Adjustments.~~

81. ~~**DELETED [project description revised to incorporate this trail] Lateral Trail Easement.** In place of the lateral trail easement proposed by the applicant/owner, the applicant/owner shall dedicate a 15-foot wide easement to the County in perpetuity for a lateral public access trail that follows the alignment depicted in Alternative 4A of the Revised Final EIR.~~

~~**PLAN REQUIREMENTS/TIMING:** The easement document and the specific alignment for the trail shall be reviewed and approved by P&D, County Counsel and the Community Services Department (Parks Division) prior to Final Map Clearance for the Tentative Parcel Map and Lot Line Adjustment. The easement shall be accepted by the Board of Supervisors and recorded prior to Final Map Clearance for the Tentative Parcel Map and Lot Line Adjustment.~~

~~**MONITORING:** P&D staff shall confirm that the easement has been recorded prior to Final Map Clearance.~~

82. **Shoreline Trail Easement.** The alignment of the proposed shoreline trail easement being dedicated to the County by the owner/applicant along the sandy beach above the mean high tide shall be modified to ensure access around Edwards Point during periods of high tide.

PLAN REQUIREMENTS/TIMING: The easement document and the specific alignment for the shoreline access shall be reviewed and approved by P&D, County Counsel and the Community Services Department (Parks Division) prior to Final Map Clearance for the Lot Line

Adjustment. The easement shall be accepted by the Board of Supervisors and recorded prior to Final Map Clearance for the Lot Line Adjustment.

MONITORING: P&D staff shall confirm that the easement has been recorded prior to Final Map Clearance for the Lot Line Adjustment.

83. **Parcel 2 Residential Development Envelope.** The residential development envelope for Parcel 2 shall be relocated consistent with its depiction in Alternative 3C of the Revised Final EIR, covering a total of 2.5 acres.

PLAN REQUIREMENTS AND TIMING: The envelope location shall be redrawn on the Lot Line Adjustment exhibit and submitted to P&D for review and approval prior to Final Map Clearance.

MONITORING: P&D staff shall ensure that the Lot Line Adjustment exhibit depicts the proper location and configuration of the residential development envelope prior to Final Map Clearance.

84. **Parcel 6 Residential Development Envelope.** Building Area #1 (6a on Figure 2-3 of the Revised Final EIR) shall be removed from the Lot Line Adjustment exhibit as a potential building site for future residential development on Parcel 6.

PLAN REQUIREMENTS AND TIMING: The Lot Line Adjustment exhibit shall be revised to eliminate Building Area #1 (6a) as a potential residential development envelope. The revised exhibit shall be submitted to P&D for review and approval prior to Final Map Clearance.

MONITORING: P&D staff shall ensure that the Lot Line Adjustment exhibit depicts the proper location and configuration of the residential development envelope areas prior to Final Map Clearance.

85. **Parcel 4 Residential Development Envelope.** The residential development envelope for Parcel 4 shall be relocated consistent with its depiction in Alternative 2A of the Revised Final EIR, covering a total of 2 acres.

PLAN REQUIREMENTS AND TIMING: The envelope location shall be redrawn on the Final Map and submitted to P&D for review and approval prior to Final Map Clearance.

MONITORING: P&D staff shall ensure that the Final Map depicts the proper location and configuration of the residential development envelope prior to Final Map Clearance.

86. **Parcel 5 Residential Development Envelope.** The residential development envelope for Parcel 5 shall be relocated consistent with its depiction in Alternative 3C of the Revised Final EIR, covering a total of 2 acres.

PLAN REQUIREMENTS AND TIMING: The envelope location shall be redrawn on the Final Map and submitted to P&D for review and approval prior to Final Map Clearance.

MONITORING: P&D staff shall ensure that the Final Map depicts the proper location and configuration of the residential development envelope prior to Final Map Clearance.

87. **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 December 22, 2011 and January 20, 2012;

5. County Flood Control dated July 21, 2014;
6. Parks Department dated December 21, 2011;
7. Transportation Division dated December 21, 2011.

- 88. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that development of the shared water system, the infrastructure improvements, and future residential development within the designated development envelopes each 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 for future residential development within the residential development envelopes and associated infrastructure 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 future residential 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.

- 89. 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.

- 90. Public Access Offers-to-Dedicate.** The proposed Public Access Offers-to-Dedicate (OTD) are shown on Attachment G to the Planning Commission staff report dated July 10, 2014 and are subject to the following requirements:

(i) OTD Recordation. No later than 30 calendar days following Board of Supervisors approval of the proposed project, the applicant/property owner shall execute and submit to the Planning and Development Department and County Counsel an irrevocable OTD to the

County for all areas on Las Varas Ranch within which permanent public easements for public pedestrian access and passive recreational use are proposed and depicted on Attachment G to the Planning Commission staff report dated July 10, 2014 (OTD areas). The OTD shall be in a form and content acceptable to the Planning and Development Department and the County Counsel. The OTD shall include a formal legal description of the entire property and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, for each of the OTD areas being conveyed. Upon approval of the form and content of the OTD, the OTD shall be recorded free of prior liens and encumbrances (other than existing and approved easements for roads, trails, and utilities) which the County determines may affect the interest being conveyed, and shall run with the land in favor of the County. The OTD shall be binding upon the owners of Las Varas Ranch and their heirs, assigns, or successors in interest.

The OTD (and the subsequent alignment of the public access easements within the OTD areas, as addressed in subparagraph (ii) below) shall not become effective unless and until the first Coastal Development Permit for the proposed project is issued and the Project approval is “final” and no longer subject to administrative or judicial challenge. The Project approval shall be deemed “final” when all administrative appeal periods have expired without an appeal having been filed; or when all statutes of limitation for judicial challenge to the Project approval have expired without litigation being filed; or, if litigation is filed, when a successful defense in such litigation has resulted in a final judgment upholding the Project approval.

(ii) Public Access Easement Management. Once the OTD has been accepted by the County, management and maintenance of the dedicated public access easement areas and the physical improvements within those easement areas shall be the responsibility of the County. The County may receive assistance and enter into partnerships with conservation organizations and nonprofit groups for the construction, management and maintenance of the public access easement areas and improvements.

ATTACHMENT C: FEIR REVISION LETTER RV1

TO: County Planning Commission

FROM: Alex Tuttle, Planner
Planning and Development, Development Review Division

DATE: April 9, 2015

RE: Revisions to 10EIR-00000-00005, the proposed Final EIR for the Las Varas Ranch Project (05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07RZN-00000-00007, 07RZN-00000-00006, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078, 15CDP-00000-00026, 15CDP-00000-00027, and 15CDP-00000-00028) to reflect revisions proposed subsequent to completion of the proposed Final EIR for the project and prior to decision-maker action (including potential certification of the FEIR)

I. LOCATION

The project site is located at 10045 Calle Real in the Gaviota area, Third Supervisorial District.

II. BACKGROUND

An EIR was prepared for the Las Varas Ranch Project (10EIR-00000-00005) to analyze the project's environmental impacts and identify project alternatives. The purpose of this memorandum is to update the EIR to incorporate minor new information and clarifications identified during the public hearing process. This new information and minor clarifications or modifications clarifies or amplifies the analysis without changing the conclusions of the EIR. In addition, at the applicant's request, minor changes have been proposed to several mitigation measures in the EIR to improve their clarity while preserving their adequacy in terms of reducing potentially significant impacts to less than significant levels. This EIR Revision Letter also includes a discussion of the applicability of certain mitigation measures in relation to the hybrid project alternative recommended by staff. In addition, one mitigation measure contained in the EIR related to traffic safety has been clarified to be a *recommended* mitigation measure rather than a required mitigation measure based upon reevaluation of the conclusions of the traffic study. To this end, this FEIR Revision letter (RV1) has been prepared. Lastly, the project has been modified to include three Coastal Development Permits to be processed in conjunction with the Conditional Certificate of Compliance, Tentative Parcel Map, and Lot Line Adjustment in the coastal zone. These additional permits are required by a recent amendment to the Article II Coastal Zoning Ordinance and do not alter the scope of the proposed project or have any impact on the EIR analysis.

Section IV of this Revision letter contains minor corrections and additions to the proposed Final EIR in addition to those identified in Section III below that will be incorporated into the document upon EIR certification.

III. DISCUSSION

Recreation - Edwards Point

The EIR discusses public use of Edwards Point in its description of existing recreational uses in and around the project site. Page 4.10-6 of the Revised Final EIR, in its discussion of the existing use of Edwards Point states:

Edwards Point: Edwards Point (“Eddies”) is located at the mouth of Gato Creek on the project site. It is a local surfing destination (it is identified in the “Surfing Guide to Southern California”), though there are currently no established public access points serving this location. Thus, access to this point is currently achieved by individuals who are allowed to cross the ranch by permission from the owner as well as individuals who cross through the ranch by unauthorized means, including those who travel along and across the railroad property to gain access. It is less frequently used than other area surf spots, including Naples. Usage is variable and many days it experiences little to no use.

The Santa Barbara Trails Council submitted information to the County Planning Commission at the hearing dated September 23, 2014 indicating that Edwards Point is used by other recreationists in addition to surfers. Edwards Point is also used and accessed by fishermen, hikers, and beachgoers. Thus, the text of this paragraph of the EIR is revised as follows:

Edwards Point: Edwards Point (“Eddies”) is located at the mouth of Gato Creek on the project site. It is a local surfing destination (it is identified in the “Surfing Guide to Southern California”), though there are currently no established public access points serving this location. Thus, access to this point is currently achieved by individuals who are allowed to cross the ranch by permission from the owner as well as individuals who cross through the ranch by unauthorized means, including those who travel along and across the railroad property to gain access. It is less frequently used than other area surf spots, including Naples. There is also evidence of the site being occasionally used by fishermen, hikers, and beachgoers. Usage is variable and many days it experiences little to no use.

In its analysis of recreational impacts of the proposed project on existing established recreational uses (Impact REC-1), the EIR focuses on the existing recreational use of Edwards Point by surfers and the impacts that the project would have on this use. Updating the discussion to reference the diversity of users accessing Edwards Point for recreation would provide greater clarity and accuracy, as follows:

There are no designated recreational trails or uses within the project site. However, Edwards Point, located at the mouth of Gato Creek within the project site, has long been used by local surfers, along with other members of the recreating public (e.g. fishermen, hikers, beachgoers, etc.). Historically, access to this local surfing destination has been by individuals who are allowed to cross the ranch by permission from the owner and those who cross through the ranch and along and across the railroad to reach Edwards

Point by unauthorized means, since there is currently no established public access to the beach in the vicinity of the project site. This commonly involves parking on the ocean side of the El Capitan Ranch interchange and walking east along the railroad tracks before dropping down to Edwards Point near Gato Creek. Members of the public are also known to access Edwards Point along the beach from the east and west during favorable tidal conditions. There ~~is~~ are no data indicating the total number of surfers or other recreationists that access this beach in any given year. Anecdotal evidence suggests that the site is used by surfers infrequently during the winter and that the number of people is not significant (approximately 5 to 10 people on any given day when a swell is present, and often the same people) (pers. comm., Paul Van Leer, Ranch Manager), as the access is difficult, it is not a consistent break as it requires large swells, and there are other breaks in the general vicinity where access is easier and the surfing more consistent. This understanding of existing level of use has been corroborated by at least one other local surfer who has been to the site on multiple occasions. As stated in Surfer Magazine's Guide to Southern California Surf Spots (2006), "a right point that is beloved by the local rogues and can't handle any more pressure, so that is all we are going to say about that. Naples, Seals and Deadmans are all similar: reef/points that show up on huge swells but are rarely worth the hassle to reach them." A use survey conducted by the Santa Barbara Trails Council on a total of 12 days during the spring and early summer of 2013 documented an average of 2-3 cars present at the El Capitan Ranch Road interchange on more than 50% of the days on which the surveys were conducted. Supporting photos submitted by the Trails Council show fishermen, hikers, and beachgoers, in addition to surfers, accessing Edwards Point and/or walking along the bluffs through Las Varas Ranch. This information documents that public access through the site and use Edwards Point for public recreational purposes is ongoing. However, the documented use is periodic in nature and relatively low in use levels, especially as compared to other more heavily used areas along the coast. In addition, ~~no~~ members of the public were observed at Edwards Point or passing through the ranch or along the railroad tracks during the numerous approximately two dozen site visits conducted by P&D staff and consultants in the preparation of the EIR, further corroborating the fact that the site experiences low and infrequent sporadic levels of use. This low level of use is attributed largely to an infrequent swell and limited access, unlike other areas along the coast, such as Naples or Tajiguas Beach, which have more reliable surf (in the case of Naples) and where public access and recreational use is more established and more regular. Compared to Naples, use of Edwards Point by surfers is far less established and less frequented. Nonetheless, future residential development of the ranch south of U.S. Highway 101, especially along the two bluff top/ocean front parcels, would likely hinder routes previously used by the public to access the point due to heightened human presence associated with the residences.

