



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Alice McCurdy
Development Review South

DATE: September 16, 2014

RE: Las Varas Ranch Project

At the hearing on July 30, 2014, your Commission asked staff to return to the next hearing scheduled for September 23, 2014 with a discussion of the following:

- The applicability and utility of Specific Plans;
- Analysis of and response to several of the requested changes by the applicant to the conditions of approval;
- Examples of other projects where agricultural conservation easements have been required, including the particular circumstances of each project and whether any benefits were granted to the applicants as a result of the easements; and
- Modified condition language to clarify the intent of certain conditions based on comments by the applicant and feedback by your Commission.

Specific Plans

According to the Article II Coastal Zoning Ordinance (Section 35-175), the purpose of a Specific Plan is to allow for a more precise level of planning for an area than is ordinarily possible under the local Coastal Plan and to provide for a mixture of uses through comprehensive site planning. The Specific Plan regulations are based on the recognition that one parcel or a group of parcels, which may be in separate ownership, may be suitable for a specific use or combination of uses, and therefore should be planned as a unit to ensure protection of valuable resources and to allow maximum flexibility in site planning. Section 35-175.1(4) of Article II states that the regulations set forth in the ordinance apply to "those parcels which require preparation of a Specific Plan as set forth in the Coastal Plan."

The Coastal Land Use Plan does not identify Las Varas Ranch as a property requiring preparation of a Specific Plan. This is in contrast to More Mesa, West Devereux Property, and Santa Barbara Shores, each of which is thoroughly discussed in the Coastal Land Use Plan and is identified as requiring preparation of a Specific Plan. Since the Coastal Land Use Plan does not

require preparation of a Specific Plan on Las Varas Ranch, such a requirement cannot be imposed on an applicant, though the applicant could request that one be initiated. Additionally, the Planning Commission may prepare specific plans and the Board may direct the Planning Commission to do so, though the County could not delay action on the current proposed project as part of any such effort.

Approval of a Specific Plan in the coastal zone requires adoption by the Board of Supervisors, as well as certification by the California Coastal Commission (for the portion of the Plan within the coastal zone), since a Specific Plan is adopted as part of the Coastal Land Use Plan. Specific Plans must be in conformance with the County's Comprehensive Plan, including the Coastal Land Use Plan. This includes conformance with the underlying land use designation applied to the property, which is currently A-II-100. Therefore, adoption of a Specific Plan that would allow for the creation of parcels less than 100 acres in size to accommodate clustered development and to preserve open space would necessitate amendments to the land use designation(s) for the site. Similarly, the existing zoning on the property must be consistent with the Specific Plan, otherwise a rezone of the parcel(s) would need to be initiated to bring the zoning into conformance with the Specific Plan.

Agricultural Conservation Easements

As currently written, Condition No. 80 requires application of an agricultural conservation easement over the property. Your Commission requested information on other examples in the County where such a condition has been imposed. In researching this question, the Santa Barbara Ranch project was identified as the closest example of where an agricultural conservation easement was incorporated as a condition of the project. That instance involved an exchange of an existing Williamson Act contract totaling 2,566 acres with an Agricultural Conservation Easement totaling 2,653 acres, with some lands being removed from the Williamson Act contract and other non-contracted lands being brought into the newly established easement area. This agricultural conservation easement element was proposed as part of a project alternative rather than required as a condition of approval, but was nonetheless a critical element of the project that was ultimately approved by the County Board of Supervisors. Moreover, the easement factored into the analysis of the project's compliance with applicable State and County agricultural protection policies as well as the EIR's analysis of impacts of the project on agricultural resources.

Other projects have incorporated conservation easements to protect biological resources, but no other projects have been identified involving the imposition of an agricultural conservation easement. Rancho Monte Alegre is a 3,100-acre ranch in Carpinteria that contains a combination of an agricultural conservation easement and resource conservation easement over the entire ranch with the exception of individual homesites on each of the parcels. This easement is held by the Land Trust for Santa Barbara County and has been designed to allow for modifications to residential development envelopes in the future. While entered into voluntarily by the landowner rather than being imposed as a condition of approval, the easement has been taken into consideration in association with various applications involving the ranch in terms of

assessing impacts and evaluating the projects' consistency with applicable State and County policies protecting agriculture and biological resources.

Conditions of Approval – Requested Changes

Condition No. 1 – Beach Cabana

Condition No. 83 requires relocation of the residential development envelope on Parcel No. 2 away from Gato Creek and Edwards Point in order to reduce or avoid impacts on biological resources and visual impacts from the beach. The applicant is requesting modification of this condition to allow for a remotely sited 800-square foot beach cabana at Edwards Point, in addition to the residential development envelope. The proposed location for the cabana is an open area covered by annual grassland approximately 85 feet (at its closest point) west of the mouth of Gato Creek and approximately 140 feet from the rocky beach.

Shifting the originally proposed development envelope away from Gato Creek and Edwards Point had two primary benefits. The first benefit was avoidance of significant adverse impacts to California red-legged frog and other sensitive species that may inhabit the lower reaches of Gato Creek by establishing a larger creek buffer and removing a significant barrier to upland migration. The establishment of a significant buffer would also have the effect of reducing disturbance to wildlife utilizing the riparian corridor by minimizing night lighting impacts and other effects of permanent human presence. A small beach cabana in the proposed location would likely have less than significant impacts on upland migration of sensitive species due to its limited footprint. However, it would be sited within 100 feet of the riparian corridor and could still result in night lighting impacts and other effects of human presence.

