



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

**TO:** County Planning Commission

**FROM:** Jeff Wilson, Deputy Director  
Staff contact: Dana Eady, Planner

**DATE:** March 9, 2017

**HEARING DATE:** March 29, 2017

**RE:** Rancho La Laguna Tentative Tract Map & State Small Water System  
Case Nos. 06TRM-00000-00002 / TM 14,709, 16CUP-00000-00030

---

**1.0 Background**

The Rancho La Laguna Tentative Tract Map and State Small Water System project was reviewed by your Commission on January 25, 2017. At this hearing, your Commission continued the project to March 29, 2017, and requested that staff return with the following additional materials and information:

- a) Permitting requirements for future development that could be located in close proximity to the five abandoned oil and gas wells (dry holes) located on the project site.
- b) Additional information regarding: 1) the Environmental Impact Report's conclusion that the reduced lots alternative (alternative three) would not result in significantly less environmental impacts than the proposed project; 2) agricultural viability; 3) the EIR's analysis of native grasslands; 4) the existing agricultural operations on the project site; 5) the maximum slope that vineyards can be installed; 6) studies completed on adjacent properties (if any); and 7) similar projects that have been reviewed by the County.
- c) A graphic depicting how the proposed subdivision fits in with the surrounding lot sizes.
- d) Revisions to the conditions of approval incorporating the changes discussed at the hearing related to biological resources, lighting, and Board of Architectural Review requirements for future development.

- e) Revisions to the project description to allow for the installation of single-parcel or multi-parcel water systems utilizing private water wells on individual lots as an option to provide water for future domestic uses located on the new lots.
- f) Revisions to the project description stating that future development within RDEs would be limited to a maximum area of 5 acres.

## **2.0 Recommendations and Procedures**

Follow the procedures outlined below and conditionally approve Case Nos. 06TRM-00000-00002 and 16CUP-00000-00030 marked "Officially Accepted, County of Santa Barbara March 29, 2017, County Planning Commission Attachments (A-F)", based upon the project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

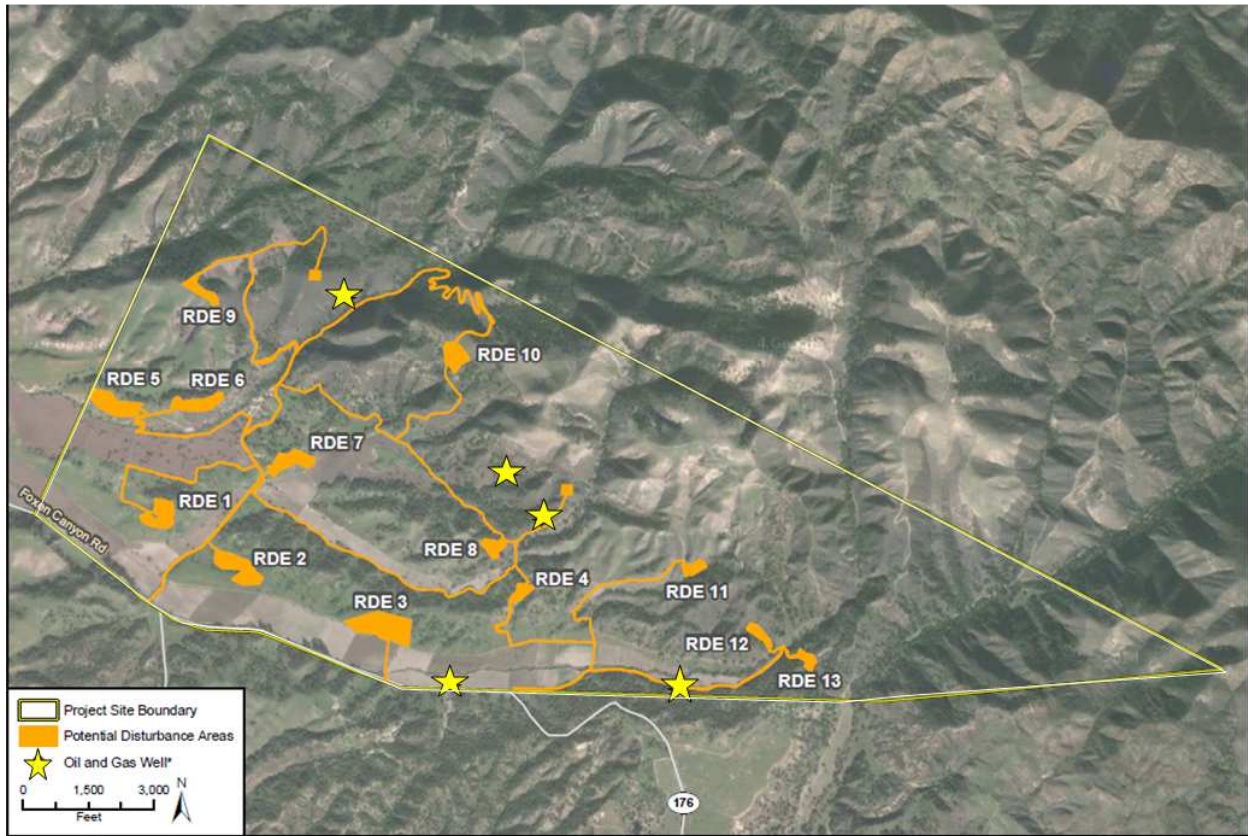
Your Commission's motion should include the following:

1. Make the required findings for approval of the project specified in Attachment A of this memorandum dated March 9, 2017, including CEQA findings;
2. Certify the Environmental Impact Report (16-EIR-01), included as Attachment C of this memorandum and as modified by the EIR Revision Letter dated March 20, 2017 (included as Attachment E to this memorandum), and adopt the mitigation monitoring program contained in the conditions of approval;
3. Approve Case No. 06TRM-00000-00002 subject to the conditions included as Attachment B.1 of this memorandum; and
4. Approve Case No. 16CUP-00000-00030 subject to the conditions included as Attachment B.2 of this memorandum.

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

## **3.0 Oil and Gas Wells**

According to section 4.9, Hazards/Hazardous Materials of the Environmental Impact Report (16-EIR-01) prepared for the project, the Division of Oil, Gas & Geothermal Resources (DOGGR) Online Mapping System indicates that there are five plugged and abandoned oil wells located on the project site. These wells are not located within any of the proposed RDE's, but one of the wells is located within 100 feet of the proposed roadway leading to the RDE's on lots 12 and 13. A second abandoned oil well is located within 200 feet of the shared water system's proposed water line leading to the eastern fire protection cistern. Figure 4.9-1 from the EIR below shows the location of the five existing plugged and abandoned oil wells on the project site.



Any future development located on the project site is required to comply with the LUDC development standards and requirements for the AG-II-100 zone district as well as the County's Petroleum Code (Chapter 25). Section 25-21, Spacing and Location, of the County's Petroleum Code specifies that no building shall be erected within two hundred feet of any well or tank, and no new oil wells or lease tanks shall be located within 200 feet of the nearest edge of the normally traveled portion of any major street. In addition, as part of the permitting process, where new development is proposed within close proximity to abandoned wells, DOGGR may require wells to be re-abandoned to current DOGGR standards to ensure that the wells will not result in adverse impacts to the proposed development. The abandoned oil wells are located well outside of the proposed RDEs, and a minimum of 100 feet away from the proposed access roads and utility lines. For these reasons, the EIR concludes that impacts associated with these existing abandoned wells to future development onsite would be less than significant.

#### 4.0 Existing Agricultural Operations

Information obtained from the Santa Barbara County Agricultural Commissioner's Office indicates that in 2016, the following crops were grown on approximately 563 leased acres of the project site: summer squash, zucchini, beans, forage hay, cucumber, tomato, tomatillo, peppers. With the exception of hay which can be grown during the winter months, the remaining crops are grown during the warmer months of the year. No vineyards are located on the project site. However, future property owners could elect to install vineyards on the project site. According to

the Agricultural Commissioner's Office UC Cooperative Extension, vineyards can successfully be installed on a range of slopes and there is no limitation in Santa Barbara County as to the maximum slope that a property owner can install a vineyard. However, installing vineyards on steeper slopes can present a variety of issues including erosion hazards and challenges with maintenance and irrigation.

## **5.0 Agricultural Viability & Additional Studies**

The Commission requested additional information regarding the EIR's determination that the 13 lots created by the subdivision would be agriculturally viable. This determination was based on an assessment of the agricultural resources on the project site completed in a County-prepared Mitigated Negative Declaration (September 10, 2010, SCH#2010091065), and an Agricultural Viability Study and Rangeland Assessment (Sage & Associates, September 2007, updated September, 2009). The Weighted Point System (WPS) included in the County's Thresholds and Guidelines Manual was utilized to determine agricultural viability. The EIR supports the conclusions reached in the Sage report and the MND which assigned 60 points or more to the 13 proposed lots, indicating that they are all agriculturally viable. In addition, the Commission requested information regarding any additional studies completed on the adjacent agriculturally zoned lots. Staff is unaware of any studies conducted on these adjacent lots.

## **6.0 EIR Analysis of Native Grasslands**

The Commission requested additional information regarding the Environmental Defense Center's assertion that the EIR does not properly analyze and disclose impacts to native grasslands, and uses an incorrect definition in its analysis of native grasslands. The EIR discloses that the project would result in impacts to 1.2 acres of native grasslands within the RDEs. In order to address the EDC's comments, the EIR was revised to include the definitions of native grasslands from the County's Environmental Thresholds and Guidelines Manual, and the Manual of California Vegetation 2<sup>nd</sup> Edition (Sawyer, et. al., 2009).

The EIR was also revised to clarify that all patches of needlegrass, regardless of size, within the RDEs were evaluated for percent cover of species and extent of grassland. All areas meeting County of Santa Barbara standards for native grasslands within the RDEs were identified. Vegetation within the RDEs that is consistent with the purple needlegrass grassland alliance membership rules and County grassland definitions were mapped as Native Grasslands. Based on sampling data, these grassland areas include native herbs and grasses, and at least 10 percent cover of purple needlegrass and other native grassland species.

In order to mitigate for impacts to native grasslands, mitigation measure B-1(a) requires pre-construction surveys for special status plants, and measure B-2(a) requires the applicant to hire a County-approved biologist to develop a Sensitive Plant Communities Restoration Plan in the event that impacts to sensitive plant communities cannot be avoided.

## **7.0 Summary of Similar Projects Reviewed by the County**

Staff has identified two projects of a similar type to the proposed project that have been reviewed by the County. The two projects discussed below each proposed to subdivide large agriculturally zoned parcels within the rural area of the County. However, these subdivisions proposed a larger number of smaller lots as compared to the proposed project (30 and 31 vs. 13).

The Rancho Saguario Tract Map (TM 13,450) was approved by the County Planning Commission on February 27, 1985. This project subdivided a 3,423-acre lot zoned AG-II-100 located in Santa Ynez into 30 lots ranging in size from 100 to 171-acres. A Final Environmental Impact Report (84-EIR-05) was completed for this project. No Class I Significant and Unavoidable impacts were identified with this project.

The Mission Oaks Tentative Tract Map proposed to subdivide a 3,877-acre lot (APN 099-190-076) zoned AG-II-100 into 31 lots ranging in size from 101 to 244-acres. This site is located north of the Bobcat Springs EDRN in the Buellton area. The property is under Williamson Act contract (67-AP-006) and has historically been used for a cattle grazing operation with over 700 head of cattle. The property is not utilized for cultivated agricultural operations. The Environmental Impact Report completed for this project (94-EIR-1A) identified Class I impacts resulting from the subdivision to Water Resources, Biological Resources, Land Use/Agricultural Resources, and Geologic Processes/Drainage. This project was denied by the Board of Supervisors on May 23, 1995. The denial of the project was based on findings that determined that the proposed subdivision would violate the Williamson Act and would result in lots that are not agriculturally viable. The Board also found that the subdivision would be growth inducing and would contribute to a cumulative loss in cattle operations in the County resulting from conflicts between future residential uses and existing agricultural uses on the site.

## **8.0 Reduced Lot Alternative (Alternative 3)**

At the January 25, 2017 hearing, the Commission requested additional information regarding the Environmental Impact Report's conclusion that the reduced lots alternative (Alternative 3) which would subdivide the project site into 8 lots rather than 13 lots would not reduce the number of mitigation measures from the proposed project or result in fewer environmental impacts. While this alternative would reduce the area required for access road, driveway, utility infrastructure and RDE improvements, all of the mitigation measures that are required for the proposed project would continue to apply to the reduced lots alternative. The EIR concludes that the proposed project would not result in significant and unavoidable (Class I) impacts to the environment, and all potentially significant impacts can be mitigated to less than significant levels (Class II). The reduced lots alternative would not change any of the identified Class II impacts to Class III impacts, and would also not meet the basic project objective to subdivide the project site into 13 legal lots. Therefore, staff is not recommending the reduced lots alternative in lieu of the proposed project.

## **9.0 Graphic depicting surrounding parcels & the proposed Tract Map**

Attachment F depicts the lots that would be created by the proposed Tract Map with the existing parcels in the surrounding area. This graphic shows how the proposed subdivision fits in with the existing lot sizes in the surrounding area. Specifically, lots 1-4 and 5-8 range in size from 160.01-acres to 259.01-acres which is similar in size to the lots located to the south which range from 15 to 400-acres in size. The existing lots located to the southeast of the project site range in size from 132-acres to 3,000-acres. Lots 9-13 are larger lots which range in size from 369.07-acres to 604.73-acres. These lots are similar in size to lots located to the north, east and west of the site which range in size from 298-acres to approximately 3,000-acres.

## **10.0 Proposed Revisions to the Findings and Conditions of Approval**

Attachment D contains staff's proposed revisions to the Findings and Conditions of Approval (Attachments A, B.1, and B.2). The proposed revisions to the Findings correct minor typographical errors, and provide additional information related to water, and sanitary system improvements and permit requirements.

The proposed revisions to the Conditions of Approval are intended to address the Commissions comments regarding private water wells, lighting, Board of Architectural Review (BAR), and biological resources. These revisions clarify the requirements and timing for pre-construction surveys for nesting birds and other rare species, consultation requirements with other agencies, and the permit timing for when each condition is applied for future development of the new lots.

The project description for the proposed tract map (condition No. 1 of Attachment B.1) has been revised to state that water for domestic uses could be provided by single or multi-parcel water systems utilizing private water wells serving individual lots, and also includes the provision that future development located within the RDE's would be limited to a maximum area of 5-acres. The lighting and BAR conditions have been expanded to ensure that any exterior night lighting is dark sky compliant, and any future structures shall be designed to be subordinate in appearance to natural landforms and sited as to not intrude into the skyline as seen from public viewing places. Landscaping plans and palettes shall primarily use native plant species indigenous to the area and non-native invasive weeds and noxious species are prohibited.

As stated in the EIR revision letter (Attachment E), pursuant to CEQA Guidelines Section 15088.5, the proposed revisions and associated analysis do not require re-circulation of the Final EIR. The revisions do not add significant new information to the EIR, or change the EIR in such a way that it deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

**Attachments:**

- A. Findings
- B.1 Conditions of Approval – Case No. 06TRM-00000-00002 / TM 14,709
- B.2 Conditions of Approval – Case No. 16CUP-00000-000030
- C. Final EIR (16-EIR-01). Entire document provided to the Planning Commission and available online at: <http://www.sbcountyplanning.org/projects/06TRM-00002RanchLaLaguna/index.cfm>
- D. Revisions to Findings and Conditions of Approval
- E. EIR Revision Letter (Rincon Consultants, March 20, 2017)
- F. Graphic – Proposed Tract Map & Surrounding Lots

G:\GROUP\PERMITTING\Case Files\TRM\06 cases\06TRM-00000-00002 Rancho La Laguna\PC Hearings\3-29-17 PC Hearing\3-9-17 memo to PC.docx

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **1.1 ENVIRONMENTAL IMPACT REPORTS**

Findings pursuant to public resources code Section 21081 and the California Environmental Quality Act Guidelines Sections 15090 and 15091:

##### **1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Final Environmental Impact Report (16-EIR-1) was presented to the Planning Commission and the Planning Commission has reviewed and considered the information contained in the Final EIR (16-EIR-1) and its appendices [and any supplements or addenda] prior to approving the project. In addition, the Planning Commission have reviewed and considered testimony and additional information presented at or prior to public hearing on March 29, 2017. The Final EIR reflects the independent judgment and analysis of the Planning Commission and is adequate for this proposal.

##### **1.1.2 FULL DISCLOSURE**

The Planning Commission finds and certifies that the Final EIR (16-EIR-1) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Planning Commission further finds and certifies that the Final EIR has been completed in compliance with CEQA.

##### **1.1.3 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 located at 123 East Anapamu Street, Santa Barbara, CA 93101.

##### **1.1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

This finding is not applicable because the Final EIR (16-EIR-01) concluded that the project will not result in significant and unavoidable (Class I) impacts.

##### **1.1.5 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE**

The EIR analyzed three alternatives to the proposed project, which include: 1) a no project/no development alternative; 2) agricultural cluster alternative; and 3) reduced lots alternative. The EIR identified Alternative 3 as the environmentally superior alternative. This finding is not applicable to this project because findings rejecting alternatives are required only if one or more significant environmental effects will not be avoided or



substantially lessened by mitigation measures. The EIR concluded that no impacts of the project were significant and unavoidable; therefore, the Planning Commission need not make findings rejecting the alternatives described in the EIR. (Pub. Resources Code Section 21081; 14 CCR 15091.).

### **1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL**

The Final EIR (16-EIR-01) identifies 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 (16-EIR-01), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects, as discussed below:

#### Aesthetics

Significant but mitigable impacts identified in the Aesthetic Resource analysis of the EIR include impacts resulting from the removal of mature oak trees which would result in the loss of scenic resources. Mitigation identified in the EIR requires the implementation of a tree replacement plan requiring that oak trees which are visible from public roadways and would need to be removed due to project construction shall be replaced with oak trees in locations that are visible from such roadways (AES-2). This measure would reduce Aesthetic impacts to less than significant.

#### Biological Resources

Significant but mitigable impacts identified in the Biological Resources analysis of the EIR include impacts to special status plant and animal species, sensitive habitats including riparian areas, wetlands, oak trees, wildlife movement, as a result of future development of access roads, infrastructure, and the RDEs.

According to Section 4.4, Biological Resources, of the Environmental Impact Report (16-EIR-01) prepared for the project, approval of the tentative tract map and subsequent development of the Residential Development Envelopes (RDE's), access roads and infrastructure may result in impacts to special status plant and animal species, sensitive habitats including riparian areas, wetlands, oak trees and wildlife movement.

Specifically, there are twenty-two special status plant species which have the potential to be impacted. According to the EIR prepared for the project, only one special status plant species was detected during focused botanical surveys, ocellated Humboldt lily (found in Lot 13 along Zaca Creek, but not within the proposed RDE). Mitigation measures from the EIR requiring pre-construction surveys for special status plant species (B-1(a)), avoidance, minimization and mitigation if special status plant species are found during pre-construction surveys (B-1(b)) will reduce impacts to special status plant species to less than significant.

In addition, according to the EIR, there are thirty-four special status animal species which have the potential to be impacted by future development. Of the thirty-four species, nineteen special status animal species were determined to have the potential to occur onsite based on the presence of suitable habitat within or adjacent to the RDEs. None were detected during focused biological surveys. These include the California tiger salamander (CTS), California red-legged frog (CRLF), and the least Bell's vireo. Mitigation measures include consultation with USFWS and CDFW (B-1(c)), protocol surveys prior to the approval of permits for development (B-1(d)), habitat avoidance and compensatory mitigation (B-1(g), B-1(e)), a Habitat Mitigation and Monitoring Program (B-1(f)), pre-construction surveys (B-1(i-o)), and the implementation of a worker environmental awareness program (B-1(p)). Additional mitigation measures address potential impacts to riparian habitat and drainages (B-3(a-e), B-5), weed control, oak trees and fire hazards (B-2(a-c), B-4(a,b), B-6(a,b)). Therefore, mitigations applied to the project would reduce impacts to Biological Resources to less than significant.

### Cultural Resources

The EIR finds potentially significant but mitigable impacts associated with Cultural Resources as previously unidentified subsurface archaeological resources may be unearthed during development of the project. Mitigation measure CR-2 requires the applicant and/or their agents, representatives or contractors to stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The applicant would retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with County Cultural Resource Guidelines Provisions for Phase 2 and Phase 3 investigations. Therefore, mitigation applied to the project would reduce impacts to Cultural Resources to less than significant.

### Geology

Significant but mitigable impacts identified in the Geology analysis of the EIR include moderate liquefaction hazards, and structural instability resulting from soil types with at least moderate potential for expansiveness. Mitigation measures requiring site specific studies for liquefaction and expansive soils (G-3, G-6) would reduce geological impacts to less than significant.

## **1.1.7 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 CONDITIONAL USE PERMITS**

**Findings required for all Conditional Use Permits.** 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, as applicable:

#### **2.1.1 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 3,951 acre project site is adequate in terms of location, physical characteristics, shape and size to accommodate the proposed state small water system. The project site is located in a rural area of the County which is characterized by agricultural uses, and low intensity residential development. As discussed in Section 6.2 of the staff report dated January 5, 2017, incorporated herein by reference, the project will allow for the installation of a State Small Water System to provide water to a total of 13 lots associated with TM 14,709. Water lines and associated infrastructure proposed as part of the State Small Water System will be installed from an existing water well to the proposed lots. All new water pipelines will be placed within existing ranch roads, including those that are proposed to provide access to RDEs. These areas of the site do not contain steep slopes, and require minimal grading activities for installation of the water pipe lines. Any excess cut generated from grading activities will be used as additional fill to offset shrinkage and compaction of cut material, or to supplement grades elsewhere on the site. No offsite hauling of excess material is proposed. Therefore, this finding can be made.

#### **2.1.2 Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.**

As discussed in the EIR prepared for the project (16-EIR-01), and Section 6.1 (Environmental Review) of the Planning Commission staff report dated January 5, 2017, and incorporated herein by reference, adverse environmental impacts are mitigated to the maximum extent feasible. Therefore, this finding can be made.

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

The proposed project will allow for the development of a state small water system to serve 13 new lots created by TM 14,709. No traffic will be generated from the proposed

water system. Access to the project site will continue to be provided by an existing driveway accessed from Foxen Canyon Road. Foxen Canyon Road is a public roadway that is maintained by the County and is adequate and properly designed to carry traffic associated with construction and maintenance of the water system. According to the project description, proposed access roads and driveways serving the water system and future development within the RDE's will be constructed and improved in accordance with Santa Barbara County Fire Department requirements. Therefore this finding can be made.

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

As discussed in Section 6.2 of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, adequate ingress/egress, police and fire protection, infrastructure and public and private services are available to serve the site. The proposed state small water system will not create any significant environmental impacts or require additional services. Therefore, this finding can be made.

**2.1.5 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.**

The proposed state small water system will be reviewed and approved by Environmental Health Services (EHS) to ensure that it is not detrimental to the health and safety of water system users and other surrounding residents and persons and is compatible with the surrounding area. The project is conditioned (Condition No. 43 of Attachment B.2) to require compliance with the EHS condition letter dated December 27, 2016. This letter states that Environmental Health Services must find the proposed shared water system to be in compliance with State regulations for domestic use prior to map recordation. Therefore, this finding can be made.

**2.1.6 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 Sections 6.2 and 6.3 of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the project complies with all applicable requirements of the LUDC and the Comprehensive Plan. The project site is not subject to a community or area plan. Therefore, this finding can be made.

**2.1.7 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 water system will provide water for future residential development associated with 13 new lots created by TM 14,709. In order to be compatible with and subordinate to the rural and scenic character of the area, water pipelines and infrastructure associated with the state small water system will be located within existing roadways on the project site or in areas of the parcel that do not contain steep slopes. Therefore, the project is consistent with this finding.

## **2.2 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)**

**A. Findings for all Tentative Maps.** In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Rancho La Laguna Vesting Tentative Tract map, Case No. 06TRM-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.**

Future residential development located within the RDEs will be able to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. There is sufficient northern, southern, eastern and western exposure for passive or natural heating or cooling opportunities within the RDEs. Therefore, this finding can be made.

**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 indicated in sections 6.2 and 6.3 of the staff report dated January 5, 2017, incorporated herein by reference, with the implementation of the recommended conditions of approval, the proposed project is consistent with the applicable policies of the Comprehensive Plan. Adequate ingress/egress, infrastructure and public and private services are available to serve the proposed lots. Therefore, this finding can be made.

**3. State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if it makes any of the following findings:**

**a. The proposed map is not consistent with applicable general and specific plans as specified in §66451.**

As discussed in Sections 6.2 and 6.3 of the staff report dated January 5, 2017 incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment B.1, the project will be

consistent with all applicable policies of the County's Comprehensive Plan, the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance. Therefore, this finding can be made.

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

As discussed in Sections 6.2 and 6.3 of the staff report dated January 5, 2017 incorporated herein by reference, with compliance with the project description and conditions of approval identified in Attachment B.1, future residential improvements of the subdivision will be consistent with the County's Comprehensive Plan. Therefore, this finding can be made.

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

The proposed project will subdivide the 3,951-acre project site into 13 legal lots ranging in size from 160-acres to 605-acres. The 3,951-acre project site is sufficient in size to accommodate the future development of 12 single family dwellings and accessory structures. As discussed in Sections 6.1 (Environmental Review), and 6.2 (Comprehensive Plan Consistency) of the staff report dated January 5, 2017 and incorporated herein by reference, adequate public and private services will be available to serve the newly created lots and associated development. In addition, environmental impacts associated with the project have been mitigated to the maximum extent feasible. Therefore, the site can be found suitable for the proposed subdivision and this finding can be made.

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

The 3,951-acre project site is zoned AG-II-100, with a 100-acre minimum lot size. The project is proposing to subdivide the existing legal parcel that is the project site into 13 legal lots ranging in size from 160-acres to 605-acres. As discussed in Section 6.2 of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the proposed lot sizes are all larger than the minimum lot size of 100-acres, and therefore, the density of future development on the project site is less than the maximum allowable under the AG-II-100 zone district. Future residential development consisting of a single family dwelling and residential accessory structures will be confined to proposed RDEs. As discussed in Section 6.1 (Environmental Review) of the staff report dated January 5, 2017, incorporated herein by reference, the project site is sufficiently sized to accommodate the future residential development and associated infrastructure without creating significant environmental impacts on the environment. Therefore, this finding can be made.

- 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 the EIR prepared for the project (16-EIR-01), and Section 6.1 (Environmental Review) of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, adverse environmental impacts are mitigated to the maximum extent feasible. As a result, the design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat and this finding can be made. The project will not discharge waste into a community sewer system.

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

The proposed subdivision has been designed to minimize the potential to cause serious public health problems. As discussed in Section 6.2 of the staff report dated January 5, 2017, incorporated herein by reference, adequate water, utilities, and access are available to serve the proposed parcels. The project site is not located within an area of historic flood hazards and has been reviewed by the County Fire Department, Flood Control District, Environmental Health Services, and Air Pollution Control District. There are no identified or likely public health problems or hazards associated with the project. Therefore, this finding can be made.

- 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.**

The project will not conflict with any public easements and there is no public use of the project site. Therefore, this finding can be made.

- 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 lots 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.**

The project site is not subject to a contract entered into pursuant to the California Land Conservation Act of 1995, or any easements 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).**

The project site is not subject to an existing open space easement entered into pursuant to the Open Space Easement Act of 1974.

**(c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.**

Division 10.2 of the Public Resources Code implements the Agricultural Lands Stewardship Program of 1995; Chapter 4 of this Division specifies the provisions of the Agricultural Conservation Easement. The subject parcel is not subject to an agricultural conservation easement. Therefore, these provisions do not apply.

**(d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.**

Chapter 4 of Part 2 of Division 2 of the Civil Code includes provisions for conservation easements. The subject parcel is not subject to a conservation easement. Therefore, these provisions do not apply.

**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.**

As discussed in Section 6.2 of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the project site will be served by individual private septic systems that are built in conformance with Environmental Health Services requirements and are consistent with California Regional Water Quality Control Board requirements.

**2.3. TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)**

**A. The following findings shall be cause for disapproval of a tentative map 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.**

The project does not include any easements or rights-of-way across proposed county streets.

- 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 proposed subdivision has been designed so that lots resulting from the tentative map will not become landlocked. Roads will be adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division. The project is conditioned to require that the easements for roads and utilities be depicted on the final map.

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

The proposed project will require grading for future construction within the RDEs and access roadways and utilities. However, as discussed in the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the grading quantities will not be excessive because the residential development areas do not contain steep slopes, unstable areas, or flood zones, and the proposed access roadways and utility alignments have been designed to minimize grading while meeting fire safety requirements (i.e., turning radius, roadway slope) for site access.

According to the EIR, portions of three proposed access roads will be visible from Foxen Canyon Road. These access roads and driveways to the proposed lots are sited on existing agricultural roads, and will add paved features to cultivated farmland and grazing lands on the project site. However, the linear

access improvements will not substantially alter the predominant agricultural character of the site as seen from public viewpoints.

The water lines and infrastructure associated with the proposed water system will be located within existing roadways and in areas of the site which do not contain steep slopes. Any excess cut generated from grading activities will be used as additional fill to offset shrinkage and compaction of cut material, or to supplement grades elsewhere on the site. No offsite hauling of excess material is proposed.

- 4. 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.**

The project is conditioned (Condition No. 46 of Attachment B.1) to not allow grading or construction work to be permitted prior to recordation of the final map.

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

The Tentative Tract Map will not create any hazards to life or property from floods, fire, or other catastrophes. Future development will be required to meet County Fire Department standards for defensible space and water storage for fire suppression purposes. Additionally, the County Flood Control and Fire Departments have reviewed the project and have submitted conditions included in Attachments B.1, and B.2. Further, the areas identified for development are not located within any identified flood zones and setbacks from adjacent creeks and drainages will ensure that life and property are protected from flood hazards.

- 6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.**

As discussed in Sections 6.2, and 6.3 of the staff report dated January 5, 2017 incorporated herein by reference, compliance with the project description and required conditions of approval will ensure that the design and improvements of the subdivision and future development are consistent with the County's Comprehensive Plan, and the Land Use Development Code. The Tentative Tract Map would not affect the alignment of a state highway.

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

The project will not result in lots that have a ratio depth to width in excess of 3 to 1.

**8. Subdivision designs with lots backing up to watercourses.**

The proposed subdivision will not result in lots backing up to watercourses.

**B. Pursuant to Chapter 21-8 of the Santa Barbara County Code, 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 tentative map was evaluated for consistency with applicable County policies and ordinance requirements in Sections 6.2 and 6.3 of the staff report dated January 5, 2017, 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, Santa Barbara County Land Use and Development Code, and Chapter 21 of the County Code, as well as the requirements of the State Subdivision Map Act. Finding 2.1 above, herein incorporated by reference, discusses the tentative map's consistency with applicable provisions of the State Subdivision Map Act.

**ATTACHMENT B.1: CONDITIONS OF APPROVAL**

**Rancho La Laguna Tentative Tract Map  
Case No. 06TRM-00000-00002 / TM 14,709  
Date: March 29, 2017**

**I. PROJECT DESCRIPTION**

- 1. Proj Des-01 Project Description.** This Tract Map is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated March 29, 2017, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The proposed project is a request by Brownstein Hyatt Farber Schreck, agent/attorney for the owners, Rancho La Laguna, LLC and La Laguna Ranch Co., LLC, for approval of a Tentative Tract Map to subdivide the 3,950.8-acre project site into 13 lots ranging in size from 160 acres to 605 acres.

**Lot sizes and RDEs.** Each of the thirteen proposed lots would have a designated residential development envelope (RDE), within which future residential development would be confined, including all residential accessory development. Future development located within the RDE's on all lots would be limited to a maximum area of 5 acres. Agricultural structures, including agricultural employee dwellings, could be located outside of the RDEs. Approximately 563 acres of the project site, primarily in the southwestern portion of the site, but also in areas further north (on proposed lots 1 through 10), is in irrigated crop production. All of the proposed RDEs are within areas that are currently used for grazing. Neither the proposed subdivision nor future development within RDEs would affect existing ranch buildings. The existing cabin on proposed Lot 13 would also be preserved. The RDEs would limit the extent to which residential uses would impact existing agricultural activities and would limit the amount of area disturbed by non-agricultural development (i.e., grading, paving, lighting, etc.) as a result of the proposed subdivision.

**Proposed Lot and RDE Sizes**

<b>Proposed Lot</b>	<b>Gross Acreage</b>	<b>Net Acreage</b>	<b>Residential Development Envelope (Acres)</b>	<b>Net Acreage Remaining for Agricultural Operations</b>
Lot 1	202.2	197.6	7.2	190.4
Lot 2	166.4	161.8	9.6	152.2
Lot 3	166.4	163.1	15.2	147.9
Lot 4	191.6	191.1	2.7	188.4
Lot 5	160.0	160.0	8.8	151.2
Lot 6	161.2	161.2	6.5	154.7
Lot 7	206.0	206.0	7.0	199.0
Lot 8	259.0	259.0	3.6	255.4
Lot 9	438.4	438.4	3.8	434.6
Lot 10	596.8	596.8	5.5	591.3
Lot 11	428.8	428.8	2.6	426.2
Lot 12	369.1	369.1	2.6	366.5
Lot 13	604.7	600.8	2.3	598.5
<b>Total</b>	<b>3,950.8</b>	<b>3,933.7</b>	<b>77.3</b>	<b>3,856.4</b>

**Site Access.** Access to the newly created lots would be provided by existing agricultural roads located throughout the site. Shared access easements would follow these existing agricultural roads and utilize existing creek crossings. Individual driveways would extend from these private shared access roads to serve each of the proposed RDEs. Rancho La Laguna Road is an existing two-mile, shared access road that traverses the site within a 60-foot-wide easement. The proposed access road and driveway widths are described in detail below. All access roads and individual driveways proposed to serve the project would be improved in conformity with applicable County Fire Department roadway standards.

**Access Road and Driveway Widths**

Proposed Easement	Description	Classification	Required Improvement Width <sup>1</sup>
1	Proposed 30' wide unpaved and unimproved informal agricultural access and utilities easement across Lot 1 in favor of Lot 5	Informal Agricultural Road	No improvements required
2	Proposed 30' wide access and utilities easement across Lots 5 and 6 in favor of Lot 1	Driveway	20 feet
3	Proposed 30' wide shared access and utilities easement across Lot 5 in favor of Lot 6	Driveway	16 feet
4	Existing 60' wide access and utilities easement in favor of Lots 1, 2, 6, 7, 8, 9, and 10	Access Road	24 feet from Foxen Canyon Road though Lot 6 20 feet from Lot 6 to the Lot 9 driveway 16 feet from the Lot 9 driveway to the Lot 10 driveway
5	Proposed 30' wide shared access and utilities easement across Lot 7 in favor of Lot 8	Driveway	12 feet
6	Proposed 30' wide shared access and utilities easement across Lot 4 in favor of Lot 3	Driveway	16 feet
7	Proposed 30' wide shared access and utilities easement in favor of Lots 4, 11, 12, 13, and APNs 133-080-037, 133-050-014, and, 133-060-028	Access Road	24 feet from Foxen Canyon Road though the Lot 13 driveway
8	Proposed 30' wide shared access and utilities easement across Lots 4 and 12 in favor of Lot 11	Driveway	16 feet from Easement 7 to the Lot 4 driveway 12 feet from the Lot 4 driveway to the Lot 11 driveway
9	Proposed 30' wide shared access and utilities easement across Lot 13 in favor of APNs 133-080-037, 133-050-014, and, 133-060-028	Existing Improved Access Road	No improvements required
10	Proposed 30' wide shared access and utilities easement across Lot 13 in favor of APNs 133-080-037, 133-050-014, and, 133-060-028	Existing Improved Access Road	No improvements required

<sup>1</sup> Required widths indicate County Fire Department requirements, and do not include shoulders or turnouts.

**Grading.** Grading would be required for the improvement of existing and proposed access roads and for future development within the RDEs. Five of the proposed driveways would require widening and may require grading to reduce slopes. An estimated 23,023 cubic yards of grading would be required for the access roads, including

retaining walls up to 12 feet in height along the private driveway for proposed Lot 10. Preliminary grading plans have been provided for the private driveways associated with proposed Lots 4, 5, 6, 9, 10, and 13. Grading for driveways would be required to be constructed in accordance with Santa Barbara County Fire Department standards which allow for gradients of up to 20% with extenuating circumstances. In addition, an estimated 10,997 cubic yards of excavation would be required for the installation of proposed water cisterns. All grading volumes associated with access and infrastructure would be balanced on the property. In addition, grading would be required within the proposed RDEs for building pads. These sites are generally flat, with slopes less than 20%, and grading for future building pads would be expected to be balanced within the individual lots to correct erosion or level slopes for new agricultural uses.