The EIR accurately reflects the relatively low level of use of Edwards Point. The additional information added to the EIR via this EIR Revision Letter about the diversity of recreational use of Edwards Point does not alter the conclusions of the EIR in terms of the impacts of the project on public access or recreation. The impact of the project on established recreational uses (Impact REC-1) would remain less than significant (Class III) with this updated information.

The EIR identified significant but mitigable (Class II) impacts of the project on the quality and quantity of existing recreational opportunities (Impact REC-2). The EIR analysis includes the following discussion below. Modifying the text to clarify the quality of the surfing experience at Edwards Point, as shown in strikethrough/underline below, would amplify the discussion but would not change the EIR conclusions.

The residential development envelope on proposed Parcel 2 is located adjacent to the mouth of Gato Creek, approximately 90 feet from the beach at its closest point. As discussed above, this beach area, known as Edwards Point, has long been used by local surfers; it is identified in the Surfer Magazine's Guide to Southern California Surf Spots (2006) as well as the Surfing Guide to Southern California (Stern and Cleary, 1998). Edwards Point offers a high quality surfing experience with the right swell due to the potential for long rides and small crowds, combined with its remote setting. However, similar to other points along the coast (e.g. El Capitan), the Edwards Point break relies on infrequent, large winter swells and cannot accommodate a large number of surfers. The Surfer Magazine's Guide to Southern California Surf Spots (2006) does not appear to apply substantially greater value to this surf spot than others in the vicinity and the Point experiences relatively low levels of use. The infrequency of the surf break combined with the difficult access to Edwards Point limit its value as a public recreational resource.

Shaped like a barbell, the proposed development envelope extends away from the beach to over 1,000 feet at its furthest point. The more distant developable portion of the envelope is approximately 750 feet from the beach and is shielded from view from the beach by intervening vegetation and a rise in topography. While potentially visible from further offshore (like kayakers and boaters as discussed below), development in this portion of the envelope is not likely to substantially degrade the quality of the recreational experience in this location. However, development within the more forward portion of the envelope could be prominently visible to surfers and beach users and could substantially degrade the quality of the recreational experience, if not sited or designed properly, by conflicting with the existing rural, minimally developed character of this portion of the coast. Further, a two-story structure would tend to loom over the beach in this location, breaking the skyline as seen from the beach and ocean.

With this EIR Revision Letter, the EIR has been revised to reflect the changed discussion on the quality of the Edwards Point surf break. Impact REC-2 remains less than significant with mitigation (Class II). No new or modified mitigation measures are required to reduce the impact to a less than significant level.

Transportation/Circulation

As discussed in the analysis of Impact TRANS-2 (Traffic-Related Hazards), Caltrans has various standards and guidelines for the operation and design of State highways to ensure traffic safety. These include standards for sight distance, stopping distances, intersection layout and design, and left-turn channelization. As shown in Table 4.11-2 of the EIR, the existing Las Varas Ranch

Road access to Highway 101 meets the majority of the access design criteria provided by Caltrans. The two areas where the access does not meet the design criteria are in the sight distance to the west of the access road (from the coast side of the highway) and the deceleration length for the left turn lanes at the intersection. The EIR identifies a potentially significant impact associated with the project in regards to these two features of the Las Varas Ranch Road intersection. The EIR includes two mitigation measures (Mitigation TRANS 1 and TRANS 2) to reduce this impact to a less than significant level.

The EIR also indicates that full deceleration and acceleration lanes should be constructed for the southbound U.S. Highway 101 travel lanes in order to encourage the southbound use of the access at the Las Varas Ranch Road intersection and to minimize the use of the left turn lane for northbound motorists entering the site. However, according to the traffic study prepared in support of the EIR analysis (OEG 2010), these improvements are not currently required to meet a specific Caltrans safety standard, unlike the sight distance and left-turn deceleration lane. Rather, it is simply a recommended improvement. The EIR incorrectly incorporated this improvement into a mitigation measure (Mitigation TRANS 3) described as required in order to reduce the overall traffic safety impact to a less than significant level. However, based on the traffic study, this mitigation measure should be more appropriately categorized as a *recommended* mitigation measure because it is not required to reduce the traffic hazard impact to a less than significant level. To this end, the following changes to the text of the EIR under Impact TRANS-2 are proposed:

~~*In order to encourage the southbound use of the access at the Las Varas Ranch Road intersection and minimize the use of the left turn lane for northbound motorists entering the site, full deceleration and acceleration lanes would be constructed for the southbound U.S. Highway 101 travel lanes. This would ensure that beach goers and residents exiting the site and traveling southbound on the highway (which is the direction most motorists would travel) would have a full acceleration lane, which would reduce potential traffic hazards at that interchange. In addition, “Coastal access” signage would be erected to direct northbound motorists to utilize the El Capitan Ranch Road interchange for accessing the beach parking area, which would allow the motorists to exit at that interchange, enter the southbound travel lanes, and exit at Las Varas Ranch without having to utilize the left turn lane and cross the southbound travel lanes (see **Figure 4.11-2** below). However, it is likely that many visitors to the site would ignore that signage and utilize the left turn lane directly at the Las Varas Ranch Road at-grade interchange rather than traveling the extra distance and turning around. Since it is estimated that use of the public parking lot and beach access trail could generate up to 98 ADTs and 8 PM PHTs, and 80% of trips would be oriented to and from the south, the use of this northbound left-turn lane would be moderate. By building the parking area and establishing the coastal access trail, use of this interchange will increase, thereby creating a potentially unsafe traffic hazard. Therefore, absent modifications to increase the northbound left turn lane to meet minimum Caltrans standards and establish an adequate level of safety for motorists entering and exiting the southern portion of the project site through adequate sight visibility and ingress/egress, impacts to public safety from traffic-related hazards are considered **potentially significant but mitigable.** In*~~

order to encourage the southbound use of the access at the Las Varas Ranch Road intersection and minimize the use of the left turn lane for northbound motorists entering the site, full deceleration and/or acceleration lanes could be constructed for the southbound U.S. Highway 101 travel lanes in association with future development of the parking lot and public trail(s). This would ensure that beach goers exiting the site and traveling southbound on the highway (which is the direction most motorists would travel) would have a full acceleration lane, which would reduce potential traffic hazards at that interchange.

In summary, Mitigation TRANS 3 should be reclassified as a *recommended* mitigation measure and the residual impact of TRANS-2 remains less than significant with application of Mitigation TRANS 1 (sight distance improvements) and TRANS 2 (northbound left-turn deceleration lane improvement).

IV. CHANGES TO MITIGATION MEASURES

Minor Changes to Clarify Intent

This section contains minor corrections and additions to several proposed mitigation measures identified in the Final EIR. None of the proposed corrections or additions alter the ability of the mitigation measures to reduce impacts or change the conclusions of the EIR analysis. Many of the suggested modifications involve the insertion of language to clarify the intent of the mitigations and the fact that they are intended to apply to future residential development and associated infrastructure improvements, and not to unrelated agricultural development or activities. This was the original intent of the mitigation measures since agricultural activities and development could be undertaken separately from this project. Hence, the language changes make that original intention explicit. Specifically, Mitigation Measures AES 4, AES 6, AQ 1, AQ 2, AQ 3, BIO 4-1, BIO 4-2, CULT 2-4, GEO 2, GEO 3, WAT 2-1, WAT 2-2, WAT 2-3, WAT 2-4, WAT 2-5, WAT 4-1, and WAT 4-2 have been modified to include such clarifications. These corrections and additions are listed below. Deleted text is in ~~strike through~~. New text is underlined.

*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 for any new residential structure and associated infrastructure improvements.*

MONITORING: P&D shall inspect prior to occupancy clearance to ensure compliance.

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)¹*

¹ Outdoor Lighting Code Handbook, Version 1.14 (<http://www.darksksociety.org/handouts/idacodehandbook.pdf>)

and the Illuminating Engineering Society of North America (IESNA)² 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.
- This condition does not apply to agricultural development and activities.

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.

AQ 1: Construction-Generated Airborne Dust (PM₁₀). The applicant shall prepare a Construction Management Plan to control PM₁₀ emissions during grading for and construction of residential development and associated infrastructure. 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.

² IESNA Lighting Handbook 9th Edition (<http://www.ies.org/store/department/lighting-handbooks-10001.cfm>)

- *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.*
- *This condition shall not apply to agricultural development and activities.*

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 for residential development and associated infrastructure improvements. 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.*

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.*
- *This condition does not apply to agricultural development and activities.*

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.*

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 residential building and improvement plans or shall submit proof of infeasibility (with concurrence from P&D) prior to approval of Coastal Development Permits and/or Land Use Permits for individual residences.*

MONITORING: *Building and Safety shall site inspect to ensure that residential development and associated infrastructure is in accordance with approved plans prior to Final Building Inspection Clearance. Planning staff shall verify landscape installation in accordance with approved landscape plans.*

BIO 4-1: Additional Provisions for SWPPP and Erosion Control Plans. *Condition #55 (MM WAT 2-1) and #58 (MM WAT 2-4) require the preparation of Stormwater and Erosion Control Plans for new residentially-related development. 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 for non-agricultural structures. 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 #55 and #58.*

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.*

BIO 4-2: Erosion Control BMPs and Seasonal Restrictions on Residential Construction. *The applicant shall incorporate all applicable Best Management Practices*

(BMPs), including seasonal restrictions on construction, as appropriate, into the grading/drainage plan for any residential construction 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 residential 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.

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 for residential development and associated infrastructure, 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.

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 residential development and associated infrastructure. **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 for new residential development.

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.

GEO 3: Prior to issuance of building permits for new residential development, radon testing shall be conducted in all areas of proposed structural-residential 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 for new residential development. 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.

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 residential development, including infrastructure improvements ~~and~~ for 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 for future residential development or infrastructure improvements. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

WAT 2-2 Sediment and Contamination Containment. The Owner/Applicant shall prevent water contamination during project 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 reseeding 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 residential 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 residential development and associated infrastructure.

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.

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 residential 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.

WAT 2-4 Erosion and Sediment Control Plan. For all future residential development, including infrastructure improvements, 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/goverment/county_ordinance_code Chapter 14 14-9](http://www.countysb.org/goverment/county_ordinance_code_Chapter_14_14-9_and_14-29) and 14-29 – refer to Erosion and Sediment Control Plan Requirements.)

PLAN REQUIREMENTS: The grading and erosion and sediment control plan(s) for all future residential construction, including infrastructure improvements, 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 residential 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.

WAT 2-5 Grading Limits. All future plans for residential development within individual-designated development envelopes shall designate grading limit lines within the envelope to apply during construction, which limits shall correspond to the maximum building envelope (not to exceed two acres) described in these conditions.

PLAN REQUIREMENTS AND TIMING: The grazing limit lines 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 that the maximum allowable size of the building envelope has not been exceeded and installation of the temporary construction fencing has been completed in the field prior to construction.

WAT 4-1 Outdoor water use for future residential development within designated development envelopes shall be limited through the measures listed below.

- a. Landscaping shall be primarily with native and/or drought tolerant species.
- b. Drip irrigation or other water-conserving irrigation shall be installed.
- c. Plant material shall be grouped by water needs.
- d. Turf shall constitute less than 20% of the total landscaped area.
- e. 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.

WAT 4-2 Indoor water use for future residential development within a designated development envelope 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.

Deletions of Mitigation Measures with Recommended Hybrid Alternative

Staff is recommending approval of a hybrid alternative project that incorporates elements from different alternatives evaluated in the EIR. With approval of the hybrid alternative, two mitigation measures related to aesthetics/visual resources and biological resources (Mitigation AES 1 and BIO 13) would be deleted since they would no longer be required to mitigate a significant effect. Incorporation of the alternative project elements would render these mitigation measures no longer applicable and their deletion would not create a significant impact or substantially increase the severity of residual environmental impacts.

~~***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 Land Use 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.*~~

~~***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.*~~

Additional Recommendations for Minor Modifications to Mitigation Measures

Other mitigations have been proposed to be modified with minor changes or clarifying language, still remaining within the original scope and intent of the mitigation measure, as discussed below.