The second benefit of shifting the originally proposed development envelope away from Edwards Point was a reduction in visual impacts to beach goers, surfers, kayakers, etc. Shifting the residential development envelope to a less visible location and away from Edwards Point would help to protect the quality of the recreational experience in this location by minimizing the potential for incompatible development to detract from the public's scenic views and enjoyment of the undeveloped rural coastline. While a small beach cabana would be less visually prominent than a large residential estate in this location, it would still have the potential to degrade the recreational experience of beach goers and to impact public views from the beach.

For these reasons, staff would recommend that if your Commission does want to consider approval of a remotely sited beach cabana, that it be pulled back further from the beach and the creek in order to reduce impacts and be consistent with mitigation measures and conditions of approval. For example, Mitigation Measure BIO 5/Condition No. 18 requires that structures be set back at least 100 feet from sensitive habitat to reduce biological impacts and Mitigation Measure REC 2/Condition No. 51 requires that residential structures be set back at least 200 feet from the bluffs or beach edge in order to minimize visual impacts to the public from the beach. It is anticipated that siting a small beach cabana in conformance with these conditions would reduce potential impacts to less than significant levels.

Condition No. 6 – Trail Fencing

Condition No. 6 states:

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

The applicant suggests the following changes:

“To balance minimization of the impacts of the trail fencing to the visual character of the site with preserving agricultural resources by, preventing trespassing, cattle and worker harassment, vandalism and theft within the adjacent agricultural areas, the fencing between any public trail and any orchard shall be chain link approximately six feet high with three (3) strands of barbed wire on top, and the fencing between any public trail and the grazing land shall be hog wire of a height not exceeding 48 inches plus 2 strands of barbed wire above, with the height and construction of fencing being subject to further fortification if trespassers, poachers, thieves, vandals or others gain entry through the fencing. Wildlife accessible passageways or culverts will be incorporated into the fence design to avoid impeding wildlife corridors. The trails through the property, and the parking lot at the trailhead, shall be closed from dusk to dawn to protect the existing agricultural operation and the security and privacy of existing and future residents. ~~a more subtle design than standard chain link shall be incorporated that is more visually permeable (e.g. thinner gauge wire, larger openings, hog wire, etc.), while still providing the necessary security for the adjacent agricultural operation consistent with other agricultural fencing within the ranch.~~

PLAN REQUIREMENTS AND TIMING: ~~The final trail fence design shall be submitted to P&D for review and approval prior to issuance of the Coastal Development Permit for initial infrastructure development. The approved~~ fencing shall be installed prior to opening of the public trails by the Community Services Department, Parks Division. In the event that the installed fencing is deemed ineffective in excluding the public and their dogs from the orchards and/or grazing land, the applicant may install an alternative form of fencing that provides the necessary security upon review and approval by P&D and Community Services Department, Parks Division.

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

The requested modification to the condition is made by the applicant in order to ensure security of the agricultural operations from the outset. The original condition language provides for the type of fencing requested by the applicant, but only if the more visually pleasing fencing proves ineffective. The fencing issue was discussed with Claude Garciacelay from County Parks in terms of experiences at Baron Ranch, where a public trail on Baron Ranch passes through an active orchard operation with only minimal fencing. He indicated that there have been only a few instances of people wandering off the trail with negligible impacts to the agricultural operation. Once open, the trails through Las Varas Ranch could experience greater levels of use than currently exists at Baron Ranch given the provision of beach access and the establishment of a segment of the California Coastal Trail. Nonetheless, with this nearby example of negligible impacts to the agricultural operation from trail users in the face of minimal fencing, staff recommends no change to the language of the condition in this regard, especially since there is already a built in mechanism for increased security should the initial fencing prove ineffective.

In terms of allowing for wildlife passage through fencing as discussed at the last hearing, generally speaking, fencing that provides for a minimum of 18 inches clearance from the bottom and is no more than 42 inches in height is considered wildlife friendly. In addition, when using wire fencing, substituting barbed wire for smooth wire at the top and bottom of the fence and providing at least 12 inches of space between the top two rows of wire are considered important wildlife-friendly elements. However, such fencing would not provide the necessary security to the ranch as it would be too easy to breach. While the EIR did not require wildlife openings as a mitigation measure, the applicant is suggesting 18-inch culverts under the fencing spaced periodically as an alternative, which would provide for wildlife passage of small mammals without diminishing the protection for the existing orchards and pasture lands. There is no set standard for the frequency of wildlife openings, but establishing openings approximately every 200 feet would be adequate for small animals that would be expected to occur on and move through the ranch and need relief from the fencing (larger animals could jump over the fencing). Openings every 200 feet would ensure that an animal was, at the most, only 100 feet from an opening.

Condition No. 25 – BIO 12-1

At the last hearing, your Commission discussed the restriction contained in Condition No. 25 that prohibits the conversion of native vegetation to agriculture outside of the residential development envelopes on Parcels 1 and 2. The EIR identified this mitigation measure as a *recommended* mitigation measure to minimize conflicts from the ongoing agricultural operation on grassland habitat and wildlife on the coastal bluff. While staff recommends that this condition remain as is, since the EIR identified it as a recommended mitigation measure instead of a required mitigation measure, modifications to the measure could be made without changing the conclusion of the EIR.