**Infrastructure.** An existing shared water system utilizing Wells #13 (on the proposed Lot 12) and #14 (on the proposed Lot 4) would provide agricultural irrigation water to agricultural operations on each of the proposed lots. Shared water agreements would give each lot owner an equal right to the shared water systems for agricultural and domestic use. Shared access and utility easements would be provided as indicated on page 2 of 2 of the tract map.

A proposed State Small Water System (SSWS) utilizing the existing Well #13 (on the proposed Lot 12) would provide domestic water service to each of the RDEs. In addition to or in lieu of the shared water system, domestic water could also be provided by single-parcel or multi-parcel water systems utilizing individual water wells serving individual parcels. The domestic shared water system would include two 35,000-gallon fire protection cisterns and approximately 35,430 linear feet of distribution lines, as well ancillary equipment customarily utilized in water systems (e.g., pumps, valves). These new shared water pipelines are required to be buried deep enough to have no less than three feet of cover, and would be placed within existing ranch roads, including those roads proposed to be used to access the RDEs. Shared water pipelines would vary in diameter from 6" to 12", depending upon their respective service demands. Each of the cisterns would occupy an approximate area of 30' x 30'.

The estimated earth disturbance from the pipeline trenching is 10,497 cubic yards and the earth disturbance from the cistern construction is estimated to be 500 cubic yards, for a total estimated earth disturbance for the domestic shared water system of 10,997 cubic yards. Underground utility conduits and water pipelines would be installed along access roads and driveways. All new water pipelines for the shared water systems would be placed within existing ranch roads, including those that are proposed to provide access to RDEs. Two shared water systems, one for domestic use and the other for agricultural use, would serve the project site. The shared water systems would rely on the existing on-site wells. A State Small Water System (SSWS) utilizing the existing Well #13 (on the proposed Lot 12) would provide domestic water service to each of the RDEs. For wastewater infrastructure, each of the proposed RDEs would be served by a private on-site septic system utilizing the leach line or drywell disposal method, as no public sewer

is available in the project area. Utility easements would be co-located with proposed access roads.

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.

2. **Proj Des-02 Project Conformity.** 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.

## II. MITIGATION MEASURES FROM 16-EIR-01

### Aesthetics/Visual Resources

3. **AES-2. Oak Tree Replanting Within Public Viewsheds.** In addition to the requirements in Mitigation Measure B-4(b), the Tree Replacement Plan shall include a provision requiring that existing oak trees which are visible from public roadways and would need to be removed due to project construction shall be replaced with oak trees in locations that are visible from such roadways. **Plan Requirements and Timing.** The Oak Tree Replacement Plan for residential development, access road improvements, and infrastructure for domestic water system improvements and utility lines within each RDE shall be submitted to P&D for review and approval prior to issuance of land use permits for that residential development. **Monitoring.** P&D shall oversee implementation of the Oak Tree Protection and Replacement Plan.

### Biological Resources

4. **B-1(a) Special Status Plant Species Pre- Construction Surveys.** Updated surveys for special status plants (i.e., plants either state or federally listed or California Rare Plant Ranked) shall be completed by a County-approved biologist for all proposed disturbance areas prior to construction of the access roads, infrastructure and development of the RDEs. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the flowering time for the target species. All plant surveys shall be conducted by a qualified biologist approved by the County no more than two years prior to initial ground disturbance for roads/infrastructure and each individual residential development. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing

agency, and the CDFW and/or USFWS, as appropriate, for review and approval. **Plan Requirements and Timing.** A report of the special-status plant survey results shall be submitted to P&D for review prior to issuance of land use permits for each RDE development as well as access road and infrastructure construction. Mapped locations of special-status plants shall be shown on grading plans. **Monitoring.** P&D shall ensure that the special-status plant surveys have been completed. Grading inspectors shall inspect as needed.

5. **B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation.** If federally or State listed or California Rare Plant Ranked species are found during special status plant surveys, a species and site-specific evaluation shall be prepared. The evaluation must identify locations and extent of special status plants within and abutting the proposed development site. The evaluation shall consider impacts to these plant species in the context of populations at the state, regional, and local (i.e., survey area and immediate vicinity) levels. The report must also evaluate options for minimizing impacts to these plant species on the site. Development on the site shall be designed in coordination with a qualified biologist to avoid impacting these plant species. Special-status plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm during construction. If State listed species cannot be avoided, authorization for impacts must be obtained from CDFW, and all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plant species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be removal of over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species, or removal of more than 30 percent of the local (onsite and immediate vicinity) population of any CRPR 3 or 4 species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by special status species);



- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of special status species habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent of the prescribed number of container plants and 30 percent relative cover by vegetation type for restoration plans that include establishment of a specific vegetation alliance, and minimum survival of two individuals /two acres occupied at the same density as baseline for each one individual or one acre of impacted CRPR 1B species, and minimum survival of one individual/one acre occupied at the same density for each individual or acre impacted for CRPR 3 and 4 species. Options for individuals or acreage are allowed because establishment of annual plants is often evaluated based on cover and density. Additionally, in no case shall density and cover of non-native species exceed the reference site condition, which shall be identified and evaluated prior to disturbance and at regular intervals during the monitoring program;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** The results of the survey and impact analysis for shared access road improvements and widening, and for the installation of domestic water system improvements and utility lines shall be submitted to P&D for review and approval prior to land use permit approval. For construction within and adjacent to each RDE (including any driveway between the common road system and the residential development within the RDE), the impact analysis shall be completed prior to approval of land use permits for that construction. P&D shall inspect the site prior to initiation of ground disturbance activities to ensure the protective fencing is installed properly. If special status plants cannot be avoided, the applicant shall submit the restoration and monitoring plan to P&D for review and approval prior to approval of land use permits for

development within the RDEs as well as access road and infrastructure construction.

**Monitoring.** The protective fencing shall be monitored by P&D staff until construction is complete. P&D staff shall ensure that the proposed development avoids impacts to special-status plant species or impacts are mitigated for per the requirements of this measure.

6. **B-1 (c) USFWS/CDFW Consultation.** Prior to approval of land use permits for the construction of access roads, infrastructure improvements, and development within the RDEs, the applicant shall consult with USFWS and CDFW regarding potential for impacts to CRLF, LBV, and CTS, unless such consultation already has occurred for the proposed disturbance area within the last 2 years. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D staff shall ensure that prior to land use permit approval, the applicant has contacted USFWS and CDFW, unless an earlier consultation (within the last 2 years) has occurred for the proposed disturbance area.
  
7. **B-1(d) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Protocol Surveys.** Prior to the approval of land use permits for construction of the access roads, and infrastructure improvements including domestic water systems and utility lines, and development within the RDEs, surveys for CTS in disturbance areas located within the distribution area (known range) of CTS (USFWS, 2010) and within 1.24 miles of potential breeding ponds shall be conducted. In addition, surveys shall be conducted within disturbance areas containing suitable aquatic and riparian habitat for the CRLF (e.g., Foxen Canyon/Jesus Canyon drainage). Surveys shall consist of aquatic and/or upland sampling as appropriate and in consultation with the USFWS and CDFW. Surveys shall follow the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS, 2003) and Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS, 2005) or the current protocol established by the USFWS and CDFW at the time surveys are conducted. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals, as applicable to each species.

If CTS and/or CRLF are detected within the proposed disturbance area, mitigation measures B-1(c) and B-1(e) would apply. If protocol surveys result in negative findings, mitigation measures B-1 (c), B-1 (d), B-1(e) and B-1(f) would not apply. Currently, the CRLF protocol guidance (2005) specifies the results would remain valid for two (2) years. The current (2003) guidance for CTS does not specify time periods in which results would remain valid. In the event that protocol surveys have already been completed and may apply to a parcel proposed for development, and under the most

current protocol guidance for the species, the survey is no longer valid, or there is no specified time limit for validity, the project applicant shall consult with the USFWS and/or CDFW to determine whether a new protocol survey is required.

Alternatively, in lieu of conducting protocol surveys, the applicant may choose to assume CTS are present within disturbance areas located within the distribution of CTS in Santa Barbara (USFWS, 2010) and within 1.24 miles of potential breeding ponds and containing suitable habitat. The applicant may also choose to assume CRLF are present within disturbance areas containing suitable habitat (e.g., Foxen Canyon/Jesus Canyon drainage). If protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) would apply. If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply.

**Plan Requirements and Timing.** The applicant shall submit the results of the protocol surveys or a memorandum indicating that the applicant chooses to assume presence for each species based on suitable habitat prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D staff shall ensure that documentation is received prior to approval of land use permits and shall oversee implementation of mitigation plans.

8. **B-1(e) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Habitat Avoidance and Compensatory Mitigation.** If CTS or CRLF occupied or presumed occupied habitat would be impacted by the project, the applicant shall re-design development and/or undertake a construction monitoring program in coordination with a County-approved qualified biologist to avoid impacting occupied habitat for that species, and to avoid individuals of the species. If USFWS (and CDFW for CTS) determines that these measures are not sufficient to avoid “take”, the applicant will be required to provide mitigation for “take” as described below.

Disturbance limits shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a County-approved biologist, to protect occupied habitat. If occupied or presumed occupied habitat and/or individuals of the species cannot be avoided, the applicant shall provide the County total acreages for habitat that would be impacted prior to the approval of land use permits for the construction of access roads, infrastructure improvements, and development within the RDEs. The applicant shall purchase credits at a USFWS and CDFW approved conservation bank (There is currently one CDFW-approved bank for CTS with a service area that includes the project site, La Purisima Conservation Bank.) and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts on CTS and CRLF habitat.

The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the

minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than 2:1 (area mitigated: area impacted). Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable.

If the applicant establishes conservation easement(s) (on- and/or off-site) to serve as compensatory mitigation for CTS and CRLF impacts, areas proposed for preservation must contain verified extant populations of the special status species that would be impacted by the project. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a “qualified easement holder” a private land trust must at a minimum have:

1. Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
2. Adopted the Land Trust Alliance’s Standards and Practices; and;
3. A stewardship endowment fund to pay for its perpetual stewardship obligations.

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project. The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.

Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above, and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

The following factors shall be considered in assessing the quality of potential mitigation habitat: (1) current land use, (2) location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to potential sources of

disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be **considered** “suitable habitat” or “enhanced habitat” as described below:

*Suitable Habitat.* To meet the requirements for suitable habitat that provides equal or greater habitat value for listed animal species than the impacted habitat, the habitat must:

1. Provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;
2. Not be characterized by (or adjacent to areas characterized by) high densities of invasive plant or animal species, such as yellow star-thistle and bullfrog, or other species that might jeopardize habitat recovery and restoration;
3. Not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat for special status species survival; and
4. Not be located on land that is currently publicly held for resource protection.

*Enhanced Habitat.* If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

1. Is within an area with potential to contribute to habitat connectivity and build linkages between populations;
2. Consists of actively farmed land or other land containing degraded habitat that will support enhancement for the special status species;
3. Supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
4. Cannot be located on land that is currently held publicly for resource protection; and
5. Does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

*Enhanced Habitat Standards.* For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of suitable habitat or contain other habitat characteristics (e.g., small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied. If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply.

**Plan Requirements and Timing.** If occupied or presumed occupied CTS and/or CRLF habitat cannot be avoided by project redesign or other measures and if USFWS and CDFW determines that these design features and construction monitoring measures are

not sufficient to avoid a “take”, the applicant will be required to provide mitigation for “take” as described below.

The applicant shall consult with USFWS and CDFW to determine the total acreages required to meet all compensatory mitigation obligations, and shall submit this information to County P&D prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. The applicant shall obtain USFWS and CDFW approval of the conservation bank and/or location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of purchase of mitigation credits and/or recorded easement(s) shall be submitted to and approved by the County prior to the issuance of a land use permit. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection.

**Monitoring:** P&D shall review and approve documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS. The applicant shall provide evidence to P&D of (a) conservation bank credits, or (b) establishment of a permanent conservation easement and maintenance endowment.

9. **B-1(f) Listed Species Habitat Mitigation and Monitoring Plan (HMMP).** If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply. If establishment of conservation easements (on- and/or off-site) pursuant to Mitigation Measure B-1(d) is required, the applicant shall retain a County-approved biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites required for compensation of permanent impacts to CTS and CRLF that are to be enhanced. If required, the HMMP shall be submitted to USFWS and CDFW for their review, then to the County within 12 months after the issuance of the land use permit. The HMMP shall include, at a minimum, the following information:
- A summary of habitat and species impacts and the proposed mitigation for each element;
  - A description of the location and boundaries of the mitigation site(s) and description of existing site conditions;
  - A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
  - Identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
  - A description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
  - A description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall

document compliance with each element requiring habitat compensation or management;

- A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur;
- A requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least five years post-construction; during this period, regular reporting shall be provided to the County;
- Reporting shall include:
  - a. An annual monitoring report to be submitted to the County and applicable agencies; and
  - b. Demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

**Plan Requirements and Timing.** The HMMP shall be submitted to P&D for review and approval within 12 months after issuance of land use permit. If habitat restoration is to take place off-site, the above requirements shall also apply, and, in addition, proof of purchase or an easement controlling off-site acreage shall also be submitted to P&D prior to issuance of land use permits. **Monitoring.** The restoration shall be monitored by a County-approved biologist for five years. P&D shall oversee implementation of the HMMP through periodic monitoring and a final restoration site inspection upon completion.

10. **B-1(g) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Avoidance and Minimization.** If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply. The following measures shall be implemented during construction of access roads, infrastructure, and development within the RDEs:
- Pre-construction visual surveys for CTS and CRLF shall be conducted where suitable aquatic and upland habitat is present by a county-approved biologist (who can positively identify both species) not more than 48 hours prior to the start of construction activities. The survey area should include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of CRLF or CTS is found within the survey area, the USFWS and CDFW should be consulted to determine the appropriate course of action or the appropriate measures to be implemented in accordance with the Biological Opinion (BO) or Incidental Take Permit (ITP) issued by the USFWS (relevant to CRLF and/or CTS) associated with the project's Habitat Conservation Plan (HCP) and/or the ITP issued by the CDFW (relevant to CTS).

- Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
- All development activities occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between May 1 and September 30, to avoid impacts to sensitive aquatic species.
- To avoid encountering migrating CTS within 1.24 miles of potentially suitable aquatic habitat, construction within upland areas within the range of CTS should be limited to July 15 to October 15. Work should be postponed if chance of rain is greater than 70% based on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work must occur during these conditions, a qualified biologist shall conduct a clearance sweep of work areas prior to the start of work.
- All work shall occur during daylight hours.
- All projects occurring within or adjacent to habitats that may support CTS or CRLF shall have a County approved biologist present during all initial ground disturbing/vegetation clearing activities.
- No CTS or CRLF shall be captured and relocated without a Project-specific permit from the CDFW (for CTS) and USFWS (for CTS and/or CRLF).
- If at any time during construction a CTS or CRLF enters the construction site or otherwise may be impacted by the project, all construction activities that could affect the species shall cease as determined by a County approved biologist. A County-approved biologist shall document the occurrence and either follow the permit issued or consult with the CDFW and USFWS as appropriate.
- Upon completion of construction all excess materials and debris shall be removed from the project site and disposed of appropriately.
- The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site regularly.
- Pets shall be prohibited at the construction site.
- The work area shall be surrounded by a solid temporary exclusion fence (such as silt fence) that shall be buried into the ground and extend at least three feet above the ground and buried at least 6 inches to exclude CTS and deter CRLF from the work area. The location of the fencing shall be determined by a qualified biologist. The fencing shall be installed during the dry season prior to rain events that may stimulate movement of CTS and CRLF. The fence shall be inspected daily to assure that it is functioning properly to exclude CTS and CRLF from the work area. The fence shall remain in place throughout construction. Access roads shall be temporarily sealed off overnight using a section of fence that is anchored to the ground (e.g., fire hose filled with sand or sand bags can be used to anchor the bottom of the fence or the bottom must be buried). Installation of the



exclusion fencing shall be monitored by a County-approved biologist to ensure that it is installed correctly.

- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills from entering adjacent habitats. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies and workers shall be trained in its use.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel unless previously approved by applicable regulatory agencies.
- All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- If any CTS or CRLF are harmed, the County-approved biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured CTS or CRLF shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours or as otherwise specified in the project-specific permit.
- To ensure that diseases are not conveyed between work sites by the qualified biologist or the construction workers and equipment, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall have a County-approved biologist to monitor compliance with the above avoidance and minimization measures. The approved biologist shall submit monitoring reports to P&D compliance staff, with copies to USFWS and CDFW as appropriate.

- 11. B-1(h) Species of Special Concern Avoidance and Minimization.** A County-approved biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover Species of Special Concern (western spadefoot, coast range newt, southern western pond turtle, two-striped garter snake, California legless lizard, and Blainville's horned lizard) that may be unearthed by construction activities. Individuals that are unearthed during excavation, if in good health, shall be immediately relocated to a designated relocation area to be determined by a County-approved biologist in coordination with CDFW. Individuals shall be relocated the shortest distance possible in a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records

of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. If injured, the animals shall be turned over to a CDFW-approved specialist until they are in a condition suitable for release into the designated release area, or deposited at an approved vertebrate museum. **Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures. Monitoring reports shall be submitted to P&D as well as to USFWS and CDFW on a monthly basis during initial ground disturbing activities.

- 12. B-1(i) Preconstruction Surveys for Nesting Birds.** For construction activities scheduled to occur during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted within the nesting season of the species likely to be present by a qualified biologist no more than 14 days prior to vegetation removal or other construction activities. If no vegetation that could be used for nesting is to be removed as determined by the County approved biologist, the pre-construction survey shall be conducted no more than 7 days prior to commencement of construction.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified biologist determines that a given nest has failed or that all surviving chicks have fledged.

Potential nesting habitat for the LBV occurring within 500 feet of the disturbance area shall be surveyed by a County-approved biologist for active nests prior to the start of construction activities. Surveys shall be done in accordance with the Least Bells' Vireo

Survey Guidelines (USFWS, 2001) or as agreed upon through discussion with the USFWS based upon site conditions at the time of construction. Because a protocol survey for LBV already has been conducted at the property, the nesting survey for LBV may be limited to 2-3 visits after April 10 when nesting could start (with concurrence from USFWS). If an active LBV nest is present, a 500-foot non-disturbance buffer shall be implemented around the nest during the breeding season (April 10 through July 30 or until the nest becomes inactive). The County biologist will monitor the nest to determine when it becomes inactive. Construction activities within 100 feet of the potential LBV nesting habitat where the access road to Lot 3 crosses the Foxen Canyon/Jesus Canyon drainage will be completed outside the breeding season to the greatest extent feasible.

**Plan Requirements and Timing.** These measures are to be implemented during construction. The survey results shall be submitted to P&D prior to land use permit issuance. If active nests are discovered during the surveys, the applicant shall submit status and mitigation measure implementation updates during construction to P&D on a weekly basis while the nests are active. These measures shall be included on all grading, building, and land use plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall confirm that the applicant has retained a County-approved biologist to monitor compliance with the above avoidance and minimization measures and that reports are submitted at weekly intervals during construction.

13. **B-1(j) Burrowing Owl Avoidance and Minimization Measures.** Pre-construction surveys shall be conducted by a County-approved biologist for burrowing owls in accordance with CDFW-adopted survey protocols (California Burrowing Owl Consortium, 1993). This could entail surveys for winter residents in December and January, in addition to peak nesting season (April 15 through July 15) surveys. All suitable habitat, potential or known burrows, or burrowing owls identified within the disturbance footprint and 500 foot buffer shall be assessed and mapped. Survey results will be valid only for the season during which the survey is conducted. Surveys shall cover all suitable habitat within the disturbance footprint plus a 500-foot buffer where safely accessible. If no burrowing owls or habitat are detected, no further action is required.

If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be counted, mapped as stated above, and avoided by establishing a buffer around the occupied burrow(s). The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no ground disturbance activities shall occur within this buffer until the County-approved biologist has determined that the burrow is no longer occupied based on regular monitoring. If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with guidance from the CDFW. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically outside of the period between April 15 and July 15). Passive relocation

may involve installation of one-way doors at burrow entrances for a minimum of five days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. The biologist implementing the above mitigation measure must also submit documentation of coordinating this effort with P&D prior to implementation. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. The results of the pre-construction surveys and any passive relocations shall be submitted to P&D staff prior to Land Use Permit issuance. A report on the implementation of impact avoidance measures used shall be submitted to P&D upon completion of the construction project.

**Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance. The approved biologist shall submit monitoring reports to P&D staff.

14. **B-1(k) American Badger Avoidance and Minimization Measures.** A minimum of two weeks prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by an approved biologist (a biologist familiar with, including identification of, the wildlife species in the region). Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the proposed area of disturbance shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for three (3) to five (5) days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project site, the dens would be collapsed by hand with a shovel.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. A report of the results of the badger survey shall be submitted to P&D for review and approval prior to Land Use Permit issuance for the construction of access roads,

domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D will review and approve the reports. A County-approved biologist shall be present during the initial ground-disturbing activity.

- 15. B-1(l) San Diego Desert Woodrat Avoidance and Minimization Measures.** Not more than two weeks prior to the initiation of ground disturbing activities and/or vegetation removal, a County-approved biologist shall conduct a pre-construction survey, as well as surveys and/or monitoring during initial disturbance of potential San Diego desert woodrat habitat. If San Diego desert woodrat nests are discovered and are determined to be impacted by the project, the nests shall be relocated under the guidance and supervision of a County-approved biologist. Prior to relocation, the nest shall be agitated to encourage any woodrats occupying the nest to leave. Once the County-approved biologist is satisfied that the nest is unoccupied, the nest materials shall be placed outside of the impact area. The spacing between relocated nest materials or between relocated nest materials and existing stick nests shall not be less than 25 feet. Due to the potential for hazardous health conditions associated with the relocation of woodrat nests, procedures to minimize risk of contracting diseases associated with woodrats and woodrat nests needs to be addressed prior to relocation activities.

**Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D and CDFW, and a report of the results of the relocation efforts shall be submitted to P&D and CDFW for review prior to Land Use Permit issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water supply improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance.

- 16. B-1(m) California Legless Lizard, Blainville's Horned Lizard, Two-Striped Garter Snake, Western Spadefoot, and Coast Range Newt Pre-Construction Survey.** Not more than two weeks prior to initiation of ground disturbing activities and vegetation removal, a County-approved qualified biologist shall conduct a pre-construction survey for California legless lizard, Blainville's horned lizard, two-striped garter snake, western spadefoot and coast range newt. The survey area should include the project site and all proposed ingress/egress routes, plus a 100-foot buffer. Surveys for California legless lizards shall include raking of leaf litter under shrubs and trees in suitable habitat within the disturbance footprint to a minimum depth of eight inches.

If these species are found and individuals are likely to be killed or injured by construction activities, a County-approved qualified biologist shall be allowed sufficient time to capture and relocate the animals from the project site before construction activities begin. Suitable relocation sites for release of captured animals shall be identified prior to commencement of construction activities and approved by the County and CDFW. If

California legless lizards are captured they shall be placed into containers with sand or moist paper towels and released in the pre-determined, County-approved off-site location for release of captured individuals within three hours of capture. The County-approved biologist shall relocate individuals the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. The biologist should monitor during construction to ensure that none return to the construction area. To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys and any relocations. Proposed relocation areas shall be identified and approved by P&D and submitted to CDFW prior to the issuance of a Land Use Permit. The above measures shall be included on all land use, grading, and building permits and plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. A report of the results of the capture and relocation efforts shall be submitted to P&D and CDFW for review prior to Land Use Permit issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals.

**17. B-1(n) Southern Western Pond Turtle Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- A County-approved biologist shall conduct a pre-construction survey a minimum of two weeks prior to commencement of construction activities, as well as surveys and/or monitoring during initial disturbance of potential southern western pond turtle habitat. In order to detect southern western pond turtle nests the County-approved biologist shall lightly rake the soil within potential nesting habitat in a careful manner in order to avoid damaging eggs. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any southern western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably

digital) to assist him or her in determining whether translocated animals are returning to the project site. See below for procedure on discovery of a clutch.

- If possible, schedule construction activities within suitable habitat outside of the typical nesting season for southern western pond turtle (April-August [Stebbins, 2003]). If work is conducted within the nesting period and a southern western pond turtle egg clutch is discovered during pre-construction surveys, the location shall be surrounded with high visibility fencing under the guidance of a County-approved qualified biologist. The nest shall be avoided during construction until a County-approved biologist determines that the clutch has hatched and left the nest. The CDFW shall also be contacted to provide additional guidance in the event that a southern western pond turtle nest is discovered. If during construction, a southern western pond turtle nest is discovered, construction shall cease immediately upon the discovery and the qualified biologist notified. The same procedure described above shall then be applied.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to the issuance of a Land Use Permit for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building, and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals. P&D shall review the reports for compliance.

**18. B-1(o) Western Red Bat Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- If possible, removal of suitable roosting trees shall be avoided during the time when western red bats may occupy their winter range (September – May).
- For construction activities occurring at a time when western red bats may occupy their winter range (September – May) surveys for roosting western red bats shall be conducted by a County-approved qualified biologist in suitable habitat no more than 14 days prior to the initiation of ground disturbing activities and/or vegetation removal. The surveys shall include the entire area of disturbance and focus on the trees located within the impact area. If active roosts are located, the locations shall be mapped, and a buffer ranging in size from 100 to 500 feet around the roost within the project site shall be determined and demarcated by the biologist with bright orange construction fencing. No construction activities shall occur within this buffer zone until May 1 or until a qualified biologist confirms that the bats have left the roost and it is no longer active.

- If night time construction work is required, night time work shall be kept to a minimum and lighting used shall be as dim as legally possible, and should be directed to where it is needed to avoid light spillage and any upward lighting should be minimized.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D for review and approval prior to the issuance of a Land Use Permit for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building, and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and P&D will review and approve the reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within the buffer zone around roosting habitat.

19. **B-1(p) Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization) within the buffer zone, all personnel associated with project construction shall attend WEAP training, conducted by a County-approved qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the special status plant and animal species and sensitive plant communities or habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. Additional training sessions will be conducted for new work crews as they come to the construction site.

**Plan Requirements and Timing.** P&D shall be notified by the applicant of the date and time the training is scheduled so that they may attend. Fact sheets shall be reviewed and approved by P&D prior to the approval of a Land Use Permit for construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall ensure that worker trainings occur prior to the initiation of ground disturbance and construction activities as well as during construction as needed.

20. **B-2(a) Sensitive Plant Community Avoidance and Mitigation.** Impacts to sensitive plant communities shall be avoided to the extent feasible through final design modifications to roadway and infrastructure, and through design of future development



within RDEs to avoid the resource. Bright orange construction fencing shall be placed a minimum of 30 feet outside the edge of areas of sensitive plant communities that will be retained prior to any initiation of ground disturbance activities and shall remain in place until construction is complete. No vehicles, person, materials, or equipment will be allowed in protected areas. Grading plans shall show the location of these sensitive plant communities and protective fencing.

If the applicant determines sensitive plant communities, as defined in the Manual of California Vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) and the list of Vegetative Alliances and Associations (CDFW 2010), cannot be avoided, impacts shall be mitigated on-site at a ratio of 2:1 for impacted sensitive plant communities (area restored for area lost). The location of restoration shall be determined by a County-approved biologist. On-site restoration is preferable, however the County may approve off-site restoration if the applicant can demonstrate to the County's satisfaction that restoration on-site cannot be achieved. The restoration shall include locally-obtained native species approved by the County. A Sensitive Plant Community Restoration Plan shall be developed by a County-approved biologist pursuant to the requirements listed in Mitigation Measure B-2(b) below.

To mitigate for effects on sensitive plant communities from the project, the applicant shall hire a qualified biologist to develop a Sensitive Plant Communities Restoration Plan with the goal of restoring impacted sensitive habitats at a minimum ratio of 2:1 onsite (area restored to area impacted) per the requirements below. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to sensitive plant communities and the subsequent amount of acreage needed for restoration for the project. The restoration plan shall be implemented for a period of not less than five years, or until restoration has been completed successfully in conformance with the success criteria stated below. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is determined as unachievable to the satisfaction of the County, as long as the off-site proposals result in equal compensatory value. Replacement ratios for off-site mitigation may be different than those required for onsite mitigation. The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by plant community);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of sensitive plant communities to be established, restored, enhanced, and/or preserved; specific functions and values of plant communities to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]);

- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent of the prescribed number of container plants and 30 percent relative cover by vegetation type, or success criteria can be based on quantitative sampling of restoration sites compared with quantitative sampling of reference sites established prior to disturbance. If sampling is used to establish success criteria, the sampling method must be a scientifically valid published method suitable for evaluating vegetation. To achieve success, data must illustrate the restoration site is comparable or better than reference site conditions within ten percent of total cover of the reference area plots or transects, within ten percent of or exceeding absolute native cover of the reference plots or transects, and within ten percent of or less of non-native cover in the reference plots or transects. Additionally, restoration sites must meet the membership rules in the Manual of California vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) for the type being established;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Documentation of completion of compensatory mitigation to relevant agencies, including the County of Santa Barbara; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** Grading plans showing the location of sensitive plant communities, as well as the Sensitive Plant Communities Restoration Plan shall be submitted to P&D for review and approval prior to approval of land use permits for grading for access road improvements, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs.

**Monitoring.** A County-approved biologist shall inspect the site prior to initiation of ground disturbance activities, and shall inspect the site a minimum of once per week to ensure protective fencing is in place and shall provide the documentation described above. P&D staff shall oversee implementation of the Sensitive Plant Communities Restoration Plan.

21. **B-2(b) Invasive Weed Prevention Best Management Practices.** The following shall be implemented to prevent the introduction of invasive weed species:
- During construction, the applicant will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the

material must consist of purchased clean material such as crushed aggregate, sorted rock, or other similar substances.

- Vehicles, equipment, and worker shoes and clothing must be free of weed seeds and caked-on soil when mobilized onto the site to minimize potential for introduction of invasive species.
- To avoid the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction. Topsoil containing weed seeds that cannot be re-deposited on site must be transported to a certified landfill for disposal if the soil is removed from Rancho La Laguna.
- The erosion control/ restoration plans for the project must emphasize the use of native species that are expected to occur in the area and that are considered suitable for use at the project site.
- All erosion control materials including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
- Exotic and invasive plant species will be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures.

22. **B-2(c) Biologist Review of Landscape Plans.** Landscape plans for future development shall be reviewed and approved by a County-approved biologist. The applicant shall use primarily native, locally collected plant species for landscaping purposes. The use of non-native invasive species shall be prohibited. **Plan Requirements and Timing.** The plans shall be approved by County staff prior to approval of land use permits for future residential development. **Monitoring.** P&D permit compliance shall monitor implementation in the field.
23. **B-3(a) Avoidance of Impacts to Drainages.** Impacts to drainages shall be avoided through the use of span bridges or other crossing options that would not disturb the bed and bank. Construction of crossings shall occur during the low-flow period of the year when water within drainages is minimal or absent. In addition, all utilities shall either be attached to the underside of crossing structures or shall be drilled under the creek beds such that trenching through drainages is avoided. If utilities are drilled or bored under the creek beds, the chosen construction method shall be evaluated to determine if there is a risk of frac-out. If so, a County-approved biologist shall be present during crossing construction as well as when drilling beneath the creek bed, if this method is chosen, to ensure that frac-out (excessive drilling pressure causing drilling mud to breach the surface) does not occur.

**Plan Requirements and Timing:** The applicant shall submit bridge designs and copies of the SAA, 401 Certification or Waste discharge requirements, or Section 404 permit (if applicable) and restoration plan (if applicable) to P&D prior to land use permit approval for any drainage crossing. **Monitoring.** P&D shall oversee implementation of the

applicable permits and restoration plan as well as shall inspect the bridge to ensure compliance. A County-approved biologist shall monitor all bridge construction and utility installation activities.

- 24. B-3(b) Wetland and Drainage Mitigation.** If avoidance of impacts to jurisdictional wetlands and drainages is determined to the satisfaction of the County as unachievable, impacts shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted), and shall occur on-site or as close to the impacted habitat as possible. Upon final design of the access roads, domestic water system improvements including utility lines, drainage crossings, and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the anticipated impacts to jurisdictional wetlands and drainages and the vegetation associated with them. This estimate will be confirmed or adjusted at the end of construction to update the subsequent amount of acreage needed for restoration for the project. A mitigation and monitoring plan shall be developed by a County-approved biologist in accordance with Mitigation Measure B-2(a) above and shall be implemented for no less than five years after construction, or until the local jurisdiction and/or the permitting authority (e.g., USACOE) has determined that restoration has been successful.

**Plan Requirements and Timing.** The applicant shall submit the restoration plan to P&D for review and approval prior to approval of land use permits for RDE development as well as domestic water system improvements including utility lines, access roads, and infrastructure construction. **Monitoring.** P&D staff shall ensure that the proposed development avoids impacts to jurisdictional areas or that impacts are properly mitigated.

- 25. B-3(c) Jurisdictional Delineation.** If impacts to wetlands and drainages from roadway crossings cannot be avoided and occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACOE, and/or RWQCB, the applicant shall retain a qualified biologist to complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency and the County. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency, USACOE, RWQCB, and CDFW, as appropriate, for review and approval. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDR) permit and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. If the USACOE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required. **Plan Requirements and Timing.** The applicant shall submit a Jurisdictional Delineation Report to P&D prior to approval of land use permits. **Monitoring.** P&D shall ensure that a jurisdictional delineation is completed.

26. **B-3(d) Agency Coordination.** Impacts to drainages as a result of access roads and infrastructure may require permits from USACOE, RWQCB, and CDFW. The applicant shall obtain correspondence from applicable state and federal agencies regarding compliance of the proposed development with state and federal laws, if applicable. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits. **Monitoring.** P&D shall review agency correspondence and shall ensure that the project meets any requirements outlined by the agencies.
27. **B-3(e) Jurisdictional Areas Best Management Practices During Construction.** The following best management practices shall be required for construction within or adjacent to jurisdictional areas:
- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal and state) including locating access routes and ancillary construction areas outside of jurisdictional areas.
  - To control erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project.
  - Project activities within the jurisdictional areas should occur during the dry season (typically between May 1 and September 30) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.
  - During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
  - All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
  - Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.
  - All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

**Plan Requirements and Timing.** These measures are to be implemented during construction and shall be included on all land use, grading, and building plans.

**Monitoring.** The applicant shall retain a County-approved biologist to monitor compliance with the above measures.

**28. B-4(a) Oak Tree Avoidance and Protection.** The applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved biologist and/or arborist designed to protect existing oak trees through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid this resource. Protected oak trees to be considered shall be those species and sizes specified in Tree Protection Development Standards 1 and 2 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County. The applicant shall modify proposed development to either incorporate and/or avoid these protected oak trees. The following shall be implemented to protect existing oak trees:

- Prior to the onset of any construction activities highly visible orange construction fencing shall be installed around existing protected oak tree stands and individuals that are to be retained at a buffer/extent radius of six feet beyond the canopy dripline, wherever the topography allows for such fencing or otherwise marked in the field to protect them from harm during development of the RDEs as well as access road and infrastructure construction.
- No construction equipment shall be parked, or stored within 25 feet of any oak tree dripline that is not proposed for removal, i.e., retained oaks. Construction activities within 25 feet of protected oak trees shall be the minimum necessary. The Tree Protection Plan shall specify all situations in which activities must be monitored by a County-approved biologist or arborist.
- No fill soil, rocks, or construction materials shall be stored or placed within 25 feet of the dripline of a specimen protected oak tree.
- No artificial surface, pervious or impervious, shall be placed within 25 feet of the dripline of any protected oak tree, except for County-approved project access roads.
- Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a County-approved arborist/biologist.
- Any trenching or ground disturbing construction activity required within three feet of protected (i.e. retained) oak tree's dripline shall be done with hand tools.
- No permanent irrigation shall occur within the dripline of any existing protected oak tree.
- Only designated oak trees shall be removed. All grading and construction plans shall clearly delineate those trees to be removed and those to remain.

**Plan Requirements and Timing.** The applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all TPP components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. The applicant shall comply with this measure prior to approval of a land use permit. Plan components shall be included on all

plans prior to the issuance of grading permits. The applicant shall install protected oak tree protection measures onsite prior to issuance of grading/building permits and pre-construction meeting. **Monitoring.** The applicant shall demonstrate to P&D staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to final building inspection clearance.