Mitigations AG 1-1 and AG 2-3, shown in strikethrough/underline below, have been modified to clarify that certain restrictions, including restrictions on construction activities on Parcels 4 and 5, would only apply if calving were actually occurring, since there could be instances where the

calving season is shortened or eliminated altogether in which case the restrictions would not be relevant or necessary to reduce potential impacts identified in the EIR. Mitigation AG 2-3 has also been modified to remove the restriction on converting orchards to grazing land, since both orchards and cattle grazing are viable commercial agricultural uses. Recognizing that both orchards and cattle grazing support the continued agricultural viability of the ranch, changing “shall” to “should” provides sufficient flexibility in managing the ranch for the benefit of agriculture and responding to market fluctuations in the commercial value of orchards and cattle ranching.

AG 1-1: Construction Timing. All construction-related activities associated with future residential development on Parcels 4 and 5, including associated infrastructure improvements, shall be timed so as not to commence during the calving and weaning season (approximately July through December), if calving is occurring in the pastures. Residential construction on these lots shall commence outside of ~~this~~ the calving season (January through June) if calving is occurring in the pastures on the lots where the construction is to occur, so as not to significantly disturb or distress first-calf heifer calving and weaning. 10-foot high visual screening construction fencing shall be installed around the edge of the construction area to provide visual screening between the construction activities and cattle. In addition, construction workers shall adhere to the following restrictions:

- 1) No dogs shall be allowed on the construction site, including dogs within vehicles;
- 2) Construction traffic shall use existing roads where feasible;
- 3) All staging and storage of construction vehicles, materials, and equipment shall occur within the development envelope;
- 4) Construction vehicle speeds shall be limited to 5 mph; and
- 5) Construction crews shall be trained by the ranch manager to avoid cow disturbances.

Plan Requirements and Timing: This requirement shall be included on all grading and building plans associated with residential development on Parcels 4 and 5 and submitted for review and approval by P&D. The location of the temporary construction fencing shall be depicted on the plans submitted for review and approval by P&D.

MONITORING: P&D staff shall confirm that this requirement is printed on all grading and building plans submitted to P&D for review and approval prior to Coastal Development Permit issuance for residential development on Parcels 4 and 5. P&D compliance monitoring staff shall site inspect to ensure compliance in the field and respond to complaints.

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~~ should 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;*
- *Off-road vehicle and equestrian use within the first-calf heifer calving pastures shall be limited to ranch personnel during the calving season if calving is occurring in the pastures;*
- *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 and County Counsel 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 or expire, this provision condition shall remain in full force and effect.*

MONITORING: *P&D shall review the CC&R document prior to Final Map Clearance.*

Mitigation AG 2-1 has been modified related to trail signage and trail closure, which does not alter the scope or effectiveness of the measure:

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 agricultural activities that may endanger the public or pose a potential conflict are being conducted adjacent to or in close proximity to the trails (estimated to be approximately six days per year). 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, the importance of not wandering from the trail, and directing them to the right-trail locations. ***Plan Requirements and Timing:*** *A copy of the signage shall be reviewed and approved by P&D and Parks Department prior to zoning clearance for site improvements opening the trails. 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.*

Mitigation BIO 2 has been modified to clarify the fact that in some cases a construction buffer of less than 500 feet from may be appropriate from active bat roosts (determined by the qualified biologist on a case-by-case basis), as is the case for nesting birds. This modification is consistent with the intent of this mitigation measure, as made apparent by the same language applied to the nesting bird buffer. Providing the ability for a qualified

biologist to reduce the buffer for bats, as the measure currently allows for nesting birds, would not substantially increase the severity of the impact or affect the mitigation's adequacy in reducing impacts. The buffer would remain at 500 feet unless a qualified biologist can demonstrate that a smaller buffer would not result in any new or greater impacts to any bat species. Residual impacts to breeding birds and bats would remain less than significant.

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 until the birds have fledged, 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, or as determined by the qualified biologist based on the type and location of the roost and the specific work activity being conducted.

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 for project elements. P&D or a qualified local biologist approved by the County shall monitor for compliance.

Modifications are proposed to Mitigations BIO 5, BIO 6-1, and BIO 16 related to buffers from sensitive habitat and the current residence within the Parcel 5 development envelope. Specifically, modifications to the measures would clarify that remodels or rebuilds of the existing Parcel 5 residence would not be subject to the 100-foot ESH buffer requirements of BIO 5 and BIO 6-1 since the structure already exists and that any future expansion of that residence could not result in any further encroachment into the required buffer as compared to the existing building footprint. In the case of the required wetland buffer (Mitigation BIO 16), the measure has been modified to clarify that remodels of the existing residence (with no change to the building footprint) would not be subject to this measure. However, any rebuild or expansion of the residence would need to meet the 100-foot wetland buffer requirement specified in the mitigation measure.

BIO 5: Buffer from Sensitive Habitat. With the exception of the existing residence on Parcel 5 and future remodels (or rebuilds in the event of a natural disaster), 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. Any expansion of the existing residence on Parcel 5 shall not result in any further encroachment into these buffers as compared to the existing building footprint. 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 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. This condition does not apply to agricultural development and activities.

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.

BIO 6-1: Buffer from Sensitive Habitat. With the exception of the existing residence on Parcel 5 and future remodels (or rebuilds in the event of a natural disaster), ~~a~~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. Any expansion of the existing residence on Parcel 5 shall not result in any further encroachment into these buffers as compared to the existing building footprint. 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-condition~~ shall be included on an 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. This condition does not apply to agricultural development and activities.

MONITORING: P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum buffer requirements set forth in this condition. Permit Compliance shall site inspect during construction of future structures to ensure compliance.

BIO 16: Wetlands. With the exception of the existing residence on Parcel 5 and future remodels (with no change to the building footprint), ~~a~~All site improvements and project development shall maintain a minimum 100-ft. buffer from all coastal wetlands. The potential wetlands ~~in the vicinity of on~~ 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 proposed to be located proximate to said wetlands. 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. Any

rebuild or expansion of the existing residence on Parcel 5 shall comply with the 100-foot setback requirement. **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. This condition shall not apply to agricultural development and activities.

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.

Mitigation BIO 12-1 has been modified to clarify that any permitted fencing outside of the residential development envelopes be designed to provide the necessary functions for the “agricultural” operation, not just for the “livestock” operation.

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 ~~P~~rovisions 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 livestock-agricultural 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.** Rodent traps for non-agricultural purposes within the residential 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 Informational Sheet 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 and County Counsel 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 or expire, this condition shall remain 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.

Mitigation BIO 12-2 has been modified to clarify the timing of preparation of the Habitat Avoidance, Protection and Restoration Plan.

BIO 12-2: Habitat Avoidance, Protection, and Restoration Plan. To minimize impacts to sensitive resources from future project 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 either of proposed Parcels 1 and 2. Unless project development is occurring simultaneously on the two parcels, a separate Plan shall be prepared for each at the time of proposed project development on the parcel for which the Plan is prepared. ~~The Each such~~ Plan shall be prepared based on siting surveys conducted according to Mitigation Measure BIO-5. ~~The-Each~~ Plan shall meet the following minimum parameters:

- a. 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;
- b. The proposed Bbuilding sites within ~~each-the~~ development envelope for that parcel shall avoid impacting native grasslands;
- c. Any native habitats temporarily or permanently disturbed by project development shall be restored-mitigated 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 to meet County Fire Department requirements 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 for each parcel shall include a map depicting all plant community types within the development area for that parcel 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-Each such~~ Plan shall include measures to protect sensitive habitats during construction. ~~The-Each such~~ 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 each plans for future residential development on Parcels 1 and 2 to ensure compliance with these requirements prior to permit issuance for future development on either parcel.

MONITORING: P&D shall review the Habitat Avoidance, Protection, and Restoration Plan for each ~~to~~of Parcels 1 and 2, 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.

Mitigation Measure BIO 15-1 has been modified to allow for the removal of dead eucalyptus trees if their removal does not compromise the microclimate of the grove upon which the monarchs depend, as determined by a County-qualified monarch butterfly biologist. The original intent of this mitigation measure was to address the trimming and removal of live trees in monarch groves. The original mitigation measure allows for trimming and removal

of trees in the monarch groves with approval from P&D and a County-qualified monarch butterfly biologist. The change to the mitigation measure would continue to require approval by P&D and a County-qualified monarch butterfly biologist for removal of dead trees and would limit the removal to outside of the overwintering period. Therefore, the proposed change would not increase the severity of the impact of the project on monarch butterflies and this modification does not compromise the overall effectiveness of the mitigation in reducing impacts to monarch butterfly groves from the project to less than significant levels.

BIO 15-1: *Trees in the monarch groves shall not be trimmed or removed during project construction or occupation unless approved and monitored by County P&D and a qualified monarch butterfly biologist, except that dead trees may be removed outside of the overwintering period if such removal occurs without damage to living trees and with concurrence from a County-qualified monarch butterfly biologist that their removal would not adversely impact the microclimate of the grove. **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 residential construction to ensure compliance with this measure.*

Mitigation Measure BIO 18 has been clarified to more clearly specify the aerial extent of biological information to be shown on site and grading plans.

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 Land Use Permit or Coastal Development Permit issuance. Individual oaks trees and all sensitive habitats and species along and adjacent to the pipeline route shall be shown on the site plan and on grading plans.*

MONITORING: *P&D shall review and approve the final water line alignments prior to Land Use Permit and/or Coastal Development Permit issuance, and shall ensure that the required sensitive areas are avoided during construction.*

Mitigation Measure CULT 1-2 has been slightly modified for greater clarity.

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 consistent with 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.

Mitigation Measure CULT 2-1 has been modified to clarify how the envelope would be reduced in size, consistent with its depiction in Alternative 3C of the EIR.

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 and consistent with its depiction in Alternative 3C of the EIR. **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.

Mitigation Measures CULT 2-2 and CULT 3-2 have been modified to clarify that driveways, in addition to utility infrastructure, shall be sited to avoid significant portions of CA-SBA-80 and CA-SBA-2409, respectively.

CULT 2-2. Except as provided herein, 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 and driveways 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.

CULT 3-2. Except as provided herein, No ground disturbance of any kind, including landscaping and vegetation removal involving disturbance of root balls, shall be permitted within 100 feet of the boundaries of CA-SBA-2409. Utility infrastructure and driveways shall be sited so as to avoid the boundaries of CA-SBA-2409. No orchard planting shall be permitted within the boundaries of CA-SBA-2409. 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 Land Use Permits for future development on Parcel 7.

MONITORING: *P&D shall site inspect during construction to confirm compliance.*

A minor modification has been made to Mitigation Measure CULT 6-1 to clarify the scope of compliance monitoring.

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~~ rehabilitated or altered in conformance with final approved plans.*

Mitigation Measure CULT 6-2 has been modified to clarify when and under what circumstances the measure would be implemented (specifically, that it would apply to future development on proposed Parcels 4 and/or 5). Area 1 and Area 2, as designated in the *Phase 1-2 Historic Resources and Rural Historic Landscape Study* prepared by Ronald Nye and Alex Cole, are confined to relatively small areas encompassing existing clusters of structural development of historical significance on proposed Parcels 4 and 5. Development on the other coastal parcels (Parcels 1, 2, and 3) would be well outside of the designated Area 1 and Area 2 and would not impact the photo-documentation of those areas. Therefore, this clarifying language does not change the scope or intent of the condition, which is to photo-document the historically significant buildings in Area 1 (Parcel 5) and Area 2 (Parcel 4) prior to any development affecting these areas.

CULT 6-2: *Prior to ~~the project's implementation the applicant approval of any new residential development or associated infrastructure on Parcel 4 and 5, the applicant~~ shall provide ~~for~~ photographic documentation of the significant buildings in ~~the portion of Historic Areas 1 and/or 2 located on that parcel,~~ within their setting, ~~which photographs shall be taken~~ 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 on either Parcel 4 or 5.~~*

MONITORING: *P&D shall confirm receipt of photographic documentation prior to CDP issuance.*

Mitigation Measures HAZ 1-1 and HAZ 1-2 have been clarified to account for the fact that other agencies besides the County Fire Department may have jurisdiction over remediation activities and oil well abandonment. Such changes do not alter the scope or adequacy of the measures in reducing impacts to less than significant levels.

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) or other appropriate agency with jurisdiction; the resumption of work requires the approval of the HMU or other appropriate agency with jurisdiction. **Plan Requirements/Timing:** This requirement shall be noted on all grading and building plans.

MONITORING: Permit Compliance staff shall site inspect to ensure compliance.

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 or other agency with jurisdiction 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 or other agency with jurisdiction and DOGGR shall monitor abandonment activities and documentation, as necessary.