Condition No. 35 – CULT 2-2

Condition No. 35 states:

“No ground disturbance of any kind, including landscaping and vegetation removal involving disturbance of root balls, shall be permitted outside of the reconfigured Parcel 3 development envelope. Utility infrastructure shall be sited so as to avoid the significant portions of CA-SBA-80, as recommended in the Phase 2 Archaeological Investigation of Parcel 3 conducted by Applied Earthworks in 2010. No additional orchard planting shall be permitted within the boundaries of CA-SBA-80. Grazing shall be exempt from this requirement.”

The applicant is requesting that the first sentence of the condition be deleted. However, this language is included as mitigation to ensure that impacts to a recorded archaeological site are reduced to less than significant levels. Deleting the first sentence would not provide the necessary level of protection for this resource. The second sentence can be modified to include “driveways” along with utility infrastructure, to make it clear that construction of a driveway (which would use the existing paved ranch road) and installation of utility lines would not be precluded. This is consistent with the analysis in the EIR, which assumed use of the existing ranch road for a driveway to serve the residential development envelope. Staff’s suggested edit is as follows:

“Except as provided herein, No ground disturbance of any kind, including landscaping and vegetation removal involving disturbance of root balls, shall be permitted outside of the reconfigured Parcel 3 development envelope. Utility infrastructure and driveways shall be sited so as to avoid the significant portions of CA-SBA-80, as recommended in the Phase 2 Archaeological Investigation of Parcel 3 conducted by Applied Earthworks in 2010. No additional orchard planting shall be permitted within the boundaries of CA-SBA-80. Grazing shall be exempt from this requirement.”

If more flexibility is desired by the applicant, then the condition could be further modified to indicate that ground disturbance could occur based on additional subsurface presence/absence testing to further define the boundaries of the site.

Condition No. 51 – View Plane of Santa Ynez Mountains

Condition No. 51 states:

“The design for any future residences on proposed Parcels 1 and 2, including massing, building materials, colors, and landscaping, shall be compatible with the rural character of the area. Residences shall be set back far enough from the beach and sized appropriately so as to not intrude into the skyline or break the view plane of the Santa Ynez Mountains as viewed by the public. Excessive grading, interpreted for this project to mean a cut or fill slope of five feet or greater, shall not be permitted as a means to

avoid skyline intrusion. The minimum distance for residential structures from the bluff top or beach edge shall be 200 feet.”

The applicant has requested that reference to “break[ing] the view plane of the Santa Ynez Mountains” be deleted from this condition. Your Commission requested clarification on the meaning and intent of this language. The intent of this language was to preserve views of the Santa Ynez Mountains as viewed from the beach. Under the originally proposed residential development envelope on Parcel 2, there would be the possibility that development of a large residence at the southern (seaward) end of the envelope could completely or partially block views of the mountains as seen from the beach due to its visual prominence. Visual simulations, shown below, prepared for the project as part of the EIR analysis show examples of this potential. As discussed in the EIR, since the proposed project does not include any residential development, but rather establishes development envelopes where future residential development would occur, the visual simulations utilize boxes within each envelope that serve to represent the potential massing of future development. Thus, for the purposes of the visual simulations, each envelope contains a 240 x 130 foot rectangular box (31,200 square feet, which was based on the total development area of a residential estate proposed under the Santa Barbara Ranch project, including accessory structures) at a height of 25 feet and 15 feet, respectively, intended to represent a reasonable worst-case scenario of the extent and scale of a future residence and associated accessory structures (e.g. garages, guest houses, etc.).

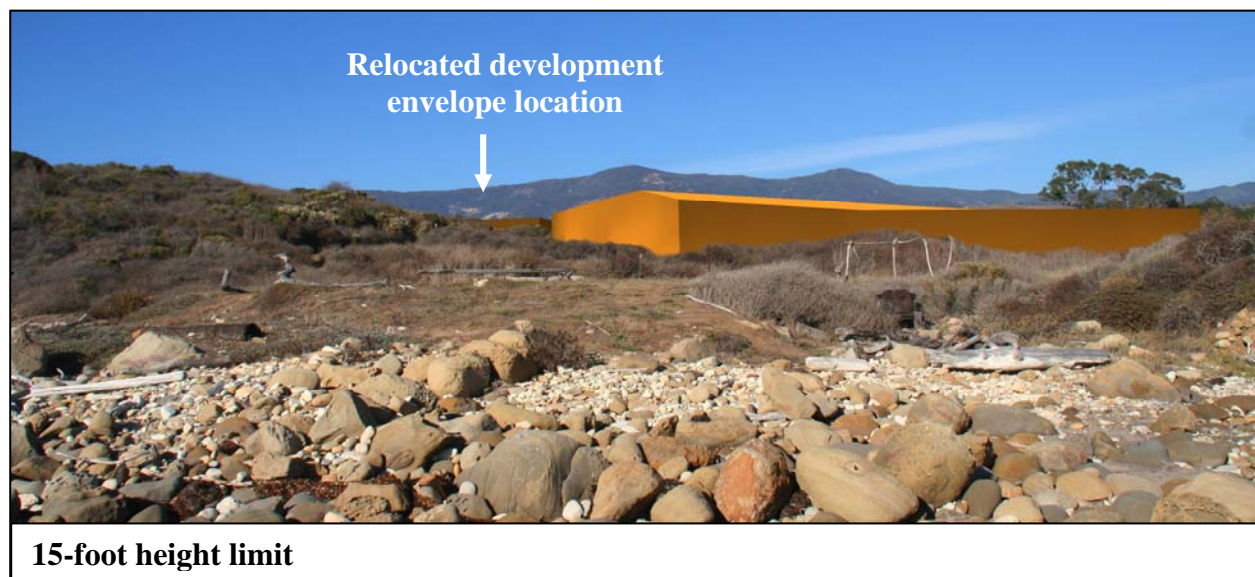


Proposed View – 25-foot development



A 15-foot tall residence in this same location would also break the view plane of the mountains, though to the lesser degree as compared to the 25-foot residence, by partially obstructing views of the mountains from the beach. These simulations resulted in the identification of mitigation limiting the height of future development south of the highway to 15 feet and also establishing a minimum setback of 200 feet from the bluff top or beach edge.