**29. B-4(b) Tree Replacement Plan.** If development within RDEs or construction of proposed access roads or infrastructure must remove protected oak trees specified as those species and sizes described in Tree Protection Development Standards 1, 2, or 3 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County, a Tree Replacement Plan shall be prepared by a certified arborist, qualified biologist with restoration experience, or landscape architect. The tree replacement plan shall be designed to replace protected oak trees removed by the proposed project at a ratio of 10:1 (trees planted: trees impacted). Replacement plantings shall rely on locally obtained protected oaks of the same species as the trees removed. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to protected oak trees and the subsequent number of replacement plantings needed for restoration for the project. Replacement trees shall be installed on-site or at an approved off-site location. Monitoring of planted trees shall be for a minimum of five years or until stasis has been determined by a County-approved arborist or biologist. The plan shall include the following components at a minimum:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project;
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used and container sizes]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, number of trees to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of 80 percent of prescribed number of container plants;
- Replacement trees must survive in good health for at least one year without supplemental irrigation prior to completion;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;

- Notification of completion of compensatory mitigation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** The Oak Tree Replacement Plan shall be submitted to P&D for review and approval prior to approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. Oak tree mitigation planting for development within RDEs shall be incorporated into landscaping plans for individual lots, where feasible. The applicant shall post a performance security to ensure installation and maintenance for a minimum of five years prior to land use permit issuance. **Monitoring.** The applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to final inspection clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

- 30. B-5 Maintain Connectivity in Drainages.** No permanent structures shall be placed within the channel that would impede wildlife movement (i.e., the preference is that no hardened caps, pipelines, or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage). In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded wildlife passage through the area once the work has been complete. **Plan Requirements and Timing.** Final crossing and utility plans shall be provided to County P&D for approval prior to the approval of land use permits for grading. **Monitoring.** P&D staff shall conduct an inspection upon completion of construction to ensure compliance.
- 31. B-6(a) Buffer from Special Status Habitat or Sensitive Plant Communities.** All future residences, guest houses and other habitable structures must be positioned so that the 100-foot fuel modification zones (30 feet for native grasslands) will not encroach within special status species habitat or sensitive plant communities as depicted on Figure 4.4-1 and 4.4-2a through 4.4-2c and listed in Table 4.4-4 of the EIR, and as determined in the field by a County-qualified biologist at the time of future development. Based on the field survey and vegetation maps, fuel management activities shall not encroach into special status species habitat or sensitive plant communities. **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 included on all building and grading plans submitted for future residential development. **Monitoring.** P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum



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

**32. B-6(b) Fuel Management Plan.** The applicant shall prepare a Fuel Management Plan to ensure that avoidance is accomplished and to ensure that fuel management is balanced with special status species habitat or sensitive plant community protection. 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 special-status plant species habitat and sensitive plant communities.
- The plan shall depict fuel management zones (i.e., Zone 1, 2, and 3) wherever required and shall include specific special status species habitat or sensitive plant communities protection and fuel management measures to be used in each management zone and for each plant community. Onsite vegetation management shall be limited to the zones and clearance requirements/percentages conceptually described.
- Impacts to sensitive plant communities 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 in sensitive plant communities 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 (April 1 to August 15).

**Plan Requirements and Timing.** The Fuel Management Plan shall be reviewed and approved by P&D prior to approval of land use permits for future residential development. Site plans shall show any proposed fuel management zones and measures to protect any special status species 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.

### **Cultural Resources**

**33. CR-2. Stop Work at Encounter.** The applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. Cultural resource remains may include artifacts, shell, bone, features, foundations, and trash pits, etc. The applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with County Cultural Resource Guidelines provisions for Phase 2 and Phase 3 investigations. **Plan Requirements and Timing.** This condition shall be printed on all building and grading plans. **Monitoring.** P&D staff shall check plans prior to approval of land use permit for grading and subdivision improvements, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

## Geology

**34. G-3 Site-Specific Liquefaction Studies and Hazard Minimization.** Prior to approval of Land Use Permits for future residential development in the RDEs on proposed Lots 2 and 3, a site-specific geotechnical study shall be prepared by a licensed geologist and/or geotechnical engineer to identify any areas that could be subject to liquefaction hazards. If such hazards are identified, residential development shall be designed in compliance with the recommendations of the geotechnical survey and in conformance with Sections 10-2.2.1 and 10-2.2.2 of the Santa Barbara County Code. Measures in the geotechnical survey to mitigate structural hazards from liquefiable soils may include, but are not limited to:

- Avoidance of sites with liquefiable soils;
- Removal and replacement of liquefiable soils with non-liquefiable soils;
- Dynamic compaction and densification of liquefiable soils;
- Installation of subsurface drains to improve the drainage ability of liquefiable soils; and/or
- Securing foundation elements together to reduce shear forces in structural elements that rest on the foundations.

**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 Land Use Permits for any site development on proposed Lots 2 and 3. All recommendations shall be incorporated into grading and building designs and included on all grading and building plans. **Monitoring.** Planning and Development shall review and approve applicable studies prior to approval of Land Use Permits. P&D shall site inspect to ensure that construction is in accordance with the approved plans.

**35. G-6. Site-Specific Expansive Soil Studies and Hazard Minimization.** Prior to the approval of land use permits for residential development in the proposed RDEs on Lots 1 through 9, 12, and 13, a site-specific geotechnical study shall be prepared by a licensed geologist and/or geotechnical engineer to identify any areas that could be subject to structural hazards from expansive soils. If such hazards are identified, residential development shall be designed in compliance with the recommendations of the geotechnical survey and in conformance with Sections 10-2.2.1 and 10-2.2.2 of the Santa Barbara County Code. At a minimum, exposed expansive soils where structures will be built shall be kept moist by occasional sprinkling during grading, and building foundations shall be designed to accommodate movements caused by shrinking and swelling sub-grade soils. **Plan Requirements and Timing.** The studies/report 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 Land Use Permits for any site development in proposed Lots 1 through 9, 12, and 13. All recommendations shall be incorporated into grading and building designs and included on all grading and building

plans. **Monitoring.** Planning and Development shall review and approve applicable studies prior to approval of Land Use Permits. P&D shall site inspect to ensure that construction is in accordance with the approved plans.

### III. CONDITIONS UNIQUE TO TENTATIVE TRACT MAP 14,709

36. **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 and agreements associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Final 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.
37. **Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
38. **Map-01b Maps-Not Retroactive.** If Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
39. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Final Map, the Owner/Applicant shall submit a Final 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.
40. **Map-09 Access Easement.** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by County Counsel and the Planning and Development to reserve the access easements depicted on sheet 2 of TM 14,709 at the time of conveyance of the lots. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.
41. **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 applicant shall submit to the County Surveyor a set of prints of the Final map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
42. **Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.

#### IV. COUNTY RULES AND REGULATIONS

43. **Rules-01 Effective Date-Not Appealable to CCC.** This Vesting Tentative Tract Map shall become effective upon the date of 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 final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit [LUDC §35.82.020].
44. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
45. **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.
46. **Rules-06 Recorded Map Required.** Tentative Map 14,709 shall be recorded prior to issuance of any permits for development, including grading.
47. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
48. **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.
49. **Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
50. **Rules-25 Signed Agreement to Comply.** Prior to recordation, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. This form may be obtained from the P&D office. Owners of lots resulting from this land division shall record such agreements prior to zoning clearance issuance for future development.
51. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:

- a. Air Pollution Control District dated December 8, 2015
- b. Fire Department dated January 12, 2017
- c. Flood Control Water Agency dated January 9, 2017
- d. Community Services Department, Parks Division dated December 29, 2016
- e. Transportation Division dated December 30, 2016
- f. County Surveyor's Office dated December 22, 2016
- g. Environmental Health Services dated December 27, 2016

- 52. DIMF-24e DIMF Fees-Parks.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Parks DIMF amount is currently estimated to be \$16,627.00 (March 29, 2017). **TIMING:** Parks DIMFs shall be paid to the County Parks Department prior to land use clearance for construction on each individual lot and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 53. DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total DIMF amount for Transportation is currently estimated to be \$7,553.00 (13 potential new single family dwellings x 1 PHT/dwelling x \$581/PHT). **TIMING:** Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 54. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  - b. Pay fees prior to approval of Land Use Permits 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;

- c. Note the following on each page of grading and building plans “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Final Environmental Impact Report 16-EIR-01;
- d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

**55. 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.

**56. Rules-36 Map/LLA Expiration.** This Tentative Map 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.

**57. Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

## **V. PROJECT SPECIFIC CONDITIONS**

**58. Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. 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 re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or 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 SWPPP or ESCP 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 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

**59. WatConv-01 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

- a. 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.
- b. Apply concrete, asphalt, and seal coat only during dry weather.
- c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
- d. 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.

**PLAN REQUIREMENTS:** The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans. **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.

- 60. WatConv-03 Erosion and Sediment Control Re-vegetation.** The Owner/Applicant shall re-vegetate graded areas upon 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:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.
- 61. WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) within the designated Residential Development Envelope to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, water body or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all land use, grading, and building and safety plans. **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.
- 62. WatConv-05 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 daily. The area shall be located at least 100 feet from any storm drain, water body or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all land use, grading, and building permit plans. **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.
- 63. Special Condition - Aest-04 BAR Required.** The applicant/owner shall obtain Board of Architectural Review (BAR) approval for all future development and landscaping located within the RDE's on lots 1, 2, and 3. Future development and landscaping located within the RDEs on lots 4-13 may be subject to BAR review in accordance with Santa Barbara County Land Use and Development Code requirements. Future agricultural development (e.g. barns, agricultural employee dwellings) located outside of the RDEs on lots 1-13 may be subject to BAR review in accordance with the Santa Barbara County Land Use and Development Code requirements. The following shall be used in evaluating structural development and landscaping:



**Site Design and Architecture.** Structures shall be subordinate in appearance to the landscape and natural land forms, using the natural topography to reduce the visibility of the proposed development, including associated infrastructure. Development will be sited so as not to intrude into the skyline as seen from public viewing places. The height, scale, and design of structures shall be compatible with and complement the rural and agricultural character of the area and the natural environment. Structures shall maximize the use of natural materials and finishes that are compatible with the surrounding area. No reflective finishes, other than glazing, hardware, or photovoltaic panels are allowed. Exterior colors used shall be subdued, with darker colors recommended, and blend harmoniously with the sites natural features.

**Landscaping.** Landscaping plans and palettes shall primarily use native plant species indigenous to the area and, if possible, sourced locally. Other plantings should be drought tolerant and/or fire resistant and not be able to spread locally. Non-native invasive and noxious species are prohibited. Refer to California Invasive Plant Council Current listing and California Code of Regulations Title 3 Section 4500 respectively.

**TIMING:** The applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to Land Use Clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

**MONITORING:** The applicant shall demonstrate to P&D compliance monitoring staff that the project has been built and landscaped consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

- 64. Special Condition - Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting, including driveway and walkway lighting, installed on the project site is dark sky compliant to reduce impacts on nocturnal ecosystems and the night sky. All lighting fixtures shall be fully shielded and fully cut-off. Lighting shall be of low intensity, the minimum wattage needed, and of minimum height. Illumination of any landscaping and building facades is not permitted. Light standards lining the driveway and floodlight type lighting fixtures are not permitted. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for BAR and/or P&D approval in accordance with Special Condition No. 63 incorporating these above requirements and showing the locations and height of all exterior lighting fixtures showing the direction of light being cast by each fixture. **TIMING:** Lighting shall be installed in compliance with this condition prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review the Lighting Plan for compliance with this condition prior to approval of a Land Use Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction and specifications on the final Lighting Plan.



**Santa Barbara County  
Air Pollution Control District**

December 8, 2015

John Zorovich  
Santa Barbara County  
Planning and Development  
624 W. Foster Road  
Santa Maria, CA 93455

Re: **APCD Suggested Conditions on Rancho La Laguna Tentative Tract Map, 06TRM-00000-00002**

Dear Mr. Zorovich:

The Air Pollution Control District (APCD) has reviewed the referenced project, which consists of the subdivision of an existing 3,951-acre property into 13 lots ranging in size from 160 acres to 605 acres. Each lot would have a residential development envelope (RDE), within which all future residential development would be confined, including all residential accessory development. Agricultural structures, including agricultural worker dwellings, would be located outside the RDEs. The subject property, a 3,951-acre parcel zoned AG-II-100 and identified in the Assessor Parcel Map Book as APN 133-080-026, 133-080-036, and a portion of 133-080-037, is located at the intersection of Alisos Canyon Road and Foxen Canyon Road in an unincorporated rural area in northern Santa Barbara County.

Air Pollution Control District staff offers the following suggested conditions on future development of the proposed lots within the proposed Tentative Tract Map, as they are applicable:

1. Standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of grading/building permit issuance.
2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of particulate matter from diesel equipment as well as of ozone precursors.
3. Prior to building permit issuance, APCD Authority to Construct permits must be obtained for all equipment that requires an APCD permit. Proof of receipt of the required APCD permits shall be submitted by the applicant to planning staff. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
4. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.

5. Spark ignition piston-type internal combustion engines (e.g., gasoline or propane-fired) used exclusively for emergency electrical power generation or emergency pumping of water for flood control or firefighting are exempt from permit requirements pursuant to APCD Rule 202, Section F.1.d., provided the engine operates no more than 200 hours per calendar year and a record is maintained and is available to the District upon request. The record shall list the identification number of the equipment, the number of operating hours on each day the engine is operated and the cumulative total hours.
6. All agricultural diesel engines rated at 50 brake-horsepower or greater must be registered with the APCD. Please refer to APCD's website at [www.ourair.org/ag-diesel-registration/](http://www.ourair.org/ag-diesel-registration/) for additional information.
7. Advisory: The applicant should determine whether any structure(s) proposed for demolition or renovation contains asbestos that is friable or has the potential to become friable during demolition or disposal. If any structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal. For additional information regarding asbestos in construction, please refer to APCD's website at [www.ourair.org/asbestos/](http://www.ourair.org/asbestos/).
8. Prior to building permit issuance, the proposed winery shall apply for, and obtain, either written permit exemptions or Authority to Construct permits from the APCD for winery-related equipment (fermentation and storage tanks, emergency/standby generators, fire water pumps and boilers) as required by APCD Rules and Regulations. The application forms can be downloaded from [www.ourair.org/wineries/](http://www.ourair.org/wineries/). Proof of receipt of the required APCD permit or permit exemption shall be submitted by the applicant to planning staff. *The APCD permit process can take several months. To avoid delay, the applicant is encouraged to submit their Authority to Construct permit application to the APCD as soon as possible.*
9. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 Btu/hr and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of APCD Rule 352. Please see [www.ourair.org/wp-content/uploads/rule352.pdf](http://www.ourair.org/wp-content/uploads/rule352.pdf) for more information.
10. Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to building permit issuance. Please see [www.ourair.org/wp-content/uploads/rule360.pdf](http://www.ourair.org/wp-content/uploads/rule360.pdf) for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
11. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
  - Energy use (energy efficiency, low carbon fuels, renewable energy)
  - Water conservation (improved practices and equipment, landscaping)
  - Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
  - Architectural features (green building practices, cool roofs)

12. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at [NightingaleK@sbcapcd.org](mailto:NightingaleK@sbcapcd.org).

Sincerely,



Krista Nightingale,  
Air Quality Specialist  
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Susan F. Petrovich, Brownstein Hyatt Farber Schreck  
TEA Chron File



ATTACHMENT A  
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems 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 should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is 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 tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by 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 offsite. 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 Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

**Plan Requirements:** All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B  
DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

# MEMORANDUM

DATE: January 12, 2017

TO: Dana Eady  
Planning and Development  
Santa Maria

FROM: Glenn Fidler, Captain  
Fire Department



SUBJECT: APN: 133-080-036/-026/-037 Permit: 06TRM-00002, TRM 14,709  
Site: 10550 Foxen Canyon Road, Santa Ynez  
Project: 13 Lot Subdivision, Tentative Tract Map, Rancho Laguna

*This Condition Memorandum Supersedes the Previous Condition Memorandum Dated July 22, 2009*

---

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

## THE FOLLOWING CONDITIONS ARE FOR THE TRACT MAP

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause modifications to these conditions.

### PRIOR TO MAP RECORDATION THE FOLLOWING CONDITIONS MUST BE MET

1. All access ways to all buildable envelopes shall be installed and made serviceable or bonded for.
  - Access shall be as shown on plans received July 2, 2009.
  - Roads and driveways shall be designed and maintained to support the imposed loads of fire apparatuses at time of installation and shall be provided with a surface as to provide all-weather driving capabilities.
  - Road and driveways shall be capable of supporting a 75,000 pound vehicle per the California Code of Regulation, Title 14.
  - Surface shall be all-weather or paved.
  - All portions of the access exceeding 10 percent in slope shall be paved.
  - All portions of the access exceeding 15 percent in slope shall be engineered concrete.
  - Maximum allowable grade for access way shall not exceed 20 percent in slope.
  - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any existing building.
  - Dead-end access exceeding 150 feet shall terminate with a Fire Department approved turnaround.
  - A minimum of 15 feet of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

- Access plans shall require civil engineering design and installation certification.
  - Reference Santa Barbara County Fire Department Development Standard #1.\*
2. Bridges are required for this project. Bridges shall conform to the following standards.
- Bridges shall be installed and made serviceable or bonded for.
  - Bridges shall have a minimum rated load-bearing capacity equal to the access ways.
  - Bridge width shall be equal to approved access width.
  - Plans shall be certified and stamped by a civil engineer as meeting all applicable standards for load bearing capacity and construction.
  - Bridge plans shall be approved by the Fire Department prior to installation.
  - Both ends of bridge shall have signage indicating load-bearing capacity.
  - Lettering and numbers shall be a minimum height of three inches, reflective, and a color contrasting to the background color.
  - Signage shall be elevated at least three feet from the ground and shall be visible from the access road when traveling in either direction.
  - Bridge railings shall not exceed three feet in height.
  - Reference Santa Barbara County Fire Department Development Standard #1.
  - All other aspects of bridge construction, including certification, shall conform to standards set forth by the Santa Barbara County Public Works Department, Road Division.
3. A road name will be required for this project
4. Forty foot (40') easements shall be properly shown for each buildable envelope.

These conditions apply to the project as currently described. Future changes, including, but not limited to further division, change or occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change

#### ADVISORY

5. Proposed lot 6 shall retain the address 10550 Foxen Canyon Road.

#### THE FOLLOWING CONDITIONS FOR FUTURE DEVELOPMENT ARE ADVISORY AT THIS TIME

We submit the following with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions.

#### PRIOR TO BUILDING PERMIT ISSUANCE THE FOLLOWING CONDITIONS MUST BE MET

6. A Fire Protection Certificate shall be required for each structure.
7. Recorded addressing is required by the fire department.



8. Plans for a stored water fire protection system shall be approved by the fire department.
  - Actual water storage quantity shall be determined at time of development
  - If a water system is developed which serves five or more parcels, a mutual water company shall be formed and the fire protection system shall comply with Title 10 of the California Code of Regulations.
9. Access plans shall be approved by the Fire Department.

**PRIOR TO CONSTRUCTION OF THE STRUCTURE(S)  
THE FOLLOWING CONDITIONS SHALL BE MET**

10. All access ways shall be installed, made serviceable and maintained for the life of the project.
  - Fire Department inspection required.
  - Access ways shall require civil engineering design and installation certification.
11. The water fire protection system shall be installed, made serviceable and maintained for the life of the project.
  - Fire Department inspection required.
12. Create a defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structures and any existing structures on this property.
  - Fire Department inspection required.
  - Reference Santa Barbara County Fire Department Development Standard #6\* and Defensible Space Check List.
13. Street sign(s) shall be installed.
  - The private road flag shall be blue with white letters.
  - The public road flag shall be brown with white letters.
  - Reference Santa Barbara County Engineering Design Standards, Standard Details 6-060.

**PRIOR TO OCCUPANCY CLEARANCE  
THE FOLLOWING CONDITIONS SHALL BE MET**

14. Propane tanks must be installed per current adopted California Fire Code.
15. An automatic fire sprinkler system shall be installed in all structures except exempt U occupancy structures.
  - Fire sprinkler plans shall be approved by the Fire Department prior to installation.
  - Reference Santa Barbara County Fire Department Standard #4.\*
16. Access way entrance gates shall conform to Fire Department requirements.
17. When access ways are gated, a Fire Department approved Knox locking system shall be installed. Reference Santa Barbara County Development Standard #7.\*

18. The applicant will be required to pay Fire Department Development Impact Mitigation Fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot of occupied space in each new building.

- Payment shall be made according to the schedule of fees in place on the date fees are paid.
- Contact the fire department for current fee information.\*

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:mkb/sss

\*Information is posted at [sbcfire.com](http://sbcfire.com). Select "Planning and Engineering (Development)" under the Doing Business Section. To have information provided, telephone 805-681-5523.



Santa Barbara County Public Works Department  
Flood Control Water Agency Project Clean Water

01/09/2017

Dana Eady, Planner  
County of Santa Barbara  
Planning & Development Department  
624 W. Foster Rd.  
Santa Maria, CA 93455

Re: 06TRM-00000-00002; Rancho La Laguna Tract Map  
APN: 133-080-026/036/037; Santa Ynez

Dear Ms. Eady:

This condition letter supersedes the previously issued letter dated August 15, 2006.

The District has no conditions on the subject project tract map.

The District recommends that prior to the approval of a land use permits for new development on any of the lots created by this tract map shall be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011  
(<http://www.countyofsb.org/uploadedFiles/pwd/Water/Development/StdConditionsJan2011.pdf>)
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Design

- a. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code.
- b. The applicants for projects within these three existing parcels shall submit all improvement plans, grading plans, drainage plans, drainage studies, and landscape plans for each project to the District for review and approval.
- c. For Projects within the FEMA marked Special Flood Hazard Area
  - i. A narrow strip of zone A is marked over two existing parcels.
  - ii. A Base Flood Elevation (BFE) must be established by the applicant and approved by the District for projects within Zone A.

C:\Users\mcmendoza\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WNJGOTIG\06TRM-00000-00002.cnd.doc

Scott D. McGolpin  
Public Works Director

Naomi Schwartz Building  
130 E. Victoria Street, Suite 200, Santa Barbara, California 93101  
PH: 805 568-3440 FAX: 805 568-3434 <http://cosb.countyofsb.org/pwd/water/>

Thomas D. Fayram  
Deputy Public Works Director

- d. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.
- e. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc.

3. Prior to Occupancy Clearance

- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
- b. The applicant shall submit an Elevation Certificate (FEMA Form 81-31) to the District's Floodplain Manager for all structures located in the Special Flood Hazard Area.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION  
DISTRICT

By: Y. Thierumaran  
Yoganathan Thierumaran, P.E.  
Development Review Engineer



**Community Services Department**  
*Connecting People to Opportunities*

George Chapjian, Director, Community Services  
 Brian Yanez, Deputy Director, Parks Division  
 Dinah Lockhart, Deputy Director, Housing & Community Development  
 Ryder Bailey, CPA, Chief Financial Officer, Community Services  
 Angela Hacker, Division Chief, Division of Energy & Sustainability Initiatives  
 Sarah York Rubin, Executive Director, Office of Arts & Culture



December 29, 2016

TO: Dana Eady, Planner  
 Planning & Development

FROM: Claude Garciacelay, Park Planner *[Signature]*

RE: 06TRM-002 / TM 14,709 Rancho La Laguna  
 APN

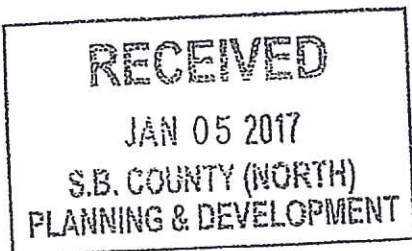
County Parks recommends the following condition(s) to the approval of the above referenced project:

- 1) Pursuant to the provisions of Santa Barbara County Ordinance 4317 (Quimby Ordinance) and the appurtenant fee resolution for the recreational demand area, the applicant will be required to pay a fee for each generated lot or dwelling unit. The purpose of the fee is to provide park and recreational facilities within the recreational demand area.

Based on the current fee schedule, the total fee for the proposed project would be \$16,627.00 (\$1,279 x 13 lot(s)/dwelling unit(s)). Fees are due prior to land use clearance for construction on each individual lot. The actual fee shall be based on the fee schedule in effect when payment is made. Fee schedules are subject to adjustment on an annual basis. Please phone this office prior to payment to verify the final fee required. This office will not accept or process a payment prior to project approval by the decision maker.

Fees are payable to the COUNTY OF SANTA BARBARA, and may be paid in person or mailed to:  
 Santa Barbara County Parks Administration, 123 East Anapamu St., 2<sup>nd</sup> floor, Santa Barbara CA 93101.

C: Agent:  
 Susan Petrovich  
 Brownstein Hyatt Farber Schreck LLP  
 1020 State Street  
 Santa Barbara CA 93101-2711



COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 East Anapamu Street  
Santa Barbara, California 93101  
805/568-3232 FAX 805/568-3222



December 30, 2016

TO: Dana Eady, Planner  
Development Review

FROM: William Robertson, Transportation Planner  
Public Works, Transportation Division

SUBJECT: Conditions of Approval (7 pages)  
Rancho La Laguna Tract Map  
06TRM-00000-00002, TM 14,709  
APN: 133-080-026, -036, -037  
10550 Foxen Canyon, Santa Ynez  
13 New Buildable Single Family Residential Lots

Notice to Buyer

1. The Owner/Applicant shall record with the FINAL MAP a buyer notification on a separate instrument that reads as follows: ***“IMPORTANT: BUYER NOTIFICATION:*** This property, pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, is required to pay a fee for each newly generated peak hour trip (PHT), for the purpose of funding transportation facilities within the County. Transportation development impact mitigation fees (DIMFs) shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).”

Traffic Mitigation Fees

2. Pursuant to Ordinance No. 4270 regarding Transportation Impact Fees, the applicant will be required to pay a fee for each new peak hour trip (PHT), for the purpose of funding transportation facilities within the Santa Ynez Planning Area of the County.

Based on the current fee schedule, the total estimated fee for the proposed project is \$7,553 (13 potential new single family dwellings x 1 PHT/dwelling x \$581/PHT). Fees are due prior to occupancy clearance and shall be based on the fee schedule in effect when paid. This office will not accept payment or process a check received prior to project approval.

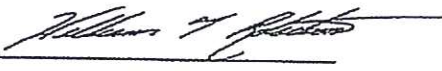
Fees are payable to the County of Santa Barbara, and may be paid in person or mailed to: Santa Barbara County Transportation Division, 123 E. Anapamu St., 1<sup>st</sup> Floor, Santa Barbara, CA 93101 or Santa Barbara County Transportation Division North, 620 West Foster Road, Santa Maria, CA 93455. Please phone this office prior to payment if unsure as to the final fee required.

Standard Conditions of Approval

3. Prior to recordation of the Final Map, the applicant shall comply with all Standard Conditions for Tentative Tract Map Approval, dated January 1991, as attached or the most current, adopted version available.

If you have any questions, please contact me at 739-8785.

Sincerely,

 _____	<u>12/30/2016</u> _____
William T. Robertson	Date

cc: 133-080-02, -036, -037, 06TRM-00000-00002  
Gary Smart, Traffic Section Manager, County of Santa Barbara, Public Works Department  
F:\Group\Transportation\Traffic\Transportation Planning\Development Review\Santa Ynez\Rancho La Laguna Tract Map 06TRM-Cond.doc

# COUNTY OF SANTA BARBARA



## DEPARTMENT OF PUBLIC WORKS

### Standard Conditions for Tentative Tract Map Approval

1. Construction of all improvements required by the Public Works Department in the approval of the Tentative Map shall be in accordance with County Subdivision Ordinance No. 1722, the Geometric Design Standards contained in the Engineering Design Standards Manual, the applicable portions of the California Department of Transportation Standard Specifications of current date and the Standard Detail contained in Appendix 4 of the Engineering Design Standards Manual.
2. Design of all improvements to be constructed as part of this development shall be performed by a Civil Engineer registered in the State of California. Specifications and plan and profile drawings, completed in accordance with Department of Public Works Standards shall be submitted to the Public Works Department and appropriate officials of other departments for their approval, and all bonds and fees shall be posted prior to recordation of the final development map.
3. Prior to recordation of the Final Map and start of any construction, the Developer shall designate to the Department of Public Works the road or roads he intends for construction access to the development to the extent to which subject roads will be used as haul roads. The Public Works Department may, at its option, designate an alternate off-site access or may require a security for the repair or reconstruction in the event subject road is damaged by construction traffic.
4. The Structural road section for all proposed public roads shall consist of the following:

Aggregate Base conforming to the provisions in Section 26, "Aggregate Bases", of the Standard Specifications shall be placed with a minimum thickness of 0.50 feet on all public roads. The actual thickness of the aggregate base shall be determined by "R." Values from Test Method 301- F, California Department of Transportation Specifications. When the Traffic Index is less than 5.5 the minimum section will be 0.2 feet of A.C. and 0.5 feet of A.B. When the Traffic Index is 5.5 or greater, the minimum section will be 0.3 feet A.C. and 0.5 feet Class II Base.
5. All underground utilities shall be extended to development boundaries and laterals stubbed out to the property lines clear of zone at each lot before the placement of concrete surfacing. Prior to release of the Road Improvement Security and acceptance of the roads within the development, it will be necessary for the Developer to have each utility company certify in writing that the above has been accomplished.
6. Prior to release of the Road Improvement Security, the Registered Civil Engineer or Licensed Land Surveyor who performed the construction staking for the development shall certify in writing, that all curbs, gutters, storm drains, and other related street work have been staked in the field accordance with the plan and profile drawings by the Director of Public Works.



7. Prior to approval of plan and profile drawings by the Department of Public Works, the Developer shall post Sureties and provide inspection fees in amounts to be determined by the Department of Public Works to insure required improvements within the road right of way
8. Hydraulic studies indicating drainage flows to be anticipated from the entire watershed within which the development is located shall be submitted to the Public Works Department and Flood Control Engineer for review and approval. Detailed hydraulic studies of storm water run-off to be carried in each gutter of each street shall be submitted by the Developer's Engineer for approval by the Public Works Department. The amount of storm water runoff to be carried in a street section shall be computed on the basis of a 10 year frequency storm. Special drainage facilities will be required when the capacity of the street section has been reached. The drainage facility design shall be prepared in conformance with Section 13 and Appendix 12 of the Engineering Design Standards Manual, and submitted for approval by the Department of Public Works and Flood Control Engineer. Design criteria for underground drainage facilities will be based on a minimum storm frequency of 25 years. Actual design frequency will be determined by the Department of Public Works or the Flood Control Engineer.
9. Developer shall furnish and install any required road name signs, traffic control signs. *And striping to County standards. All traffic control signs shall be installed after roads are paved and prior to being opened up to traffic, including construction traffic.*
10. All off-tract drainage and flood control facilities and installations shall be installed and completed prior to grading of subject development.
11. Developer shall offer for dedication as easement to the County, at no cost to the County, all road rights of way shown within the boundaries of subject development map, except roads proposed to be private roads. All road rights of way offered for dedication to the County shall be free and clear of any easements prior to recordation of the Final Map, unless approved otherwise by the Department of Public Works.
12. A denied access strip one foot wide shall be offered for dedication in fee to the County as a separate parcel of land, not part of the road right of way, and standard Public Works Department road barricades constructed across the end of all public roads extending to the tract boundaries of any unit of the tract, except where they are extensions of existing improved public roads.
13. Prior to approval of plan and profile drawings by the Public Works Department, the following utilities shall be shown on the plans and approved by an authorized representative of the utility:
  1. Sewer System
  2. Water Distribution System
  3. Gas Distribution System
  4. Storm Drains required by Flood Control

Additionally, a preliminary plan showing underground electrical, telephone and Cable T.V. service shall be submitted by each agency.

14. All plan and profile drawings presented to the Public Works Department for approval shall be in conformance with the requirements of the Engineering Design Standards Manual. All road widths shall be as specified in this Manual. Roadway classifications are as specified in the Circulation Element of the General Plan.

15. Water for compaction and dust control shall be made available within the boundaries of the development prior to starting any earth moving operations other than necessary for the installation of subject water source. Applicant shall provide a water availability letter from the appropriate water supply agency.
16. Prior to start of any earth moving or improvements within the development the Developer shall obtain a Road Excavation and Encroachment Permit from the Public Works Department as required by Board of Supervisors Ordinance No. 1491, dated November 26, 1963, and/or shall obtain a County Grading Permit per Santa Barbara County Ordinance No. 1795 dated May 20, 1967.
17. The program for reconstruction of any existing County road being used by public traffic shall be presented in writing to the Public Works Department a minimum of 4 working days ahead of the proposed starting date. The Progress Schedule of proposed work shall be approved prior to start of construction. After construction on any existing County road commences, the project shall be pursued continuously to completion. Any delay will provide good cause for issuance of a stop order on all other portions of the development.
18. The following utilities and services, both existing and proposed, shall be installed underground in the roads pursuant to Resolution No. 24416 and connected to each dwelling unit where housed are built, or stubbed out to each lot where lots only are sold: Gas, Water, Cable T.V., Telephone, Sanitary Sewer and Electrical Power.
19. After Sign-off by the Public Works Department Inspector, and prior to release of final security, the Developer's Engineer shall add "Record Drawing" information to the original tracings in red or orange ink and sign them as "RECORD DRAWING".
20. *On any proposed streets where curbs, gutters and sidewalks are required, the sidewalks shall have a total distance from curb face to back of sidewalk as prescribed in the Standard Details contained in Appendix 3 and 4 of the Engineering Design Standards Manual. Existing streetlights or fire hydrants within the sidewalk area shall be relocated behind the sidewalk, and any proposed streetlights or fire hydrants placed behind the sidewalk.*
21. Any double frontage lot (lots having a street both front and rear) shall have denied access to the rear street.
22. Concrete masonry block walls, if required by the Resource Management Department shall be constructed to the design and standards of the Building and Safety Division of the Public Works Department. Walls adjacent to road rights of way shall be shown on the Department of Public Works plan and profile drawings. A Building Permit may be required for such walls.
23. Developer shall comply with the Department of Public Works policy relating to Subdivision Street Trees and Utility Service Laterals on all subdivision streets.
24. Chain link fences, if required by the Resource Management Department of Flood Control, shall be constructed to Cal Trans Standard Plans. Subject fences shall be shown on the Department of Public Works plan and profile drawings if adjacent to County road rights of way.
25. Developer shall post Security and provide plan-checking fees in amounts to be determined by the Public Works Department to insure proper construction of all private streets within the development. Security will be released upon certification of a Civil Engineer registered in the State of California that subject streets have been constructed to approved standards.

26. Occupancy of any building within the development will be denied until all street improvements and drainage facilities are completed.
27. The developer's engineer of record, as specified in these conditions, shall certify to the Public Works Department prior to release of any securities that all private streets within the subject development are constructed according to approved plans prior to occupancy of any dwelling unit within the tract, and that all rough grading has been completed in substantial conformance with the tract grading plan.
28. Upon completion of construction and prior to occupancy, the entire road right of way abutting this project will be cleaned to allow Public Works Department Inspectors to check for damage to curbs, gutters, or sidewalks caused by construction traffic. Any damage will be repaired by the Developer prior to occupancy.
29. The Developer shall comply with the current Bikeway Element of the General Plan as to the dedication and construction of bikeways.
30. All roads shall be kept clear of mud and/or other construction debris during construction.
31. The Developer will be responsible for and fees required for materials retesting.
32. The Developer may be required by the Public Works Department to overlay or chip seal a road, as determined by the Public Works Department, after construction work has been completed if it is determined by the County that local patching is insufficient to mitigate project related construction and utility trenching damage.
33. Subdivider shall submit a Grading Plan acceptable to the Public Works Department for all streets and building pads prior to submitting the Final Map for approval. The Grading Plan shall show all lots draining to the street on which they front unless otherwise approved by the Public Works Department. The Grading Plan shall also show method and degree of compaction and proposed method of stabilizing exposed slopes. Subdivider shall plant and maintain all cut and fill slopes and maintenance shall be continued until the lot is occupied.
34. A preliminary Soils Report of the area, prepared by a Civil Engineer experienced in soil mechanics and slope stability, and registered in the State of California, will be required prior to the issuance of Grading Permits. The report shall include data regarding the distribution, stability and expansive nature of existing soils and conclusions and recommendations for grading procedures and design criteria for corrective measures.
35. All grading shall comply with the provisions of County Grading Ordinance No. 1795, and to Public Works Department standards.
36. Grading shall be designed so that natural drainage from off-tract property is not obstructed.
37. Provision shall be made to prevent off-tract drainage from being received by lots. Tract drainage shall not be drained to a public street gutter that does not have storm drainage inlets and where the tract drainage could, after being carried along the road gutter for some distance, be dumped into another tract.
38. No grading can be done prior to Final Map recordation except in compliance with County Code Chapter 21-8-C4.