Mitigation Measure REC-2 has been modified to eliminate reference to “break[ing] the view plane of the Santa Ynez Mountains” since 1) that requirement is not clearly defined; and 2) is no longer required to reduce impacts given relocation of the Lot 2 residential development envelope away from the beach. With the recommended locations of the residential development envelopes on Parcels 1 and 2 and a 15-foot height limit applied to future development, the potential for future development to “break the view plane of the Santa Ynez Mountains” or to interrupt views of the mountains would be virtually eliminated. Even if visible from the beach, any future development on proposed Parcels 1 and 2 within the residential development envelope locations included in the recommended hybrid alternative would result in significantly reduced visual impacts compared to the proposed project as originally mitigated. This is evidenced by the discussion in the Alternatives analysis contained in Section 6 of the EIR.

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 from the beach. 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.

Mitigation Measures TRANS 1 and TRANS 2 have been modified to clarify their timing, while the overall scope of the measures remains the same. These changes are consistent with the timing of the offers to dedicate (Condition No. 90), which clarifies that a Coastal Development Permit for residential development south of the highway would necessarily occur before the beach access parking lot.

TRANS 1: To improve the corner and stopping sight distance, the Owner/Applicant shall modify the small cut slope approximately 600 feet north of the Las Varas Ranch Road access on the beach side to increase the sight distance. **Plan Requirements and Timing:** The owner/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 within a designated development envelope south of the highway, ~~or the beach parking lot, whichever comes first~~. The owner/applicant shall obtain an encroachment permit from Caltrans prior to Grading Permit issuance.

MONITORING: Grading inspector shall site inspect to ensure compliance with approved plans prior to occupancy clearance.

TRANS 2: The Owner/Applicant shall extend the existing northbound left turn lane approximately 240 feet within the center median to meet the minimum Caltrans distance of 530 feet. **Plan Requirements and Timing:** The owner/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 within a designated residential development envelope south of the highway ~~or the beach parking lot, whichever comes first~~. The owner/applicant shall obtain an encroachment permit from Caltrans prior to construction.

MONITORING: P&D shall site inspect to ensure compliance with approved plans prior to occupancy clearance.

Mitigation Measure WAT 3-1 has been modified to clarify the time frame for the posting of performance securities for maintenance of stormwater improvements. This change conforms to the original intent of the mitigation, as it is the County's standard protocol to collect performance securities for maintenance for a 5-year period. Long-term maintenance is still required as part of this mitigation, but the landowner would not need to submit performance securities to cover the

maintenance beyond five years assuming that the improvements are adequately maintained during that initial five year period. This change has no bearing on the severity of the impact or the adequacy of the mitigation measure in reducing impacts to a less than significant level.

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~~**five-year** 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 or expire, 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.*

Mitigation Measure WAT 3-3 has been modified to clarify the intent of the measure. Removing the requirement for periodic inspections does not relieve the landowner of the responsibility for complying with this mitigation measure. This mitigation measure is one of three mitigation measures to reduce long-term water quality impacts of the project. Of the three measures, this mitigation provides the smallest contribution in terms of reducing the impact to a less than significant level. The proposed change to the mitigation measure would not create a significant environmental impact or substantially increase the severity of the impact. Impacts would remain less than significant with mitigation.

WAT 3-3 *All outdoor trash container areas must meet the following requirements:*

- a. *Trash container areas must divert drainage from adjoining paved areas.*
- b. *Trash container areas must be protected and regularly maintained to prevent inadvertent 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~~ respond to complaints.*

In summary, all of the modifications made to the mitigation measures described above are minor in nature and serve to clarify the scope or intent of the mitigation measures without reducing their effectiveness or adequacy in terms of reducing impacts to less than significant levels. The changes do not result in any new significant impacts or increase the severity of any environmental effects. The overall EIR analysis and conclusions remain the same and residual impact levels are unchanged.



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: February 3, 2015
Placement: Set Hearing on 2/3/2015
for 2/17/2015
Estimated Tme: 2.5 hours on 2/17/2015
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Glenn Russell, Ph.D. 568-2085
Director(s)
Contact Info: Alice McCurdy, 568-2518

SUBJECT: **Las Varas Ranch Project – Adequacy of Environmental Review
3rd Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On February 3, 2015, set a hearing for February 17, 2015 regarding the Las Varas Ranch Project (Case Nos. 05TPM-00000-00002, 05LLA-00000-00005, 05LLA-00000-00006, 07RZN-00000-00006, 07RZN-00000-00007, 07CUP-00000-00057, 11COC-00000-00001, 11CDP-00000-00078) and consider the Planning Commission's recommendation that the Board of Supervisors not certify the Environmental Impact Report (10EIR-00000-00005) and require additional environmental review.

In accordance with the discussion below, Planning and Development is recommending that the Board's action on February 17, 2015 include the following:

- A. Follow staff's recommendation and conclude that the EIR prepared for the Las Varas Ranch project is adequate with the addition of minor clarifications in the form of an EIR Revision Letter; and
- B. Direct staff to return to the Planning Commission for a full recommendation on the project pursuant to Government Code Section 65354.

Alternatively, provide other direction to staff and/or the Planning Commission concerning the project.

The applications involve Assessor Parcel Nos. 079-080-001, -002, -009, -012, -013, -014, -022, and 081-240-003 and -014 (retired to 081-240-049) [total of 1,784 acres] located at 10045 Calle Real in the Gaviota area, Third Supervisorial District.

Project Summary:

The proposed project involves a reconfiguration of existing parcels within Las Varas Ranch on the Gaviota Coast, as well as the identification of residential development envelopes within each newly configured lot. No residential development is currently proposed, though infrastructure including development of a private shared water system and access road improvements would be constructed as part of the current proposed project. In addition to these project elements, the project includes consistency rezones of the inland parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 under the Land Use & Development Code. The entire ranch is composed of 10 parcels totaling approximately 1,802 acres. The project includes nine of these lots comprising 1,784 acres, seven of which are considered residentially developable. The proposed project including mergers, lot line adjustments, and a tentative parcel map would result in a total of seven lots, two lots north of the highway and five lots south of the highway. Therefore, the overall number of lots would decrease by two and the number of developable lots would be unchanged (7) as a result of this project. The project has the effect of shifting one developable lot from the north side of the highway to the south side of the highway.

Review History:

The Las Varas Ranch project was originally presented to the Planning Commission in January/February 2012 for consideration. After two hearings, the Planning Commission voted to request that the Board of Supervisors determine whether the burden imposed by the project applications warrants exaction of a coastal trail alignment south of Highway 101. Consistent with this request, the project was presented to the Board on April 17, 2012. At that hearing, the Board concluded that additional environmental review of potential trail alignment alternatives was required before a determination could be made regarding the appropriateness of an exaction of an alternative coastal trail. In addition, the Board requested additional analysis on several other issue areas, including visual impacts and aesthetics, development footprints and building size, mapping of biological resources, hazardous materials/remediation issues, fire access, agricultural resources and viability of continued agricultural operations, historic and cultural resources, water systems, water availability and growth inducing impacts, and recreation. The Board directed staff to conduct the additional environmental review on trail alternatives, as well as to address these other issue areas in the revised EIR, and to return to the Planning Commission for consideration, deferring any determination as to whether a trail exaction is warranted. Pursuant to this direction, staff prepared a Revised Draft EIR that included an analysis of two trail alternatives as well as revisions to other sections of the document as directed. Upon completion of the Revised Draft EIR, the project returned to the Planning Commission in July and September 2014 for consideration, with a recommendation from staff for approval of a hybrid alternative project (see Planning Commission staff report and staff memorandum included as Attachments 1 and 2).

Discussion:

After two hearings, the Planning Commission concluded that the EIR was inadequate and voted 3-2 to recommend that your Board not certify the EIR and instead require additional environmental review in the areas of Aesthetics/Visual Resources, Agricultural Resources, Biological Resources, Cultural Resources, Land Use, Recreation, and Growth Inducement. P&D staff continues to recommend that the

revised EIR be considered adequate and that any minor changes to the document deemed necessary to clarify or amplify the current analysis could be made in the context of an EIR Revision Letter. Below is a summary of the Planning Commission's comments and conclusions in regards to the analysis of the various resource issues, followed by staff's responses.

Aesthetics/Visual Resources

Planning Commission's Comments:

- Mitigation measures are not fully protective of the significant visual resources present on the ranch, especially since the mitigations would not apply to agricultural development outside of the residential development envelopes, and there is no limit on the extent of agricultural development that could occur outside of the residential development envelopes;
- There is no analysis of the impacts of a proposed Lot 2 beach cabana on visual resources in terms of its impact on the scenic viewshed from the beach and near-shore environment; and
- There is no analysis of the visual impacts of future development in the event that orchards are removed, such as the visibility of the Lot 3 development envelope from the railroad.

Staff Response:

Regarding agricultural development outside the residential development envelopes, such development could include agricultural barns, horse stables, agricultural employee residences, etc. However, such analysis goes beyond the scope of the EIR because this type of development is not a reasonably foreseeable consequence of the project and it would be speculative to analyze agricultural structures that may be built in the future and where they may be sited. Future agricultural structures are not a result of this project and could be built without this project going forward. Furthermore, any future development south of the highway, with the exception of unenclosed pole barns of less than 500 square feet in size, would be subject to Coastal Development Permits with hearings before the Zoning Administrator. These permits are fully discretionary, subject to review under CEQA, and would be informed by this project's EIR, including the significance of the rural historic landscape constituting the ranch. This process provides the ability to apply additional conditions or mitigation measures to future projects to reduce impacts and ensure policy consistency if necessary based on the specifics of a future project. The administrative process provides for approval of these coastal projects to be appealed up to the California Coastal Commission.

With respect to the analysis of the now proposed cabana on Lot 2, that element of the project was added to the project description by the applicant after circulation of the EIR. This minor revision to the project description will be addressed in the EIR Revision Letter. However, the potential impacts of the proposed cabana have already been fully analyzed in the EIR because the EIR evaluates the impacts of residential development within the originally proposed residential development envelope for Lot 2, which is where the applicant is now proposing the cabana. The EIR included mitigation measures to reduce the potential impacts of future residential development near Edwards Point, including that future residences on Lots 1 and 2 "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....The minimum distance for residential structures from the bluff top or beach edge shall be 200 feet." This same mitigation would appropriately be applied to the beach cabana to ensure that its impacts on visual resources are reduced to a less than significant level. Therefore, the EIR contains sufficient analysis to address the potential impacts of the beach cabana if the Board chooses to approve it as part of the project. Any revisions to the document in regards to the beach cabana would thus be minor and could be accomplished within the context of an EIR Revision Letter.

Lastly, with regards to the visual analysis without the existing orchards, the orchards on-site provide a significant source of revenue to the ranch. Not only are they productive and profitable, but in the case of Lot 3, they would also provide an important visual buffer between any future residential development and the railroad tracks such that their retention would be valuable and of importance to future landowners. Therefore, it is not reasonable as part of the EIR to evaluate the impacts of future development assuming that the orchards are removed since their removal is not reasonably foreseeable. If there is a proposal in the future to replace the orchards with alternative agricultural development requiring permits (e.g. horse stable), the impacts of such change and any potential mitigation would be considered during the processing of the future application for that structure.

Agricultural Resources

Planning Commission's Comments:

- Impacts of the project on agricultural viability should be classified as Class I (significant and unavoidable) instead of Class II (potentially significant but mitigable) due to: 1) the potential for conversion and fragmentation of the agricultural land and land use conflicts with residential activities; 2) the lack of control over the potential conversion of commercial agriculture to non-commercial private activities (e.g. private vineyards, horse stables and riding arenas, etc.); and 3) the lack of enforceability of the mitigation measures/conditions of approval; and
- The project is inconsistent with agricultural protection policies, including Policy 8-4 of the Coastal Land Use Plan, which requires the County to make a finding, precedent to approval of any proposed land division of agricultural land, that the long-term agricultural productivity of the property will not be diminished by the proposed land division; and Coastal Act Policy 30241 which requires that the maximum amount of prime agricultural land be maintained in agricultural production. These inconsistencies support a conclusion of a Class I impact on agricultural resources.

Staff Response:

As required under CEQA Guidelines Section 15064(d), the EIR analysis focuses on the “direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” In accordance with this section, “a change which is speculative or unlikely to occur is not reasonably foreseeable.” In the instant case, the direct physical impacts are related primarily to the proposed infrastructure improvements (access road improvements and shared water system) and the identification of designated residential development envelopes within each of the reconfigured lots. The EIR concludes that future residential development within these envelopes would not significantly impact the existing agricultural operation or significantly impair the long-term viability of agriculture on the ranch. No areas of the ranch currently dedicated to orchards would be removed to accommodate residential development, and the relatively small acreage proposed to be removed from agricultural use within each development envelope would not significantly impair the ongoing cattle grazing operation given the large amount of pasture that would remain available for grazing. Non-agricultural development on each lot would be limited to two acres or less, which is generally consistent with the provisions of the County’s Uniform Rules for Agricultural Preserves. This is important because the Uniform Rules specifically address compatibility of residential development with active agriculture and so serve as an example of what is appropriate in this regard.