As shown in the visual simulation below of the relocated development envelope in comparison to the originally proposed envelope, relocation of the development envelope away from Edwards Point and up on to the bluffs, as required under Condition No. 83, would virtually eliminate the potential for a future residence to obstruct views and break the view plane of the mountains as seen from the beach.



Therefore, it would be acceptable, upon adoption of conditions relocating the development envelope, to remove this language from the condition. Additionally, if your Commission chooses to allow for a small cabana near Edwards Point, setting it back at least 200 feet and restricting its size and height consistent with identified mitigation measures, would be sufficient to reduce its visual and recreational impacts and obviate the need for the “breaking the view plane” language.

Condition Nos. 52, 53, and 54 – Interchange Improvements

These three conditions relate to improving the interchange at Las Varas Ranch Road and U.S. Highway 101 to improve traffic safety for vehicles entering and exiting the site. The applicant has requested that the conditions be modified with respect to the timing of these improvements to make it clear that the owner/applicant would accept financial responsibility for these improvements only at the time of the first proposal for residential development south of the highway. In addition, the applicant is requesting that Condition No. 54 be modified to identify the County instead of the applicant as the responsible party for improving the acceleration and deceleration lanes along the southbound shoulder of Highway 101. The EIR concludes that the largest potential source of traffic at this interchange is associated with public use of the future

trails and public parking lot, though future residential development would add incrementally to the volume of traffic at this interchange. The timing for the conditions currently states: “The owner/applicant shall submit grading plans to P&D for review and approval prior to approval of the first Coastal Development Permit for future residential development south of the highway or the beach parking lot, *whichever comes first* (emphasis added).” The applicant proposes to construct the 30-space public parking lot concurrent with construction of the first residential development south of the highway. However, if the County were to choose to construct the parking lot and open the trail(s) on its own accord, prior to the first residential development south of the highway, then it raises the question of who would be responsible for paying for and constructing the interchange improvements. This scenario was not considered at the time that the conditions were drafted, as the intent of the conditions was to have these interchange improvements occur concurrent with development of the first residence south of the highway. Your Commission asked whether any provisions could be made for reimbursement agreements between the County and owner/applicant in the event that the County were to construct the improvements in advance of a proposed residential development project south of the highway, such that the owner/applicant would reimburse the County for any interchange improvements at the time that future residential development is approved. According to Public Works staff, no such mechanism has been used previously.

However, since the July 30, 2014 PC hearing, the applicant has clarified their intent with P&D staff, and requested a modification to the project description. Specifically, the applicant’s intent with the offers of dedication is to structure them such that the offers cannot be accepted until such time as the first permit for a residence south of the highway is approved. This would obviate the potential timing problem with respect to Condition Nos. 52, 53, and 54, since there could not be a situation in which the County would construct the parking lot and open the trail(s) on its own accord, prior to the first residential development south of the highway. While this change to the timing of the offers to dedicate has been incorporated into the project description, the change constrains opening of the parking lot and trails such that your Commission may want to consider allowing the County the option to build and open the public facilities of its own accord before development of any of the lots. To clarify the timing of the offers to dedicate, staff recommends adoption of a separate condition (Condition No. 90), modeled after the Paradiso del Mare project.

In regards to Condition No. 54, staff does not support changing the condition to identify the County as the responsible party for the necessary improvements. However, we do recommend a minor revision that would potentially relieve the applicant of this requirement if upon further review as part of the Coastal Development Permit with Hearing process associated with the future parking lot and vertical beach access trail, it is determined that improvements to the acceleration and deceleration lanes are not deemed necessary.

Condition No. 88 – Mitigation Monitoring

Condition No. 88 is the County’s standard compliance monitoring condition. Per the applicant’s request, staff has proposed a minor modification to the condition to clarify what future projects it would apply to, i.e. all residential development within a residential

development envelope, as well as access road improvements to serve future development and construction of the shared water system.

Additional Requested Changes to Conditions of Approval

Subsequent to the Planning Commission hearing on July 30, 2014, P&D staff met with the applicant team to discuss further modifications to various conditions of approval being requested by the applicant in addition to those substantive changes discussed at the last hearing. Many of the suggested modifications involve the insertion of language to clarify the intent of the conditions and the fact that they are intended to apply to future residential development and associated infrastructure improvements, and not to unrelated agricultural development or activities. Specifically, Condition Nos. 5, 7, 12 through 14, 16, 17, 46, 47, 55 through 59, 63, 64, 66 and 79 have been modified to include such clarifications. Other conditions have been proposed to be modified with minor changes or clarifying language, still remaining within the original scope and intent of the condition/mitigation measure. While the applicant suggests modified language to Condition No. 2, staff recommends that the condition be deleted entirely, as it would no longer be relevant with elimination of building area #1 (6a) on Parcel 6 as required under Condition No. 84.