39. All underground utility trench backfills on private property and in private roads shall be compacted and tested to a minimum of 90%, or to the satisfaction of the Public Works Director. Compaction test reports shall be submitted before and grading is finalized.
40. The Subdivider shall furnish one copy of the Final Tract Map to the Public Works Department prior to approval.
41. All debris, liter, and other construction waste generated by this development shall be removed from the site or adjacent property. Occupancy clearance of any building will be denied until debris removal is acceptable to the Public Works
42. Since certain areas of Santa Barbara County are prone to accelerated seasonal erosion by either wind or water, and acceptable Erosion Control Plan, with timing, may be required with the project Grading Plan.
43. Any tract which is to be graded out (mass graded) and developed as a Phased Build-Out will require a detailed engineered Erosion Control Plan which will apply to all graded areas which are not built out. This plan shall be maintained until the respective tract phases are built out. *This condition shall also apply to Lot Sale Subdivisions.*
44. *On lot sale subdivisions, no building permits shall be issued for any lot until all required utilities, rough grading, drainage facilities, and street improvements have been completed, unless otherwise approved by the Director of Public Works. This condition must be shown on the Final Map, along with the time allowed by the Subdividers Contract for the developer to complete said improvements.*
45. *Prior to issuance of any road construction and/or grading permits, the applicant shall verify to the Department of Public Works, in writing, that a registered civil engineer has been retained to act as the Engineer of Record during construction and testing operations. This engineer shall be responsible for any and all observation during construction, which he deems necessary to certify those aspects of construction requiring certification pursuant to these conditions. Where possible, the engineer whose signature and stamp appear on the tract plans should be retained as the Engineer of Record.*
46. *Regardless of all review and/or acceptance of tract plans, specifications, calculations, and reports by Public Works or other County departments, the registered civil engineer whose signature and stamp appear on the tract grading and road improvement plans is responsible for the accuracy and integrity of the design and base information relating to the plans and calculations. Design conflicts which arise during construction may result in work being stopped until discrepancies are resolved.*

COUNTY OF SANTA BARBARA  
PUBLIC WORKS DEPARTMENT  
123 East Anapamu Street  
Santa Barbara, CA 93101  
805\568-3000 FAX 805\568-3019



SCOTT D. MCGOLPIN  
Director

December 22, 2016

County Subdivision Committee  
123 East Anapamu Street  
Santa Barbara, CA 93101

**RE:** Tentative Tract Map No. 14,709 (06TRM-00000-00002)  
Rancho La Laguna

**Owner:** Charles V. roven  
Rancho La Laguna LLC  
9200 Sunset Boulevard, 10<sup>th</sup> Floor  
Los Angeles, CA 90069

**Agent:** Patricia "Tish" Beltranena, MNS Engineers  
201 Industrial Way,  
Buellton, CA 93110

**Requirements of the County Surveyor's Office**

Pursuant to Section 66441 of the State Subdivision Map Act and County Subdivision Regulations Chapter 21, Section 21-9, the Final Tract Map shall be based upon a field survey made in conformity with the Professional Land Surveyors Act. Furthermore, property lines shall be monumented in accordance with Section 21-16 of said County Code.



Very truly yours,  
*E. Tenell Matlovsky*

Deputy for:  
Aleksandar Jevremovic  
County Surveyor

TI4709\_subreview.doc

AA /EEO Employer

Thomas D. Fayram, Deputy Director

Mark Paul, Deputy Director

Chris Sneddon, Deputy Director

Aleksandar Jevremovic, County Surveyor

Mark A. Schleich, Deputy Director

[www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

Santa Barbara County  
**PUBLIC Health**  
DEPARTMENT



Environmental Health Services

225 Camino del Remedio • Santa Barbara, CA 93110  
805/681-4900 • FAX 805/681-4901

Takashi M. Wada, MD, MPH Director  
Suzanne Jacobson, CPA Chief Financial Officer  
Susan Klein-Rothschild, MSW Deputy Director  
Douglas Metz, DPM, MPH Deputy Director  
Polly Baldwin, MD, MPH Medical Director  
Charly Dean, MD, MPH Health Officer

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485

Lawrence Fay Director of Environmental Health

TO: Dana Eady, Planner  
Planning & Development Dept.  
Development Review Division

From: David Brummond  
Environmental Health Services

Date: December 27, 2016

Subject: Case No. 06 TRM 00000-00002 / TM14,709 Los Alamos Area

Applicant: Rancho La Laguna LLC  
La Laguna Ranch Company LLC

Assessor's Parcel No. 133-080-026, 133-080-036 – 037

Zoned: AG II-100 Located at 10550 Foxen Canyon Rd.

Case No. 006TRM-00000-00002/TM 14,709 is a request to subdivide 3 existing parcels (133-080-026, 133-080-036 & 133-080-037) into 13 proposed lots. The proposed lots would range from 142 acres to 604 acres in size. Residential development envelopes (RDEs) have been designated on each of the proposed lots.

Domestic water is proposed to be provided by a State Small water system utilizing an existing well that is located on proposed lot 4. Sewage disposal would be provided by private septic systems.

Environmental Health Services (EHS) has been provided soil borings and percolation test results for each of the proposed parcels. Those test results indicate perc rates ranging from extremely fast to essentially impermeable. However, due to the large size of the proposed parcels, it is reasonable to conclude that onsite wastewater treatment systems could be installed on each lot.

EHS has been provided a copy of the Water Well Completion report for the source of potable water for the water system. The well produces an adequate volume of water for the proposed development.

In 2006, when the well was drilled and developed, a laboratory analysis conducted at the time indicates that the water appears to meet all primary (health related) drinking water standards but does not meet all secondary (non health related) standards due to excess concentrations of iron. However, a standard for Chromium 6 has been codified since the initial water analysis. Consequently, the water must be sampled again to determine compliance with all primary standards. In addition, this analysis is ten years old and as a result of the current drought, the water quality may have changed. Consequently, a complete, updated water quality analysis will be necessary.

The applicant has provided EHS with a preliminary engineering report for a single water system to provide domestic water to all 13 parcels. While a State Small Water System is feasible, due to the large size of the parcels involved and the length of the water lines that would be required to serve each parcel, it may not be advisable. While EHS was only provided data for a single well within the project area, the groundwater production rates across the area should be comparable to this well and thus EHS expects that additional, suitable water sources could be developed. Therefore, in lieu of a State Small water system, EHS would permit a private water system for each individual parcel, or multiple parcel water systems that would serve 2 – 4 residences on several parcels.

Provided the Decision Maker grants approval of the applicant's request, Environmental Health Services recommends the following Conditions of Approval:

If the applicant decides to construct a State Small Water System to serve 5 or more of the subsequent residences:

Prior to Recordation, water sources that are not already constructed but are necessary in order to complete a suitable water system design, must be developed in accordance with the provisions of Ch. 34A of the County Code.

Prior to Recordation, A completed application for a Domestic Water Supply Permit shall be reviewed and approved By Environmental Health Services. The application shall include final detailed engineering plans and specifications for the proposed water supply system.

Prior to Issuance of Building Permit, the owner of the proposed water system shall be in possession of a valid Domestic Water Supply Permit pursuant to Ch. 34 B of the County Code and Article 3 of Title 22 California Code of Regulations and the approved water system constructed, installed and fully operational.

Prior to Occupancy, a potability clearance must be obtained from this department stating in writing that the water system is capable of delivering potable water.

Dana Eady  
06-TRM-00002 / TM14,709  
December 27, 2016  
Pg. 3

If the applicant decides to construct several Multiple Parcel Water Systems that would serve 2-4 subsequent residences on multiple parcels:

Prior to Recordation, water sources that are not already constructed must be developed in accordance with the provisions of Ch. 34A of the County Code.

Prior to Recordation, completed application(s) for multiple parcel water system(s), shall be reviewed and approved by Environmental Health Services. The application(s) shall include detailed engineered plans and specifications as well as surveyed easements and water rights for each of the parcels served by the water system.

Concurrent with Recordation, the applicant shall record easements and water rights for all parcels served by the water system.

Prior to Issuance of Building Permit, the owner(s) of the proposed water system(s) shall be in possession of a valid Multiple Parcel Water System Permit pursuant to Ch. 34B of the County Code.

Prior to Occupancy, the approved water supply system shall be constructed and fully operational.

Prior to Occupancy, Environmental Health Services shall inspect the water system and issue an Occupancy Clearance notice for the water system.

If it is decided to construct a private water system for each proposed parcel:

Prior to Issuance of Building Permit: The owner of each parcel shall submit a completed application for a single parcel water system to Environmental Health Services for review and approval. The application shall be completed in accordance with the provisions in Ch. 34B of the County Code

Prior to Issuance of Building Permit, the owner of each property shall be in possession of a valid Single Parcel Water System Permit pursuant to Ch. 34B of the County Code.

Prior to Occupancy, Environmental Health Services shall inspect the water system and issue an Occupancy Clearance notice for the water system.

Prior to Recordation, the applicant shall provide a copy of the final map to Environmental Health Services.

Prior to Issuance of Building Permit, the owner of each parcel shall submit an application for an Onsite Wastewater Treatment System to Environmental Health Services for review and approval. The application shall be completed in accordance with the provisions of Ch. 18C of the County Code.



Dana Eady  
06-TRM-00002 / TM14,709  
December 27, 2016  
Pg. 4

Prior to Issuance of Building Permit, the owner of each parcel shall be in possession of a valid Onsite Wastewater Treatment System permit pursuant to Ch.18C of the County Code.

Prior to Occupancy Clearance, Environmental Health Services shall inspect and issue an occupancy clearance notice for the onsite wastewater treatment system



David Brummond  
Supervising Environmental Health Specialist

cc: Leo Hanly, Charles Roven Applicants  
Susan Petrovich, Agent  
Massoud Abolhada, Planning and Development Dept., Building and Safety Div.  
Alek Jevremovic, Office of the County Surveyor  
Deanna Talerico, Environmental Health Services

LU 5269

## **ATTACHMENT B.2: Conditions of Approval**

### **Rancho La Laguna State Small Water System**

**Case No. 16CUP-00000-00030**

**Date: March 29, 2017**

#### **I. PROJECT DESCRIPTION**

- 1. Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-D, dated March 29, 2017, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

#### **The project description is as follows:**

Hearing on the request of Susan Petrovich, attorney/agent for Rancho La Laguna, LLC and La Laguna Ranch Co., LLC, owners for approval of a Minor Conditional Use Permit (Case No. 16CUP-00000-00030) to allow for the installation of a State Small Water System (SSWS) with a maximum of 14 connections. Water for the proposed SSWS would be provided by Well #13 located on proposed lot 12. Two 35,000 gallon fire protection cisterns and approximately 35,430 feet of water distribution pipelines as well as ancillary equipment customarily utilized in water systems (e.g., pumps, valves) would be installed. The utility conduits and water pipelines would be installed underground along existing access roads and driveways, including those that are proposed to provide access to RDEs. Proposed water pipelines would vary in diameter from 6” to 12”, depending upon their respective service demands. Each of the cisterns would occupy an approximate are of 900 sq. ft. The water pipelines are required to be buried deep enough to have no less than three feet of cover. The estimated earth disturbance from the pipeline trenching is 10,497 cubic yards and the earth disturbance from the cistern construction is estimated to be 500 cubic yards, for a total estimated earth disturbance for the domestic shared water system of 10,997 cubic yards.

- 2. Proj Des-02 Project Conformity.** 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.

## II. MITIGATION MEASURES FROM 16-EIR-01

### Aesthetics/Visual Resources

- 3. AES-2. Oak Tree Replanting Within Public Viewsheds.** In addition to the requirements in Mitigation Measure B-4(b), the Tree Replacement Plan shall include a provision requiring that existing oak trees which are visible from public roadways and would need to be removed due to project construction shall be replaced with oak trees in locations that are visible from such roadways. **Plan Requirements and Timing.** The Oak Tree Replacement Plan for residential development, access road improvements, and infrastructure for domestic water system improvements and utility lines within each RDE shall be submitted to P&D for review and approval prior to issuance of land use permits for that residential development. **Monitoring.** P&D shall oversee implementation of the Oak Tree Protection and Replacement Plan.

### Biological Resources

- 4. B-1(a) Special Status Plant Species Pre- Construction Surveys.** Updated surveys for special status plants (i.e., plants either state or federally listed or California Rare Plant Ranked) shall be completed by a County-approved biologist of all proposed disturbance areas prior to construction of the access roads, infrastructure and development of the RDEs. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the flowering time for the target species. All plant surveys shall be conducted by a qualified biologist approved by the County no more than two years prior to initial ground disturbance for roads/infrastructure and each individual residential development. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and approval. **Plan Requirements and Timing.** A report of the special-status plant survey results shall be submitted to P&D for review prior to issuance of land use permits for each RDE development as well as access road and infrastructure construction. Mapped locations of special-status plants shall be shown on grading plans. **Monitoring.** P&D shall ensure that the special-status plant surveys have been completed. Grading inspectors shall inspect as needed.
- 5. B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation.** If federally or State listed or California Rare Plant Ranked species are found during special status plant surveys, a species and site-specific evaluation shall be prepared. The evaluation must identify locations and extent of special status plants within and abutting the proposed development site. The evaluation shall consider impacts to these plant species in the context of populations at the state, regional, and local (i.e., survey area and immediate vicinity) levels. The report must also evaluate options for minimizing impacts to these plant species on the site. Development on the site shall be designed in coordination with a qualified biologist to avoid impacting these plant species. Special-

status plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm during construction. If State listed species cannot be avoided, authorization for impacts must be obtained from CDFW, and all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plant species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be removal of over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species, or removal of more than 30 percent of the local (onsite and immediate vicinity) population of any CRPR 3 or 4 species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by special status species);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of special status species habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent of the prescribed number of

container plants and 30 percent relative cover by vegetation type for restoration plans that include establishment of a specific vegetation alliance, and minimum survival of two individuals /two acres occupied at the same density as baseline for each one individual or one acre of impacted CRPR 1B species, and minimum survival of one individual/one acre occupied at the same density for each individual or acre impacted for CRPR 3 and 4 species. Options for individuals or acreage are allowed because establishment of annual plants is often evaluated based on cover and density. Additionally, in no case shall density and cover of non-native species exceed the reference site condition, which shall be identified and evaluated prior to disturbance and at regular intervals during the monitoring program;

- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** The results of the survey and impact analysis for shared access road improvements and widening, and for the installation of domestic water system improvements and utility lines shall be submitted to P&D for review and approval prior to land use permit approval. For construction within and adjacent to each RDE (including any driveway between the common road system and the residential development within the RDE), the impact analysis shall be completed prior to approval of land use permits for that construction. P&D shall inspect the site prior to initiation of ground disturbance activities to ensure the protective fencing is installed properly. If special status plants cannot be avoided, the applicant shall submit the restoration and monitoring plan to P&D for review and approval prior to approval of land use permits for development within the RDEs as well as access road and infrastructure construction.

**Monitoring.** The protective fencing shall be monitored by P&D staff until construction is complete. P&D staff shall ensure that the proposed development avoids impacts to special-status plant species or impacts are mitigated for per the requirements of this measure.

- 6. B-1 (c) USFWS/CDFW Consultation.** Prior to approval of land use permits for the construction of access roads, infrastructure improvements, and development within the RDEs, the applicant shall consult with USFWS and CDFW regarding potential for impacts to CRLF, LBV, and CTS, unless such consultation already has occurred for the proposed disturbance area within the last 2 years. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D staff shall ensure that prior to land use permit approval, the

applicant has contacted USFWS and CDFW, unless an earlier consultation (within the last 2 years) has occurred for the proposed disturbance area.

7. **B-1(d) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Protocol Surveys.** Prior to the approval of land use permits for construction of the access roads, and infrastructure improvements including domestic water systems and utility lines, and development within the RDEs, surveys for CTS in disturbance areas located within the distribution area (known range) of CTS (USFWS, 2010) and within 1.24 miles of potential breeding ponds shall be conducted. In addition, surveys shall be conducted within disturbance areas containing suitable aquatic and riparian habitat for the CRLF (e.g., Foxen Canyon/Jesus Canyon drainage). Surveys shall consist of aquatic and/or upland sampling as appropriate and in consultation with the USFWS and CDFW. Surveys shall follow the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS, 2003) and Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS, 2005) or the current protocol established by the USFWS and CDFW at the time surveys are conducted. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals, as applicable to each species.

If CTS and/or CRLF are detected within the proposed disturbance area, mitigation measures B-1(c) and B-1(e) would apply. If protocol surveys result in negative findings, mitigation measures B-1 (c), B-1 (d), B-1(e) and B-1(f) would not apply. Currently, the CRLF protocol guidance (2005) specifies the results would remain valid for two (2) years. The current (2003) guidance for CTS does not specify time periods in which results would remain valid. In the event that protocol surveys have already been completed and may apply to a parcel proposed for development, and under the most current protocol guidance for the species, the survey is no longer valid, or there is no specified time limit for validity, the project applicant shall consult with the USFWS and/or CDFW to determine whether a new protocol survey is required.

Alternatively, in lieu of conducting protocol surveys, the applicant may choose to assume CTS are present within disturbance areas located within the distribution of CTS in Santa Barbara (USFWS, 2010) and within 1.24 miles of potential breeding ponds and containing suitable habitat. The applicant may also choose to assume CRLF are present within disturbance areas containing suitable habitat (e.g., Foxen Canyon/Jesus Canyon drainage). If protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) would apply. If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply.

**Plan Requirements and Timing.** The applicant shall submit the results of the protocol surveys or a memorandum indicating that the applicant chooses to assume presence for each species based on suitable habitat prior to approval of land use permits for the

construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D staff shall ensure that documentation is received prior to approval of land use permits and shall oversee implementation of mitigation plans.

8. **B-1(e) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Habitat Avoidance and Compensatory Mitigation.** If CTS or CRLF occupied or presumed occupied habitat would be impacted by the project, the applicant shall re-design development and/or undertake a construction monitoring program in coordination with a County-approved qualified biologist to avoid impacting occupied habitat for that species, and to avoid individuals of the species. If USFWS (and CDFW for CTS) determines that these measures are not sufficient to avoid “take”, the applicant will be required to provide mitigation for “take” as described below.

Disturbance limits shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a County-approved biologist, to protect occupied habitat. If occupied or presumed occupied habitat and/or individuals of the species cannot be avoided, the applicant shall provide the County total acreages for habitat that would be impacted prior to the approval of land use permits for the construction of access roads, infrastructure improvements, and development within the RDEs. The applicant shall purchase credits at a USFWS and CDFW approved conservation bank (There is currently one CDFW-approved bank for CTS with a service area that includes the project site, La Purisima Conservation Bank.) and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts on CTS and CRLF habitat.

The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than 2:1 (area mitigated: area impacted). Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable.

If the applicant establishes conservation easement(s) (on- and/or off-site) to serve as compensatory mitigation for CTS and CRLF impacts, areas proposed for preservation must contain verified extant populations of the special status species that would be impacted by the project. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has

regulatory authority. To qualify as a “qualified easement holder” a private land trust must at a minimum have:

1. Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
2. Adopted the Land Trust Alliance’s Standards and Practices; and;
3. A stewardship endowment fund to pay for its perpetual stewardship obligations.

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project. The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.

Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above, and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

The following factors shall be considered in assessing the quality of potential mitigation habitat: (1) current land use, (2) location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to potential sources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be **considered** “suitable habitat” or “enhanced habitat” as described below:

- Suitable Habitat.* To meet the requirements for suitable habitat that provides equal or greater habitat value for listed animal species than the impacted habitat, the habitat must:
5. Provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;
  6. Not be characterized by (or adjacent to areas characterized by) high densities of invasive plant or animal species, such as yellow star-thistle and bullfrog, or other species that might jeopardize habitat recovery and restoration;
  7. Not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat for special status species survival; and
  8. Not be located on land that is currently publicly held for resource protection.



*Enhanced Habitat.* If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

6. Is within an area with potential to contribute to habitat connectivity and build linkages between populations;
7. Consists of actively farmed land or other land containing degraded habitat that will support enhancement for the special status species;
8. Supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
9. Cannot be located on land that is currently held publicly for resource protection; and
10. Does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

*Enhanced Habitat Standards.* For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of suitable habitat or contain other habitat characteristics (e.g., small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied. If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply.

**Plan Requirements and Timing.** If occupied or presumed occupied CTS and/or CRLF habitat cannot be avoided by project redesign or other measures and if USFWS and CDFW determines that these design features and construction monitoring measures are not sufficient to avoid a “take”, the applicant will be required to provide mitigation for “take” as described below.

The applicant shall consult with USFWS and CDFW to determine the total acreages required to meet all compensatory mitigation obligations, and shall submit this information to County P&D prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. The applicant shall obtain USFWS and CDFW approval of the conservation bank and/or location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of purchase of mitigation credits and/or recorded easement(s) shall be submitted to and approved by the County prior to the issuance of a land use permit. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection.

**Monitoring:** P&D shall review and approve documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS. The applicant shall provide evidence to P&D of (a)

conservation bank credits, or (b) establishment of a permanent conservation easement and maintenance endowment.

9. **B-1(f) Listed Species Habitat Mitigation and Monitoring Plan (HMMP).** If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply. If establishment of conservation easements (on- and/or off-site) pursuant to Mitigation Measure B-1(d) is required, the applicant shall retain a County-approved biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites required for compensation of permanent impacts to CTS and CRLF that are to be enhanced. If required, the HMMP shall be submitted to USFWS and CDFW for their review, then to the County within 12 months after the issuance of the land use permit. The HMMP shall include, at a minimum, the following information:
- A summary of habitat and species impacts and the proposed mitigation for each element;
  - A description of the location and boundaries of the mitigation site(s) and description of existing site conditions;
  - A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
  - Identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
  - A description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
  - A description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management;
  - A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur;
  - A requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least five years post-construction; during this period, regular reporting shall be provided to the County;
  - Reporting shall include:
    - c. An annual monitoring report to be submitted to the County and applicable agencies; and
    - d. Demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that

impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

**Plan Requirements and Timing.** The HMMP shall be submitted to P&D for review and approval within 12 months after issuance of land use permit. If habitat restoration is to take place off-site, the above requirements shall also apply, and, in addition, proof of purchase or an easement controlling off-site acreage shall also be submitted to P&D prior to issuance of land use permits. **Monitoring.** The restoration shall be monitored by a County-approved biologist for five years. P&D shall oversee implementation of the HMMP through periodic monitoring and a final restoration site inspection upon completion.

- 10. B-1(g) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Avoidance and Minimization.** If protocol surveys for CTS and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS and/or CRLF, shall not apply. The following measures shall be implemented during construction of access roads, infrastructure, and development within the RDEs:
- Pre-construction visual surveys for CTS and CRLF shall be conducted where suitable aquatic and upland habitat is present by a county-approved biologist (who can positively identify both species) not more than 48 hours prior to the start of construction activities. The survey area should include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of CRLF or CTS is found within the survey area, the USFWS and CDFW should be consulted to determine the appropriate course of action or the appropriate measures to be implemented in accordance with the Biological Opinion (BO) or Incidental Take Permit (ITP) issued by the USFWS (relevant to CRLF and/or CTS) associated with the project's Habitat Conservation Plan (HCP) and/or the ITP issued by the CDFW (relevant to CTS).
  - Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
  - All development activities occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between May 1 and September 30, to avoid impacts to sensitive aquatic species.
  - To avoid encountering migrating CTS within 1.24 miles of potentially suitable aquatic habitat, construction within upland areas within the range of CTS should be limited to July 15 to October 15. Work should be postponed if chance of rain is greater than 70% based on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work must occur during these conditions, a qualified biologist shall conduct a clearance sweep of work areas prior to the start of work.
  - All work shall occur during daylight hours.

- All projects occurring within or adjacent to habitats that may support CTS or CRLF shall have a County approved biologist present during all initial ground disturbing/vegetation clearing activities.
- No CTS or CRLF shall be captured and relocated without a Project-specific permit from the CDFW (for CTS) and USFWS (for CTS and/or CRLF).
- If at any time during construction a CTS or CRLF enters the construction site or otherwise may be impacted by the project, all construction activities that could affect the species shall cease as determined by a County approved biologist. A County-approved biologist shall document the occurrence and either follow the permit issued or consult with the CDFW and USFWS as appropriate.
- Upon completion of construction all excess materials and debris shall be removed from the project site and disposed of appropriately.
- The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site regularly.
- Pets shall be prohibited at the construction site.
- The work area shall be surrounded by a solid temporary exclusion fence (such as silt fence) that shall be buried into the ground and extend at least three feet above the ground and buried at least 6 inches to exclude CTS and deter CRLF from the work area. The location of the fencing shall be determined by a qualified biologist. The fencing shall be installed during the dry season prior to rain events that may stimulate movement of CTS and CRLF. The fence shall be inspected daily to assure that it is functioning properly to exclude CTS and CRLF from the work area. The fence shall remain in place throughout construction. Access roads shall be temporarily sealed off overnight using a section of fence that is anchored to the ground (e.g., fire hose filled with sand or sand bags can be used to anchor the bottom of the fence or the bottom must be buried). Installation of the exclusion fencing shall be monitored by a County-approved biologist to ensure that it is installed correctly.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills from entering adjacent habitats. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies and workers shall be trained in its use.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel unless previously approved by applicable regulatory agencies.
- All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

- If any CTS or CRLF are harmed, the County-approved biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured CTS or CRLF shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours or as otherwise specified in the project-specific permit.
- To ensure that diseases are not conveyed between work sites by the qualified biologist or the construction workers and equipment, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall have a County-approved biologist to monitor compliance with the above avoidance and minimization measures. The approved biologist shall submit monitoring reports to P&D compliance staff, with copies to USFWS and CDFW as appropriate.

- 11. B-1(h) Species of Special Concern Avoidance and Minimization.** A County-approved biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover Species of Special Concern (western spadefoot, coast range newt, southern western pond turtle, two-striped garter snake, California legless lizard, and Blainville's horned lizard) that may be unearthed by construction activities. Individuals that are unearthed during excavation, if in good health, shall be immediately relocated to a designated relocation area to be determined by a County-approved biologist in coordination with CDFW. Individuals shall be relocated the shortest distance possible in a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. If injured, the animals shall be turned over to a CDFW-approved specialist until they are in a condition suitable for release into the designated release area, or deposited at an approved vertebrate museum. **Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures. Monitoring reports shall be submitted to P&D as well as to USFWS and CDFW on a monthly basis during initial ground disturbing activities.

- 12. B-1(i) Preconstruction Surveys for Nesting Birds.** For construction activities scheduled to occur during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted within the nesting season of the species likely to be present by a qualified biologist no more than 14 days prior to vegetation removal or other construction activities. If no vegetation that could be used for nesting is to be removed as

determined by the County approved biologist, the pre-construction survey shall be conducted no more than 7 days prior to commencement of construction.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified biologist determines that a given nest has failed or that all surviving chicks have fledged.

Potential nesting habitat for the LBV occurring within 500 feet of the disturbance area shall be surveyed by a County-approved biologist for active nests prior to the start of construction activities. Surveys shall be done in accordance with the Least Bells' Vireo Survey Guidelines (USFWS, 2001) or as agreed upon through discussion with the USFWS based upon site conditions at the time of construction. Because a protocol survey for LBV already has been conducted at the property, the nesting survey for LBV may be limited to 2-3 visits after April 10 when nesting could start (with concurrence from USFWS). If an active LBV nest is present, a 500-foot non-disturbance buffer shall be implemented around the nest during the breeding season (April 10 through July 30 or until the nest becomes inactive). The County biologist will monitor the nest to determine when it becomes inactive. Construction activities within 100 feet of the potential LBV nesting habitat where the access road to Lot 3 crosses the Foxen Canyon/Jesus Canyon drainage will be completed outside the breeding season to the greatest extent feasible.

**Plan Requirements and Timing.** These measures are to be implemented during construction. The survey results shall be submitted to P&D prior to land use permit issuance. If active nests are discovered during the surveys, the applicant shall submit status and mitigation measure implementation updates during construction to P&D on a weekly basis while the nests are active. These measures shall be included on all grading, building, and land use plans for the construction of access roads, domestic water system

improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall confirm that the applicant has retained a County-approved biologist to monitor compliance with the above avoidance and minimization measures and that reports are submitted at weekly intervals during construction.

- 13. B-1(j) Burrowing Owl Avoidance and Minimization Measures.** Pre-construction surveys shall be conducted by a County-approved biologist for burrowing owls in accordance with CDFW-adopted survey protocols (California Burrowing Owl Consortium, 1993). This could entail surveys for winter residents in December and January, in addition to peak nesting season (April 15 through July 15) surveys. All suitable habitat, potential or known burrows, or burrowing owls identified within the disturbance footprint and 500 foot buffer shall be assessed and mapped. Survey results will be valid only for the season during which the survey is conducted. Surveys shall cover all suitable habitat within the disturbance footprint plus a 500-foot buffer where safely accessible. If no burrowing owls or habitat are detected, no further action is required.

If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be counted, mapped as stated above, and avoided by establishing a buffer around the occupied burrow(s). The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no ground disturbance activities shall occur within this buffer until the County-approved biologist has determined that the burrow is no longer occupied based on regular monitoring. If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with guidance from the CDFW. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically outside of the period between April 15 and July 15). Passive relocation may involve installation of one-way doors at burrow entrances for a minimum of five days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. The biologist implementing the above mitigation measure must also submit documentation of coordinating this effort with P&D prior to implementation. . The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. The results of the pre-construction surveys and any passive relocations shall be submitted to P&D staff prior to Land Use Permit issuance. A report on the implementation of impact avoidance measures used shall be submitted to P&D upon completion of the construction project. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance. The approved biologist shall submit monitoring reports to P&D staff.

- 14. B-1(k) American Badger Avoidance and Minimization Measures.** A minimum of two weeks prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by an approved biologist (a biologist familiar with, including identification of, the wildlife species in the region). Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the proposed area of disturbance shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for three (3) to five (5) days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project site, the dens would be collapsed by hand with a shovel.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. A report of the results of the badger survey shall be submitted to P&D for review and approval prior to Land Use Permit issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D will review and approve the reports. A County-approved biologist shall be present during the initial ground-disturbing activity.

- 15. B-1(l) San Diego Desert Woodrat Avoidance and Minimization Measures.** Not more than two weeks prior to the initiation of ground disturbing activities and/or vegetation removal, a County-approved biologist shall conduct a pre-construction survey, as well as surveys and/or monitoring during initial disturbance of potential San Diego desert woodrat habitat. If San Diego desert woodrat nests are discovered and are determined to be impacted by the project, the nests shall be relocated under the guidance and supervision of a County-approved biologist. Prior to relocation, the nest shall be agitated to encourage any woodrats occupying the nest to leave. Once the County-approved biologist is satisfied that the nest is unoccupied, the nest materials shall be placed outside of the impact area. The spacing between relocated nest materials or between relocated nest materials and existing stick nests shall not be less than 25 feet. Due to the potential for hazardous health conditions associated with the relocation of woodrat nests,



procedures to minimize risk of contracting diseases associated with woodrats and woodrat nests needs to be addressed prior to relocation activities.

**Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D and CDFW, and a report of the results of the relocation efforts shall be submitted to P&D and CDFW for review prior to Land Use Permit issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water supply improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance.

16. **B-1(m) California Legless Lizard, Blainville’s Horned Lizard, Two-Striped Garter Snake, Western Spadefoot, and Coast Range Newt Pre-Construction Survey.** Not more than two weeks prior to initiation of ground disturbing activities and vegetation removal, a County-approved qualified biologist shall conduct a pre-construction survey for California legless lizard, Blainville’s horned lizard, two-striped garter snake, western spadefoot and coast range newt. The survey area should include the project site and all proposed ingress/egress routes, plus a 100-foot buffer. Surveys for California legless lizards shall include raking of leaf litter under shrubs and trees in suitable habitat within the disturbance footprint to a minimum depth of eight inches.

If these species are found and individuals are likely to be killed or injured by construction activities, a County-approved qualified biologist shall be allowed sufficient time to capture and relocate the animals from the project site before construction activities begin. Suitable relocation sites for release of captured animals shall be identified prior to commencement of construction activities and approved by the County and CDFW. If California legless lizards are captured they shall be placed into containers with sand or moist paper towels and released in the pre-determined, County-approved off-site location for release of captured individuals within three hours of capture. The County-approved biologist shall relocate individuals the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. The biologist should monitor during construction to ensure that none return to the construction area. To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys and any relocations. Proposed relocation areas shall be identified and approved by P&D

and submitted to CDFW prior to the issuance of a Land Use Permit. The above measures shall be included on all land use, grading, and building permits and plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. A report of the results of the capture and relocation efforts shall be submitted to P&D and CDFW for review prior to Land Use Permit issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals.

**17. B-1(n) Southern Western Pond Turtle Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- A County-approved biologist shall conduct a pre-construction survey a minimum of two weeks prior to commencement of construction activities, as well as surveys and/or monitoring during initial disturbance of potential southern western pond turtle habitat. In order to detect southern western pond turtle nests the County-approved biologist shall lightly rake the soil within potential nesting habitat in a careful manner in order to avoid damaging eggs. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any southern western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. See below for procedure on discovery of a clutch.
- If possible, schedule construction activities within suitable habitat outside of the typical nesting season for southern western pond turtle (April-August [Stebbins, 2003]). If work is conducted within the nesting period and a southern western pond turtle egg clutch is discovered during pre-construction surveys, the location shall be surrounded with high visibility fencing under the guidance of a County-approved qualified biologist. The nest shall be avoided during construction until a County-approved biologist determines that the clutch has hatched and left the nest. The CDFW shall also be contacted to provide additional guidance in the event that a southern western pond turtle nest is discovered. If during construction, a southern western pond turtle nest is discovered, construction shall cease immediately upon the discovery and the qualified biologist notified. The same procedure described above shall then be applied.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior

to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to the issuance of a Land Use Permit for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building, and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals. P&D shall review the reports for compliance.

**18. B-1(o) Western Red Bat Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- If possible, removal of suitable roosting trees shall be avoided during the time when western red bats may occupy their winter range (September – May).
- For construction activities occurring at a time when western red bats may occupy their winter range (September – May) surveys for roosting western red bats shall be conducted by a County-approved qualified biologist in suitable habitat no more than 14 days prior to the initiation of ground disturbing activities and/or vegetation removal. The surveys shall include the entire area of disturbance and focus on the trees located within the impact area. If active roosts are located, the locations shall be mapped, and a buffer ranging in size from 100 to 500 feet around the roost within the project site shall be determined and demarcated by the biologist with bright orange construction fencing. No construction activities shall occur within this buffer zone until May 1 or until a qualified biologist confirms that the bats have left the roost and it is no longer active.
- If night time construction work is required, night time work shall be kept to a minimum and lighting used shall be as dim as legally possible, and should be directed to where it is needed to avoid light spillage and any upward lighting should be minimized.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D for review and approval prior to the issuance of a Land Use Permit for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building, and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and P&D will review and approve the reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within the buffer zone around roosting habitat.

19. **B-1(p) Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization) within the buffer zone, all personnel associated with project construction shall attend WEAP training, conducted by a County-approved qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the special status plant and animal species and sensitive plant communities or habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. Additional training sessions will be conducted for new work crews as they come to the construction site.

**Plan Requirements and Timing.** P&D shall be notified by the applicant of the date and time the training is scheduled so that they may attend. Fact sheets shall be reviewed and approved by P&D prior to the approval of a Land Use Permit for construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall ensure that worker trainings occur prior to the initiation of ground disturbance and construction activities as well as during construction as needed.

20. **B-2(a) Sensitive Plant Community Avoidance and Mitigation.** Impacts to sensitive plant communities shall be avoided to the extent feasible through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid the resource. Bright orange construction fencing shall be placed a minimum of 30 feet outside the edge of areas of sensitive plant communities that will be retained prior to any initiation of ground disturbance activities and shall remain in place until construction is complete. No vehicles, person, materials, or equipment will be allowed in protected areas. Grading plans shall show the location of these sensitive plant communities and protective fencing.

If the applicant determines sensitive plant communities, as defined in the Manual of California Vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) and the list of Vegetative Alliances and Associations (CDFW 2010), cannot be avoided, impacts shall be mitigated on-site at a ratio of 2:1 for impacted sensitive plant communities (area restored for area lost). The location of restoration shall be determined by a County-approved biologist. On-site restoration is preferable, however the County may approve off-site restoration if the applicant can demonstrate to the County's satisfaction that restoration on-site cannot be achieved. The restoration shall include locally-obtained native species approved by the County. A Sensitive Plant Community Restoration Plan shall be developed by a County-approved biologist pursuant to the requirements listed in Mitigation Measure B-2(b) below.