One of the primary objectives of the project is to maintain long-term continued agricultural productivity of the ranch property and to provide a suitable balance between residential and agricultural use and

development. In support of these objectives, the applicant has proposed CC&Rs that would: 1) provide for the existing grazing lands on the ranch to continue as common grazing lands to be collectively managed through a cooperative grazing agreement (similar to Hollister Ranch); 2) limit perimeter fencing outside of development envelopes so as not to impede the cattle grazing operation; 3) prohibit conversion of existing orchards to non-agricultural uses; 4) require that all land outside the designated owners' development envelopes remain available for agricultural usage; and 5) restrict off-road vehicle and equestrian use within the first-calf heifer calving pastures during the calving season. These CC&Rs 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. Regardless, these five restrictions would also be included as conditions of approval, which would remain in effect and enforceable by the County for the life of the project, in the same manner that the County enforces other conditions of approval. Specifically, if the project is approved, a mitigation monitoring program would be approved and put in place to enforce the conditions of approval. These provisions also address the concern for the potential for future residential development and residential uses to spill over into the active commercial agricultural areas of the ranch.

The Planning Commission expressed concern that the existing commercial ranching and orchard operations would be replaced with or compete against an introduction of hobby farms (e.g. boutique vineyards, equestrian facilities, etc.) into the agricultural portions of the ranch. However, based on the built-in protections for the continuation of commercial agriculture and the scope of the current project, such an outcome is not reasonably foreseeable. Regardless, non-commercial agriculture is nevertheless considered agriculture and remains consistent with the established purpose and intent of the AG-II-100 zone district. Further, such conversion could occur without the project going forward, in association with development of the lots in their current configuration.

The Planning Commission also identified the potential for additional subdivisions within the Ranch as a basis for concluding that the project would significantly impact the commercial agricultural operation. Future subdivisions within the ranch are not a reasonably foreseeable outcome of the proposed project and future subdivisions, if any, would be subject to discretionary review and approval, including independent analysis under CEQA. The Planning Commission expressed concern that such subsequent review would amount to piecemealing. However, subsequent review of projects that are not proposed and not reasonably foreseeable at the time of the proposed action does not constitute piecemealing.

While the County cannot require existing or future landowners to remain in active agriculture in perpetuity, the proposed project results in no greater impact on the long-term use of the ranch for agricultural purposes than what is feasible under the existing setting. The proposed project does not increase the number of developable lots or provide any greater ability for the Ranch to be developed with estate-style residences than what is currently available based on the existing parcel configuration. The primary change resulting from this project as compared to what could occur under the existing parcel configuration (i.e. No Project Alternative) is that the project shifts development of one lot from north of the highway to south of the highway, such that there would be five developable parcels instead of four between the highway and the ocean. As compared to what could occur under the No Project Alternative, the proposed project is considered to be more protective of the long-term agricultural viability of the Ranch.

For similar reasons as discussed above, the project can be found consistent with Policy 8-4 of the Coastal Land Use Plan and Coastal Act Policy 30241.

Biological Resources

Planning Commission's Comments:

- The analysis of biological resources fails to adequately consider the impacts of development and activities outside of the residential development envelopes, including structural development, non-commercial agricultural activities, and increased human presence, especially in regards to impacts on birds of prey and special status wildlife species.

Staff Response:

The County's adopted thresholds of significance for impacts to wildlife and wildlife habitats specify that a project needs to *substantially* affect wildlife or wildlife habitat for the impact to be considered significant. The EIR evaluates impacts associated with development within the residential development envelopes and identifies mitigation measures to ensure that direct impacts from future residential development (and associated fuel management requirements) avoids impacts to sensitive native plant communities. For example, the EIR analysis drove the relocation of the development envelope on Lot 2 away from Gato Creek to avoid impacts to sensitive wildlife species and habitat along the creek. Mitigation was also identified to require pre-construction surveys in all cases for nesting birds within 500 feet of construction limits and the designation of requisite buffer zones in the event that any nesting birds are identified. In the case of structural development occurring outside of the development envelopes, such as horse stables and riding arenas, such development would require a Coastal Development Permit with Hearing that is fully discretionary and subject to environmental review. In the case of non-commercial agriculture being expanded in the future and degrading wildlife habitat, such impact on biological resources would be no greater than for expansion of commercial agriculture. Future expansion of agriculture could occur without this project going forward and expansion of agriculture is not a reasonably foreseeable outcome of the proposed project.

The EIR acknowledges that residential uses and human activities could result in a potentially significant effect on the continued use of wildlife habitat and open space outside of the development envelopes for roosting, nesting, and/or foraging habitat. However, the EIR concludes that impacts would be less than significant, as there is insufficient evidence to indicate that such activities would *substantially* reduce or eliminate species diversity or abundance, *substantially* reduce or eliminate quantity or quality of nesting areas, and/or *substantially* fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources, as provided for in the adopted CEQA thresholds. As discussed in the EIR, the majority of the ranch would remain available for wildlife foraging and nesting even under future buildout of each lot. Even with increased human activities spilling over into open pastures, woodlands, and other existing habitat, the EIR concludes that there would be more than ample opportunity for wildlife to nest and forage in areas of the ranch that are undisturbed or experience little human activity. The population that would be potentially introduced as part of this project is extremely low density, consisting of five residences (and associated residential uses) on over 500 acres south of the highway and two residences (and associated residential uses) on nearly 1,300 acres north of the highway. Moreover, most wildlife can tolerate certain levels of disturbance without substantially altering their behavior, especially where there are numerous areas to seek cover. For example, white-tailed kite (a fully protected species) and other birds of prey nest and forage in areas that experience significant human presence, such as More Mesa where public recreational use of the open space is extensive (including unleashed dogs) and abuts dense residential development. The habitat present on Las Varas Ranch already experiences a baseline level of disturbance associated with cattle grazing, ranch vehicles, ranchers on horseback, existing residential use, orchard operations, domestic animals, etc. The EIR concludes that the incremental increase in human-related disturbance to wildlife and wildlife habitat outside of the residential

development envelopes would not be substantial, especially given the limited number of new home sites, the low population density, and the retention of extensive portions of the 1800-acre ranch in undeveloped open space/agricultural development.

Cultural Resources

Planning Commission's Comments:

- The analysis of cultural resources fails to consider the impacts of development and activities outside of the residential development envelopes on the Rural Historic Landscape; and
- Agricultural structures outside of the residential development envelopes should be subject to the same historical mitigation as applied to development within the envelopes, including requiring review by an architectural historian to ensure that new structures are compatible in size, bulk, scale, height and style with the Las Varas Ranch's existing historic buildings and 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*.

Staff Response:

The EIR identifies the entire ranch area south of the highway as a Rural Historic Landscape and evaluates the impacts of future residential development within each of the designated development envelopes on the Rural Historic Landscape. It is unknown what type and level of future agricultural development may occur outside of the development envelopes and are thus not reasonably foreseeable. However, with the exception of small (less than 500 square feet) unenclosed pole shelters, any future development within the portion of the ranch eligible as a Rural Historic Landscape would require discretionary approval by the County (CDPs with Hearings) and would be subject to subsequent review under CEQA. Such environmental review would be informed by the Las Varas Ranch EIR and appropriate mitigation measures and conditions of approval would be applied to ensure that the Rural Historic Landscape is protected into the future.

Land Use/Recreation

Planning Commission's Comments:

- The project is inconsistent with various recreation and access policies, including Coastal Land Use Plan Policies 7-18 and 7-3, resulting in a Class I impact;
- There is no analysis of the land use impact associated with the loss of Edwards Point as a potential future public park;
- The analysis of impacts to historic public access is inadequate and impacts to recreation should be considered Class I;
- The EIR does not adequately address the unique quality of the recreational experience at Edwards Point and does not adequately review the scope of the historic and ongoing recreational use of Edwards Point; and
- The proposed lateral beach access along the sandy beach is not an adequate substitute for the loss of historic access to Edwards Point.

Staff Response:

Coastal Land Use Plan Policy 7-18 states: "Expanded opportunities for access and recreation shall be provided in the Gaviota coast planning area." The project is consistent with this policy as it improves

public access and recreation to and along the coast through a provision of vertical and lateral public access easements across the Ranch. An Implementing Action of CLUP Policy 7-18 indicates that Edwards Point should be acquired by a public agency for development as a public park, including parking, restrooms, picnic tables, bike racks, store, and low-intensity camping. This implementing action represents an aspirational vision for the County as opposed to a requirement that can be imposed on private landowners. To wit, Policy 1-5 of the Coastal Plan states that “land use plan policies calling for further studies, initiation of new programs, or *acquisition of land* (emphasis added) or easements will be implemented as staff and funding become available.” As such, because the County is not in a position to acquire the property for public purposes at this time, it would be inappropriate to identify a significant impact in association with the Las Varas Ranch project or deny the project due to inconsistency with this Implementing Action. In regards to the project’s consistency with Coastal Land Use Plan Policy 7-3, Policy 7-3 does not require lateral shoreline access easements be designed to provide access along the shoreline during all tidal conditions. The policy specifically states that where the bluffs exceed five feet in height, as they do along the vast majority of Las Varas Ranch, that “all beach seaward of the base of the bluff shall be dedicated.” The applicant has proposed to dedicate an easement in accordance with this policy. Therefore, the project, as conditioned, is consistent with this policy.

Public testimony at the Planning Commission hearing chronicled historic and existing use of Edwards Point, including by hikers, beach goers, and fishermen in addition to surfers. The Santa Barbara Trails Council submitted a survey report at the hearing indicating that an average of 2-3 cars were present at the El Capitan Ranch Road interchange on more than 50% of the days on which the surveys were conducted, thereby documenting instances of the public accessing Edwards Point. This survey (included in Attachment 4) was conducted on a total of 12 days during the spring and early summer of 2013 and was referenced by the Planning Commission in making its comments. The information submitted by the Trails Council is not in conflict with the EIR in respect to the level of use of Edwards Point, i.e., that the level of use is generally relatively low and sporadic. This low level of use is dictated largely by an infrequent swell and limited access, unlike other areas along the coast, such as Naples or Tajiguas Beach, which have more reliable surf (in the case of Naples) and where public access and recreational use is more established and more regular. While during approximately two dozen site visits to the ranch over the course of processing this project, spread over all seasons, staff did not observe members of the public accessing or attempting to access Edwards Point. The EIR accurately reflects the relatively low level of use of Edwards Point and adequately analyzed this issue. Even if more information is added in the EIR Revision Letter about the diversity of recreational use of Edwards Point, this would not change the analysis or conclusions of the EIR in terms of the impacts of the project on public access or recreation.

The Planning Commission expressed concern that the unique quality of the recreational experience at Edwards Point was not adequately addressed in the EIR. The Planning Commission indicated that Edwards Point is unlike any other surf break in the County, with the possible exception of Rincon, in terms of its quality. However, similar to other points along the coast (e.g. El Capitan), the Edwards Point break relies on infrequent, large winter swells and cannot accommodate a large number of surfers. The Surfer Magazine’s *Guide to Southern California Surf Spots* (2006) does not appear to apply substantially greater value to this surf spot than others in the vicinity and the Point experiences relatively low levels of use. Edwards Point may indeed offer a high quality surfing experience with the right swell due to the potential for long rides and small crowds. However, the infrequency of the surf break combined with the difficult access to Edwards Point limit its value as a public recreational resource. As noted above, even if more information is added in the EIR Revision Letter about the unique quality of recreation at Edwards Point, this would not change the analysis or conclusions of the EIR in terms of the impacts of the project on public access or recreation.

The Planning Commission and the public pointed to the effect of tides as evidence that the shoreline easement along the beach is inadequate for providing access to Edwards Point. The Santa Barbara Trails Council submitted a document investigating the effect of tides on shoreline access along the beach fronting Las Varas Ranch, which the Planning Commission referred to in its comments (included in Attachment 4 to this Board letter). They correctly assert that access to the Point is not provided during high tides and certain medium tides during the winter when less sand is present. These same tidal conditions limit current access to and recreational use of Edwards Point, as use and enjoyment of the beach on either side of the point for activities other than surfing (e.g. fishing) is limited during periods of high tides. The information presented by the Trails Council on recreational use of Edwards Point indicates that some users access Edwards Point from the east along an existing blufftop trail system that links Las Varas beaches with Dos Pueblos Canyon. Beach users also access Edwards Point from the west along the beach from El Capitan State Beach. The proposed project would not interrupt these existing points of access, so members of the public could continue to access Edwards Point during favorable tidal conditions. For those accessing Edwards Point for reasons other than surfing, it is likely that they would be visiting during favorable tides regardless of whether they were traveling overland or along the beach, since use and enjoyment of the beach and rocky point itself would depend on low to moderate tides.