Condition Nos. 8 and 11 have been modified to clarify that certain restrictions, including restrictions on construction activities on Parcels 4 and 5, would only apply if calving were actually occurring, since there could be instances where the calving season is shortened or eliminated altogether in which case the restrictions would not be relevant. The applicant has also requested that Condition No. 11 be modified to remove the restriction on converting orchards to grazing land, since both orchards and cattle grazing are viable commercial uses. Recognizing that both orchards and cattle grazing support the continued agricultural viability of the ranch, staff suggests changing “shall” to “should”, which provides sufficient flexibility in managing the ranch for the benefit of agriculture and responding to market fluctuations in the commercial value of orchards and cattle ranching.

The applicant proposed minor modifications to Condition No. 9 related to trail signage and trail closure, which staff supports since the changes do not alter the scope of the condition. Condition No. 15 has been modified to clarify the fact that in some cases, a construction buffer of less than 500 feet from may be appropriate from active bat roosts (determined by the qualified biologist on a case-by-case basis), as is the case for nesting birds. Providing the ability for a qualified biologist to reduce the buffer for bats, as the condition currently allows for nesting birds, would not affect the condition’s adequacy; residual impacts to breeding birds and bats would remain less than significant.

The applicant requested modifications to Condition Nos. 18, 19 and 30 related to buffers from sensitive habitat and the current residence within the Parcel 5 development envelope. Specifically, the applicant wants the existing residence on Parcel 5, and future modifications to it, to not be subject to the buffer requirements since the existing residence does not currently meet all buffer requirements. In the case of Condition Nos. 18 and 19, which apply to ESH buffers, staff has proposed modifications to these conditions to clarify that remodels

or rebuilds of this residence would not be subject to the 100-foot ESH buffer requirements and that any future expansion of that residence could not result in any further encroachment into the required buffer as compared to the existing building footprint. In the case of the required wetland buffer (Condition No. 30), the condition has been modified to clarify that remodels of the existing residence (with no change to the building footprint) would not be subject to this condition. However, any rebuild or expansion of the residence would need to meet the 100-foot wetland buffer requirement, as there is a Coastal Land Use Plan policy that precludes residential development within 100 feet of delineated wetlands, with no exceptions.

The applicant has proposed to modify Condition No. 20 to clarify that “impacts to native grasslands and special status plant and animal species shall be minimized *to the extent feasible*.” The added language would recognize the dynamic nature of biological resources and the potential for native vegetation to expand in area around a development envelope such that impacts from fuel management cannot be avoided. However, as currently worded, “minimiz[ing]” impacts does not equate to avoidance and already provides for discretion in terms of requiring what is feasible. Therefore, staff does not believe that a change to this condition is necessary.

The applicant has proposed removing the word “native” from Condition No. 22 such that revegetation of exposed surfaces could be done with native or non-native plants typical of the adjacent habitat. However, staff routinely requires that revegetation be done with native plants so as not to perpetuate non-native plant communities. Staff does not support a change to this condition.

The applicant has proposed modifications to Condition No. 26 to clarify the timing of preparation of the Habitat Avoidance, Protection and Restoration Plan. This condition has also been modified to add “to the extent feasible” language relative to avoiding impacts to native grasslands and other native habitat given potential changes to the aerial extent of native habitat in relation to the designated residential development envelopes in the future. As discussed above, the added language would recognize the dynamic nature of biological resources and the potential for native vegetation to expand in area within a development envelope such that impacts cannot be completely avoided. These changes are generally supportable (with minor alterations), as the overall scope and intent of the condition, and its effectiveness in reducing impacts, is maintained. Additional language could be added to the condition in the event your Commission determines that a remotely sited beach cabana is supportable.

The applicant is requesting changes to Condition No. 27 given relocation of the development envelope on Parcel 2 to the bluff-top away from Gato Creek. However, staff believes that this condition can be deleted in its entirety, as it is no longer necessary with implementation of Condition No. 83.

The applicant has proposed clarifying Condition No. 28 with respect to which monarch groves and eucalyptus trees are subject to the condition and to allow the removal of dead

eucalyptus trees from the eucalyptus woodlands. While the EIR identified two mapped eucalyptus woodlands serving as historical monarch groves, it does identify the possibility that other groves of trees on the property could support monarch roosting. Therefore, staff does not support limiting this condition to only the eucalyptus grove on the border of Parcels 4 and 5. Staff is generally supportive of allowing for the removal of dead eucalyptus trees, but has proposed alternative language to ensure that dead trees within a monarch grove are only removed if their removal does not compromise the microclimate of the grove upon which the monarchs depend.

The applicant has proposed changes to Condition No. 29 to clarify that the Monarch Protection Plan would only need to be prepared and implemented where structural development is proposed within 50 feet of a monarch butterfly roost. Staff does not believe that a change to this condition is necessary and recommends that it remain as is.

The applicant has suggested modifications to Condition No. 31 related to water line locations and sensitive habitat impacts. Specifically, the applicant has requested that “to the extent feasible” be added to the requirement for avoidance of oak trees and sensitive plants to account for the fact that there may be an instance where avoidance is not feasible. However, a water line can typically be routed with bends and adjustments to avoid disturbing sensitive species and oak trees. As such, staff does not believe that the change proposed by the applicant is warranted.