To mitigate for effects on sensitive plant communities from the project, the applicant shall hire a qualified biologist to develop a Sensitive Plant Communities Restoration Plan with the goal of restoring impacted sensitive habitats at a minimum ratio of 2:1 onsite (area restored to area impacted) per the requirements below. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to sensitive plant communities and the subsequent amount of acreage needed for restoration for the project. The restoration plan shall be implemented for a period of not less than five years, or until restoration has been completed successfully in conformance with the success criteria stated below. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is determined as unachievable to the satisfaction of the County, as long as the off-site proposals result in equal compensatory value. Replacement ratios for off-site mitigation may be different than those required for onsite mitigation. The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by plant community);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of sensitive plant communities to be established, restored, enhanced, and/or preserved; specific functions and values of plant communities to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent of the prescribed number of container plants and 30 percent relative cover by vegetation type, or success criteria can be based on quantitative sampling of restoration sites compared with quantitative sampling of reference sites established prior to disturbance. If sampling is used to establish success criteria, the sampling method must be a scientifically valid published method suitable for evaluating vegetation. To achieve success, data must illustrate the restoration site is comparable or better than reference site conditions within ten percent of total cover of the reference area plots or transects, within ten percent of or exceeding absolute native cover of the reference plots or transects, and within ten percent of or less of non-native cover in the reference plots or transects. Additionally,

restoration sites must meet the membership rules in the Manual of California vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) for the type being established;

- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Documentation of completion of compensatory mitigation to relevant agencies, including the County of Santa Barbara; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** Grading plans showing the location of sensitive plant communities, as well as the Sensitive Plant Communities Restoration Plan shall be submitted to P&D for review and approval prior to approval of land use permits for grading for access road improvements, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs.

**Monitoring.** A County-approved biologist shall inspect the site prior to initiation of ground disturbance activities, and shall inspect the site a minimum of once per week to ensure protective fencing is in place and shall provide the documentation described above. P&D staff shall oversee implementation of the Sensitive Plant Communities Restoration Plan.

**21. B-2(b) Invasive Weed Prevention Best Management Practices.** The following shall be implemented to prevent the introduction of invasive weed species:

- During construction, the applicant will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or other similar substances.
- Vehicles, equipment, and worker shoes and clothing must be free of weed seeds and caked-on soil when mobilized onto the site to minimize potential for introduction of invasive species.
- To avoid the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction. Topsoil containing weed seeds that cannot be re-deposited on site must be transported to a certified landfill for disposal if the soil is removed from Rancho La Laguna.
- The erosion control/ restoration plans for the project must emphasize the use of native species that are expected to occur in the area and that are considered suitable for use at the project site.
- All erosion control materials including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
- Exotic and invasive plant species will be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures.

22. **B-2(c) Biologist Review of Landscape Plans.** Landscape plans for future development shall be reviewed and approved by a County-approved biologist. The applicant shall use primarily native, locally collected plant species for landscaping purposes. The use of non-native invasive species shall be prohibited. **Plan Requirements and Timing.** The plans shall be approved by County staff prior to approval of land use permits for future residential development. **Monitoring.** P&D permit compliance shall monitor implementation in the field.
23. **B-3(a) Avoidance of Impacts to Drainages.** Impacts to drainages shall be avoided through the use of span bridges or other crossing options that would not disturb the bed and bank. Construction of crossings shall occur during the low-flow period of the year when water within drainages is minimal or absent. In addition, all utilities shall either be attached to the underside of crossing structures or shall be drilled under the creek beds such that trenching through drainages is avoided. If utilities are drilled or bored under the creek beds, the chosen construction method shall be evaluated to determine if there is a risk of frac-out. If so, a County-approved biologist shall be present during crossing construction as well as when drilling beneath the creek bed, if this method is chosen, to ensure that frac-out (excessive drilling pressure causing drilling mud to breach the surface) does not occur.

**Plan Requirements and Timing:** The applicant shall submit bridge designs and copies of the SAA, 401 Certification or Waste discharge requirements, or Section 404 permit (if applicable) and restoration plan (if applicable) to P&D prior to land use permit approval for any drainage crossing. **Monitoring.** P&D shall oversee implementation of the applicable permits and restoration plan as well as shall inspect the bridge to ensure compliance. A County-approved biologist shall monitor all bridge construction and utility installation activities.

24. **B-3(b) Wetland and Drainage Mitigation.** If avoidance of impacts to jurisdictional wetlands and drainages is determined to the satisfaction of the County as unachievable, impacts shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted), and shall occur on-site or as close to the impacted habitat as possible. Upon final design of the access roads, domestic water system improvements including utility lines, drainage crossings, and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the anticipated impacts to jurisdictional wetlands and drainages and the vegetation associated with them. This estimate will be confirmed or adjusted at the end of construction to update the subsequent amount of acreage needed for restoration for the project. A mitigation and monitoring plan shall be developed by a County-approved biologist in accordance with Mitigation Measure B-2(a) above and shall be implemented for no less than five years after construction, or until the local jurisdiction

and/or the permitting authority (e.g., USACOE) has determined that restoration has been successful.

**Plan Requirements and Timing.** The applicant shall submit the restoration plan to P&D for review and approval prior to approval of land use permits for RDE development as well as domestic water system improvements including utility lines, access roads, and infrastructure construction. **Monitoring.** P&D staff shall ensure that the proposed development avoids impacts to jurisdictional areas or that impacts are properly mitigated.

- 25. B-3(c) Jurisdictional Delineation.** If impacts to wetlands and drainages from roadway crossings cannot be avoided and occur within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACOE, and/or RWQCB, the applicant shall retain a qualified biologist to complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency and the County. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency, USACOE, RWQCB, and CDFW, as appropriate, for review and approval. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDR) permit and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. If the USACOE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required. **Plan Requirements and Timing.** The applicant shall submit a Jurisdictional Delineation Report to P&D prior to approval of land use permits. **Monitoring.** P&D shall ensure that a jurisdictional delineation is completed.
- 26. B-3(d) Agency Coordination.** Impacts to drainages as a result of access roads and infrastructure may require permits from USACOE, RWQCB, and CDFW. The applicant shall obtain correspondence from applicable state and federal agencies regarding compliance of the proposed development with state and federal laws, if applicable. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits. **Monitoring.** P&D shall review agency correspondence and shall ensure that the project meets any requirements outlined by the agencies.
- 27. B-3(e) Jurisdictional Areas Best Management Practices During Construction.** The following best management practices shall be required for construction within or adjacent to jurisdictional areas:
- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal



- and state) including locating access routes and ancillary construction areas outside of jurisdictional areas.
- To control erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project.
  - Project activities within the jurisdictional areas should occur during the dry season (typically between May 1 and September 30) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.
  - During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
  - All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
  - Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.
  - All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

**Plan Requirements and Timing.** These measures are to be implemented during construction and shall be included on all land use, grading, and building plans.

**Monitoring.** The applicant shall retain a County-approved biologist to monitor compliance with the above measures.

- 28. B-4(a) Oak Tree Avoidance and Protection.** The applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved biologist and/or arborist designed to protect existing oak trees through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid this resource. Protected oak trees to be considered shall be those species and sizes specified in Tree Protection Development Standards 1 and 2 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County. The applicant shall modify proposed development to either incorporate and/or avoid these protected oak trees. The following shall be implemented to protect existing oak trees:

- Prior to the onset of any construction activities highly visible orange construction fencing shall be installed around existing protected oak tree stands and individuals

that are to be retained at a buffer/extent radius of six feet beyond the canopy dripline, wherever the topography allows for such fencing or otherwise marked in the field to protect them from harm during development of the RDEs as well as access road and infrastructure construction.

- No construction equipment shall be parked, or stored within 25 feet of any oak tree dripline that is not proposed for removal, i.e., retained oaks. Construction activities within 25 feet of protected oak trees shall be the minimum necessary. The Tree Protection Plan shall specify all situations in which activities must be monitored by a County-approved biologist or arborist.
- No fill soil, rocks, or construction materials shall be stored or placed within 25 feet of the dripline of a specimen protected oak tree.
- No artificial surface, pervious or impervious, shall be placed within 25 feet of the dripline of any protected oak tree, except for County-approved project access roads.
- Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a County-approved arborist/biologist.
- Any trenching or ground disturbing construction activity required within three feet of protected (i.e. retained) oak tree's dripline shall be done with hand tools.
- No permanent irrigation shall occur within the dripline of any existing protected oak tree.
- Only designated oak trees shall be removed. All grading and construction plans shall clearly delineate those trees to be removed and those to remain.

**Plan Requirements and Timing.** The applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all TPP components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. The applicant shall comply with this measure prior to approval of a land use permit. Plan components shall be included on all plans prior to the issuance of grading permits. The applicant shall install protected oak tree protection measures onsite prior to issuance of grading/building permits and pre-construction meeting. **Monitoring.** The applicant shall demonstrate to P&D staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to final building inspection clearance.

- 29. B-4(b) Tree Replacement Plan.** If development within RDEs or construction of proposed access roads or infrastructure must remove protected oak trees specified as those species and sizes described in Tree Protection Development Standards 1, 2, or 3 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County, a Tree Replacement Plan shall be prepared by a certified arborist, qualified biologist with restoration experience, or landscape architect. The tree replacement plan shall be designed to replace protected oak trees removed by the proposed project at a ratio of 10:1 (trees planted: trees impacted). Replacement plantings shall rely on locally obtained protected oaks of the same species

as the trees removed. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to protected oak trees and the subsequent number of replacement plantings needed for restoration for the project. Replacement trees shall be installed on-site or at an approved off-site location. Monitoring of planted trees shall be for a minimum of five years or until stasis has been determined by a County-approved arborist or biologist. The plan shall include the following components at a minimum:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project;
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used and container sizes]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, number of trees to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of 80 percent of prescribed number of container plants;
- Replacement trees must survive in good health for at least one year without supplemental irrigation prior to completion;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** The Oak Tree Replacement Plan shall be submitted to P&D for review and approval prior to approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. Oak tree mitigation planting for development within RDEs shall be incorporated into landscaping plans for individual lots, where feasible. The applicant shall post a performance security to ensure installation and maintenance for a minimum of five years prior to land use permit issuance. **Monitoring.** The applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to final inspection clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all

items in approved plans and maintenance security upon successful implementation of this plan.

- 30. B-5 Maintain Connectivity in Drainages.** No permanent structures shall be placed within the channel that would impede wildlife movement (i.e., the preference is that no hardened caps, pipelines, or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage). In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded wildlife passage through the area once the work has been complete. **Plan Requirements and Timing.** Final crossing and utility plans shall be provided to County P&D for approval prior to the approval of land use permits for grading. **Monitoring.** P&D staff shall conduct an inspection upon completion of construction to ensure compliance.
- 31. B-6(a) Buffer from Special Status Habitat or Sensitive Plant Communities.** All future residences, guest houses and other habitable structures must be positioned so that the 100-foot fuel modification zones (30 feet for native grasslands) will not encroach within special status species habitat or sensitive plant communities as depicted on Figure 4.4-1 and 4.4-2a through 4.4-2c and listed in Table 4.4-4 of the EIR, and as determined in the field by a County-qualified biologist at the time of future development. Based on the field survey and vegetation maps, fuel management activities shall not encroach into special status species habitat or sensitive plant communities. **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 included on all building and grading plans submitted for future residential development. **Monitoring.** P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum buffer requirements. Permit Compliance shall site inspect during construction of future structures to ensure compliance.
- 32. B-6(b) Fuel Management Plan.** The applicant shall prepare a Fuel Management Plan to ensure that avoidance is accomplished and to ensure that fuel management is balanced with special status species habitat or sensitive plant community protection. 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 special-status plant species habitat and sensitive plant communities.
  - The plan shall depict fuel management zones (i.e., Zone 1, 2, and 3) wherever required and shall include specific special status species habitat or sensitive plant communities protection and fuel management measures to be used in each management zone and for each plant community. Onsite vegetation management shall be limited to the zones and clearance requirements/percentages conceptually described.

- Impacts to sensitive plant communities 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 in sensitive plant communities 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 (April 1 to August 15).

**Plan Requirements and Timing.** The Fuel Management Plan shall be reviewed and approved by P&D prior to approval of land use permits for future residential development. Site plans shall show any proposed fuel management zones and measures to protect any special status species 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.

### Cultural Resources

33. **CR-2. Stop Work at Encounter.** The applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. Cultural resource remains may include artifacts, shell, bone, features, foundations, and trash pits, etc. The applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with County Cultural Resource Guidelines provisions for Phase 2 and Phase 3 investigations. **Plan Requirements and Timing.** This condition shall be printed on all building and grading plans. **Monitoring.** P&D staff shall check plans prior to approval of land use permit for grading and subdivision improvements, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

### III. CONDITIONS UNIQUE TO CONDITIONAL USE PERMITS

34. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required zoning clearance within 10 years following the effective date of this Conditional Use Permit. If the required zoning clearance is not issued within the 10 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 35.84.030 of the County Land Use and Development Code 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.
35. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030

of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any zoning clearance 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. [LUDC §35.82.060 & §35.84.060].

36. **Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
37. **Rules-21 CUP Revisions-Change of Use.** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.

#### IV. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

38. **Rules-01 Effective Date-Not Appealable to CCC.** This Conditional Use Permit shall become effective upon the date of 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 final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
39. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
40. **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.
41. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
42. **Rules-23 Processing Fees Required.** Prior to issuance of zoning clearance the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.

- 43. Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated December 8, 2015
  - b. Fire Department dated January 12, 2017
  - c. Flood Control Water Agency dated January 9, 2017
  - d. Environmental Health Services dated December 27, 2016
- 44. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 45. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  - b. Pay fees prior to zoning clearance issuance 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;
  - c. Note the following on each page of grading and building plans “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Final Environmental Impact Report 16-EIR-01;
  - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 46. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant

shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

47. **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.
48. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts/measures are imposed.

## V. PROJECT SPECIFIC CONDITIONS

49. **Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. 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 re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/streams, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP 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 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall



be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

**50. WatConv-01 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

- a. 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.
- b. Apply concrete, asphalt, and seal coat only during dry weather.
- c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
- d. 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.

**PLAN REQUIREMENTS:** The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans. **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.

**51. WatConv-03 Erosion and Sediment Control Re-vegetation.** The Owner/Applicant shall re-vegetate graded areas upon 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:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

**52. WatConv-04 Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) within the designated Residential Development Envelope to contain spills, facilitate clean-up and proper disposal and

prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, water body or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all land use, grading, and building and safety plans. **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.

- 53. WatConv-05 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 daily. The area shall be located at least 100 feet from any storm drain, water body or sensitive biological resources. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all land use, grading, and building permit plans. **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.



Santa Barbara County  
Air Pollution Control District

December 8, 2015

John Zorovich  
Santa Barbara County  
Planning and Development  
624 W. Foster Road  
Santa Maria, CA 93455

Re: APCD Suggested Conditions on Rancho La Laguna Tentative Tract Map, 06TRM-00000-00002

Dear Mr. Zorovich:

The Air Pollution Control District (APCD) has reviewed the referenced project, which consists of the subdivision of an existing 3,951-acre property into 13 lots ranging in size from 1.60 acres to 605 acres. Each lot would have a residential development envelope (RDE), within which all future residential development would be confined, including all residential accessory development. Agricultural structures, including agricultural worker dwellings, would be located outside the RDEs. The subject property, a 3,951-acre parcel zoned AG-II-100 and identified in the Assessor Parcel Map Book as APN 133-080-026, 133-080-036, and a portion of 133-080-037, is located at the intersection of Alisos Canyon Road and Foxen Canyon Road in an unincorporated rural area in northern Santa Barbara County.

Air Pollution Control District staff offers the following suggested conditions on future development of the proposed lots within the proposed Tentative Tract Map, as they are applicable:

1. Standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of grading/building permit issuance.
2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of particulate matter from diesel equipment as well as of ozone precursors.
3. Prior to building permit issuance, APCD Authority to Construct permits must be obtained for all equipment that requires an APCD permit. Proof of receipt of the required APCD permits shall be submitted by the applicant to planning staff. APCD Authority to Construct permits are required for diesel engines rated at 50 bhp and greater (e.g., firewater pumps and emergency standby generators) and boilers/large water heaters whose combined heat input rating exceeds 2.0 million BTUs per hour.
4. All portable diesel-fired construction engines rated at 50 bhp or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to grading/building permit issuance. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.

Louis D. Van Mullem, Jr. • Air Pollution Control Officer  
260 North San Antonio Road, Suite A • Santa Barbara, CA • 93110 • 805.961.8800  
OurAir.org • twitter.com/OurAirSBC

5. Spark ignition piston-type internal combustion engines (e.g., gasoline or propane-fired) used exclusively for emergency electrical power generation or emergency pumping of water for flood control or firefighting are exempt from permit requirements pursuant to APCD Rule 202, Section F.1.d., provided the engine operates no more than 200 hours per calendar year and a record is maintained and is available to the District upon request. The record shall list the identification number of the equipment, the number of operating hours on each day the engine is operated and the cumulative total hours.
6. All agricultural diesel engines rated at 50 brake-horsepower or greater must be registered with the APCD. Please refer to APCD's website at [www.ourair.org/ag-diesel-registration/](http://www.ourair.org/ag-diesel-registration/) for additional information.
7. Advisory: The applicant should determine whether any structure(s) proposed for demolition or renovation contains asbestos that is friable or has the potential to become friable during demolition or disposal. If any structure does contain friable asbestos, the asbestos should be removed by a contractor that is state certified for asbestos removal. For additional information regarding asbestos in construction, please refer to APCD's website at [www.ourair.org/asbestos/](http://www.ourair.org/asbestos/).
8. Prior to building permit issuance, the proposed winery shall apply for, and obtain, either written permit exemptions or Authority to Construct permits from the APCD for winery-related equipment (fermentation and storage tanks, emergency/standby generators, fire water pumps and boilers) as required by APCD Rules and Regulations. The application forms can be downloaded from [www.ourair.org/wineries/](http://www.ourair.org/wineries/). Proof of receipt of the required APCD permit or permit exemption shall be submitted by the applicant to planning staff. *The APCD permit process can take several months. To avoid delay, the applicant is encouraged to submit their Authority to Construct permit application to the APCD as soon as possible.*
9. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 Btu/hr and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of APCD Rule 352. Please see [www.ourair.org/wp-content/uploads/rule352.pdf](http://www.ourair.org/wp-content/uploads/rule352.pdf) for more information.
10. Small boilers and water heating units (rated between 75,000 and 2.0 million Btu/hr) must comply with the emission limits and certification requirements of APCD Rule 360. Combinations of units totaling 2.0 million Btu/hr or greater are required to obtain a District permit prior to building permit issuance. Please see [www.ourair.org/wp-content/uploads/rule360.pdf](http://www.ourair.org/wp-content/uploads/rule360.pdf) for more information and a list of certified boilers (note: any units fired on fuel(s) other than natural gas must be certified by the SBCAPCD on a case-by-case basis, even if the unit is certified when fired on natural gas).
11. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list should be applied to the project:
  - Energy use (energy efficiency, low carbon fuels, renewable energy)
  - Water conservation (improved practices and equipment, landscaping)
  - Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
  - Architectural features (green building practices, cool roofs)

12. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8893 or via email at [NightingaleK@sbcapcd.org](mailto:NightingaleK@sbcapcd.org).

Sincerely,



Krista Nightingale,  
Air Quality Specialist  
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: Susan F. Petrovich, Brownstein Hyatt Farber Schreck  
TEA Chron File



ATTACHMENT A  
FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems 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 should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- If importation, exportation and stockpiling of fill material is 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 tarped from the point of origin.
- Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by 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 offsite. 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 Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure:

**Plan Requirements:** All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

**MONITORING:** Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



ATTACHMENT B  
DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

**Plan Requirements:** Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

**MONITORING:** Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

# MEMORANDUM

DATE: January 12, 2017

TO: Dana Eady  
Planning and Development  
Santa Maria

FROM: Glenn Fidler, Captain  
Fire Department



SUBJECT: APN: 133-080-036/-026/-037 Permit: 06TRM-00002, TRM 14,709  
Site: 10550 Foxen Canyon Road, Santa Ynez  
Project: 13 Lot Subdivision, Tentative Tract Map, Rancho Laguna

*This Condition Memorandum Supersedes the Previous Condition Memorandum Dated July 22, 2009*

---

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

## THE FOLLOWING CONDITIONS ARE FOR THE TRACT MAP

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause modifications to these conditions.

### PRIOR TO MAP RECORDATION THE FOLLOWING CONDITIONS MUST BE MET

1. All access ways to all buildable envelopes shall be installed and made serviceable or bonded for.
  - Access shall be as shown on plans received July 2, 2009.
  - Roads and driveways shall be designed and maintained to support the imposed loads of fire apparatuses at time of installation and shall be provided with a surface as to provide all-weather driving capabilities.
  - Road and driveways shall be capable of supporting a 75,000 pound vehicle per the California Code of Regulation, Title 14.
  - Surface shall be all-weather or paved.
  - All portions of the access exceeding 10 percent in slope shall be paved.
  - All portions of the access exceeding 15 percent in slope shall be engineered concrete.
  - Maximum allowable grade for access way shall not exceed 20 percent in slope.
  - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any existing building.
  - Dead-end access exceeding 150 feet shall terminate with a Fire Department approved turnaround.
  - A minimum of 15 feet of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.



- Access plans shall require civil engineering design and installation certification.
  - Reference Santa Barbara County Fire Department Development Standard #1.\*
2. Bridges are required for this project. Bridges shall conform to the following standards.
- Bridges shall be installed and made serviceable or bonded for.
  - Bridges shall have a minimum rated load-bearing capacity equal to the access ways.
  - Bridge width shall be equal to approved access width.
  - Plans shall be certified and stamped by a civil engineer as meeting all applicable standards for load bearing capacity and construction.
  - Bridge plans shall be approved by the Fire Department prior to installation.
  - Both ends of bridge shall have signage indicating load-bearing capacity.
  - Lettering and numbers shall be a minimum height of three inches, reflective, and a color contrasting to the background color.
  - Signage shall be elevated at least three feet from the ground and shall be visible from the access road when traveling in either direction.
  - Bridge railings shall not exceed three feet in height.
  - Reference Santa Barbara County Fire Department Development Standard #1.
  - All other aspects of bridge construction, including certification, shall conform to standards set forth by the Santa Barbara County Public Works Department, Road Division.
3. A road name will be required for this project
4. Forty foot (40') easements shall be properly shown for each buildable envelope.

These conditions apply to the project as currently described. Future changes, including, but not limited to further division, change or occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change

#### ADVISORY

5. Proposed lot 6 shall retain the address 10550 Foxen Canyon Road.

#### THE FOLLOWING CONDITIONS FOR FUTURE DEVELOPMENT ARE ADVISORY AT THIS TIME

We submit the following with the understanding that the Fire Protection Certificate application(s) may involve modifications, which may determine additional conditions.

#### PRIOR TO BUILDING PERMIT ISSUANCE THE FOLLOWING CONDITIONS MUST BE MET

6. A Fire Protection Certificate shall be required for each structure.
7. Recorded addressing is required by the fire department.

8. Plans for a stored water fire protection system shall be approved by the fire department.
  - Actual water storage quantity shall be determined at time of development
  - If a water system is developed which serves five or more parcels, a mutual water company shall be formed and the fire protection system shall comply with Title 10 of the California Code of Regulations.
9. Access plans shall be approved by the Fire Department.

**PRIOR TO CONSTRUCTION OF THE STRUCTURE(S)  
THE FOLLOWING CONDITIONS SHALL BE MET**

10. All access ways shall be installed, made serviceable and maintained for the life of the project.
  - Fire Department inspection required.
  - Access ways shall require civil engineering design and installation certification.
11. The water fire protection system shall be installed, made serviceable and maintained for the life of the project.
  - Fire Department inspection required.
12. Create a defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structures and any existing structures on this property.
  - Fire Department inspection required.
  - Reference Santa Barbara County Fire Department Development Standard #6\* and Defensible Space Check List.
13. Street sign(s) shall be installed.
  - The private road flag shall be blue with white letters.
  - The public road flag shall be brown with white letters.
  - Reference Santa Barbara County Engineering Design Standards, Standard Details 6-060.

**PRIOR TO OCCUPANCY CLEARANCE  
THE FOLLOWING CONDITIONS SHALL BE MET**

14. Propane tanks must be installed per current adopted California Fire Code.
15. An automatic fire sprinkler system shall be installed in all structures except exempt U occupancy structures.
  - Fire sprinkler plans shall be approved by the Fire Department prior to installation.
  - Reference Santa Barbara County Fire Department Standard #4.\*
16. Access way entrance gates shall conform to Fire Department requirements.
17. When access ways are gated, a Fire Department approved Knox locking system shall be installed. Reference Santa Barbara County Development Standard #7.\*

18. The applicant will be required to pay Fire Department Development Impact Mitigation Fees. In accordance with Chapter 15 of the Santa Barbara County Code, the fee shall be computed per square foot of occupied space in each new building.

- Payment shall be made according to the schedule of fees in place on the date fees are paid.
- Contact the fire department for current fee information.\*

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:mkb/sss

\*Information is posted at [sbcfire.com](http://sbcfire.com). Select "Planning and Engineering (Development)" under the Doing Business Section. To have information provided, telephone 805-681-5523.



Santa Barbara County Public Works Department  
Flood Control & Water Agency & Project Clean Water

01/09/2017

Dana Eady, Planner  
County of Santa Barbara  
Planning & Development Department  
624 W. Foster Rd.  
Santa Maria, CA 93455

Re: 06TRM-00000-00002; Rancho La Laguna Tract Map  
APN: 133-080-026/036/037; Santa Ynez

Dear Ms. Eady:

This condition letter supersedes the previously issued letter dated August 15, 2006.

The District has no conditions on the subject project tract map.

The District recommends that prior to the approval of a land use permits for new development on any of the lots created by this tract map shall be subject to the following conditions:

1. General

- a. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Approval dated January 2011 (<http://www.countyofsb.org/uploadedFiles/pwd/Water/Development/StdConditionsJan2011.pdf>)
- b. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions of Approval.

2. Design

- a. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code.
- b. The applicants for projects within these three existing parcels shall submit all improvement plans, grading plans, drainage plans, drainage studies, and landscape plans for each project to the District for review and approval.
- c. For Projects within the FEMA marked Special Flood Hazard Area
  - i. A narrow strip of zone A is marked over two existing parcels.
  - ii. A Base Flood Elevation (BFE) must be established by the applicant and approved by the District for projects within Zone A.

C:\Users\memendoza\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WNJGOTIG\06TRM-00000-00002cnd.doc

Scott D. McColpin  
Public Works Director

Naomi Schwartz Building  
130 E. Victoria Street, Suite 200, Santa Barbara, California 93101  
PH: 805 568-3440 FAX: 805 568-3434 <http://cosb.countyofsb.org/pwd/water/>

Thomas D. Fayram  
Deputy Public Works Director

- d. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies.
- e. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc.

3. Prior to Occupancy Clearance

- a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
- b. The applicant shall submit an Elevation Certificate (FEMA Form 81-31) to the District's Floodplain Manager for all structures located in the Special Flood Hazard Area.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION  
DISTRICT

By: Y. Thierumaran  
Yoganathan Thierumaran, P.E.  
Development Review Engineer

Santa Barbara County  
**PUBLIC Health**  
DEPARTMENT



Environmental Health Services

225 Camino del Remedio • Santa Barbara, CA 93110  
805/681-4900 • FAX 805/681-4901

Takashi M. Wade, MD, MPH Director  
Suzanne Jacobson, CPA Chief Financial Officer  
Susan Klein-Rothschild, MSW Deputy Director  
Douglas Metz, DPM, MPH Deputy Director  
Polly Baldwin, MD, MPH Medical Director  
Charity Dean, MD, MPH Health Officer

2125 S. Centerpointe Pkwy. #333 • Santa Maria, CA 93455-1340  
805/346-8460 • FAX 805/346-8485

Lawrence Foy Director of Environmental Health

TO: Dana Eady, Planner  
Planning & Development Dept.  
Development Review Division

From: David Brummond  
Environmental Health Services

Date: December 27, 2016

Subject: Case No. 06 TRM 00000-00002 / TM14,709 Los Alamos Area

Applicant: Rancho La Laguna LLC  
La Laguna Ranch Company LLC

Assessor's Parcel No. 133-080-026, 133-080-036 – 037

Zoned: AG II-100 Located at 10550 Foxen Canyon Rd.

Case No. 006TRM-00000-00002/TM 14,709 is a request to subdivide 3 existing parcels (133-080-026, 133-080-036 & 133-080-037) into 13 proposed lots. The proposed lots would range from 142 acres to 604 acres in size. Residential development envelopes (RDEs) have been designated on each of the proposed lots.

Domestic water is proposed to be provided by a State Small water system utilizing an existing well that is located on proposed lot 4. Sewage disposal would be provided by private septic systems.

Environmental Health Services (EHS) has been provided soil borings and percolation test results for each of the proposed parcels. Those test results indicate perc rates ranging from extremely fast to essentially impermeable. However, due to the large size of the proposed parcels, it is reasonable to conclude that onsite wastewater treatment systems could be installed on each lot.

EHS has been provided a copy of the Water Well Completion report for the source of potable water for the water system. The well produces an adequate volume of water for the proposed development.

Dana Eady  
06-TRM-00002 / TM14,709  
December 27, 2016  
Pg. 2

In 2006, when the well was drilled and developed, a laboratory analysis conducted at the time indicates that the water appears to meet all primary (health related) drinking water standards but does not meet all secondary (non health related) standards due to excess concentrations of iron. However, a standard for Chromium 6 has been codified since the initial water analysis. Consequently, the water must be sampled again to determine compliance with all primary standards. In addition, this analysis is ten years old and as a result of the current drought, the water quality may have changed. Consequently, a complete, updated water quality analysis will be necessary.

The applicant has provided EHS with a preliminary engineering report for a single water system to provide domestic water to all 13 parcels. While a State Small Water System is feasible, due to the large size of the parcels involved and the length of the water lines that would be required to serve each parcel, it may not be advisable. While EHS was only provided data for a single well within the project area, the groundwater production rates across the area should be comparable to this well and thus EHS expects that additional, suitable water sources could be developed. Therefore, in lieu of a State Small water system, EHS would permit a private water system for each individual parcel, or multiple parcel water systems that would serve 2 – 4 residences on several parcels.

Provided the Decision Maker grants approval of the applicant's request, Environmental Health Services recommends the following Conditions of Approval:

If the applicant decides to construct a State Small Water System to serve 5 or more of the subsequent residences:

Prior to Recordation, water sources that are not already constructed but are necessary in order to complete a suitable water system design, must be developed in accordance with the provisions of Ch. 34A of the County Code.

Prior to Recordation, A completed application for a Domestic Water Supply Permit shall be reviewed and approved By Environmental Health Services. The application shall include final detailed engineering plans and specifications for the proposed water supply system.

Prior to Issuance of Building Permit, the owner of the proposed water system shall be in possession of a valid Domestic Water Supply Permit pursuant to Ch. 34 B of the County Code and Article 3 of Title 22 California Code of Regulations and the approved water system constructed, installed and fully operational.

Prior to Occupancy, a potability clearance must be obtained from this department stating in writing that the water system is capable of delivering potable water.

Dana Eady  
06-TRM-00002 / TM14,709  
December 27, 2016  
Pg. 3

If the applicant decides to construct several Multiple Parcel Water Systems that would serve 2-4 subsequent residences on multiple parcels:

Prior to Recordation, water sources that are not already constructed must be developed in accordance with the provisions of Ch. 34A of the County Code.

Prior to Recordation, completed application(s) for multiple parcel water system(s), shall be reviewed and approved by Environmental Health Services. The application(s) shall include detailed engineered plans and specifications as well as surveyed easements and water rights for each of the parcels served by the water system.

Concurrent with Recordation, the applicant shall record easements and water rights for all parcels served by the water system.

Prior to Issuance of Building Permit, the owner(s) of the proposed water system(s) shall be in possession of a valid Multiple Parcel Water System Permit pursuant to Ch. 34B of the County Code.

Prior to Occupancy, the approved water supply system shall be constructed and fully operational.

Prior to Occupancy, Environmental Health Services shall inspect the water system and issue an Occupancy Clearance notice for the water system.

If it is decided to construct a private water system for each proposed parcel:

Prior to Issuance of Building Permit: The owner of each parcel shall submit a completed application for a single parcel water system to Environmental Health Services for review and approval. The application shall be completed in accordance with the provisions in Ch. 34B of the County Code

Prior to Issuance of Building Permit, the owner of each property shall be in possession of a valid Single Parcel Water System Permit pursuant to Ch. 34B of the County Code.

Prior to Occupancy, Environmental Health Services shall inspect the water system and issue an Occupancy Clearance notice for the water system.

Prior to Recordation, the applicant shall provide a copy of the final map to Environmental Health Services.

Prior to Issuance of Building Permit, the owner of each parcel shall submit an application for an Onsite Wastewater Treatment System to Environmental Health Services for review and approval. The application shall be completed in accordance with the provisions of Ch. 18C of the County Code.



Dana Eady  
06-TRM-00002 / TM14,709  
December 27, 2016  
Pg. 4

Prior to Issuance of Building Permit, the owner of each parcel shall be in possession of a valid Onsite Wastewater Treatment System permit pursuant to Ch.18C of the County Code.

Prior to Occupancy Clearance, Environmental Health Services shall inspect and issue an occupancy clearance notice for the onsite wastewater treatment system



David Brummond  
Supervising Environmental Health Specialist

cc: Leo Hanly, Charles Roven Applicants  
Susan Petrovich, Agent  
Massoud Abolhada, Planning and Development Dept., Building and Safety Div.  
Alek Jevremovic, Office of the County Surveyor  
Deanna Talerico, Environmental Health Services

LU 5269

**ATTACHMENT C: FINAL EIR (16-EIR-01)**

Available online at:

[www.sbcountyplanning.org/projects/06TRM-00002RanchLaLaguna/index.cfm](http://www.sbcountyplanning.org/projects/06TRM-00002RanchLaLaguna/index.cfm)

## **ATTACHMENT D: REVISIONS TO FINDINGS AND CONDITIONS OF APPROVAL**

The following Findings are proposed to be revised (revisions shown below in ~~strike-through~~ and underline format):

### **1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL**

The Final EIR (16-EIR-01) identifies 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 (16-EIR-01), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects, as discussed below:

#### Aesthetics

Significant but mitigable impacts identified in the Aesthetic Resource analysis of the EIR include impacts resulting from the removal of mature oak trees which would result in the loss of scenic resources. Mitigation identified in the EIR requires the implementation of a tree replacement plan requiring that oak trees which are visible from public roadways and would need to be removed due to project construction shall be replaced with oak trees in locations that are visible from such roadways (AES-2). This measure would reduce Aesthetic impacts to less than significant.

#### Biological Resources

Significant but mitigable impacts identified in the Biological Resources analysis of the EIR include impacts to special status plant and animal species, sensitive habitats including riparian areas, wetlands, oak trees, wildlife movement, as a result of future development of access roads, infrastructure, and the RDEs.

According to Section 4.4, Biological Resources, of the Environmental Impact Report (16-EIR-01) prepared for the project, approval of the tentative tract map and subsequent development of the Residential Development Envelopes (RDE's), access roads and infrastructure may result in impacts to special status plant and animal species, sensitive habitats including riparian areas, wetlands, oak trees and wildlife movement.

Specifically, there are twenty-two special status plant species which have the potential to be impacted. According to the EIR prepared for the project, only one special status plant species was detected during focused botanical surveys, ocellated Humboldt lily (found in Lot 13 along Zaca Creek, but not within the proposed RDE). Mitigation measures from the EIR requiring pre-construction surveys for special status plant species (B-1(a)), avoidance, minimization and mitigation if special status plant species are found during pre-construction surveys (B-1(b)) will reduce impacts to special status plant species to less than significant.

In addition, according to the EIR, there are ~~twenty-one~~ thirty-four special status animal species which have the potential to be impacted by future development. Of the thirty-four species, nineteen special status animal species were determined to have the potential to occur onsite based on the presence of suitable habitat within or adjacent to the RDEs. These include the California tiger salamander (CTS), California red-legged frog (CRLF), and the ~~Least~~ Bell's vireo. Mitigation measures include consultation with USFWS and CDFW (B-1(c)), protocol surveys prior to the approval of permits for development (B-1(d)), habitat avoidance and compensatory mitigation (B-1(g), B-1(e)), a Habitat Mitigation and Monitoring Program (B-1(f)), pre-construction surveys (B-1(i-o)), and the implementation of a worker environmental awareness program (B-1(p)). Additional mitigation measures address potential impacts to riparian habitat and drainages (B-3(a-e), B-5), weed control, oak trees and fire hazards (B-2(a-c), B-4(a,b), B-6(a,b)). Therefore, mitigations applied to the project would reduce impacts to Biological Resources to less than significant.

### Cultural Resources

The EIR finds potentially significant but mitigable impacts associated with Cultural Resources as previously unidentified subsurface archaeological resources may be unearthed during development of the project. Mitigation measure CR-2 requires the applicant and/or their agents, representatives or contractors to stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The applicant would retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with County Cultural Resource Guidelines Provisions for Phase 2 and Phase 3 investigations. Therefore, mitigation applied to the project would reduce impacts to Cultural Resources to less than significant.