The Trails Council also submitted photographs of members of the public walking along the bluffs overlooking Edwards Point from the east. The project proposes no development or changes to this portion of the Ranch. The EIR evaluates the impacts that future residential development on proposed Parcels 1 and 2 would have on continued access to and recreational use of Edwards Point. The EIR concludes that future development would hinder such use due to the increase in human presence and heightened security regarding trespass associated with the placement of two home sites on the bluffs above and west of Edwards Point. However, the two homes would not physically block continued unauthorized access along the railroad, and there are multiple options for leaving the railroad corridor and accessing Edwards Point that would not be physically blocked by the location of the two home sites. Intrepid surfers and other members of the public who currently access the Point from along nearly a mile of railroad tracks and through an active agricultural operation may choose to continue to do so regardless of the presence of future residential development on the two proposed bluff-top lots. Moreover, this same heightened security could occur with development of the lots in their current configuration.

The Planning Commission also commented that tidal influence on beach access could be worsened by sea level rise and further bluff erosion and that the EIR fails to evaluate such impacts. However, the effect of sea level rise on beach access is not an impact of the project, as such effects would occur independent of the project. The project would improve access along the beach by formalizing lateral beach access through the granting of an easement to the County. The only relevance of sea level rise in the environmental analysis of the proposed project is the degree to which the potential for reduced beach widths due to sea level rise could diminish the ability for the public to use the lateral shoreline access along the beach as a means of accessing Edwards Point. The general tendency is for beaches to migrate landward in response to bluff retreat and sea level rise. Given the uncertainties with regards to the pace of future sea level rise and its impacts on bluff erosion vis-à-vis various influencing climatic factors (e.g. El Ninos), impacts from sea level rise on beach widths fronting Las Varas Ranch are difficult to forecast with any precision. Information on tides and beach widths fronting Las Varas Ranch submitted by the Trails Council at the Planning Commission hearing indicate that existing access between the vertical beach access point at Las Varas Creek and Edwards Point is generally passable during tides below +3 feet, with access between Las Varas Creek and the cove below Edwards Point passable during tides of

up to +4 feet. The cove is located approximately 1,000 feet east of the point and could potentially be used as an entry point for surfers. Given this, the proposed project would provide for legally established public access to Edwards Point during a significant percentage of tidal conditions (i.e. low and moderate tides). This is no different than most of the Santa Barbara coastline, where beachgoers need to time their walks and other beach outings to coincide with lower tides due to the narrowness of beaches backed by steep bluffs.

There is no quantitative threshold for determining when an impact to recreation is significant; these determinations are made on a case by case basis based on the evidence in the record. The EIR concludes that on balance, the proposed project and the public access easements that are currently proposed would result in less than significant impacts to recreation. This is based on the fact that: 1) the proposed public parking lot and vertical beach access easement would create an established, safe, and legal beach access that would be available to and likely used by a greater segment of the population as compared to those who are currently deterred by the existing access difficulties, improving the overall recreational value of this area to the general public; 2) use of and access to Edwards Point would still be provided during favorable tides; 3) surfers could theoretically continue to access Edwards Point overland as they do currently by walking along the railroad tracks despite the presence of two future home sites on the bluffs above the beach; and 4) current access to and recreational use of Edwards Point is not substantial when compared to other more heavily used areas along the Gaviota Coast such as Naples and Tajiguas Beach. As such, the EIR classifies both Land Use and Recreational Impacts as less than significant.

Growth Inducement

Planning Commission's Comments:

- The EIR does not adequately discuss the proposed shared water system and whether it could be expanded in the future to accommodate additional development;
- The proposed water system is growth-inducing and could be retrofitted in the future to support further subdivision of the ranch or greater development of agricultural employee dwellings than the 14 connections it is currently designed to serve; and
- The EIR does not include any discussion of the effects of the current drought on the water demand of the project and design of the shared water system.

Staff Response:

The threshold of significance for determining whether a project would result in significant growth-inducing impacts is whether the project would “induce substantial growth or concentration of population, for example, by constructing infrastructure with capacity to serve new development beyond the project” (EIR, Land Use Section, page 4.9-6).

As discussed in the EIR, the private water system proposed to serve future development on the Ranch has been sized and designed to serve up to 14 connections, based on an assumption of the potential for up to two connections per lot (e.g. single family dwelling and agricultural employee dwelling). Water demand calculations performed for the project by Penfield and Smith (2005) estimated an annual demand associated with the 14 connections of approximately 18.1 AFY. The water supply for the new system must be capable of meeting the peak day demand of approximately 43,000 gallons. The minimum supply flow capacity would therefore need to be approximately 40 gallons per minute (gpm). The water source, which includes up to 20 gpm from a recently drilled well and up to 45 gpm in water diversion from Gato Creek, could generate up to 65 gpm. However, the treatment facility being

proposed is only designed with a production rate of 50 gpm. Thus, there is only a small amount of excess capacity in the proposed treatment facility to support additional connections. A larger treatment facility would require discretionary review and approval and the landowner would need to revise their Conditional Use Permit to increase the number of residential connections. The development of the proposed shared water system does not induce substantial growth or concentration of population because the proposed infrastructure does not have significant excess capacity to serve new development beyond the project. Therefore, growth inducing impacts of the project are considered adverse but less than significant.

The proposed project includes construction of the shared water system. However, each application for residential development on any of the lots within the ranch would need to demonstrate adequate water service at the time of application in order to be approved. Existence of the shared water system alone does not guarantee that 14 residential connections can be served in the future. For example, if drought conditions continue and reduce the available supply of water, then it is possible that the shared water system and treatment facility would operate below its design capacity and be unable to serve all of the future connections. Therefore, the fact that the County is currently experiencing drought conditions does not have a bearing on the adequacy of the water supply or the appropriateness of the proposed shared water system for the purposes of the scope of the current project.

In Summary, P&D staff continues to recommend that the revised EIR be considered adequate and that any minor changes to the document deemed necessary to clarify or amplify the current analysis could be made in the context of an EIR Revision Letter.

Fiscal Analysis:

County costs for processing this application are fully reimbursed by the applicant in conformance with the current Board-adopted fee schedule. Permit revenues are budgeted in Departmental Revenues of the Development Review Division on page D-212 of the adopted 2014-2015 fiscal year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on February 17, 2015. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall fulfill noticing requirements. Mailing labels for the mailed noticed are attached. A minute order of the hearing and copy of the notice and proof of publication shall be returned to Planning and Development, attention: David Villalobos.

Attachments:

Attachment 1: Planning Commission Action Letter dated 9/25/2014

Attachment 2: Planning Commission Staff Report dated 7/10/2014

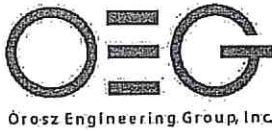
Attachment 3: Planning Commission Staff Memorandum dated 9/16/2014

Attachment 4: Santa Barbara Trails Council Letter to PC (full set of PC public comment letters can be viewed at http://www.sbcountyplanning.org/boards/pc/cpc_documents_archive.cfm?DocID=14676 and http://www.sbcountyplanning.org/boards/pc/cpc_documents_archive.cfm?DocID=14374)

Attachment 5: Proposed Revised Final EIR (<http://www.sbcountyplanning.org/projects/05TPM-00002/index.cfm>)

Authored by:

Alex Tuttle, 884-6844



OEG Ref: 08-90408

February 1, 2010

Ms. Alicia Harrison, AICP
Land Use Planner
Brownstein Hyatt Farber Schreck, LLP
21 East Carrillo Street
Santa Barbara, CA 93101

Subject: Traffic Analysis for Proposed Las Varas/Edwards Ranch Project, Santa Barbara County

Dear Ms. Harrison:

Orosz Engineering Group, Inc. (OEG) is pleased to provide this letter report for the subject project. We have met with the Las Varas/Edwards Ranch Manager (Paul Van Leer) and with you to review the scope of work anticipated and to conduct a preliminary field review of the project area. We have also reviewed the communications from Caltrans regarding the project. The following report summarizes our assessment of the potential traffic related impacts of the project.

Project Description

The proposed project envisions the reconfiguration of eight existing lots into seven lots; three of these existing lots currently are occupied with residential structures. These lots would continue to be used for agriculture and residential uses. The project also includes an offer of dedication to the County of Santa Barbara of a new beach access along a path at the top of the bank of Las Varas Creek and dedication of a daytime only parking lot to serve the beach access, with approximately 30 parking spaces being provided near Highway 101.

Access to the residential lots would maintain current access between the Las Varas Ranch Road at-grade intersection and the El Capitan Ranch Road interchange to the north based on the proximity to the closest highway access. The access to six of the lots is located closer to Las Varas Ranch Road. The point of access for the seventh lot is located closer to the El Capitan Ranch Road interchange. With the agricultural/residential lot reconfiguration portion of the project, existing ranch traffic movements would continue as they historically have been through the Las Varas Ranch Road intersection and El Capitan Ranch Road interchange.

When the County of Santa Barbara formally accepts the proposed dedication of the beach parking area and trail easement and constructs the parking lot, the parking lot access is proposed through the existing Las Varas Ranch Road at-grade intersection via southbound right turn movements off of and onto Highway 101. Access to the beach parking area would be limited to the southbound side of Highway 101.

The project proposes erection of "coastal access" signage directing potential trail users traveling on Highway 101 to use the freeway Dos Pueblos Road and El Capitan Ranch Road interchanges only. For beach users traveling from the south to the trail parking area, the rationale for the signage would be to

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direct these users to the El Capitan Ranch Road Interchange to turn around and use the southbound Highway 101 to enter the site at Las Varas Ranch Road. When beach users, who came from the north, exit from Las Varas Ranch Road there will be a "right turn only" sign directing drivers to turn right (or south) to the Dos Pueblos Road interchange. The rationale for the signage to the Dos Pueblos Road interchange is for traffic returning north to gain access to northbound Highway 101. Please see attached exhibits for a demonstration of the proposed parking lot access.

Project Traffic

Residential Traffic

With the number of actual lots used for agriculture and residential uses being reduced by one lot, the historic existing traffic patterns would not be expected to change. With the reduction in number of potential residential building sites, the long-term potential traffic related to these lots should be less with the project than what currently could be experienced because there will be one less trip generating parcel.

To provide a worst case traffic analysis, a trip generation estimate was calculated for the additional residential trips associated with new residences on four lots (three of the existing lots have residential units). Using the SANDAG trip generation document as a source for the large lot residential uses (ITE does not have a large residential lot trip rate), the residential portion of the project would be expected to generate 48 ADT, with 4 AM and 5 PM peak hour trips.

These residential trips would be expected to use both the Las Varas Ranch Road intersection and the El Capitan Ranch Road interchange. Based on the location of the proposed lots, the number of additional trips that are expected to be added to the Las Varas Ranch Road intersection would be 36 ADT with 3 AM and 4 PM peak hour trips. The project would be expected to add 12 ADT with 1 AM and 1 PM peak hour trips to the El Capitan Ranch Road interchange.

Beach Trail User Traffic

Typically, the Institute of Transportation Engineers (ITE) reference on Trip Generation is used to estimate the traffic that could be generated by a project. For the beach access parking area, the SANDAG trip reference provides adequate guidance for determining trip generation. The SANDAG beach area parking rates are: 3.26 trips per day (ADT) per parking space and 0.13 trips per space AM Peak Hour and 0.26 trips per space PM Peak Hour. Application of these parking rates to the proposed beach parking lot (30 spaces), the project would be expected to generate 98 ADT with 4 AM and 8 PM peak hour trips.

The beach access parking portion of the project is expected to add 98 ADT with 8 PM peak hour trips to Highway 101. With the proposed signage directing beach traffic to use the grade separated interchanges at El Capitan and Dos Pueblos Roads, project traffic increases are likely to add 23 ADT north of the project and 75 ADT south of the project.

Existing Roadway Conditions

Highway 101

In the vicinity of the project, Highway 101 operates as a four-lane highway/freeway with a mixture of grade separated and at-grade crossings at various locations. Currently, this segment of Highway 101

carries 30,000 ADT with 3,100 vehicles during the peak hour (2008 data). At these traffic volumes, the highway operates at level of service (LOS) A-B. Based on OEG field observations of peak hour turning traffic on November 17, 2009, the Intersection of Las Varas Ranch Road and Highway 101 currently operates at a level of service (LOS) B with 12.0 seconds of delay per vehicle.