The applicant is requesting that Condition No. 32, which requires archaeological monitoring, only apply to construction activities on Parcels 3 and 7. However, archaeological investigations of the property have demonstrated that there are several recorded archaeological sites and the ranch as a whole is considered culturally sensitive, with the potential for encountering unknown resources. Therefore, staff does not support any change to this condition that would limit its scope. In addition, the condition does provide for a way to avoid monitoring if it can be demonstrated with subsurface testing that no resources are present in the area of disturbance.

The applicant suggests that Condition No. 34 needs to be modified to clarify how the envelope would be reduced in size. Staff has proposed language to clarify that the envelope would be reduced consistent with its depiction in Alternative 3C of the EIR (see Proposed Conditions of Approval).

The applicant is requesting modifications to Condition Nos. 36, 37, and 38 to clarify that they apply only to non-agricultural development. However, Condition No. 35 includes ground disturbance from agricultural development in its prohibitions as well and specifically prohibits orchard planting within the boundaries of the recorded site. Therefore, Condition Nos. 36, 37, and 38 apply to agriculturally-related ground disturbance as well. The applicant suggests similar modifications to Condition Nos. 39 and 40 related to CA-SBA-2409. Staff has proposed minor changes to Condition No. 40 to clarify the intent of the condition, but agriculturally-related ground disturbance would be subject to those conditions, as provided therein.

The applicant has requested that Condition No. 41 be modified to remove future development on Parcel 5 from the requirements of that condition. However, Parcel 5 is located within the designated Rural Historic Landscape and the existing residence and proposed residential development envelope is proximate to the historic buildings on that parcel that contribute to the site's historic significance. Therefore, staff does not support the applicant's proposed change to Condition No. 41.

The applicant has suggested modifications to Condition No. 43 to clarify when and under what circumstances the condition would be implemented (specifically, that it would apply to future development on proposed Parcels 4 and/or 5). Staff supports the recommended clarifying language as it does not change the scope or intent of the condition, which is to photo-document the historically significant buildings in Area 1 (Parcel 5) and Area 2 (Parcel 4) prior to any development affecting these areas.

The applicant has suggested modifications to Condition Nos. 48 and 49 to account for the fact that other agencies besides the County Fire Department may have jurisdiction over remediation activities and oil well abandonment. Staff supports modifying these conditions to reflect this fact, as such changes do not alter the scope or adequacy of the conditions in reducing impacts to less than significant levels.

Given that there could be a significant time lapse between installation of the shared water system and actual use of the water system for future development, the applicant has requested that Condition No. 77 related to the revocation of the CUP for the shared water system be modified such that it would not be revoked if the use is discontinued for more than 12 months. Staff has clarified that the periodic testing of the water system would serve to keep the CUP valid so that it would not be prematurely revoked.

The applicant team continues to suggest/request other modifications that are more substantive and alter the scope of the condition, most of which were presented to your Commission at the last PC hearing. In particular, the applicant has requested that Condition Nos. 80, requiring the agricultural conservation easement, and 82, requiring realignment of the shoreline trail easement around Edwards Point, be deleted entirely. Attachment B to this staff memorandum includes modified conditions of approval where staff concurs with the requested changes. Where staff does not concur or where the changes are substantive in nature such that further direction from your Commission is warranted, no such changes are included in Attachment B. As a result, the conditions contained in Attachment B reflect staff's current recommended conditions of approval.

Recommended Actions

Follow the procedures outlined below and recommend conditional approval of Case Nos. 05TPM-00000-00002, 05LLA-00000-00006, 05LLA-00000-00005, 07RZN-00000-00007, 07RZN-00000-00006, 07CUP-00000-00057, 11COC-00000-00001, and 11CDP-00000-00078 marked "Officially Accepted, County of Santa Barbara September 23, 2014 County Planning

Commission Exhibit No. 1", based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan, and based on the ability to make the required findings.

Your Commission's motion should include the following:

1. Recommend that the Board of Supervisors make the required findings for the project specified in Attachment A of this staff memorandum dated September 16, 2014, including CEQA findings.
2. Recommend that the Board of Supervisors certify the Environmental Impact Report (10EIR-00000-00005) and adopt the mitigation monitoring program contained in the conditions of approval.
3. Adopt a Resolution (Attachment D to the Planning Commission staff report dated July 10, 2014) and recommend that the Board of Supervisors approve an amendment to the zoning map for the subject parcels from Unlimited Agriculture under Ordinance 661 to AG-II-100 (draft ordinance amendment included as Attachment D to the Planning Commission staff report dated July 10, 2014);
4. Recommend that the Board of Supervisors approve a modified project (Case Nos. 05TPM-00000-00002, 11COC-00000-00001, 05LLA-00000-00006, 05LLA-00000-00005, 07RZN-00000-00007, 07RZN-00000-00006, 07CUP-00000-00057, and 11CDP-00000-00078), subject to the conditions included as Attachment B to the staff memorandum dated September 16, 2014.