### Geology

Significant but mitigable impacts identified in the Geology analysis of the EIR include moderate liquefaction hazards, and structural instability resulting from soil types with at least moderate potential for expansiveness. Mitigation measures requiring site specific studies for liquefaction and expansive soils (G-3, G-6) would reduce geological impacts to less than significant.

#### **2.1.1 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 3,951 acre project site is adequate in terms of location, physical characteristics, shape and size to accommodate the proposed state small water system. The project site is located in a rural area of the County which is characterized by agricultural uses, and low

intensity residential development. As discussed in Section 6.2 of the staff report dated January 5, 2017, incorporated herein by reference, the project will allow for the installation of a State Small Water System to provide water to a total of 13 new lots associated with TM 14,709. Water lines and associated infrastructure proposed as part of the State Small Water System will be installed from an existing water well ~~out~~ to the proposed lots. All new water pipelines will be placed within existing ranch roads, including those that are proposed to provide access to RDEs. These areas of the site do not contain steep slopes, and require minimal grading activities for installation of the water pipe lines. Any excess cut generated from grading activities will be used as additional fill to offset shrinkage and compaction of cut material, or to supplement grades elsewhere on the site. No offsite hauling of excess material is proposed. Therefore, this finding can be made.

## **2.2 TENTATIVE MAP FINDINGS (SUBDIVISION MAP ACT)**

### **3. State Government Code §66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if it makes any of the following findings:**

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

The 3,951-acre project site is zoned AG-II-100, with a 100-acre minimum lot size. The project is proposing to subdivide the existing legal parcel that is the project site into 13 legal lots ranging in size from 160-acres to 605-acres. As discussed in Section 6.2 of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the proposed lot sizes are all larger than the minimum lot size of 100-acres, and therefore, the density of future development on the project site is less than the maximum allowable under the AG-II-100 zone district. Future residential development consisting of a single family dwelling and residential accessory structures will be confined to proposed RDEs. As discussed in Section 6.1 (Environmental Review) of the staff report dated January 5, 2017, incorporated herein by reference, the project site is sufficiently sized to accommodate the future residential development and associated infrastructure without creating significant environmental impacts on the environment. Therefore, this finding can be made.

### **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.**

As discussed in Section 6.2 of the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the project site will be served by individual

private septic systems that are built in conformance with Environmental Health Services requirements and are consistent with California Regional Water Quality Control Board requirements. The project will not discharge waste into a community sewer system.

### **2.3. TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)**

#### **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 proposed subdivision has been designed so that lots resulting from the tentative map will not become landlocked. Roads will be adequately designed for ingress and egress, and have been reviewed by the County Fire Department and Public Works Transportation Division. The project is conditioned to require that the easements for roads and utilities be depicted on the final map.

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

The proposed project will require grading for future construction within the RDEs and access roadways and utilities. However, as discussed in the Planning Commission staff report dated January 5, 2017, incorporated herein by reference, the grading quantities will not be excessive because the residential development areas do not contain steep slopes, unstable areas, or flood zones, and the proposed access roadways and utility alignments have been designed to minimize grading while meeting fire safety requirements (i.e., turning radius, roadway slope) for site access.

According to the EIR, portions of three proposed access roads will be visible from Foxen Canyon Road. These access roads and driveways to the proposed lots are sited on existing agricultural roads, and will add paved features to cultivated farmland and grazing lands on the project site. However, the linear access improvements will not substantially alter the predominant agricultural character of the site as seen from public viewpoints.

The water lines and infrastructure associated with the proposed water system will be located within existing roadways and in areas of the site which do not contain steep slopes. Any excess cut generated from grading activities will be used as additional fill to offset shrinkage and compaction of cut material, or to supplement grades elsewhere on the site. No offsite hauling of excess material is proposed.

- 4. 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.**

The project is conditioned (Condition No. 46 of Attachment B.1) to not allow grading or construction work to be permitted prior to recordation of the ~~tentative~~ final map.

The following Conditions of Approval (Attachments B.1, B.2) are proposed to be revised (revisions shown below in ~~strike-through~~ and underline format):

**Attachment B.1:**

- 1. Proj Des-01 Project Description.** This Tract Map is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated January 25, 2017, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The proposed project is a request by Brownstein Hyatt Farber Schreck, agent/attorney for the owners, Rancho La Laguna, LLC and La Laguna Ranch Co., LLC, for approval of a Tentative Tract Map to subdivide the 3,950.8-acre project site into 13 lots ranging in size from 160 acres to 605 acres.

**Lot sizes and RDEs.** Each of the thirteen proposed lots would have a designated residential development envelope (RDE), within which future residential development would be confined, including all residential accessory development. Future development located within the RDE's on all lots would be limited to a maximum area of 5 acres. Agricultural structures, including agricultural employee dwellings, could be located outside of the RDEs. Approximately 563 acres of the project site, primarily in the southwestern portion of the site, but also in areas further north (on proposed lots 1 through 10), is in irrigated crop production. All of the proposed RDEs are within areas that are currently used for grazing. Neither the proposed subdivision nor future development within RDEs would affect existing ranch buildings. The existing cabin on proposed Lot 13 would also be preserved. The RDEs would limit the extent to which residential uses would impact existing agricultural activities and would limit the amount of area disturbed by non-agricultural development (i.e., grading, paving, lighting, etc.) as a result of the proposed subdivision.

**Proposed Lot and RDE Sizes**

<b>Proposed Lot</b>	<b>Gross Acreage</b>	<b>Net Acreage</b>	<b>Residential Development Envelope (Acres)</b>	<b>Net Acreage Remaining for Agricultural Operations</b>
Lot 1	202.2	197.6	7.2	190.4
Lot 2	166.4	161.8	9.6	152.2
Lot 3	166.4	163.1	15.2	147.9
Lot 4	191.6	191.1	2.7	188.4
Lot 5	160.0	160.0	8.8	151.2
Lot 6	161.2	161.2	6.5	154.7
Lot 7	206.0	206.0	7.0	199.0
Lot 8	259.0	259.0	3.6	255.4
Lot 9	438.4	438.4	3.8	434.6
Lot 10	596.8	596.8	5.5	591.3
Lot 11	428.8	428.8	2.6	426.2
Lot 12	369.1	369.1	2.6	366.5
Lot 13	604.7	600.8	2.3	598.5
<b>Total</b>	<b>3,950.8</b>	<b>3,933.7</b>	<b>77.3</b>	<b>3,856.4</b>

**Site Access.** Access to the newly created lots would be provided by existing agricultural roads located throughout the site. Shared access easements would follow these existing agricultural roads and utilize existing creek crossings. Individual driveways would extend from these private shared access roads to serve each of the proposed RDEs. Rancho La Laguna Road is an existing two-mile, shared access road that traverses the site within a 60-foot-wide easement. The proposed access road and driveway widths are described in detail below. All access roads and individual driveways proposed to serve the project would be improved in conformity with applicable County Fire Department roadway standards.



**Access Road and Driveway Widths**

Proposed Easement	Description	Classification	Required Improvement Width <sup>1</sup>
1	Proposed 30' wide unpaved and unimproved informal agricultural access and utilities easement across Lot 1 in favor of Lot 5	Informal Agricultural Road	No improvements required
2	Proposed 30' wide access and utilities easement across Lots 5 and 6 in favor of Lot 1	Driveway	20 feet
3	Proposed 30' wide shared access and utilities easement across Lot 5 in favor of Lot 6	Driveway	16 feet
4	Existing 60' wide access and utilities easement in favor of Lots 1, 2, 6, 7, 8, 9, and 10	Access Road	24 feet from Foxen Canyon Road though Lot 6 20 feet from Lot 6 to the Lot 9 driveway 16 feet from the Lot 9 driveway to the Lot 10 driveway
5	Proposed 30' wide shared access and utilities easement across Lot 7 in favor of Lot 8	Driveway	12 feet
6	Proposed 30' wide shared access and utilities easement across Lot 4 in favor of Lot 3	Driveway	16 feet
7	Proposed 30' wide shared access and utilities easement in favor of Lots 4, 11, 12, 13, and APNs 133-080-037, 133-050-014, and, 133-060-028	Access Road	24 feet from Foxen Canyon Road though the Lot 13 driveway
8	Proposed 30' wide shared access and utilities easement across Lots 4 and 12 in favor of Lot 11	Driveway	16 feet from Easement 7 to the Lot 4 driveway 12 feet from the Lot 4 driveway to the Lot 11 driveway
9	Proposed 30' wide shared access and utilities easement across Lot 13 in favor of APNs 133-080-037, 133-050-014, and, 133-060-028	Existing Improved Access Road	No improvements required
10	Proposed 30' wide shared access and utilities easement across Lot 13 in favor of APNs 133-080-037, 133-050-014, and, 133-060-028	Existing Improved Access Road	No improvements required

<sup>1</sup> Required widths indicate County Fire Department requirements, and do not include shoulders or turnouts.

**Grading.** Grading would be required for the improvement of existing and proposed access roads and for future development within the RDEs. Five of the proposed driveways would require widening and may require grading to reduce slopes. An estimated 23,023 cubic yards of grading would be required for the access roads, including retaining walls up to 12 feet in height along the private driveway for proposed Lot 10. Preliminary grading plans have been provided for the private driveways associated with proposed Lots 4, 5, 6, 9, 10, and 13. Grading for driveways would be required to be constructed in accordance with Santa Barbara County Fire Department standards which allow for gradients of up to 20% with extenuating circumstances. In addition, an estimated 10,997 cubic yards of excavation would be required for the installation of proposed water cisterns. All grading volumes associated with access and infrastructure would be balanced on the property. In addition, grading would be required within the proposed RDEs for building pads. These sites are generally flat, with slopes less than 20%, and grading for future building pads would be expected to be balanced within the individual lots to correct erosion or level slopes for new agricultural uses.

**Infrastructure.** An existing shared water system utilizing Wells #13 (on the proposed Lot 12) and #14 (on the proposed Lot 4) would provide agricultural irrigation water to agricultural operations on each of the proposed lots. Shared water agreements would give each lot owner an equal right to the shared water systems for agricultural and domestic

use. Shared access and utility easements would be provided as indicated on page 2 of 2 of the tract map.

A proposed State Small Water System (SSWS) utilizing the existing Well #13 (on ~~the~~ proposed Lot 12) would provide domestic water service to each of the RDEs. In addition to or in lieu of the shared water system, domestic water could also be provided by single-parcel or multi-parcel water systems utilizing individual water wells serving individual parcels. The ~~project includes a new~~ domestic shared water system ~~which~~ would include two 35,000-gallon fire protection cisterns and approximately 35,430 linear feet of distribution lines, as well ancillary equipment customarily utilized in water systems (e.g., pumps, valves). These new shared water pipelines are required to be buried deep enough to have no less than three feet of cover, and would be placed within existing ranch roads, including those roads proposed to be used to access the RDEs. Shared water pipelines would vary in diameter from 6" to 12", depending upon their respective service demands. Each of the cisterns would occupy an approximate area of 30' x 30'.

The estimated earth disturbance from the pipeline trenching is 10,497 cubic yards and the earth disturbance from the cistern construction is estimated to be 500 cubic yards, for a total estimated earth disturbance for the domestic shared water system of 10,997 cubic yards. Underground utility conduits and water pipelines would be installed along access roads and driveways. All new water pipelines for the shared water systems would be placed within existing ranch roads, including those that are proposed to provide access to RDEs. Two shared water systems, one for domestic use and the other for agricultural use, would serve the project site. The shared water systems would rely on the existing on-site wells. For wastewater infrastructure, each of the proposed RDEs would be served by a private on-site septic system utilizing the leach line or drywell disposal method, as no public sewer is available in the project area. Utility easements would be co-located with proposed access roads.

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.

### **Attachments B.1, B.2:**

- 3. AES-2. Oak Tree Replanting Within Public Viewsheds.** In addition to the requirements in Mitigation Measure B-4(b), the Tree Replacement Plan shall include a provision requiring that existing oak trees which are visible from public roadways and would need to be removed due to project construction shall be replaced with oak trees in locations that are visible from such roadways. **Plan Requirements and Timing.** The Oak Tree Replacement Plan for residential development, access road improvements, and infrastructure for domestic water system improvements and utility lines within each RDE shall be submitted to P&D for review and approval prior to issuance of land use grading

permits for that residential development and associated utilities. **Monitoring.** P&D shall oversee implementation of the Oak Tree Protection and Replacement Plan.

4. **B-1(a) Special Status Plant Species Pre- Construction Surveys.** Updated surveys for special status plants (i.e., plants either state or federally listed or California Rare Plant Ranked) shall be completed by a County-approved biologist for all proposed disturbance areas prior to construction of the access roads, infrastructure and development of the RDEs. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the flowering time for the target species. All plant surveys shall be conducted by a qualified biologist approved by the County no more than two years prior to initial ground disturbance for roads/infrastructure, and each individual residential development. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and approval. **Plan Requirements and Timing.** A report of the ~~rare~~ special status plant survey results shall be submitted ~~ing~~ to P&D for review prior to issuance of land use permits for each RDE development as well as access road and infrastructure construction. Mapped locations of ~~rare~~ special status plants shall be shown on grading plans. **Monitoring.** P&D shall ensure that the ~~rare~~ special status plant surveys have been completed. Grading inspectors shall inspect as needed.
  
5. **B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation.** If Federally or State listed or California Rare Plant Ranked species are found during special status plant surveys, a species and site-specific evaluation shall be prepared. The evaluation must identify locations and extent of special status plants within and abutting the proposed development site, ~~and within the lot~~. The evaluation shall consider impacts to these plant species in the context of populations at the state, regional, and local (i.e. survey area and immediate vicinity) levels. The report must also evaluate options for minimizing impacts to these plant species on the site. Development on the site shall be designed in coordination with a qualified biologist to avoid impacting these plant species. Rare Special Status plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm during construction. If State listed species cannot be avoided, authorization for impacts must be obtained from CDFW, and all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the

species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be ~~impacts that remove~~ removal of over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species, or ~~impacts~~ removal of more than 30 percent of the local (onsite and immediate vicinity) population of any CRPR 3 or 4 species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by ~~habitat type~~ special status species);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of special status species habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent survival of the prescribed number of container plants and 30 percent relative cover by vegetation type for restoration plans that include establishment of a specific vegetation alliance, and minimum survival of two individuals /two acres occupied at the same density as baseline for each one individual or one acre of impacted CRPR 1B species, and minimum survival of one individual/one acre occupied at the same density for each individual or acre impacted for CRPR 3 and 4 species. Options for individuals or acreage are allowed because establishment of annual plants is often evaluated based on cover and density. Additionally, in no case shall density and cover of non-native species exceed ~~baseline~~ the reference site condition, which shall be identified and evaluated at the impact site prior to disturbance and at regular intervals during the monitoring program;

- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** ~~Prior to approval of land use permits for the construction of~~ The results of the survey and impact analysis for shared access roads improvements and widening, and for the installation of the shared water system improvements and utility lines shall be submitted to P&D for review and approval prior to Land Use Permit approval issuance. ~~infrastructure improvements and development within the RDEs, the applicant shall submit the results of the survey to P&D for review and approval.~~ For construction within and adjacent to each RDE (including any driveway between the common road system and the residential development within the RDE), the impact analysis shall be completed prior to approval of land use permits for that construction. P&D shall inspect the site prior to initiation of ground disturbance activities to ensure the protective fencing is installed properly. If special status plants cannot be avoided, the applicant shall submit the restoration and monitoring plan to P&D for review and approval prior to approval of land use permits for development within the RDEs as well as access road and infrastructure construction. **Monitoring.** The protective fencing shall be monitored by P&D staff until construction is complete. P&D staff shall ensure that the proposed development avoids impacts to special status rare plant species or impacts are mitigated for per the requirements of this measure.

- 6. B-1 (c) USFWS/CDFW Consultation.** Prior to approval of land use permits for the construction of access roads, infrastructure improvements and development within the RDEs, the applicant shall consult with USFWS and CDFW regarding potential impacts to CRLF, LBV, and CTS, unless such consultation already has occurred for the proposed disturbance area within the last 2 years. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits for the construction of access roads, infrastructure improvements and development within the RDEs. **Monitoring.** P&D staff shall ensure that prior to land use permit-approval, the applicant has contacted USFWS and CDFW, unless an earlier consultation (within the last 2 years) has occurred for the proposed disturbance area.
- 7. B-1(d) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Protocol Surveys.** Prior to the approval of land use permits for the construction of ~~the~~ access roads, infrastructure improvements including domestic water systems and utility lines, and development within the RDEs, surveys for CTS in disturbance areas located within the distribution area (known range) of CTS (USFWS, 2010) and ~~are~~ within 1.24 miles of potential breeding ponds shall be conducted. In addition, surveys shall be

conducted within disturbance areas containing suitable aquatic and riparian habitat for the CRLF (e.g., Foxen Canyon/Jesus Canyon drainage). Surveys shall consist of aquatic and/or upland sampling as appropriate and in consultation with the USFWS and/or CDFW. Surveys shall follow the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS, 2003) and Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS, 2005) or the current protocol established by the USFWS and CDFW at the time surveys are conducted. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals, as applicable to each species.

If CTS and/or CRLF are detected within the proposed disturbance area, mitigation measures B-1 (c) and B-1(e) would apply. If protocol surveys result in negative findings, mitigation measures B-1(c), B-1(d), B-1(e) and B-1(f) would not apply. Currently, the CRLF ~~and CTS protocols listed above~~ protocol guidance (2005) specifies that the results would remain valid for two (2) years. The current (2003) guidance for CTS does not specify time periods in which results would remain valid. In the event that protocol surveys have already been completed and may apply to a parcel proposed for development, and under the most current protocol guidance for the species, the survey is no longer valid, or there is no specified time limit for validity, the project applicant shall consult with the USFWS and/or CDFW to determine whether a new protocol survey is required.

Alternatively, in lieu of conducting protocol surveys, the applicant may choose to assume CTS are present within disturbance areas located within the distribution of CTS in Santa Barbara (USFWS, 2010) and ~~are~~ within 1.24 miles of potential breeding ponds and containing suitable habitat. The applicant may also choose to assume CRLF are present within disturbance areas containing suitable habitat (e.g., Foxen Canyon/Jesus Canyon drainage). If protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) would apply. If protocol surveys for CTS ~~&~~ and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS ~~&~~ and/or CRLF, shall not apply.

**Plan Requirements and Timing.** The applicant shall submit the results of the protocol surveys or a memorandum indicating that the applicant chooses to assume presence for each species based on suitable habitat prior to approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D staff shall ensure that documentation is received prior to approval of land use permits and shall oversee implementation of mitigation plans.

8. **B-1(e) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Habitat Avoidance and Compensatory Mitigation.** If CTS or CRLF occupied or presumed occupied habitat would be impacted by the project, the applicant shall re-design development and/or undertake a construction monitoring program in coordination with a County-approved qualified biologist to avoid impacting occupied habitat for that species, and to avoid individuals of the species. If USFWS (and CDFW for CTS) determines that these measures are not sufficient to avoid “take”, the applicant will be required to provide mitigation for “take” as described below.

Disturbance limits shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a County-approved biologist, to protect occupied habitat. If occupied or presumed occupied habitat and/or individuals of the species cannot be avoided, the applicant shall provide the County total acreages for habitat that would be impacted prior to the approval of land use permits for the construction of access roads, infrastructure improvements, and development within the RDEs. The applicant shall purchase credits at a USFWS and CDFW approved conservation bank (there is currently one CDFW-approved bank for CTS with a service area that includes the project site, La Purisima Conservation Bank) and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts on CTS and CRLF habitat.

The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than 2:1 (area mitigated: area impacted). Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable.

If the applicant establishes conservation easement(s) (on- and/or off-site) to serve as compensatory mitigation for CTS and CRLF impacts, areas proposed for preservation must contain verified extant populations of the special status species that would be impacted by the project. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a “qualified easement holder” a private land trust must at a minimum have:

1. Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
2. Adopted the Land Trust Alliance's Standards and Practices; and;
3. A stewardship endowment fund to pay for its perpetual stewardship obligations.

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project. The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.

Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above, and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

The following factors shall be considered in assessing the quality of potential mitigation habitat: (1) current land use, (2) location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to potential sources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be **considered** "suitable habitat" or "enhanced habitat" as described below:

*Suitable Habitat.* To meet the requirements for suitable habitat that provides equal or greater habitat value for listed animal species than the impacted habitat, the habitat must:

1. Provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;
2. Not be characterized by (or adjacent to areas characterized by) high densities of invasive plant or animals species, such as yellow star-thistle and bullfrog, or other species that might jeopardize habitat recovery and restoration;
3. Not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat for special status species survival; and
4. Not be located on land that is currently publicly held for resource protection.



*Enhanced Habitat.* If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

1. Is within an area with potential to contribute to habitat connectivity and build linkages between populations;
2. Consists of actively farmed land or other land containing degraded habitat that will support enhancement for the special status species;
3. Supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
4. Cannot be located on land that is currently held publicly for resource protection; and
5. Does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

*Enhanced Habitat Standards.* For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of suitable habitat or contain other habitat characteristics (e.g. small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied. If protocol surveys for CTS & and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS & and/or CRLF, shall not apply.

**Plan Requirements and Timing.** If occupied or presumed occupied CTS and/or CRLF habitat cannot be avoided by project redesign or other measures and if USFWS and CDFW determines that these design features and construction monitoring measures are not sufficient to avoid a “take”, the applicant will be required to provide mitigation for “take” as described below.

The applicant shall ~~calculate~~ consult with USFWS and CDFW to determine the total acreages required to meet all compensatory mitigation obligations, and shall submit these totals this information to County P&D prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. The applicant shall ~~then~~ obtain ~~County~~ USFWS and CDFW approval of the conservation bank and/or location of mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of purchase of mitigation credits and/or recorded easement(s) shall be submitted to and approved by the County prior to the issuance of a land use permit. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection. **Monitoring:** P&D shall review and approve documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS. The applicant shall provide evidence to P&D

of (a) conservation bank credits, or (b) establishment of a permanent conservation easement and maintenance endowment.

**9. B-1(f) Listed Species Habitat Mitigation and Monitoring Plan (HMMP).** If protocol surveys for CTS & and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS & and/or CRLF, shall not apply. If establishment of conservation easements (on- and/or off-site) pursuant to Mitigation Measure B-1(d) is required, the applicant shall retain a County-approved biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites required for compensation of permanent impacts to CTS and CRLF that are to be enhanced. If required, the HMMP shall be submitted to USFWS and CDFW for their review, then to the County within 12 months after the approval issuance of the land use permit. The HMMP shall include, at a minimum, the following information:

- A summary of habitat and species impacts and the proposed mitigation for each element;
- A description of the location and boundaries of the mitigation site(s) and description of existing site conditions;
- A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
- Identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
- A description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
- A description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management;
- A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur;
- A requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least five years post-construction; during this period, regular reporting shall be provided to the County;
- Reporting shall include:
  - a. An annual monitoring report to be submitted to the County and applicable agencies; and
  - b. Demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA,

(2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

**Plan Requirements and Timing.** The HMMP shall be submitted to P&D for review and approval ~~prior to~~ within 12 months after issuance of land use permits. If habitat restoration is to take place off-site, the above requirements shall also apply, and, in addition, proof of purchase or an easement controlling off-site acreage shall also be submitted to P&D prior to issuance of land use permits. **Monitoring.** The restoration shall be monitored by a County-approved biologist for five years. P&D shall oversee implementation of the HMMP through periodic monitoring and a final restoration site inspection upon completion.

- 10. B-1(g) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Avoidance and Minimization.** If protocol surveys for CTS & and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS & and/or CRLF, shall not apply. The following measures shall be implemented during construction of access roads, infrastructure, and development within the RDEs:
- Pre-construction visual surveys for CTS and CRLF shall be conducted where suitable aquatic and upland habitat is present by a county-approved biologist (who can positively identify both species) not more than 48 hours prior to the start of construction activities. The survey area should include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of CRLF or CTS is found within the survey area, the USFWS and/or CDFW should be consulted to determine the appropriate course of action or the appropriate measures to be implemented in accordance with the Biological Opinion (BO) or Incidental Take Permit (ITP) HCP issued by the USFWS (relevant to CRLF and/or CTS) associated with the project's Habitat Conservation Plan (HCP) and/or the ITP issued by the CDFW (relevant to CTS).
  - Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
  - All development activities occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between ~~April~~ May 1 and ~~October 31~~ September 30, to avoid impacts to sensitive aquatic species.
  - To avoid encountering migrating CTS within ~~range~~ 1.24 miles of potentially suitable aquatic habitat, construction within upland areas within the range of CTS should be limited to July 15 to October 15. Work should be postponed if chance of rain is greater than 70% based on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work

must occur during these conditions, a qualified biologist shall conduct a clearance sweep of work areas prior to the start of work.

- All work shall occur during daylight hours.
- All projects occurring within or adjacent to habitats that may support CTS or CRLF shall have a County approved biologist present during all initial ground disturbing/vegetation clearing activities.
- No CTS or CRLF shall be captured and relocated without project specific permit expressed permission from the CDFW (for CTS) and/or USFWS (for CTS and/or CRLF).
- If at any time during construction a CTS or CRLF enters the construction site or otherwise may be impacted by the project, all construction activities that could affect the species shall cease as determined by a County-approved biologist. A County-approved biologist shall document the occurrence and either follow the permit issued or consult with the CDFW and/or USFWS as appropriate.
- Upon completion of construction all excess materials and debris shall be removed from the project site and disposed of appropriately.
- The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site regularly.
- Pets shall be prohibited at the construction site.
- The work area shall be surrounded by a solid temporary exclusion fence (such as silt fence) that shall be buried into the ground and extend at least three feet above the ground and buried at least 6 inches to exclude CTS and deter CRLF from the work area. The location of the fencing shall be determined by a qualified biologist. The fencing shall be installed during the dry season prior to rain events that may stimulate movement of CTS and CRLF. The fence shall be inspected daily to assure that it is functioning properly to exclude CTS and CRLF from the work area. The fence shall remain in place throughout construction. Access roads shall be temporarily sealed off overnight using a section of fence that is anchored to the ground (e.g., fire hose filled with sand or sand bags can be used to anchor the bottom of the fence or the bottom must be buried). Installation of the exclusion fencing shall be monitored by a County-approved biologist to ensure that it is installed correctly.
- All vehicle maintenance/fueling/staging shall occur not less than ~~60~~ 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills from entering adjacent habitats. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies and workers shall be trained in its use.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel unless previously approved by applicable regulatory agencies.
- All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.

- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- If any CTS or CRLF are harmed, the County-approved biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured ~~special status species~~ CTS or CRLF shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours or as otherwise specified in the project-specific permit.
- To ensure that diseases are not conveyed between work sites by the qualified biologist, or the construction workers and equipment, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall ~~maintain~~ have a County-approved biologist to monitor compliance with the above avoidance and minimization measures. The approved biologist shall submit ~~maintenance~~ monitoring reports to P&D compliance staff, with copies to USFWS and CDFW as appropriate.

11. **B-1(h) Species of Special Concern Avoidance and Minimization.** A County-approved biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover Species of Special Concern (western spadefoot, coast range newt, southern western pond turtle, two-striped garter snake, California legless lizard, and Blainville's horned lizard) that may be unearthed by construction activities. Individuals that are unearthed during excavation, if in good health, shall be immediately relocated to a designated relocation area to be determined by a County-approved biologist in coordination with CDFW. Individuals shall be relocated the shortest distance possible in a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. If injured, the animals shall be turned over to a CDFW-approved specialist until they are in a condition suitable for release into the designated release area, or deposited at an approved vertebrate museum. **Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall ~~maintain~~ retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures. Monitoring reports shall be submitted to P&D as well as to USFWS and CDFW on a monthly basis during initial ground disturbing activities.

12. **B-1(i) Preconstruction Surveys for Nesting Birds.** For construction activities ~~occurring~~ scheduled to occur during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted within the nesting season of the species likely to be present by a qualified biologist no more than ~~30~~ 14 days prior to vegetation removal or other construction activities. If no vegetation that could be used for nesting is to be removed as determined by the County approved biologist, the pre-construction survey shall be conducted no more than 7 days prior to commencement of construction.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified biologist/~~ornithologist~~ determines that a given nest has failed or that all surviving chicks have fledged.

Potential nesting habitat for the LBV occurring within 500 feet of the disturbance area shall be surveyed by a County-approved biologist for active nests prior to the start of construction activities. Surveys shall be done in accordance with the Least Bells' Vireo Survey Guidelines (USFWS, 2001) or as agreed upon through discussion with the USFWS based upon site conditions at the time of construction. ~~If an active LBV nest site~~ Because a protocol survey for LBV already has been conducted at the property, the nesting survey for LBV may be limited to 2-3 visits after April 10 when nesting could start (with concurrence from USFWS). If an active LBV nest is present, a 500-foot non-disturbance buffer shall be implemented around the nest during the breeding season (April 10 through July 30 or until the nest becomes inactive). The County biologist will monitor the nest to determine when it becomes inactive. Construction activities ~~to~~ within 100 feet of the potential LBV nesting habitat where the access roads to Lot 3 and Lot 12

~~crosses or parallel~~ the Foxen Canyon/Jesus Canyon drainage will be completed outside the breeding season to the greatest extent feasible.

**Plan Requirements and Timing.** These measures are to be implemented during construction. The survey results shall be submitted to P&D prior to land use permit ~~approval~~ issuance. If active nests are discovered during the surveys, the applicant shall submit status and mitigation measure implementation updates during construction to P&D on a weekly basis while the nests are active. These measures shall be included on all grading, building, and land use plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** ~~The P&D shall confirm that the applicant shall maintain~~ has retained a County-approved biologist to monitor compliance with the above avoidance and minimization measures and that reports are submitted at weekly intervals during construction.

13. **B-1(j) Burrowing Owl Avoidance and Minimization Measures.** Pre-construction surveys shall be conducted by a County-approved biologist for burrowing owls in accordance with CDFW-adopted survey protocols (California Burrowing Owl Consortium, 1993). This could entail surveys for winter residents in December and January, in addition to peak nesting season (April 15 through July 15) surveys. All suitable habitat, potential or known burrows, or burrowing owls identified within the disturbance footprint and 500 foot buffer shall be assessed and mapped. Survey results will be valid only for the season during which the survey is conducted. Surveys shall cover all suitable habitat within the disturbance footprint plus a 500-foot buffer where safely accessible. If no burrowing owls or habitat are detected, no further action is required.

If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be counted, mapped as stated above, and avoided by establishing a buffer around the occupied burrow(s). The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no ground disturbance activities shall occur within this buffer until the qualified County-approved biologist has determined that the burrow is no longer occupied based on regular monitoring. If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with guidance from the CDFW. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically outside of the period between April 15 and July 15). Passive relocation may involve installation of one-way doors at burrow entrances for a minimum of five days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance

of the surveys. The biologist implementing the above mitigation measure must also submit documentation of coordinating this effort with P&D prior to implementation. ~~The results of the pre-construction surveys shall be submitted to Planning and Development staff prior to the approval of Land Use Permits for the construction of access roads, infrastructure improvements and development within the RDEs.~~ The above ~~impact avoidance~~ measures shall be included on all land use, grading, and building, and land use plans prior to the approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. The results of the pre-construction surveys and any passive relocations shall be submitted to ~~Planning and Development~~ P&D staff prior to Land Use Permit issuance. ~~approval of land use permits for the construction of access roads, infrastructure improvements and development within the RDEs.~~ A report on the implementation of impact avoidance measures used shall be submitted to P&D upon completion of the construction project. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance. The approved biologist shall submit monitoring reports to P&D staff.

14. **B-1(k) American Badger Avoidance and Minimization Measures.** A minimum of two weeks prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by an approved biologist (a biologist familiar with, including identification of, the wildlife species in the region). Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the proposed area of disturbance shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for three (3) to five (5) days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project site, the dens would be collapsed by hand with a shovel.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. A report of the results of the badger survey shall be submitted to P&D for review and approval prior to ~~the approval of Land Use Permits~~ issuance for the construction of



access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D will review and approve the reports. A County-approved biologist shall be present during the initial ground-disturbing activity.

- 15. B-1(l) San Diego Desert Woodrat Avoidance and Minimization Measures.** Not more than two weeks prior to the initiation of ground disturbing activities and/or vegetation removal, a County-approved biologist shall conduct a pre-construction survey ~~prior to the onset of work activities~~, as well as surveys and/or monitoring during initial disturbance of potential San Diego desert woodrat habitat. If San Diego desert woodrat nests are discovered and are determined to be impacted by the project, the nests shall be relocated under the guidance and supervision of a County-approved biologist. Prior to relocation, the nest shall be agitated to encourage any woodrats occupying the nest to leave. Once the County-approved biologist is satisfied that the nest is unoccupied, the nest materials shall be placed outside of the impact area. The spacing between relocated nest materials or between relocated nest materials and existing stick nests shall not be less than 25 feet. Due to the potential for hazardous health conditions associated with the relocation of woodrat nests, procedures to minimize risk of contracting diseases associated with woodrats and woodrat ~~nests houses~~ needs to be addressed prior to relocation activities.

**Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D, and a report of the results of the relocation efforts shall be submitted to P&D for review prior to ~~the approval of~~ Land Use Permits issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance ~~and shall inspect the site during construction to ensure compliance.~~

- 16. B-1(m) California Legless Lizard, Blainville's Horned Lizard, Two-Striped Garter Snake, Western Spadefoot, and Coast Range Newt Pre-Construction Survey.** Not more than two weeks prior to initiation of ground disturbing activities and vegetation removal, a County-approved qualified biologist shall conduct a pre-construction survey for California legless lizard, Blainville's horned lizard, two-striped garter snake, western spadefoot and coast range newt. The survey area should include the project site and all proposed ingress/egress routes, plus a 100-foot buffer. Surveys for California legless lizards shall include raking of leaf litter under shrubs and trees in suitable habitat within the disturbance footprint to a minimum depth of eight inches.

If these species are found and individuals are likely to be killed or injured by construction activities, a County-approved qualified biologist shall be allowed sufficient time to capture and relocate the animals from the project site before construction activities begin.

Suitable relocation sites for release of captured animals shall be identified prior to commencement of construction activities and approved by the County and CDFW. If California legless lizards are captured they shall be placed into containers with sand or moist paper towels and released in the pre-determined, County-approved off-site location for release of captured individuals within three hours of capture. The County-approved biologist shall relocate individuals the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. The biologist should monitor during construction to ensure that none return to the construction area. To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys and any relocations. Proposed relocation areas shall be identified and approved by P&D and submitted to CDFW prior to the issuance approval of a Land Use Permit. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. A report of the results of the capture and relocation efforts shall be submitted to P&D and CDFW for review prior to ~~the approval of a Land Use Permit~~ issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals. ~~and shall inspect the site during construction to ensure compliance.~~

**17. B-1(n) Southern Western Pond Turtle Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- A County-approved biologist shall conduct a pre-construction survey a minimum of two weeks prior to ~~the onset~~ commencement of work construction activities, as well as surveys and/or monitoring during initial disturbance of potential southern western pond turtle habitat. In order to detect southern western pond turtle nests the County-approved biologist shall lightly rake the soil within potential nesting habitat in a careful manner in order to avoid damaging eggs. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any southern western pond turtle the

shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. See below for procedure on discovery of a clutch.

- If possible, schedule construction activities within suitable habitat outside of the typical nesting season for southern western pond turtle (April-August [Stebbins, 2003]). If work is conducted within the nesting period and a southern western pond turtle egg clutch is discovered during pre-construction surveys, the location shall be surrounded with high visibility fencing under the guidance of a County-approved qualified biologist. The nest shall be avoided by during construction until a qualified County-approved biologist determines that the clutch has hatched and left the nest. The CDFW shall also be contacted to provide additional guidance in the event that a southern western pond turtle nest is discovered. If during construction, a southern western pond turtle nest is discovered, construction shall cease immediately upon the discovery and the qualified biologist notified. The same procedure described above shall then be applied.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to the approval issuance of a Land use Permit for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building, and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals. P&D shall review the reports for compliance ~~and shall inspect the site during construction to ensure compliance.~~

**18. B-1(o) Western Red Bat Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- If possible, removal of suitable roosting trees shall be avoided during the time when western red bats may occupy their winter range (September –May).
- For construction activities occurring at a time when western red bats may occupy their winter range (September –May) surveys for roosting western red bats shall be conducted by a County-approved qualified biologist in suitable habitat no more than 14 days prior to the initiation of ground disturbing activities and/or vegetation removal. The surveys shall include the entire area of disturbance ~~area~~ and focus on

the trees located within the impact area. If active roosts are located, the locations shall be mapped, and a buffer ranging in size from 100 to 500 feet around the roost within the project site shall be determined and demarcated by the biologist with bright orange construction fencing. No construction activities shall occur within this buffer zone until May 1 or until a qualified biologist confirms that the bats have left the roost and it is no longer active.