To the north of the Las Varas Ranch Road intersection on Highway 101, one residential lot and beach access users will take access through the existing on/off-ramp system at El Capitan Ranch Road. The northbound and southbound on/off ramps are connected via grade separated undercrossing interchange of the highway. To the south of the Las Varas Ranch Road intersection on Highway 101, the beach access users will take access through the Dos Pueblos Ranch Road (Santa Barbara Ranch) grade separated interchange. The north and southbound on/off ramps are connected through an undercrossing of Highway 101.

The Las Varas Ranch Road at-grade crossing will continue to provide access to the existing agricultural operation and to existing and future residential uses. At the Las Varas Ranch Road intersection, left turn lanes are provided for north and southbound traffic to gain access to areas of the Las Varas/Edwards Ranch located both to the north and south of the highway and to access other ranch properties located to the north of the highway. The paved shoulders in the vicinity of the Las Varas Ranch Road intersection are the standard ten feet wide to the driver's right and four feet to the driver's left. Advance warning signs exist to indicate the presence of the at-grade crossing.

A safety analysis was conducted for the at-grade crossing using the last four years of crash data provided by Caltrans. Since January 2004, there have been 18 total crashes within one-quarter mile in each direction of the Las Varas Ranch Road Intersection. The actual crash rate for this portion of the highway is 0.78 acc/MVM (accidents per million vehicle miles). For similar type segments of highway, Caltrans has documented an average crash rate of 0.72 acc/MVM. While slightly higher than the average, the crash data does not indicate a significant crash pattern. In fact, the actual injury related crash rate (0.22 acc/MVM) is substantially lower than the Statewide average (0.33 acc/MVM) for similar type facilities. The crash pattern does not show a relationship between the at-grade intersection and the crashes. The majority of the crashes involved a single vehicle, with running off of the road being the primary cause.

Caltrans Access Design Elements

The State of California Department of Transportation (Caltrans) has various standards and guidelines for the operation and design of State highway systems. Caltrans documents these requirements in the Highway Design Manual (HDM) published by the state. These include provisions for sight distance, intersection and roadway design, crash experience and levels of service. The following sections outline the Caltrans HDM requirements that are applicable to this location.

Sight Distance

Caltrans provides guidance on the specific distances drivers need to see and be seen by opposing or crossing vehicles. There are corner sight distance and stopping sight distance requirements.

Corner sight distance is based on a 7.5 second criteria for drivers crossing a roadway – enabling drivers to see approaching traffic for a time period of 7.5 seconds. Caltrans has determined that if vehicles have this time to see and evaluate the approaching vehicles they can safely complete a crossing of the roadway. For the highway speeds experienced at this intersection, the 7.5 second criteria results in distances of 715 feet for 65 MPH and 770 feet for 70 MPH.

Stopping sight distance is provided at intersections for drivers approaching crossing traffic or objects on the roadway. The stopping sight distance for the Las Varas Road intersection is based on 750 feet for 70 MPH or 840 at 75 MPH.

Intersection Layout and Design

For access onto expressways (Highway 101 is classified as an expressway at this intersection), Caltrans has requirements for location, width, surfacing and sight distance.

Location – Access openings should not be spaced closer than one-half mile to another public or private opening.

Width – At the right of way, the access opening should be approximately 30 feet. This provision provides adequate space for minor use of the access onto and off of the expressway. Access openings significantly wider than 40 feet may increase the vehicular demand for the access. Land use and area served play a major role in this width.

Recessed Access Opening – This requirement suggests that the access along the Caltrans right-of-way is located further back from the typical highway setback to provide vehicles space to begin or complete the turning/crossing movement along the expressway. The minimum distance of 75 feet from the expressway shoulder stripe should be provided. Caltrans provides access opening designs for Private Road Intersections (Figure 205.1) and Public Road Intersections (Figure 405.7) in the HDM.

Joint Opening – Access to expressways should be combined with as many parcels as possible to minimize the potential interruption of through traffic on the expressway. In this way, all property owners are served with the minimal interruption along the State facility.

Surfacing – The access surface should be paved and be of adequate design to accommodate the anticipated vehicular usage. The pavement should be provided within the access area within the State right of way.

Shoulder Width – For expressways, the roadway shoulder to the right of the travel lane has a minimum width of 10 feet.

Left-turn Channelization – For left turn lanes, three key factors should be addressed for rural high speed facilities: lane width, storage and deceleration length. For lane width, the left turn lane should be 12 feet wide. The storage for left turn vehicles should be based on the average number of vehicles expected to arrive in an average 2 minute time period during the peak hour or a minimum of 50 feet. The third design element is for the deceleration of vehicles making left turns. Some deceleration is permitted to occur in the travel lane and the distance recommended in the HDM for 60 MPH is 530 feet. The deceleration distance includes the storage distance, left turn lane and bay taper. The bay taper is the distance between the normal travel lane and the location of the beginning of the left turn lane at full width.

Crash Experience

Access openings along expressways when designed to the requirements described in the Caltrans Highway Design Manual should operate well. Caltrans has historical data to suggest that normal operation of facilities have a typical number of crashes given a traffic volume and time period. Caltrans provides statewide averages for expressway access openings. When the traffic volumes for a given location are known, a crash rate for that location can be found and compared with the statewide average to determine if the location is above, below or at the statewide average. The specific location's

crash rate should be evaluated for specific trends or patterns regardless of its comparison to the statewide average due to the specific design and area experiences.

Level of Service

Caltrans considers roadway and intersection levels of service when evaluating the operation of an expressway segment or intersection. Typically, Caltrans considers Level of Service D as an acceptable level for intersections of this type.

Las Varas Ranch Road Access

An evaluation of the actual field conditions for the project access was conducted using the Caltrans design criteria described in the previous section. The comparison of each of the design elements to the field conditions at the Las Varas Ranch Road access to Highway 101 is summarized in Table 1 below.

**Table 1
 Las Varas Ranch Road Access Evaluation
 Caltrans Expressway Private Road Access Design Criteria**

Design Element	Requirement	Field Condition	Standard Met
Sight Distance			
Corner Sight Distance	770 feet at 70 MPH	700 feet (left) More than 800 feet (right)	No (left) Yes (right)
Stopping Sight Distance	750 feet at 70 MPH	700 feet (left) More than 800 feet (right)	No (left) Yes (right)
Intersection Layout and Design			
Location	Minimum 0.5 mile	More than 0.5 mile	Yes
Width	30-40 feet	36 feet	Yes
Recessed Opening	75 feet	More than 80 feet	Yes
	Flared edge of pavement	Flared edge of pavement	Yes
Joint Opening	More than one property	Six parcels	Yes
Surfacing	Paved within Right of Way	Paved within Right of Way and beyond	Yes
Shoulder Width	10 feet typical	10 feet typical	Yes
	Flared shoulder at access	Flared shoulder at access	Yes
Left Turn Channelization			
Lane Width	12 feet	12 feet	Yes
Storage	50 feet minimum	140 feet minimum	Yes
Bay Taper	120 feet	140 feet minimum	Yes
Deceleration Distance	530 feet at 60 MPH	290 feet minimum	No
Acceleration Lane	None required	200 feet to north 490 feet to south	Yes Yes
Crash Experience			
Statewide Average Total	0.72 acc/MVM	0.78 acc/MVM	Yes
Statewide Average Injury	0.33 acc/MVM	0.22 acc/MVM	Yes
Significant Pattern		None	Yes
Level of Service			
Roadway Segment	LOS D	LOS B	Yes
Intersection	LOS D	LOS B	Yes

As seen in this table, the existing Las Varas Ranch Road access to Highway 101 meets the majority of the access design criteria provided by Caltrans. The only two areas where the access does not meet the design criteria are in the sight distance to the left of the access (from the beach side of the highway) and the deceleration length for the left turn lanes at the access.

To meet the design criteria, the following improvements would be needed to be constructed by Caltrans.

Sight Distance – To improve the corner and stopping sight distance, the small dirt slope located approximately 600 feet to the north of the Las Varas Ranch Road access on the beach side can be regraded away from the highway to increase the sight distance.

Left-turn Deceleration – Currently, the deceleration distances for the northbound left turn lane on Highway 101 is 290 feet while the southbound left turn lane distance is 305 feet. To meet the minimum distance of 530 feet, the existing left turn lanes would need to be extended 240 feet (westbound) and 225 feet for the eastbound left turn lanes. The left turn lane extensions would require grading and paving in the center median of Highway 101.

Access Design Criteria Evaluation Summary

With the two design criteria modifications described, the existing Las Varas Ranch Road access would meet all of the design criteria defined by Caltrans for Private Road access locations to Expressways on the State Highway System. The project proposes to address the existing deficiencies where project vehicular traffic is expected to be added.

Project Traffic Impacts

The majority of the residential and beach trail oriented traffic would be to/from the south, about 75-80%. The remaining 20-25% of the traffic would be oriented to/from the north. To the north of the study area, the combined project is likely to add approximately 35 ADT to Highway 101 and, to the south, the project is anticipated to add approximately 111 ADT along Highway 101. With the proposed signage directing beach traffic to use the grade separated interchanges, the proposed project is expected to add 158 ADT to the El Capitan Ranch Road and 98 ADT to the Dos Pueblos Road on/off ramp systems. Based on the low existing traffic volumes using these interchanges and the high capacity of the design of the interchanges, the project would not create any significant impacts at the El Capitan Ranch Road or the Dos Pueblos Road interchanges or along Highway 101.

With the additional residential and beach project traffic, the Las Varas Ranch Road intersection is forecast to operate at LOS B with an average delay of 12.1 seconds of delay. Based on the good intersection level of service, current design of the freeway interchanges and the good level of service along Highway 101, the proposed project is not expected to result in any significant safety or operational impacts.

The existing traffic pattern at the Las Varas Ranch Road at-grade crossing would continue as it has for a number of years. As there is no significant crash pattern related to this at-grade crossing, no additional mitigation measures are required for this intersection. The project will not contribute any additional vehicular traffic to the southbound left turn lane at the Las Varas Ranch Road intersection.

Northbound Highway 101 beach access traffic would be expected to use the grade separated interchanges. To encourage the right turn in and right turn out only southbound use of the access at the Las Varas Ranch Road intersection, full acceleration and deceleration lanes may need to be constructed by the County of Santa Barbara prior to the acceptance of the parking lot and trail offer of dedication.

The construction of these lanes would include grading and paving within Caltrans existing rights-of-way. A Caltrans Encroachment Permit would be needed for these improvements.

Project traffic is expected to utilize the northbound left turn lane on Highway 101 at the Las Varas Ranch Road intersection. Project traffic is also expected to access the Highway from Las Varas Ranch Road. The project would contribute vehicular traffic to the existing geometric design deficiencies noted below. To meet the design criteria, the following improvements would be needed.

Sight Distance – To improve the corner and stopping sight distance, the small dirt slope located approximately 600 feet to the north of the Las Varas Ranch Road access on the beach side can be regraded away from the highway to increase the sight distance. Because this area is adjacent to the project boundaries, the applicant could perform the necessary grading with an encroachment permit from Caltrans for this work. With the necessary modification, the corner and stopping sight distances can be achieved.

Left-turn Deceleration – Currently, the deceleration distance for the northbound left turn lane on Highway 101 is 290 feet. To meet the minimum distance of 530 feet, the existing left turn lane would need to be extended 240 feet (westbound). The left turn lane extension would require grading and paving in the center median of Highway 101. A Caltrans Encroachment Permit would be required for this work. With the applicant constructing this modification under an encroachment permit by Caltrans, the design criteria would be met. No modifications are proposed to address the southbound left-turn lane deceleration length deficiency because no part of the project adds any vehicular traffic to this movement.

Cumulative Traffic Evaluation

To evaluate future potential traffic impacts, historic growth along Highway 101 was evaluated over the past 10 years. Using Caltrans traffic count data for this segment of Highway 101, the historic traffic volume growth rate was found to be -1% per year. In other words, the traffic volumes today are about 10% less than in 1999. Because the historic traffic growth rate is a negative number, a conservative analysis for the future traffic volumes for Highway 101 would include no change for the next ten years. As such, the existing plus project impact analysis is representative of a ten year forecast for Highway 101 conditions adjacent to the project. Therefore, the addition of project traffic in a cumulative impact setting would not result in any significant impacts.