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

Attachments:

Attachment A: Revised Findings

Attachment B: Revised Conditions of Approval

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

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

1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

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

1.2 FULL DISCLOSURE

The County Planning Commission finds and certifies that the Final EIR (10EIR-00000-00005) constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The County Planning Commission further finds and certifies that the Final EIR has been completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

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

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

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

Aesthetics/Visual Resources

The project site contains numerous scenic views and viewsheds open to the public from various public vantage points, including U.S. Highway 101, Union Pacific Railroad (UPRR), beach, public trails, and near shore waters of the Pacific Ocean. The project site offers high quality expansive views of the rural undeveloped coastline and foothills of the

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

Agricultural Resources

The project site contains approximately 200 acres of lemon and avocado orchards and approximately 630 acres of suitable grazing land to support the existing cattle operation. A Rangeland Assessment prepared as part of the EIR concluded that the existing ranch in its current configuration has a carrying capacity of approximately 42 animal units per year, which exceeds the threshold of 25 to 30 animal units per year suggested by the Santa Barbara County Cattleman's Association as indicative of a viable cattle operation. However, the report concluded that the individual parcels are not viable as standalone parcels, as their rangeland carrying capacities are below this threshold. The development of residential uses under the proposed project in close proximity to active agricultural areas could create conflicts between the two uses, as the common nuisances associated with agriculture (e.g. noise, dust, odor, etc.) could be experienced by residents and ultimately lead to adverse modifications to or reductions in the agricultural operation.

Mitigation to reduce this potential conflict and to ensure that future residential development under the recommended hybrid alternative does not impair the ongoing agricultural operation includes a buyer notification program to be recorded on the individual deeds accompanying the sale of each lot and the recordation of CC&Rs, as proposed by the applicant, to ensure the continued agricultural use of the ranch. In addition, restrictions would be placed on future construction of residential development on Parcels 4 and 5 to reduce impacts to heifer calving and weaning activities. The County Planning Commission finds that these mitigation measures are adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative agricultural impacts is not considerable.

Biological Resources

The recommended hybrid alternative, including the future residential development on each parcel, would result in potential adverse impacts to nesting and foraging bird and bat species, erosion and sedimentation from construction and resultant effects on aquatic species, removal of or disturbance to sensitive vegetation and habitats, introduction of invasive plants, temporary impacts to riparian vegetation, water quality and aquatic species from removal of the existing Gato Creek Arizona crossing and construction of the span bridge, fragmentation and loss of wildlife habitat, degradation of monarch butterfly habitat, degradation of seasonal wetlands, and disturbance to or removal of native riparian vegetation and sensitive plant species associated with the water system infrastructure. These impacts would primarily result from: 1) construction of the new bridge over Gato Creek, which results in short-term adverse construction impacts but long-term beneficial impacts associated with the removal of the existing Arizona crossing; 2) construction of roadway infrastructure and individual home sites and the associated potential for vegetation removal, erosion and sedimentation, and disturbance to bird nesting and roosting; and 3) the location of residential development envelopes adjacent to or within sensitive habitat and vegetation communities. Mitigation measures to reduce these potentially significant impacts to biological resources include: 1) preconstruction surveys for active bird nests and bat roosts within 500 feet of construction areas; 2) implementation of erosion and sediment control measures during construction; 3) establishing a minimum 100-foot buffer between future residences and habitable structures and the edge of sensitive habitat areas (30 feet for native grasslands) to protect sensitive habitat from degradation from construction activities and ongoing fuel management; 4) preparation and implementation of a fuel management plan to be balanced with sensitive resource protection; 5) review of landscape plans by the P&D staff biologist to ensure that invasive species are not introduced on to the site; 6) revegetation of disturbed areas with native plants; 7) implementation of a Gato Creek protection and restoration plan during construction of the span bridge; 8) implementation of a habitat protection and avoidance plan for development on Lots 1 and 2; 9) protection of monarch habitat; 10) maintaining minimum wetland buffers; and 11) aligning water lines to avoid sensitive plant species or riparian vegetation. The County Planning Commission finds that these mitigation measures, combined with the reduced and

relocated residential development envelopes identified as project alternatives and incorporated as conditions of approval, are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above and incorporation of the project alternatives recommended by staff would ensure that the project's contribution to cumulative impacts to biological resources is not considerable.

Cultural Resources

As detailed in the EIR, the project site contains several historic and archaeological resources. A historic resources report prepared for the site concluded that several of the existing structures on-site are historically significant and the portion of the ranch south of the highway qualifies as a Rural Historic Landscape as a result of the ranch's association with the broad historical pattern of Goleta ranching. The site has retained its historic integrity since most of its important landscape characteristics are unchanged since the period of significance (1880 to 1959). Proposed infrastructure improvements and residential development envelopes have largely been sited to avoid impacts to known archaeological resources. The recommended hybrid alternative has the potential to disturb unknown cultural deposits resulting from ground disturbance associated with the installation of infrastructure and future residential development, which is considered a significant but mitigable impact. Mitigation measures to reduce this impact include construction monitoring, unless subsurface testing within the area of disturbance determines that no resources are present, as well as the standard discovery measure. The proposed Parcel 3 development envelope overlaps a portion of a recorded archaeological site, considered a significant resource under CEQA. Mitigation to reduce this impact includes reducing the residential development envelope on Parcel 3 in order to avoid the significant portions of the recorded archaeological site, prohibiting ground disturbance outside of the Parcel 3 development envelope, temporary fencing to protect the site during construction activities, and construction monitoring and further analysis in the event that archaeological remains are encountered. The Parcel 7 development envelope and access road are located adjacent to the boundaries of a recorded archaeological site. Ground disturbance associated with construction could result in potential unintended impacts to the recorded site given its proximity. Mitigation to reduce this impact includes the erection of temporary fencing around the site during construction, prohibiting ground disturbance in close proximity to the recorded archaeological site, as well as construction monitoring and the standard discovery clause. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative archaeological impacts is not considerable.