- If night time construction work is required, night time work shall be kept to a minimum and lighting used shall be as dim as legally possible, and should be directed to where it is needed to avoid light spillage and any upward lighting should be minimized.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D for review and approval prior to the approval issuance of a Land Use Permit for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and P&D will review and approve the reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within the buffer zone around roosting habitat.

19. **B-1(p) Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization) within the buffer zone, all personnel associated with project construction shall attend WEAP training, conducted by a County-approved qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive special status plant and animal species and sensitive plant communities or habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. Additional training sessions will be conducted for new work crews as they come to the construction site.

**Plan Requirements and Timing.** P&D shall be notified by the applicant of the date and time the training is scheduled so that they may attend. Fact sheets shall be reviewed and approved by P&D prior to the approval of a Land Use Permit for construction of access roads, domestic water system improvements including utility lines, infrastructure

improvements, and development within the RDEs. **Monitoring.** P&D shall ensure that worker trainings occur prior to the initiation of ground disturbance and construction activities as well as during construction as needed.

- 20. B-2(a) Sensitive Plant Community Avoidance and Mitigation.** Impacts to sensitive plant communities shall be avoided to the extent feasible through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid the resource. Bright orange construction fencing shall be placed a minimum of 30 feet outside the edge of areas of sensitive plant communities that will be retained prior to any initiation of ground disturbance activities and shall remain in place until construction is complete. No vehicles, person, materials, or equipment will be allowed in protected areas. Grading plans shall show the location of these sensitive plant communities ~~habitats~~ and protective fencing.

If the applicant ~~or project developer~~ determines sensitive plant communities, as defined in the Manual of California Vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) and the list of Vegetative Alliances and Associations (CDFW 2010), cannot be avoided, impacts shall be mitigated on-site at a ratio of 2:1 for impacted sensitive plant communities (~~habitat area~~ restored for ~~habitat area~~ lost). The location of restoration shall be determined by a County-approved biologist. On-site restoration is preferable, however the County may approve off-site restoration if the applicant can demonstrate to the County's satisfaction that restoration on-site cannot be achieved. The restoration shall include locally-obtained native species approved by the County. A ~~Habitat~~ Sensitive Plant Community Restoration Plan shall be developed by a County-approved biologist pursuant to the requirements listed in Mitigation Measure B-2(b) below.

To mitigate for effects on sensitive ~~vegetation~~ plant communities from the project, the applicant shall hire a qualified biologist to develop a Sensitive Plant Communities Restoration Plan with the goal of restoring impacted sensitive habitats at a minimum ratio of 2:1 onsite (~~habitat area~~ restored to ~~habitat area~~ impacted) per the requirements below. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to sensitive plant communities and the subsequent amount of acreage needed for restoration for the project. The restoration plan shall be implemented for a period of not less than five years, or until restoration has been completed successfully in conformance with the success criteria stated below. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is determined as unachievable to the satisfaction of the County, as long as the off-site proposals result in equal compensatory value. Replacement ratios for off-site mitigation may be different than those required for onsite mitigation. The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by plant community ~~habitat type~~);

- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat sensitive plant communities to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) plant communities to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent survival of the prescribed number of container plants and 30 percent relative cover by vegetation type, or success criteria can be based on quantitative sampling of restoration sites compared with quantitative sampling of ~~impact~~ reference sites established prior to disturbance. If sampling is used to establish success criteria, the sampling method must be a scientifically valid published method suitable for evaluating vegetation. To achieve success, data must illustrate the restoration site is comparable or better than baseline reference site conditions within ten percent of total cover of the baseline reference area plots or transects, within ~~10~~ ten percent of or exceeding absolute native cover of the baseline reference plots or transects, and within ten percent of or less of non-native cover in the baseline reference plots or transects. Additionally, restoration sites must meet the membership rules in the Manual of California vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) for the type being established;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Documentation~~Notification~~ of completion of compensatory mitigation ~~and agency confirmation~~ to relevant agencies, including the County of Santa Barbara; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** Grading plans showing the location of sensitive plant communities, as well as the Sensitive Plant Communities Restoration Plan shall be submitted to P&D for review and approval prior to approval of land use permits for grading for access road improvements, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs.

**Monitoring.** ~~P&D staff~~ A County-approved biologist shall inspect the site prior to initiation of ground disturbance activities, and shall inspect the site a minimum of once per week to ensure protective fencing is in place and shall provide the documentation

described above. P&D staff shall oversee implementation of the Sensitive Plant Communities Restoration Plan.

21. **B-2(b) Invasive Weed Prevention Best Management Practices.** The following shall be implemented to prevent the introduction of invasive weed species:
- During construction, the ~~project~~ applicant will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or other similar substances.
  - Vehicles, equipment, and worker shoes and clothing must be free of weed seeds and caked-on soil when mobilized onto the site to minimize potential for introduction of invasive species.
  - To avoid the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction. Topsoil containing weed seeds that cannot be re-deposited on site must be transported to a certified landfill for disposal if the soil is removed from Rancho La Laguna.
  - The erosion control/ restoration plans for the project must emphasize the use of native species that are expected to occur in the area and that are considered suitable for use at the project site.
  - All erosion control materials including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
  - Exotic and invasive plant species will be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall ~~maintain~~ retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures.

22. **B-2(c) Biologist Review of Landscape Plans.** Landscape plans for future development shall be reviewed and approved by a ~~P&D~~ County-approved biologist. The applicant shall use primarily native, locally collected plant species for landscaping purposes. The use of non-native invasive species shall be prohibited. **Plan Requirements and Timing.** The plans shall be approved by County staff prior to approval of land use permits for future residential development. **Monitoring.** P&D permit compliance shall monitor implementation in the field.
23. **B-3(a) Avoidance of Impacts to Drainages.** Impacts to drainages shall be avoided through the use of span bridges or other crossing options that would not disturb the bed and bank. Construction of crossings shall occur during the low-flow period of the year when water within drainages is minimal or absent. In addition, all utilities shall either be attached to the underside of crossing structures or shall be drilled under the creek beds such that trenching through drainages is avoided. If utilities are drilled or bored under the

creek beds, the chosen construction method shall be evaluated to determine if there is a risk of frac-out. If so, a County-approved biologist shall be present during crossing construction as well as when drilling beneath the creek bed, if this method is chosen, to ensure that frac-out (excessive drilling pressure causing drilling mud to breach the surface) does not occur.

**Plan Requirements and Timing:** The applicant shall submit bridge designs and copies of the SAA, 401 Certification or Waste discharge requirements, or Section 404 permit (if applicable) and restoration plan (if applicable) to P&D prior to land use permit approval for any drainage crossing. **Monitoring.** P&D shall oversee implementation of the applicable permits and restoration plan as well as shall inspect the bridge to ensure compliance. ~~P&D staff and/or a~~ A County-approved biologist shall ~~be present~~ monitor during all bridge construction and utility installation activities.

24. **B-3(b) Wetland and Drainage Mitigation.** If avoidance of impacts to jurisdictional wetlands and drainages is determined to the satisfaction of the County as unachievable, impacts shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted), and shall occur on-site or as close to the impacted habitat as possible. Upon final design of the access roads, domestic water system improvements including utility lines, drainage crossings, and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the ~~final anticipated~~ impacts to sensitive communities jurisdictional wetlands and drainages and the vegetation associated with them. This estimate will be confirmed or adjusted at the end of construction to update the subsequent amount of acreage needed for restoration for the project. A mitigation and monitoring plan shall be developed by a County-approved biologist in accordance with Mitigation Measure B-2(a) above and shall be implemented for no less than five years after construction, or until the local jurisdiction and/or the permitting authority (e.g., USACOE) has determined that restoration has been successful.

**Plan Requirements and Timing.** The applicant shall submit the restoration plan to P&D for review and approval prior to approval of land use permits for RDE development as well as domestic water system improvements including utility lines, access roads, and infrastructure construction. **Monitoring.** P&D staff shall ensure that the proposed development avoids impacts to jurisdictional areas or that impacts are properly mitigated ~~for~~.

25. **B-3(c) Jurisdictional Delineation.** If impacts to wetlands and drainages from roadway crossings cannot be avoided and occurs within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACOE, and/or RWQCB, the applicant shall retain a qualified biologist to complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency and the County. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency,



USACOE, RWQCB, and CDFW, as appropriate, for review and approval. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDR) permit and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. If the USACOE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required. **Plan Requirements and Timing.** The applicant shall submit a Jurisdictional Delineation Report to P&D prior to approval of land use permits. **Monitoring.** P&D shall ensure that a jurisdictional delineation is completed.

26. **B-3(d) Agency Coordination.** Impacts to drainages as a result of access roads and infrastructure may require permits from USACOE, RWQCB, and CDFW. The applicant shall obtain correspondence from applicable state and federal agencies regarding compliance of the proposed development with state and federal laws, if applicable. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits. **Monitoring.** P&D shall review agency correspondence and shall ensure that the project meets any requirements outlined by the agencies.
27. **B-3(e) Jurisdictional Areas Best Management Practices During Construction.** The following best management practices shall be required for ~~development~~ construction within or adjacent to jurisdictional areas:
- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal and state) including locating access routes and ancillary construction areas outside of jurisdictional areas.
  - To control ~~sedimentation~~ erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project.
  - Project activities within the jurisdictional areas should occur during the dry season (typically between ~~June~~ May 1 and September 30 ~~November 1~~) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.
  - During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
  - All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
  - Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to

aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.

- All refueling, maintenance, and staging of equipment and vehicles shall occur at least ~~60~~ 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

**Plan Requirements and Timing.** These measures are to be implemented during construction and shall be included on all land use, grading, and building plans.

**Monitoring.** The applicant shall retain ~~maintain~~ a County-approved biologist to monitor compliance with the above measures.

- 28. B-4(a) Oak Tree Avoidance and Protection.** The applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved biologist and/or arborist designed to protect existing oak trees through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid this resource. Protected oak trees to be considered shall be those species and sizes specified in Tree Protection Development Standards 1 and 2 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County. The applicant shall modify proposed development to either incorporate and/or avoid these protected oak trees. The following shall be implemented to protect existing oak trees:

- Prior to the onset of any construction activities highly visible orange construction fencing shall be installed around existing protected oak tree stands and individuals that are to be retained at a buffer/extent radius of six feet beyond the canopy dripline, wherever the topography allows for such fencing or otherwise marked in the field to protect them from harm during development of the RDEs as well as access road and infrastructure construction.
- No construction equipment shall be parked, or stored within 25 feet of any oak tree dripline that is not proposed for removal, i.e., retained oaks. Construction activities within 25 feet of protected oak trees shall be the minimum necessary. The Tree Protection Plan shall specify all situations in which activities must be monitored by a County-approved biologist or arborist.
- No fill soil, rocks, or construction materials shall be stored or placed within 25 feet of the dripline of a specimen protected oak tree.
- No artificial surface, pervious or impervious, shall be placed within 25 feet of the dripline of any protected oak tree, except for County-approved project access roads.
- Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a County-approved arborist/biologist.

- Any trenching or ground disturbing construction activity required within three feet of protected (i.e. retained) oak tree's dripline shall be done with hand tools.
- No permanent irrigation shall occur within the dripline of any existing protected oak tree.
- Only designated oak trees shall be removed. All grading and construction plans shall clearly delineate those trees to be removed and those to remain.

**Plan Requirements and Timing.** The applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all ~~plan~~-TPP components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. The applicant shall comply with this measure prior to approval of a land use permit. Plan components shall be included on all plans prior to the issuance of grading permits. The applicant shall install protected oak tree protection measures onsite prior to issuance of grading/building permits and pre-construction meeting. **Monitoring.** The applicant shall demonstrate to P&D staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to final building inspection clearance.

**29. B-4(b) Tree Replacement Plan.** If development within RDEs or construction of proposed access roads or infrastructure must remove protected oak trees specified as those species and sizes described in Tree Protection Development Standards 1, 2, or 3 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County, a Tree Replacement Plan shall be prepared by a certified arborist, qualified biologist with restoration experience, or landscape architect. The tree replacement plan shall be designed to replace ~~native~~ protected oak trees removed by the proposed project at a ratio of 10:1 (trees planted: trees impacted). Replacement plantings shall rely on locally obtained ~~valley~~ protected oaks of the same species as the trees removed. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to protected oak trees and the subsequent number of replacement plantings needed for restoration for the project. Replacement trees shall be installed on-site or at an approved off-site location. Monitoring of planted trees shall be for a minimum of five years or until stasis has been determined by a County-approved certified arborist or biologist. The plan shall include the following components at a minimum:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project;
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);

- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used and container sizes]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, number of trees target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, ~~at least 80 percent~~ survival of 80 percent of prescribed number of container plants;
- Replacement trees must survive in good health for at least one year without supplemental irrigation prior to completion;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** The Oak Tree Replacement Plan shall be submitted to P&D for review and approval prior to approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. Oak tree mitigation planting for development within RDEs shall be incorporated into landscaping plans for individual lots, where feasible. The applicant shall post a performance security to ensure installation and maintenance for a minimum of five years prior to Land Use Permit issuance. ~~final building inspection clearance and maintenance for a minimum of five years.~~ **Monitoring.** The applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to final inspection clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

- 30. B-5 Maintain Connectivity in Drainages.** No permanent structures shall be placed within the channel that would impede wildlife movement (i.e., the preference is that no hardened caps, pipelines, or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage). In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded wildlife passage through the area once the work has been complete. **Plan Requirements and Timing.**

Final crossing and utility plans shall be provided to County P&D for approval prior to the approval of land use permits for grading. **Monitoring.** P&D staff shall conduct an inspection upon completion of construction to ensure compliance.

31. **B-6(a) Buffer from Special Status Habitat or Sensitive Plant Communities ~~Habitat~~.** All future residences, guest houses and other habitable structures must be positioned so that the 100-foot fuel modification zones (30 feet for native grasslands) will not encroach within special status species habitat or sensitive ~~native habitat~~ plant communities as depicted on Figure 4.4-1 and 4.4-2a through 4.4-2c and listed in Table 4.4-4 of the EIR, and as determined in the field by a County-qualified biologist at the time of future development. Based on the field survey and vegetation maps, fuel management activities shall not encroach into special status species habitat or sensitive plant communities. ~~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 included on all building and grading plans submitted for future residential development. **Monitoring.** P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum buffer requirements. Permit Compliance shall site inspect during construction of future structures to ensure compliance.
32. **B-6(b) Fuel Management Plan.** The applicant shall prepare a Fuel Management Plan to ensure that avoidance is accomplished and to ensure that fuel management is balanced with special status species habitat or sensitive ~~resource~~ plant community protection. 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 special-status plant species habitat and sensitive plant communities ~~vegetation~~.
  - The plan shall depict fuel management zones (i.e., Zone 1, 2, and 3) wherever required and shall include specific special status species habitat or sensitive plant communities ~~habitat and rare species~~ protection and fuel management measures to be used in each management zone and for each habitat type plant community. Onsite vegetation management shall be limited to the zones and clearance requirements/percentages conceptually described.
  - Impacts to ~~native grasslands~~ sensitive plant communities 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 in sensitive plant communities 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~~ April 1 to August 15).

**Plan Requirements and Timing.** The Fuel Management Plan shall be reviewed and approved by P&D prior to approval of land use permits for future residential

development. Site plans shall show any proposed fuel management zones and measures to protect any ~~sensitive~~ special status species 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.

**Attachment B.1 :**

- 41. 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 applicant~~ shall submit to the County Surveyor a set of prints of the Final map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
  
- 63. Special Condition - Aest-04 BAR Required.** The applicant/owner shall obtain Board of Architectural Review (BAR) approval for all future development and landscaping located within the RDE's on lots 1, 2, and 3. Future development and landscaping located within the RDEs on lots 4-13 may be subject to BAR review in accordance with Santa Barbara County Land Use and Development Code requirements. Future agricultural development (e.g. barns, agricultural employee dwellings) located outside of the RDEs on lots 1-13 may be subject to BAR review in accordance with the Santa Barbara County Land Use and Development Code requirements. ~~All project elements (e.g., design, scale, character, colors, materials and lighting plan) shall be compatible with vicinity development.~~ The following shall be used in evaluating structural development and landscaping:

**Site Design and Architecture.** Structures shall be subordinate in appearance to the landscape and natural land forms, using the natural topography to reduce the visibility of the proposed development, including associated infrastructure. Development will be sited so as not to intrude into the skyline as seen from public viewing places. The height, scale, and design of structures shall be compatible with and complement the rural and agricultural character of the area and the natural environment. Structures shall maximize the use of natural materials and finishes that are compatible with the surrounding area. No reflective finishes, other than glazing, hardware, or photovoltaic panels are allowed. Exterior colors used shall be subdued, with darker colors recommended, and blend harmoniously with the sites natural features.

**Landscaping.** Landscaping plans and palettes shall primarily use native plant species indigenous to the area and, if possible, sourced locally. Other plantings should be drought tolerant and/or fire resistant and not be able to spread locally. Non-native invasive and noxious species are prohibited. Refer to California Invasive Plant Council Current listing and California Code of Regulations Title 3 Section 4500 respectively.

**TIMING:** The applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to Land Use Clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

**MONITORING:** The applicant shall demonstrate to P&D compliance monitoring staff that the project has been built and landscaped consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

- 64. Special Condition - Aest-10 Lighting.** The Owner/Applicant shall ensure any exterior night lighting, including driveway and walkway lighting, installed on the project site is dark sky compliant to reduce impacts on nocturnal ecosystems and the night sky. All lighting fixtures shall be fully shielded and fully cut-off. Lighting shall be of low intensity, the minimum wattage needed, and of low glare design, minimum height, and shall be fully hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. Illumination of any landscaping and building facades is not permitted. Light standards lining the driveway and floodlight type lighting fixtures are not permitted. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for BAR and/or P&D approval in accordance with Special Condition No. 63 incorporating these above requirements and showing the locations and height of all exterior lighting fixtures showing the direction of light being cast by each fixture. ~~with arrows showing the direction of light being cast by each fixture~~. **TIMING:** Lighting shall be installed in compliance with this condition measure prior to Final Building Inspection Clearance. **MONITORING:** P&D and/or BAR shall review a the Lighting Plan for compliance with this condition measure prior to approval of a Land Use Permit for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction and specifications on the final Lighting Plan.

Rancho La Laguna Project  
Final Environmental Impact Report  
Revision Letter  
SCH #2010091065  
March 9, 2017  
Project Case No. 6TRM-00000-00002

*Prepared by:*  
County of Santa Barbara  
Planning & Development Department  
624 West Foster Road  
Santa Maria, California 93455-3623

*With the assistance of:*  
Rincon Consultants, Inc.  
1530 Monterey Street, Suite D  
San Luis Obispo, CA 93401



## I. Project Description

The project as evaluated in the Final Environmental Impact Report (Final EIR) involves a Tentative Tract Map application to subdivide an existing 3,951-acre property into 13 lots ranging in size from 160 acres to 605 acres. Each lot would have a residential development envelope (RDE), within which all future residential development would be confined, including all residential accessory development. Agricultural structures, including agricultural worker dwellings, would be located outside the RDEs. The property consists of Assessor's Parcel Numbers (APNs) 133-080-026, 133-080-036, and a portion of 133-080-037.

## II. Background

A Draft EIR (SCH #2010091065) for the project was circulated for a 45-day public review period that began February 17, 2016 and concluded on April 19, 2016. A public hearing to receive public comment on the Draft EIR was conducted on March 16, 2016. The Draft EIR, in combination with comments received and responses to all written comments and public testimony, comprise the Final EIR.

The project applicant has requested a revision to the Rancho La Laguna project description to allow future residential development on the project site to rely on private domestic wells, rather than connecting to the proposed shared water system. This revision is discussed in Section III.A, and this Revision Letter has been prepared to update the Final EIR to reflect the changes related to this revision to the Rancho La Laguna project description, as well as provide the required environmental analysis. Pursuant to CEQA Guidelines, Section 15088.5, this project description revision and associated analysis documented in this Revision Letter do not require recirculation of the Final EIR as they do not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

## III. Revisions to the Final EIR Impact Analysis

### III.A. Revised Rancho La Laguna Project Description

The proposed revision to the Rancho La Laguna project description would allow future residential development on the project site to rely on private domestic wells, rather than connecting to the proposed shared water system. Section 2.0, *Project Description*, of the Final EIR includes a description of proposed on-site infrastructure to serve future residential development. This description, with the requested text additions reflected using underlining, follows:

Infrastructure. Underground utility conduits and water pipelines would be installed along access roads and driveways. All new water pipelines for the shared water systems will be placed within existing ranch roads, including those that are proposed to provide access to RDEs. Two shared water systems, one for domestic use and the other

for agricultural use, would serve the project site. The shared water systems would rely on the existing on-site wells. A State Small Water System (SSWS) utilizing the existing Well #13 (on the proposed Lot 12) would provide domestic water service to each of the RDEs. A SSWS is defined by the County of Santa Barbara as “a domestic water system for the provision of piped water to the public for domestic purposes that serves at least five, but not more than fourteen service connections on one or more parcels and does not regularly serve more than an average of twenty-five individuals daily for more than sixty days out of the year.” An existing shared water system utilizing Wells #13 (on the proposed Lot 12) and #14 (on the proposed Lot 4) would provide agricultural irrigation water to agricultural operations on each of the proposed lots. Shared water agreements would give each lot owner an equal right to each of the shared water systems. The proposed new residential units would have the option of either connecting to the domestic shared water system, or providing water through a private domestic well. For wastewater infrastructure, each of the proposed RDEs would be served by a private on-site septic system utilizing the leach line or drywell disposal method, as no public sewer is available in the project area. Utility easements would be co-located with proposed access roads.

### III.B. Environmental Analysis of Proposed Revision

The revision to the project described in Section III.A would not result in a change to the potential residential buildout of the site, the area of disturbance associated with the proposed Residential Development Envelopes (RDEs), or the area of disturbance associated with the planned roadway infrastructure. The Final EIR includes a discussion of potential impacts resulting from planned utility improvements, including shared water systems. Potential disturbance and associated impacts resulting from private domestic wells would be similar to what is evaluated in the Final EIR for the domestic shared water system. Total water demand would not change as a result of the proposed project description revision. To ensure that any site disturbance to develop domestic wells would require similar mitigation to what is required in the Final EIR for the domestic shared water system, all Final EIR mitigation measures that apply to water utility infrastructure will be revised by the County through implementation in the project’s Conditions of Approval to apply to both domestic water wells as well as shared water systems. Accordingly, the results of the environmental analysis in the Final EIR would not change with the revised project such that new or previously unidentified significant impacts would occur.

## Attachment 1: Revisions to Final EIR Mitigation Measures

### 4.1 Aesthetics/Visual Resources

**AES-2. Oak Tree Replanting Within Public Viewsheds.** In addition to the requirements in Mitigation Measure B-4(b), the Tree Replacement Plan shall include a provision requiring that existing oak trees which are visible from public roadways and would need to be removed due to project construction shall be replaced with oak trees in locations that are visible from such roadways. **Plan Requirements and Timing.** The Oak Tree Replacement Plan for residential development, access road improvements, and infrastructure for domestic water system improvements and utility lines within each RDE shall be submitted to P&D for review and approval prior to issuance of land use grading permits for that residential development and associated utilities. **Monitoring.** P&D shall oversee implementation of the Oak Tree Protection and Replacement Plan.

### 4.4 Biological Resources

**B-1(a) Special Status Plant Species Pre- Construction Surveys.** Updated surveys for special status plants (i.e., plants either state or federally listed or California Rare Plant Ranked) shall be completed by a County-approved biologist for all proposed disturbance areas prior to construction of the access roads, infrastructure and development of the RDEs. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the flowering time for the target species. All plant surveys shall be conducted by a qualified biologist approved by the County no more than two years prior to initial ground disturbance for roads/infrastructure, and each individual residential development. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and approval. **Plan Requirements and Timing.** A report of the ~~rare~~ special status plant survey results shall be submitted ~~ing~~ to P&D for review prior to issuance of land use permits for each RDE development as well as access road and infrastructure construction. Mapped locations of ~~rare~~ special status plants shall be shown on grading plans. **Monitoring.** P&D shall ensure that the ~~rare~~ special status plant surveys have been completed. Grading inspectors shall inspect as needed.

**B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation.** If Federally or State listed or California Rare Plant Ranked species are found during special status plant surveys, a species and site-specific evaluation shall be prepared. The evaluation must identify locations and extent of special status plants within and abutting the proposed development site, and within the lot. The evaluation shall consider impacts to these plant species in the context of populations at the state, regional, and local (i.e. survey area and immediate vicinity) levels. The report must also evaluate options for minimizing impacts to these plant species on the site. Development on the site shall be designed in coordination with a qualified biologist to avoid impacting these plant species.

~~Rare~~ Special Status plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a qualified biologist, to protect them from harm during construction. If State listed species cannot be avoided, authorization for impacts must be obtained from CDFW, and all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration.

If non-listed special status plants species cannot be avoided, impacts shall be mitigated for all impacts that could cause the regional population of any of these species to drop below self-sustaining levels, threaten to eliminate any plant community of which the species is a key part, or substantially reduce the number of occurrences or individuals or restrict the range of that species. The threshold for impacts above which mitigation must be implemented shall be ~~impacts that remove~~ removal of over 10 percent of the local (onsite and immediate vicinity) population of any CRPR 1B species, or ~~impacts removal of~~ removal of more than 30 percent of the local (onsite and immediate vicinity) population of any CRPR 3 or 4 species that forms a unique vegetation type, is present in unusually large numbers, with implications for status of the species throughout its range, or is otherwise designated as locally rare. Impacts shall be mitigated at a minimum ratio of 1:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared and submitted to the County for approval. (Note: if a state listed plant species will be impacted, the restoration plan shall also be submitted to the CDFW for approval). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by ~~habitat type~~ special status species);
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of special status species habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);

- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent survival of the prescribed number of container plants and 30 percent relative cover by vegetation type for restoration plans that include establishment of a specific vegetation alliance, and minimum survival of two individuals /two acres occupied at the same density as baseline for each one individual or one acre of impacted CRPR 1B species, and minimum survival of one individual/one acre occupied at the same density for each individual or acre impacted for CRPR 3 and 4 species. Options for individuals or acreage are allowed because establishment of annual plants is often evaluated based on cover and density. Additionally, in no case shall density and cover of non-native species exceed baseline the reference site condition, which shall be identified and evaluated at the impact site prior to disturbance and at regular intervals during the monitoring program;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** ~~Prior to approval of land use permits for the construction of~~ The results of the survey and impact analysis for shared access roads improvements and widening, and for the installation of the shared water system improvements and utility lines shall be submitted to P&D for review and approval prior to Land Use Permit ~~approval issuance.~~ infrastructure improvements and development within the RDEs, the applicant shall submit the results of the survey to P&D for review and approval. For construction within and adjacent to each RDE (including any driveway between the common road system and the residential development within the RDE), the impact analysis shall be completed prior to approval of land use permits for that construction. P&D shall inspect the site prior to initiation of ground disturbance activities to ensure the protective fencing is installed properly. If special status plants cannot be avoided, the applicant shall submit the restoration and monitoring plan to P&D for review and approval prior to approval of land use permits for development within the RDEs as well as access road and infrastructure construction. **Monitoring.** The protective fencing shall be monitored by P&D staff until construction is complete. P&D staff shall ensure that the proposed development avoids impacts to special status rare plant species or impacts are mitigated for per the requirements of this measure.

**B-1 (c) USFWS/CDFW Consultation.** Prior to approval of land use permits for the construction of access roads, infrastructure improvements and development within the RDEs, the applicant shall consult with USFWS and CDFW regarding potential impacts to CRLF, LBV, and CTS, unless such consultation already has occurred for the proposed disturbance area within the last 2 years. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals.

**Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits for the construction of access roads, infrastructure improvements and development within the RDEs. **Monitoring.** P&D staff shall ensure that prior to land use permit-approval, the applicant has contacted USFWS and CDFW, unless an earlier consultation (within the last 2 years) has occurred for the proposed disturbance area.

**B-1(d) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Protocol Surveys.** Prior to the approval of land use permits for the construction of ~~the~~ access roads, infrastructure improvements including domestic water systems and utility lines, and development within the RDEs, surveys for CTS in disturbance areas located within the distribution area (known range) of CTS (USFWS, 2010) and ~~are~~ within 1.24 miles of potential breeding ponds shall be conducted. In addition, surveys shall be conducted within disturbance areas containing suitable aquatic and riparian habitat for the CRLF (e.g., Foxen Canyon/Jesus Canyon drainage). Surveys shall consist of aquatic and/or upland sampling as appropriate and in consultation with the USFWS and ~~or~~ CDFW. Surveys shall follow the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS, 2003) and Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS, 2005) or the current protocol established by the USFWS and CDFW at the time surveys are conducted. The applicant shall obtain all necessary permits and approvals and shall implement measures as required by these permits and approvals, as applicable to each species.

If CTS and/or CRLF are detected within the proposed disturbance area, mitigation measures B-1 (c) and B-1(e) would apply. If protocol surveys result in negative findings, mitigation measures B-1(c), B-1(d), B-1(e) and B-1(f) would not apply. Currently, the CRLF ~~and CTS protocols listed above~~ protocol guidance (2005) specifies that the results would remain valid for two (2) years. The current (2003) guidance for CTS does ~~do~~ not specify time periods in which results would remain valid. In the event that protocol surveys have already been completed and may apply to a parcel proposed for development, and under the most current protocol guidance for the species, the survey is no longer valid, or there is no specified time limit for validity, the project applicant shall consult with the USFWS and/or CDFW to determine whether a new protocol survey is required.

Alternatively, in lieu of conducting protocol surveys, the applicant may choose to assume CTS are present within disturbance areas located within the distribution of CTS in Santa Barbara (USFWS, 2010) and ~~are~~ within 1.24 miles of potential breeding ponds and containing suitable habitat. The applicant may also choose to assume CRLF are present within disturbance areas containing suitable habitat (e.g., Foxen Canyon/Jesus Canyon drainage). If protocol surveys are not conducted and presence assumed based on suitable habitat, mitigation measure B-1(e) would apply. If protocol surveys for CTS ~~&~~ and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS ~~&~~ and/or CRLF, shall not apply.

**Plan Requirements and Timing.** The applicant shall submit the results of the protocol surveys or a memorandum indicating that the applicant chooses to assume presence for each species based on suitable habitat prior to approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D staff shall ensure that documentation is received prior to approval of land use permits and shall oversee implementation of mitigation plans.

**B-1(e) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Habitat Avoidance and Compensatory Mitigation.** If CTS or CRLF occupied or presumed occupied habitat would be impacted by the project, the applicant shall re-design development and/or undertake a construction monitoring program in coordination with a County-approved qualified biologist to avoid impacting occupied habitat for that species, and to avoid individuals of the species. If USFWS (and CDFW for CTS) determines that these measures are not sufficient to avoid “take”, the applicant will be required to provide mitigation for “take” as described below.

Disturbance limits shall have bright orange protective fencing installed at least 50 feet beyond their extent, or other distance as approved by a County-approved biologist, to protect occupied habitat. If occupied or presumed occupied habitat and/or individuals of the species cannot be avoided, the applicant shall provide the County total acreages for habitat that would be impacted prior to the approval of land use permits for the construction of access roads, infrastructure improvements, and development within the RDEs. The applicant shall purchase credits at a USFWS and CDFW approved conservation bank (there is currently one CDFW-approved bank for CTS with a service area that includes the project site, La Purisima Conservation Bank) and/or establish conservation easements or funds for acquisition of conservation easements as compensatory mitigation to offset impacts on CTS and CRLF habitat.

The compensatory mitigation shall incorporate the conditions specified in incidental take permits that could be issued by CDFW and USFWS for this project, but shall meet the minimum standards specified in this measure. Compensatory mitigation shall be provided at a ratio of not less than 2:1 (area mitigated: area impacted). Compensatory mitigation may be combined/nested with special status plant species and sensitive community restoration where applicable.

If the applicant establishes conservation easement(s) (on- and/or off-site) to serve as compensatory mitigation for CTS and CRLF impacts, areas proposed for preservation must contain verified extant populations of the special status species that would be impacted by the project. Compensatory mitigation areas shall have a restrictive covenant prohibiting future development/disturbance and shall be managed in perpetuity to encourage persistence and enhancement of the preserved target species. Compensatory mitigation lands cannot be located on land that is currently held publicly for resource

protection. The compensatory mitigation areas shall be managed by a conservation lands management entity or other qualified easement holder.

The CDFW and organizations approved by CDFW that meet the criteria below may be considered qualified easement holders for those species for which the CDFW has regulatory authority. To qualify as a “qualified easement holder” a private land trust must at a minimum have:

1. Substantial experience managing conservation easements that are created to meet mitigation requirements for impacts to special-status species;
2. Adopted the Land Trust Alliance’s Standards and Practices; and;
3. A stewardship endowment fund to pay for its perpetual stewardship obligations.

Other specific conditions for qualified easement holders may be outlined in incidental take permits that could be issued by CDFW and USFWS for this project. The County shall determine whether a proposed easement holder meets these requirements. The applicant shall also be responsible for donating to the conservation easement holder fees sufficient to cover administrative costs incurred in the creation of the conservation easement (appraisal, documenting baseline conditions, etc.) and funds in the form of a non-wasting endowment to cover the cost of monitoring and enforcing the terms of the conservation easement in perpetuity. The amount of these administrative and stewardship fees shall be determined by the conservation easement holder in consultation with the County.

Conservation easement(s) shall be held in perpetuity by a qualified easement holder (as defined above, and be subject to a legally binding agreement that shall: (1) Be recorded with the County Recorder(s); and (2) Contain a succession clause for a qualified easement holder if the original holder is dissolved.

The following factors shall be considered in assessing the quality of potential mitigation habitat: (1) current land use, (2) location (e.g., habitat corridor, part of a large block of existing habitat, adjacency to source populations, proximity to potential sources of disturbance), (3) vegetation composition and structure, (4) slope, (5) soil composition and drainage, and (6) level of occupancy or use by all relevant species.

To meet the requirement that the mitigation habitat is of value equal to, or greater than, the habitat impacted on the project site, the mitigation habitat must be **considered** “suitable habitat” or “enhanced habitat” as described below:

*Suitable Habitat.* To meet the requirements for suitable habitat that provides equal or greater habitat value for listed animal species than the impacted habitat, the habitat must:

1. Provide habitat for special status animal species, such that special status animal species populations can regenerate naturally when disturbances are removed;



2. Not be characterized by (or adjacent to areas characterized by) high densities of invasive plant or animals species, such as yellow star-thistle and bullfrog, or other species that might jeopardize habitat recovery and restoration;
3. Not contain hazardous wastes that cannot be removed to the extent that the site could not provide suitable habitat for special status species survival; and
4. Not be located on land that is currently publicly held for resource protection.

*Enhanced Habitat.* If suitable habitat is unavailable, or in lieu of acquiring already suitable special status animal species habitat, the applicant may enhance potential habitat that:

1. Is within an area with potential to contribute to habitat connectivity and build linkages between populations;
2. Consists of actively farmed land or other land containing degraded habitat that will support enhancement for the special status species;
3. Supports suitable soils, slope, and drainage patterns consistent with special status animal species requirements;
4. Cannot be located on land that is currently held publicly for resource protection; and
5. Does not contain hazardous wastes or structures that cannot be removed to the extent that the site could not provide suitable habitat.

*Enhanced Habitat Standards.* For enhanced habitat conditions to equal or exceed habitat conditions on the project site, the enhanced habitat shall meet the following habitat criteria. After five years, these sites must consist of suitable habitat or contain other habitat characteristics (e.g. small mammal burrows in upland habitat for CTS, etc.) that are consistent with the known ecology of the special status animal species to which compensatory mitigation is being applied. If protocol surveys for CTS & and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS & and/or CRLF, shall not apply.

**Plan Requirements and Timing.** If occupied or presumed occupied CTS and/or CRLF habitat cannot be avoided by project redesign or other measures and if USFWS and CDFW determines that these design features and construction monitoring measures are not sufficient to avoid a “take”, the applicant will be required to provide mitigation for “take” as described below.

The applicant shall ~~calculate~~ consult with USFWS and CDFW to determine the total acreages required to meet all compensatory mitigation obligations, and shall submit these totals this information to County P&D prior to approval of land use permits for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. The applicant shall ~~then~~ obtain ~~County~~ USFWS and CDFW approval of the conservation bank and/or location of

mitigation lands, the holder of conservation easements, and the restrictions contained in the easement(s) created for the permanent protection of these lands. Documentation of purchase of mitigation credits and/or recorded easement(s) shall be submitted to and approved by the County prior to the issuance of a land use permit. Verification of having met habitat mitigation requirements shall be reviewed and approved prior to final inspection. **Monitoring:** P&D shall review and approve documentation of compensatory mitigation land acquisition and associated restrictive covenant for consistency with conditions outlined in the measure. These lands may be identified through independent consultation with CDFW and/or USFWS. The applicant shall provide evidence to P&D of (a) conservation bank credits, or (b) establishment of a permanent conservation easement and maintenance endowment.