Las Varas Ranch Road Grade Separation Alternative

Caltrans has requested that a grade separated interchange option be evaluated as an alternative for the Las Varas Ranch Road intersection. While a full analysis would be outlined in great detail in a Project Study Report (PSR) by Caltrans, several key factors can be identified at this time. The key factors include: available right-of-way, cost, feasible alternatives and nexus. The following is a brief analysis of these key factors:

Available Right-of-Way- Currently the existing Highway right-of-way is approximately 420 feet between the north and south highway limits. To accommodate over/undercrossing vertical clearances, the right of way necessary would be approximately 350 feet to the north of the north edge of the highway and an additional 350 feet to the south of the south edge of the highway. In this area, the basic highway width is 150 feet. In total, a grade separated interchange would require approximately 850 feet or double the existing right-of-way. Due to the significant shortage of right-of-way, the grade separation would not be feasible at this time.

There is no identifiable significant safety issue to be mitigated that would outweigh the difficulty of new right-of-way acquisition.

Cost – The cost of a grade separated crossing and ramp system would be in the \$8-12 million range depending on the design, infrastructure, amenities, retaining walls, materials and right-of-way costs. Based on the extremely small amount of project-related traffic and no potentially significant impact of project traffic, the cost benefit ratio for this type of improvement does not make sense.

Feasible Alternatives- To improve the operation of the existing intersection, the existing sight distance is proposed to be improved by grading a small slope to the north of the intersection and the project is proposing to bring the existing design of the northbound left turn lane to current standards. These improvements are feasible from a cost and constructability standpoint. For potential traffic related to the offer of dedication of the parking lot and beach trail access, an alternative would be to require that County to construct full acceleration and deceleration lanes on the southbound side of Highway 101 prior to acceptance of the offer of dedication.

Nexus – A requirement to construct a grade separated crossing should be based on a need to mitigate a significant project impact. No potentially significant project traffic impacts have been identified for this project, which reduces the total number of lots within the project site. Some existing geometric design elements have been found to be below current standards, but there is no significant crash history related to these elements. Because there are no potentially significant impacts to be mitigated and because feasible alternative improvements can be made, a nexus requiring the complex and costly construction of a grade separated crossing and ramp system for this project cannot be made.

In summary, the grade separated interchange concept for the Las Varas Ranch Road intersection does not make sense due to lack of right-of-way, extremely high cost benefit ratio, availability of feasible alternatives and no nexus to require such a significant improvement.

Summary

The proposed project consists of the reconfiguration of eight lots to seven lots for continued agricultural and residential uses. Three (3) lots are currently used for residential and agricultural purposes; four (4) lots, now used solely for agriculture, could have future residential uses. The applicant proposes to offer for dedication to the County of Santa Barbara a 30-space parking lot and trail for coastal access as part of the project. Access to the project would continue to be via the existing grade separated (El Capitan Ranch Road and Dos Pueblos Road interchanges) and at-grade crossing (Las Varas Ranch Road) of Highway 101.

The agricultural/residential use lot reconfiguration is not expected to change the existing site traffic patterns.

The beach access parking portion of the project is expected to add 98 ADT with 8 PM peak hour trips to Highway 101. With the proposed signage directing beach traffic to use the grade separated interchanges at El Capitan and Dos Pueblos Roads, project traffic increases are likely to add 23 ADT north of the project and 75 ADT south of the project. To address the increases in traffic related to the beach parking area, the County of Santa Barbara may need to construct full deceleration and acceleration lanes for the southbound travel lanes at Las Varas Ranch Road at the time the County of

Ms. Alicia Harrison
February 1, 2010
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Santa Barbara accepts the offer of dedication. A Caltrans Encroachment Permit would be obtained for these improvements.

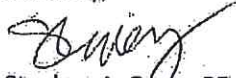
The residential portion of the project is expected to add 48 ADT and 5 PM peak hour trips. No mitigation measures are required for the residential portion of the project.

To address the existing conditions design criteria deficiencies, the northbound left turn lane in the center median at the Las Varas Ranch Road intersection would be extended to meet the minimum deceleration distance required and the sight distance to the north of the access would be provided through grading along the south right of way. A Caltrans Encroachment Permit would be obtained for these improvements.

Based on the proposed access, mitigation measures and size of the project, no significant project specific traffic impacts are identified.

Should you have any questions or require additional information, feel free to contact me.

Sincerely,



Stephen A. Orosz, PE
Orosz Engineering Group, Inc

Enclosure

Caltrans Crash Data
Intersection Level of Service Calculations



Location Description	Rate Group (RUS)	No. of Accidents / Significance	No. of Accidents / Significance			Persons Killed Inj	ADT Main X-St	Total MV+ or MVM	Actual			Accident Rates Average							
			Tot	Fat	Inj				Fat	F+I	Tot	Fat	F+I	Tot					
05 SB 101 030.750 - 05 SB 101 031.249	.500 Mi:H 45 R	18	0	5	5	7	5	7	5	7	0	31.6	23.10	0.000	.22	.78	0.019	.33	.72
0001-0001 2004-01-01 2007-12-31	48 md.						H97				9								

Accident Rates expressed as: # of accidents / Million vehicle miles

+ denotes that Million Vehicles (MV) used in accident rates instead (for intersections and ramps).

For Ramps RUS: only considers R(Rural) U(Urban)

HCM Unsignalized Intersection Capacity Analysis
 3: US Highway 101 & Las Varas Ranch Road

11/25/2009



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↵ ↕ ↘			↵ ↕ ↘			↕ ↗ ↘			↕ ↗ ↘		
Sign Control	Free			Free			Stop			Stop		
Grade	0%			0%			0%			0%		
Volume (veh/h)	0	930	0	1	2170	0	0	0	1	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	1011	0	1	2359	0	0	0	1	0	0	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type							None			None		
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	2359			1011			2192	3372	505	2867	3372	1179
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	2359			1011			2192	3372	505	2867	3372	1179
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	100			100			100	100	100	100	100	100
cM capacity (veh/h)	204			681			25	8	512	7	8	183

Direction	Lane #	EB 1	EB 2	EB 3	WB 1	WB 2	WB 3	NB 1	SB 1	SB 2	SB 3
Volume Total		0	674	337	1	1572	786	1	0	0	0
Volume Left		0	0	0	1	0	0	0	0	0	0
Volume Right		0	0	0	0	0	0	1	0	0	0
cSH		1700	1700	1700	681	1700	1700	512	1700		
Volume to Capacity		0.00	0.40	0.20	0.00	0.92	0.46	0.00	0.14		
Queue Length 95th (ft)		0	0	0	0	0	0	0	0		
Control Delay (s)		0.0	0.0	0.0	10.3	0.0	0.0	12.0	0.0		
Lane LOS					B			B	A		
Approach Delay (s)		0.0			0.0			12.0	0.0		
Approach LOS								B	A		

Intersection Summary		
Average Delay		0.0
Intersection Capacity Utilization	70.0%	ICU Level of Service: C
Analysis Period (min)		15

HCM Unsignalized Intersection Capacity Analysis
 3: US Highway 101 & Las Varas Ranch Road

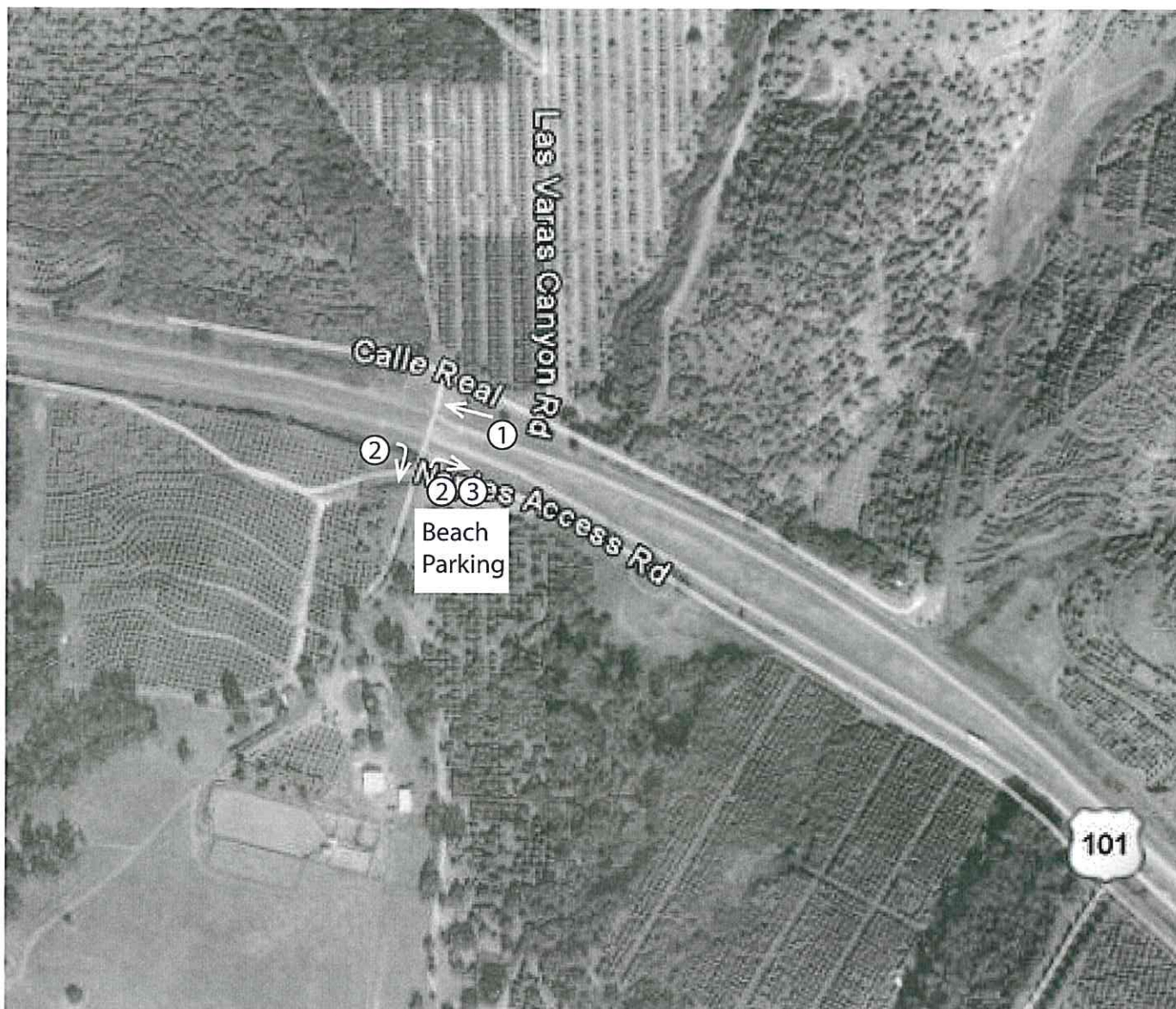
11/25/2009



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖ ↗			↖ ↗			↕			↕		
Sign Control	Free			Free			Stop			Stop		
Grade	0%			0%			0%			0%		
Volume (veh/h)	0	930	4	1	2170	0	0	0	5	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	1011	4	1	2359	0	0	0	5	0	0	0
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type							None			None		
Median storage veh												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	2359			1015			2195	3374	508	2872	3376	1179
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	2359			1015			2195	3374	508	2872	3376	1179
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.5	3.5	4.0	3.3
p0, queue free %	100			100			100	100	99	100	100	100
cM, capacity (veh/h)	204			679			25	8	510	7	7	183

Direction	EB	WB	NB	SB
Volume Total	0	674	341	1
Volume Left	0	0	0	1
Volume Right	0	0	4	0
cSH	1700	1700	1700	679
Volume to Capacity	0.00	0.40	0.20	0.00
Queue Length 95th (ft)	0	0	0	0
Control Delay (s)	0.0	0.0	0.0	10.3
Lane LOS				B
Approach Delay (s)	0.0			0.0
Approach LOS				B

Intersection Summary	
Average Delay	0.0
Intersection Capacity Utilization	70.0%
Analysis Period (min)	15
Level of Service	C



Las Varas Canyon Road Intersection Beach/ Trail Visitors Traffic Pattern

- ① Northbound Hwy. 101 Visitors continue North to El Capitan I/C (see exhibit 2)
- ② All Southbound Hwy. 101 Beach Access
- ③ Northbound Hwy. 101 Visitors exit Southbound to Dos Pueblos I/C (see exhibit 3)



Orosz Engineering Group, Inc.



El Capitan Ranch Road Interchange (I/C)
Beach/ Trail Visitors Traveling Northbound on
Highway 101 use El Capitan Ranch Rd I/C



Dos Pueblos Canyon Road Interchange (I/C)
Beach/ Trail Visitors Traveling Northbound on
Highway 101 use Dos Pueblos Canyon Rd I/C