**B-1(f) Listed Species Habitat Mitigation and Monitoring Plan (HMMP).** If protocol surveys for CTS & and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS & and/or CRLF, shall not apply. If establishment of conservation easements (on- and/or off-site) pursuant to Mitigation Measure B-1(d) is required, the applicant shall retain a County-approved biologist to prepare a Habitat Mitigation and Monitoring Plan (HMMP) to ensure the success of compensatory mitigation sites required for compensation of permanent impacts to CTS and CRLF that are to be enhanced. If required, the HMMP shall be submitted to USFWS and CDFW for their review, then to the County within 12 months after the approval issuance of the land use permit. The HMMP shall include, at a minimum, the following information:

- A summary of habitat and species impacts and the proposed mitigation for each element;
- A description of the location and boundaries of the mitigation site(s) and description of existing site conditions;
- A description of any measures to be undertaken to enhance (e.g., through focused management) the mitigation site for special status species;
- Identification of an adequate funding mechanism for long-term management and identification of a conservation lands management entity to manage the conservation easement lands;
- A description of management and maintenance measures intended to maintain and enhance habitat for the target species (e.g., weed control, fencing maintenance);
- A description of habitat and species monitoring measures on the mitigation site, including specific, objective performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.; monitoring shall document compliance with each element requiring habitat compensation or management;
- A contingency plan for mitigation elements that do not meet performance or final success criteria within described periods; the plan shall include specific triggers for remediation if performance criteria are not met and a description of the process by which remediation of problems with the mitigation site (e.g., presence of noxious weeds) shall occur;

- A requirement that the applicant shall be responsible for monitoring, as specified in the HMMP, for at least five years post-construction; during this period, regular reporting shall be provided to the County;
- Reporting shall include:
  - a. An annual monitoring report to be submitted to the County and applicable agencies; and
  - b. Demonstration that the compensatory mitigation and management (1) will fully mitigate for any take of a CESA-listed species as defined by CESA, (2) minimize and mitigate any take of an FESA-listed species to the maximum extent practicable as defined by FESA, and (3) ensure that impacts from the project are not likely to jeopardize the listed species continued existence as defined by FESA.

**Plan Requirements and Timing.** The HMMP shall be submitted to P&D for review and approval ~~prior to~~ within 12 months after issuance of land use permits. If habitat restoration is to take place off-site, the above requirements shall also apply, and, in addition, proof of purchase or an easement controlling off-site acreage shall also be submitted to P&D prior to issuance of land use permits. **Monitoring.** The restoration shall be monitored by a County-approved biologist for five years. P&D shall oversee implementation of the HMMP through periodic monitoring and a final restoration site inspection upon completion.

**B-1(g) California Tiger Salamander (CTS) and California Red-legged Frog (CRLF) Avoidance and Minimization.** If protocol surveys for CTS & and/or CRLF result in negative findings for the presence of the species, this mitigation measure, as it pertains to CTS & and/or CRLF, shall not apply. The following measures shall be implemented during construction of access roads, infrastructure, and development within the RDEs:

- Pre-construction visual surveys for CTS and CRLF shall be conducted where suitable aquatic and upland habitat is present by a county-approved biologist (who can positively identify both species) not more than 48 hours prior to the start of construction activities. The survey area should include the proposed disturbance area and all proposed ingress/egress routes, plus a 100-foot buffer. If any life stage of CRLF or CTS is found within the survey area, the USFWS and ~~or~~ CDFW should be consulted to determine the appropriate course of action or the appropriate measures to be implemented in accordance with the Biological Opinion (BO) or Incidental Take Permit (ITP) HCP issued by the USFWS (relevant to CRLF and or CTS) associated with the project's Habitat Conservation Plan (HCP) and/or the ITP issued by the CDFW (relevant to CTS).
- Ground disturbance shall be limited to the minimum necessary to complete construction activities. Construction limits of disturbance shall be flagged. All equipment and material storage, parking, staging and other support areas shall be identified prior to issuance of a grading permit. Areas of special biological concern within or adjacent to construction limits shall have highly visible orange construction fencing installed between said area and the limits of disturbance.

- All development activities occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between ~~April~~ May 1 and ~~October 31~~ September 30, to avoid impacts to sensitive aquatic species.
- To avoid encountering migrating CTS within ~~range~~ 1.24 miles of potentially suitable aquatic habitat, construction within upland areas within the range of CTS should be limited to July 15 to October 15. Work should be postponed if chance of rain is greater than 70% based on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work must occur during these conditions, a qualified biologist shall conduct a clearance sweep of work areas prior to the start of work.
- All work shall occur during daylight hours.
- All projects occurring within or adjacent to habitats that may support CTS or CRLF shall have a County approved biologist present during all initial ground disturbing/vegetation clearing activities.
- No CTS or CRLF shall be captured and relocated without project specific permit expressed permission from the CDFW (for CTS) and ~~or~~ USFWS (for CTS and/or CRLF).
- If at any time during construction a CTS or CRLF enters the construction site or otherwise may be impacted by the project, all construction activities that could affect the species shall cease as determined by a County-approved biologist. A County-approved biologist shall document the occurrence and either follow the permit issued or consult with the CDFW and/or USFWS as appropriate.
- Upon completion of construction all excess materials and debris shall be removed from the project site and disposed of appropriately.
- The work area shall remain clean. All food-related trash items shall be enclosed in sealed containers and removed from the site regularly.
- Pets shall be prohibited at the construction site.
- The work area shall be surrounded by a solid temporary exclusion fence (such as silt fence) that shall be buried into the ground and extend at least three feet above the ground and buried at least 6 inches to exclude CTS and deter CRLF from the work area. The location of the fencing shall be determined by a qualified biologist. The fencing shall be installed during the dry season prior to rain events that may stimulate movement of CTS and CRLF. The fence shall be inspected daily to assure that it is functioning properly to exclude CTS and CRLF from the work area. The fence shall remain in place throughout construction. Access roads shall be temporarily sealed off overnight using a section of fence that is anchored to the ground (e.g., fire hose filled with sand or sand bags can be used to anchor the bottom of the fence or the bottom must be buried). Installation of the exclusion fencing shall be monitored by a County-approved biologist to ensure that it is installed correctly.
- All vehicle maintenance/fueling/staging shall occur not less than ~~60~~ 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills from entering adjacent habitats. A minimum of one

spill kit shall be available at each work location near riparian habitat or water bodies and workers shall be trained in its use.

- No equipment shall be permitted to enter wetted portions of any affected drainage channel unless previously approved by applicable regulatory agencies.
- All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.
- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- If any CTS or CRLF are harmed, the County-approved biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid additional harm to these species. Dead or injured ~~special status species~~ CTS or CRLF shall be disposed of at the discretion of the CDFW and USFWS. All incidences of harm shall be reported to the CDFW and USFWS within 48 hours or as otherwise specified in the project-specific permit.
- To ensure that diseases are not conveyed between work sites by the qualified biologist, or the construction workers and equipment, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall ~~maintain~~ have a County-approved biologist to monitor compliance with the above avoidance and minimization measures. The approved biologist shall submit ~~maintenance~~ monitoring reports to P&D compliance staff, with copies to USFWS and CDFW as appropriate.

**B-1(h) Species of Special Concern Avoidance and Minimization.** A County-approved biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover Species of Special Concern (western spadefoot, coast range newt, southern western pond turtle, two-striped garter snake, California legless lizard, and Blainville's horned lizard) that may be unearthed by construction activities. Individuals that are unearthed during excavation, if in good health, shall be immediately relocated to a designated relocation area to be determined by a County-approved biologist in coordination with CDFW. Individuals shall be relocated the shortest distance possible in a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. If injured, the animals shall be turned over to a CDFW-approved specialist until they are in a condition

suitable for release into the designated release area, or deposited at an approved vertebrate museum. **Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall ~~maintain~~ retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures. Monitoring reports shall be submitted to P&D as well as to USFWS and CDFW on a monthly basis during initial ground disturbing activities.

**B-1(i) Preconstruction Surveys for Nesting Birds.** For construction activities ~~occurring~~ scheduled to occur during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted within the nesting season of the species likely to be present by a qualified biologist no more than ~~30~~ 14 days prior to vegetation removal or other construction activities. If no vegetation that could be used for nesting is to be removed as determined by the County approved biologist, the pre-construction survey shall be conducted no more than 7 days prior to commencement of construction.

A qualified biologist shall conduct preconstruction surveys for raptors. The survey for the presence of golden eagles, shall cover all areas within of the disturbance footprint plus a 1-mile buffer where access can be secured. The survey area for all other nesting bird and raptor species shall include the disturbance footprint plus a 300-foot and 500-foot buffer, respectively.

If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest. The objective of the buffer shall be to reduce disturbance of nesting birds. All buffers shall be marked using high-visibility flagging or fencing, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails.

For golden eagle nests identified during the preconstruction surveys, an avoidance buffer of up to one mile shall be established on a case-by-case basis in consultation with the USFWS, and shall depend on the existing conditions and disturbance regime, relevant landscape characteristics, and the nature, timing, and duration of the expected development disturbance. The buffer shall be established between 1 February and 31 August; however, buffers may be relaxed earlier than 31 August if a qualified biologist/~~ornithologist~~ determines that a given nest has failed or that all surviving chicks have fledged.

Potential nesting habitat for the LBV occurring within 500 feet of the disturbance area shall be surveyed by a County-approved biologist for active nests prior to the start of construction activities. Surveys shall be done in accordance with the Least Bells' Vireo Survey Guidelines (USFWS, 2001) or as agreed upon through discussion with the USFWS based upon site conditions at the time of construction. If an active LBV nest site ~~Because a protocol survey for LBV already has been conducted at the property, the~~

nesting survey for LBV may be limited to 2-3 visits after April 10 when nesting could start (with concurrence from USFWS). If an active LBV nest is present, a 500-foot non-disturbance buffer shall be implemented around the nest during the breeding season (April 10 through July 30 or until the nest becomes inactive). The County biologist will monitor the nest to determine when it becomes inactive. Construction activities to within 100 feet of the potential LBV nesting habitat where the access roads to Lot 3 and Lot 12 crosses or parallel the Foxen Canyon/Jesus Canyon drainage will be completed outside the breeding season to the greatest extent feasible.

**Plan Requirements and Timing.** These measures are to be implemented during construction. The survey results shall be submitted to P&D prior to land use permit approval issuance. If active nests are discovered during the surveys, the applicant shall submit status and mitigation measure implementation updates during construction to P&D on a weekly basis while the nests are active. These measures shall be included on all grading, building, and land use plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. Monitoring. The P&D shall confirm that the applicant shall maintain has retained a County-approved biologist to monitor compliance with the above avoidance and minimization measures and that reports are submitted at weekly intervals during construction.

**B-1(j) Burrowing Owl Avoidance and Minimization Measures.** Pre-construction surveys shall be conducted by a County-approved biologist for burrowing owls in accordance with CDFW-adopted survey protocols (California Burrowing Owl Consortium, 1993). This could entail surveys for winter residents in December and January, in addition to peak nesting season (April 15 through July 15) surveys. All suitable habitat, potential or known burrows, or burrowing owls identified within the disturbance footprint and 500 foot buffer shall be assessed and mapped. Survey results will be valid only for the season during which the survey is conducted. Surveys shall cover all suitable habitat within the disturbance footprint plus a 500-foot buffer where safely accessible. If no burrowing owls or habitat are detected, no further action is required.

If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be counted, mapped as stated above, and avoided by establishing a buffer around the occupied burrow(s). The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no ground disturbance activities shall occur within this buffer until the qualified County-approved biologist has determined that the burrow is no longer occupied based on regular monitoring. If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with guidance from the CDFW. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically outside of the period between April 15 and July 15). Passive relocation may involve installation of one-way doors at burrow entrances for a minimum of five

days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. The biologist implementing the above mitigation measure must also submit documentation of coordinating this effort with P&D prior to implementation. ~~The results of the pre-construction surveys shall be submitted to Planning and Development staff prior to the approval of Land Use Permits for the construction of access roads, infrastructure improvements and development within the RDEs.~~ The above ~~impact avoidance~~ measures shall be included on all land use, grading, and building, and land use plans prior to the approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. The results of the pre-construction surveys and any passive relocations shall be submitted to ~~Planning and Development~~ P&D staff prior to Land Use Permit issuance. ~~approval of land use permits for the construction of access roads, infrastructure improvements and development within the RDEs.~~ A report on the implementation of impact avoidance measures used shall be submitted to P&D upon completion of the construction project. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance. The approved biologist shall submit monitoring reports to P&D staff.

**B-1(k) American Badger Avoidance and Minimization Measures.** A minimum of two weeks prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by an approved biologist (a biologist familiar with, including identification of, the wildlife species in the region). Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the proposed area of disturbance shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for three (3) to five (5) days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project site, the dens would be collapsed by hand with a shovel.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys. The above measures shall be included on all land use,



grading, and building plans for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. A report of the results of the badger survey shall be submitted to P&D for review and approval prior to ~~the approval of~~ Land Use Permits issuance for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D will review and approve the reports. A County-approved biologist shall be present during the initial ground-disturbing activity.

**B-1(l) San Diego Desert Woodrat Avoidance and Minimization Measures.** Not more than two weeks prior to the initiation of ground disturbing activities and/or vegetation removal, a County-approved biologist shall conduct a pre-construction survey ~~prior to the onset of work activities,~~ as well as surveys and/or monitoring during initial disturbance of potential San Diego desert woodrat habitat. If San Diego desert woodrat nests are discovered and are determined to be impacted by the project, the nests shall be relocated under the guidance and supervision of a County-approved biologist. Prior to relocation, the nest shall be agitated to encourage any woodrats occupying the nest to leave. Once the County-approved biologist is satisfied that the nest is unoccupied, the nest materials shall be placed outside of the impact area. The spacing between relocated nest materials or between relocated nest materials and existing stick nests shall not be less than 25 feet. Due to the potential for hazardous health conditions associated with the relocation of woodrat nests, procedures to minimize risk of contracting diseases associated with woodrats and woodrat nests ~~houses~~ needs to be addressed prior to relocation activities.

**Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D, and a report of the results of the relocation efforts shall be submitted to P&D for review prior to ~~the approval of~~ Land Use Permits issuance for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance ~~and shall inspect the site during construction to ensure compliance.~~

**B-1(m) California Legless Lizard, Blainville's Horned Lizard, Two-Striped Garter Snake, Western Spadefoot, and Coast Range Newt Pre-Construction Survey.** Not more than two weeks prior to initiation of ground disturbing activities and vegetation removal, a County-approved qualified biologist shall conduct a pre-construction survey for California legless lizard, Blainville's horned lizard, two-striped garter snake, western spadefoot and coast range newt. The survey area should include the project site and all proposed ingress/egress routes, plus a 100-foot buffer. Surveys for California legless lizards shall include raking of leaf litter under shrubs and trees in suitable habitat within the disturbance footprint to a minimum depth of eight inches.

If these species are found and individuals are likely to be killed or injured by construction activities, a County-approved qualified biologist shall be allowed sufficient time to capture and relocate the animals from the project site before construction activities begin. Suitable relocation sites for release of captured animals shall be identified prior to commencement of construction activities and approved by the County and CDFW. If California legless lizards are captured they shall be placed into containers with sand or moist paper towels and released in the pre-determined, County-approved off-site location for release of captured individuals within three hours of capture. The County-approved biologist shall relocate individuals the shortest distance possible to a location that contains suitable habitat not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. The biologist should monitor during construction to ensure that none return to the construction area. To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D and CDFW in advance of the surveys and any relocations. Proposed relocation areas shall be identified and approved by P&D and submitted to CDFW prior to the ~~issuance approval~~ of a Land Use Permit. The above measures shall be included on all land use, grading, and building plans for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. A report of the results of the capture and relocation efforts shall be submitted to P&D and CDFW for review prior to ~~the approval of a Land Use Permit issuance~~ for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. **Monitoring.** P&D shall review the reports for compliance. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals. ~~and shall inspect the site during construction to ensure compliance.~~

**B-1(n) Southern Western Pond Turtle Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- A County-approved biologist shall conduct a pre-construction survey a minimum of two weeks prior to ~~the onset commencement of work~~ construction activities, as well as surveys and/or monitoring during initial disturbance of potential southern western pond turtle habitat. In order to detect southern western pond turtle nests the County-approved biologist shall lightly rake the soil within potential nesting habitat in a careful manner in order to avoid damaging eggs. If this species is found and the individuals are likely to be injured or killed by work activities, the approved biologist

shall be allowed sufficient time to move them from the project site before work activities begin. The biologist(s) must relocate any southern western pond turtle the shortest distance possible to a location that contains suitable habitat that is not likely to be affected by activities associated with the proposed project. The biologist(s) should maintain sufficiently detailed records of any individual observed, captured, relocated, etc., including size, coloration, any distinguishing features and photographs (preferably digital) to assist him or her in determining whether translocated animals are returning to the project site. See below for procedure on discovery of a clutch.

- If possible, schedule construction activities within suitable habitat outside of the typical nesting season for southern western pond turtle (April-August [Stebbins, 2003]). If work is conducted within the nesting period and a southern western pond turtle egg clutch is discovered during pre-construction surveys, the location shall be surrounded with high visibility fencing under the guidance of a County-approved qualified biologist. The nest shall be avoided by during construction until a qualified County-approved biologist determines that the clutch has hatched and left the nest. The CDFW shall also be contacted to provide additional guidance in the event that a southern western pond turtle nest is discovered. If during construction, a southern western pond turtle nest is discovered, construction shall cease immediately upon the discovery and the qualified biologist notified. The same procedure described above shall then be applied.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to the approval issuance of a Land use Permit for the construction of access roads, domestic water system improvements and utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building, and land use plans. **Monitoring.** The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and to submit monitoring reports to P&D at weekly intervals. ~~P&D shall review the reports for compliance and shall inspect the site during construction to ensure compliance.~~

**B-1(o) Western Red Bat Avoidance and Minimization Measures.** The following measures are designed to reduce the potential for impact to this species:

- If possible, removal of suitable roosting trees shall be avoided during the time when western red bats may occupy their winter range (September –May).
- For construction activities occurring at a time when western red bats may occupy their winter range (September –May) surveys for roosting western red bats shall be conducted by a County-approved qualified biologist in suitable habitat no more than 14 days prior to the initiation of ground disturbing activities and/or vegetation

removal. The surveys shall include the entire area of disturbance ~~area~~ and focus on the trees located within the impact area. If active roosts are located, the locations shall be mapped, and a buffer ranging in size from 100 to 500 feet around the roost within the project site shall be determined and demarcated by the biologist with bright orange construction fencing. No construction activities shall occur within this buffer zone until May 1 or until a qualified biologist confirms that the bats have left the roost and it is no longer active.

- If night time construction work is required, night time work shall be kept to a minimum and lighting used shall be as dim as legally possible, and should be directed to where it is needed to avoid light spillage and any upward lighting should be minimized.

**Plan Requirements and Timing.** The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D for review and approval prior to the approval issuance of a Land Use Permit for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. The above measures shall be included on all grading, building and land use plans. Monitoring. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance, and P&D will review and approve the reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within the buffer zone around roosting habitat.

**B-1(p) Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization) within the buffer zone, all personnel associated with project construction shall attend WEAP training, conducted by a County-approved qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive special status plant and animal species and sensitive plant communities or habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. Additional training sessions will be conducted for new work crews as they come to the construction site.

**Plan Requirements and Timing.** P&D shall be notified by the applicant of the date and time the training is scheduled so that they may attend. Fact sheets shall be reviewed and approved by P&D prior to the approval of a Land Use Permit for construction of access roads, domestic water system improvements including utility lines, infrastructure

improvements, and development within the RDEs. **Monitoring.** P&D shall ensure that worker trainings occur prior to the initiation of ground disturbance and construction activities as well as during construction as needed.

**B-2(a) Sensitive Plant Community Avoidance and Mitigation.** Impacts to sensitive plant communities shall be avoided to the extent feasible through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid the resource. Bright orange construction fencing shall be placed a minimum of 30 feet outside the edge of areas of sensitive plant communities that will be retained prior to any initiation of ground disturbance activities and shall remain in place until construction is complete. No vehicles, person, materials, or equipment will be allowed in protected areas. Grading plans shall show the location of these sensitive plant communities ~~habitats~~ and protective fencing.

If the applicant ~~or project developer~~ determines sensitive plant communities, as defined in the Manual of California Vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) and the list of Vegetative Alliances and Associations (CDFW 2010), cannot be avoided, impacts shall be mitigated on-site at a ratio of 2:1 for impacted sensitive plant communities (~~habitat area~~ restored for ~~habitat area~~ lost). The location of restoration shall be determined by a County-approved biologist. On-site restoration is preferable, however the County may approve off-site restoration if the applicant can demonstrate to the County's satisfaction that restoration on-site cannot be achieved. The restoration shall include locally-obtained native species approved by the County. A ~~Habitat~~ Sensitive Plant Community Restoration Plan shall be developed by a County-approved biologist pursuant to the requirements listed in Mitigation Measure B-2(b) below.

To mitigate for effects on sensitive ~~vegetation~~ plant communities from the project, the applicant shall hire a qualified biologist to develop a Sensitive Plant Communities Restoration Plan with the goal of restoring impacted sensitive habitats at a minimum ratio of 2:1 onsite (~~habitat area~~ restored to ~~habitat area~~ impacted) per the requirements below. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to sensitive plant communities and the subsequent amount of acreage needed for restoration for the project. The restoration plan shall be implemented for a period of not less than five years, or until restoration has been completed successfully in conformance with the success criteria stated below. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is determined as unachievable to the satisfaction of the County, as long as the off-site proposals result in equal compensatory value. Replacement ratios for off-site mitigation may be different than those required for onsite mitigation. The plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by plant community ~~habitat type~~);

- Goal(s) of the compensatory mitigation project [type(s) and area(s) of ~~habitat~~ sensitive plant communities to be established, restored, enhanced, and/or preserved; specific functions and values of ~~habitat type(s)~~ plant communities to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including plant species to be used, container sizes, seeding rates, etc.]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, survival of at least 80 percent survival of the prescribed number of container plants and 30 percent relative cover by vegetation type, or success criteria can be based on quantitative sampling of restoration sites compared with quantitative sampling of ~~impact~~ reference sites established prior to disturbance. If sampling is used to establish success criteria, the sampling method must be a scientifically valid published method suitable for evaluating vegetation. To achieve success, data must illustrate the restoration site is comparable or better than baseline reference site conditions within ten percent of total cover of the baseline reference area plots or transects, within ~~10~~ ten percent of or exceeding absolute native cover of the baseline reference plots or transects, and within ten percent of or less of non-native cover in the baseline reference plots or transects. Additionally, restoration sites must meet the membership rules in the Manual of California vegetation 2<sup>nd</sup> Edition (or current update at time of restoration initiation) for the type being established;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Documentation~~Notification~~ of completion of compensatory mitigation ~~and agency confirmation~~ to relevant agencies, including the County of Santa Barbara; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** Grading plans showing the location of sensitive plant communities, as well as the Sensitive Plant Communities Restoration Plan shall be submitted to P&D for review and approval prior to approval of land use permits for grading for access road improvements, domestic water system improvements including utility lines, infrastructure improvements, and development within the RDEs.

**Monitoring.** ~~P&D staff~~ A County-approved biologist shall inspect the site prior to initiation of ground disturbance activities, and shall inspect the site a minimum of once per week to ensure protective fencing is in place and shall provide the documentation

described above. P&D staff shall oversee implementation of the Sensitive Plant Communities Restoration Plan.

**B-2(b) Invasive Weed Prevention Best Management Practices.** The following shall be implemented to prevent the introduction of invasive weed species:

- During construction, the ~~project~~ applicant will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or other similar substances.
- Vehicles, equipment, and worker shoes and clothing must be free of weed seeds and caked-on soil when mobilized onto the site to minimize potential for introduction of invasive species.
- To avoid the spread of invasive species, the contractor shall: stockpile topsoil and redeposit the stockpiled soil after construction. Topsoil containing weed seeds that cannot be re-deposited on site must be transported to a certified landfill for disposal if the soil is removed from Rancho La Laguna.
- The erosion control/ restoration plans for the project must emphasize the use of native species that are expected to occur in the area and that are considered suitable for use at the project site.
- All erosion control materials including straw bales, straw wattles, or mulch used on-site must be free of invasive species seed.
- Exotic and invasive plant species will be excluded from any erosion control seed mixes and/or landscaping plant palettes associated with the proposed project.

**Plan Requirements and Timing.** These measures are to be implemented during construction. **Monitoring.** The applicant shall ~~maintain~~ retain a County-approved biologist to monitor compliance with the above avoidance and minimization measures.

**B-2(c) Biologist Review of Landscape Plans.** Landscape plans for future development shall be reviewed and approved by a ~~P&D~~ County-approved biologist. The applicant shall use primarily native, locally collected plant species for landscaping purposes. The use of non-native invasive species shall be prohibited. **Plan Requirements and Timing.** The plans shall be approved by County staff prior to approval of land use permits for future residential development. **Monitoring.** P&D permit compliance shall monitor implementation in the field.

**B-3(a) Avoidance of Impacts to Drainages.** Impacts to drainages shall be avoided through the use of span bridges or other crossing options that would not disturb the bed and bank. Construction of crossings shall occur during the low-flow period of the year when water within drainages is minimal or absent. In addition, all utilities shall either be attached to the underside of crossing structures or shall be drilled under the creek beds such that trenching through drainages is avoided. If utilities are drilled or bored under the

creek beds, the chosen construction method shall be evaluated to determine if there is a risk of frac-out. If so, a County-approved biologist shall be present during crossing construction as well as when drilling beneath the creek bed, if this method is chosen, to ensure that frac-out (excessive drilling pressure causing drilling mud to breach the surface) does not occur.

**Plan Requirements and Timing:** The applicant shall submit bridge designs and copies of the SAA, 401 Certification or Waste discharge requirements, or Section 404 permit (if applicable) and restoration plan (if applicable) to P&D prior to land use permit approval for any drainage crossing. **Monitoring.** P&D shall oversee implementation of the applicable permits and restoration plan as well as shall inspect the bridge to ensure compliance. ~~P&D staff and/or a~~ A County-approved biologist shall ~~be present~~ monitor during all bridge construction and utility installation activities.

**B-3(b) Wetland and Drainage Mitigation.** If avoidance of impacts to jurisdictional wetlands and drainages is determined to the satisfaction of the County as unachievable, impacts shall be mitigated at a minimum ratio of 2:1 (acres of habitat restored to acres impacted), and shall occur on-site or as close to the impacted habitat as possible. Upon final design of the access roads, domestic water system improvements including utility lines, drainage crossings, and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the ~~final anticipated impacts to sensitive communities~~ jurisdictional wetlands and drainages and the vegetation associated with them. This estimate will be confirmed or adjusted at the end of construction to update the subsequent amount of acreage needed for restoration for the project. A mitigation and monitoring plan shall be developed by a County-approved biologist in accordance with Mitigation Measure B-2(a) above and shall be implemented for no less than five years after construction, or until the local jurisdiction and/or the permitting authority (e.g., USACOE) has determined that restoration has been successful.

**Plan Requirements and Timing.** The applicant shall submit the restoration plan to P&D for review and approval prior to approval of land use permits for RDE development as well as domestic water system improvements including utility lines, access roads, and infrastructure construction. **Monitoring.** P&D staff shall ensure that the proposed development avoids impacts to jurisdictional areas or that impacts are properly mitigated ~~for~~.

**B-3(c) Jurisdictional Delineation.** If impacts to wetlands and drainages from roadway crossings cannot be avoided and occurs within or adjacent to wetland, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACOE, and/or RWQCB, the applicant shall retain a qualified biologist to complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency and the County. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency, USACOE, RWQCB, and CDFW, as appropriate, for review and approval. If



jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDR) permit and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. If the USACOE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required. **Plan Requirements and Timing.** The applicant shall submit a Jurisdictional Delineation Report to P&D prior to approval of land use permits. **Monitoring.** P&D shall ensure that a jurisdictional delineation is completed.

**B-3(d) Agency Coordination.** Impacts to drainages as a result of access roads and infrastructure may require permits from USACOE, RWQCB, and CDFW. The applicant shall obtain correspondence from applicable state and federal agencies regarding compliance of the proposed development with state and federal laws, if applicable. **Plan Requirements and Timing.** The applicant shall submit copies of correspondence and/or permits (as applicable) with applicable agencies to P&D prior to approval of land use permits. **Monitoring.** P&D shall review agency correspondence and shall ensure that the project meets any requirements outlined by the agencies.

**B-3(e) Jurisdictional Areas Best Management Practices During Construction.** The following best management practices shall be required for ~~development~~ construction within or adjacent to jurisdictional areas:

- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters (federal and state) including locating access routes and ancillary construction areas outside of jurisdictional areas.
- To control ~~sedimentation~~ erosion and sediment runoff during and after project implementation, appropriate erosion control materials shall be deployed and maintained to minimize adverse effects on jurisdictional areas in the vicinity of the project.
- Project activities within the jurisdictional areas should occur during the dry season (typically between ~~June~~ May 1 and September 30 ~~November 1~~) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.
- During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
- Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to

aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.

- All refueling, maintenance, and staging of equipment and vehicles shall occur at least ~~60~~ 100 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

**Plan Requirements and Timing.** These measures are to be implemented during construction and shall be included on all land use, grading, and building plans.

**Monitoring.** The applicant shall retain ~~maintain~~ a County-approved biologist to monitor compliance with the above measures.

**B-4(a) Oak Tree Avoidance and Protection.** The applicant shall submit a Tree Protection Plan (TPP) prepared by a P&D-approved biologist and/or arborist designed to protect existing oak trees through final design modifications to roadway and infrastructure, and through design of future development within RDEs to avoid this resource. Protected oak trees to be considered shall be those species and sizes specified in Tree Protection Development Standards 1 and 2 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County. The applicant shall modify proposed development to either incorporate and/or avoid these protected oak trees. The following shall be implemented to protect existing oak trees:

- Prior to the onset of any construction activities highly visible orange construction fencing shall be installed around existing protected oak tree stands and individuals that are to be retained at a buffer/extent radius of six feet beyond the canopy dripline, wherever the topography allows for such fencing or otherwise marked in the field to protect them from harm during development of the RDEs as well as access road and infrastructure construction.
- No construction equipment shall be parked, or stored within 25 feet of any oak tree dripline that is not proposed for removal, i.e., retained oaks. Construction activities within 25 feet of protected oak trees shall be the minimum necessary. The Tree Protection Plan shall specify all situations in which activities must be monitored by a County-approved biologist or arborist.
- No fill soil, rocks, or construction materials shall be stored or placed within 25 feet of the dripline of a specimen protected oak tree.
- No artificial surface, pervious or impervious, shall be placed within 25 feet of the dripline of any protected oak tree, except for County-approved project access roads.
- Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a County-approved arborist/biologist.

- Any trenching or ground disturbing construction activity required within three feet of protected (i.e. retained) oak tree's dripline shall be done with hand tools.
- No permanent irrigation shall occur within the dripline of any existing protected oak tree.
- Only designated oak trees shall be removed. All grading and construction plans shall clearly delineate those trees to be removed and those to remain.

**Plan Requirements and Timing.** The applicant shall: (1) submit the TPP; (2) Include all applicable components in Tree Replacement Plan and/or Landscape and Irrigation Plans if these are required; (3) include as notes or depictions all ~~plan~~ TPP components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. The applicant shall comply with this measure prior to approval of a land use permit. Plan components shall be included on all plans prior to the issuance of grading permits. The applicant shall install protected oak tree protection measures onsite prior to issuance of grading/building permits and pre-construction meeting. **Monitoring.** The applicant shall demonstrate to P&D staff that trees identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the TPP prior to final building inspection clearance.

**B-4(b) Tree Replacement Plan.** If development within RDEs or construction of proposed access roads or infrastructure must remove protected oak trees specified as those species and sizes described in Tree Protection Development Standards 1, 2, or 3 of the Santa Barbara County Comprehensive Plan Conservation Element – Oak Tree Protection in the Inland Rural Areas of Santa Barbara County, a Tree Replacement Plan shall be prepared by a certified arborist, qualified biologist with restoration experience, or landscape architect. The tree replacement plan shall be designed to replace ~~native~~ protected oak trees removed by the proposed project at a ratio of 10:1 (trees planted: trees impacted). Replacement plantings shall rely on locally obtained ~~valley~~ protected oaks of the same species as the trees removed. Upon final design of the access roads, drainage crossings and infrastructure (including staging areas, etc.), the applicant's biologist shall determine the final impacts to protected oak trees and the subsequent number of replacement plantings needed for restoration for the project. Replacement trees shall be installed on-site or at an approved off-site location. Monitoring of planted trees shall be for a minimum of five years or until stasis has been determined by a County-approved certified arborist or biologist. The plan shall include the following components at a minimum:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project;
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);

- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan [including species to be used and container sizes]);
- Maintenance activities during the monitoring period, including weed removal and irrigation as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, number of trees ~~target acreages~~ to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, ~~at least 80 percent~~ survival of 80 percent of prescribed number of container plants;
- Replacement trees must survive in good health for at least one year without supplemental irrigation prior to completion;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**Plan Requirements and Timing.** The Oak Tree Replacement Plan shall be submitted to P&D for review and approval prior to approval of land use permits for the construction of access roads, domestic water system improvements including utility lines, infrastructure improvements and development within the RDEs. Oak tree mitigation planting for development within RDEs shall be incorporated into landscaping plans for individual lots, where feasible. The applicant shall post a performance security to ensure installation and maintenance for a minimum of five years prior to Land Use Permit issuance. ~~final building inspection clearance and maintenance for a minimum of five years.~~ **Monitoring.** The applicant shall demonstrate to P&D staff that all required components of the approved plan(s) are in place as required prior to final inspection clearance and maintained throughout the maintenance period. P&D compliance monitoring staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon successful implementation of this plan.

**B-5 Maintain Connectivity in Drainages.** No permanent structures shall be placed within the channel that would impede wildlife movement (i.e., the preference is that no hardened caps, pipelines, or other structures in the stream channel perpendicular to stream flow be left exposed or at depth with moderate to high risk for exposure as a result of natural bed scour during high flow events and thereby potentially create impediments to passage). In addition, upon completion of construction within any drainage, areas of stream channel and banks that are temporarily impacted shall be returned to pre-construction contours and in a condition that allows for unimpeded wildlife passage through the area once the work has been complete. **Plan Requirements and Timing.**

Final crossing and utility plans shall be provided to County P&D for approval prior to the approval of land use permits for grading. **Monitoring.** P&D staff shall conduct an inspection upon completion of construction to ensure compliance.

**B-6(a) Buffer from Special Status Habitat or Sensitive Plant Communities ~~Habitat~~.**

All future residences, guest houses and other habitable structures must be positioned so that the 100-foot fuel modification zones (30 feet for native grasslands) will not encroach within special status species habitat or sensitive ~~native habitat~~ plant communities as depicted on Figure 4.4-1 and 4.4-2a through 4.4-2c and listed in Table 4.4-4 of the EIR, and as determined in the field by a County-qualified biologist at the time of future development. Based on the field survey and vegetation maps, fuel management activities shall not encroach into special status species habitat or sensitive ~~plant communities~~ 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 included on all building and grading plans submitted for future residential development. **Monitoring.** P&D shall review and approve prior to recordation. P&D shall ensure plans for future development comply with the minimum buffer requirements. Permit Compliance shall site inspect during construction of future structures to ensure compliance.

**B-6(b) Fuel Management Plan.** The applicant shall prepare a Fuel Management Plan to ensure that avoidance is accomplished and to ensure that fuel management is balanced with special status species habitat or sensitive ~~resource~~ plant community protection. 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 special-status plant species habitat and sensitive ~~plant communities~~ vegetation.
- The plan shall depict fuel management zones (i.e., Zone 1, 2, and 3) wherever required and shall include specific special status species habitat or sensitive ~~plant communities~~ habitat and rare species protection and fuel management measures to be used in each management zone and for each habitat type ~~plant community~~. Onsite vegetation management shall be limited to the zones and clearance requirements/percentages conceptually described.
- Impacts to native grasslands ~~sensitive plant communities~~ 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 in sensitive plant communities 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~~ April 1 to August 15).

**Plan Requirements and Timing.** The Fuel Management Plan shall be reviewed and approved by P&D prior to approval of land use permits for future residential development. Site plans shall show any proposed fuel management zones and measures

to protect any ~~sensitive~~ special status species 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.