While none of the existing historic structures on-site are proposed to be removed or altered, the introduction of new development into the Rural Historic Landscape has the potential to be incompatible with the character-defining features of the site and impair their integrity to a point where they are no longer able to convey their historic

significance. Further, new development in close proximity to historic structures has the potential to degrade the historical significance of these structures by altering the characteristics of the surrounding environment that contribute to their significance. These impacts are considered potentially significant but mitigable. Mitigation includes requiring that new development within the Rural Historic Landscape boundaries be compatible in size, bulk, scale, height and style with the existing historic buildings consistent with the Secretary of the Interior's standards, as determined by a County-approved architectural historian. Other mitigation includes photo-documentation of the significant buildings within the Rural Historic Landscape prior to development in these areas and requiring that any rehabilitation of these structures comply with the Secretary of the Interior's standards. The County Planning Commission finds that these mitigation measures are adequate to reduce these impacts to less than significant levels. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative historic impacts is not considerable.

Fire Hazards

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

Geologic Hazards

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

Hazardous Materials

There are 17 recorded oil and gas wells that have been abandoned within the project site. There is evidence that at least two of these wells were leaking prior to being abandoned. Given the timing of many of the abandonments, there is the possibility that many of the wells were not abandoned in conformance with current safety standards. There is the possibility for oil, methane, or toxic gases to migrate through the wells and be released into the environment, which poses a potential health hazard to construction workers and the general public. This is considered a significant but mitigable impact. Mitigation to

reduce this impact includes requiring monitoring during construction activities within 500 feet of mapped abandoned wells and following standard protocol in the event that any contamination or unexpected wells or piping are encountered. As a farming operation, the ranch currently stores agricultural chemicals, agricultural machinery lubricants and fuels within the project site. These are stored in and around the agricultural storage buildings within proposed Parcel 5. There are no records of spills or other incidents of release of hazardous materials, however the storage of these fuels and spent lubricants requires that the landowner obtain a permit from the County Fire department for hazardous waste generation. Because the ranch is not currently in compliance with these requirements and given the increase in the on-site resident and visitor population that would result from the recommended hybrid project alternative, the impact to public health and safety related to hazardous materials is considered potentially significant but mitigable. Mitigation to reduce this impact includes a requirement that the applicant obtain all necessary permits and authorizations from the County Fire Department or other appropriate agency with jurisdiction for the storage and handling of hazardous materials and prepare and submit to the County Fire Department a Spill Prevention Control and Countermeasure plan for their review and approval. The County Planning Commission finds that this mitigation measure is adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measure discussed above would ensure that the project's contribution to cumulative impacts is not considerable.

Land Use

The residential development envelopes included as part of the recommended hybrid project alternative could accommodate large residences that could potentially be out of character with the surrounding rural agricultural setting and existing development which has historically been modest in scale. The potential land use conflict and incompatibility is largely due to the visibility and prominence of future development as viewed by the public. Maintaining the existing agricultural operations and undeveloped areas within the ranch would help to minimize potential incompatibilities of future development by maintaining a rural context of the setting and ensuring that future residential uses remain subordinate to the rural character of the area. Absent any restrictions or guidelines addressing future development of the site and absent specific architectural designs and details to evaluate, the potential land use impact from future development is considered potentially significant but mitigable. Mitigation to reduce this impact includes requiring that future development be compatible with the size, bulk, scale, height, and style of existing historic structures within the project site, imposing building height limits and requiring design review of future development, and requiring that the CC&Rs be recorded which codify the applicant's commitment to remain in agriculture. The County Planning Commission finds that these mitigation measures are adequate to reduce this impact to a less than significant level. The County Planning Commission further finds that implementation of the mitigation measures discussed above would ensure that the project's contribution to cumulative land use impacts is not considerable.

Recreation

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

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

Transportation/Circulation

The project site is accessed by an at-grade interchange on U.S. Highway 101. A traffic study conducted as part of the project concluded that the corner and stopping sight distances do not meet minimum Caltrans design criteria. In addition, the length of the existing left-turn deceleration lane for northbound motorists is less than the length required by Caltrans. Since the recommended hybrid project alternative would increase vehicular traffic at this intersection, primarily associated with the public beach parking, future users would be exposed to a potential traffic hazard resulting from sight distances and deceleration lanes below that which are typically required for safe operation. Impacts would be significant but mitigable. Mitigation to reduce this impact includes modifying a small cut slope 600 feet north of the Las Varas Ranch Road access to increase sight distance; extending the existing northbound left turn deceleration lane by approximately 240 feet within the center median to meet the minimum Caltrans distance of 530 feet; and providing full acceleration and deceleration lanes along the southbound shoulder of the highway if deemed necessary. The County Planning Commission finds

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

Water Resources/Flooding

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

1.5 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

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

2.0 ADMINISTRATIVE FINDINGS

2.1 AMENDMENT TO THE DEVELOPMENT CODE AND ZONING MAP FINDINGS

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

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

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

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

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

The rezones would update the zoning of the subject parcels consistent with current governing ordinances and the designation in the Comprehensive Plan. The rezones would not change the operation of the ranch or result in the potential for greater development of the ranch than what would otherwise be allowed. As such, the rezones do not alter the scope of the project, which has been found consistent with applicable policies of the Comprehensive Plan and Land Use & Development Code as discussed in Sections 6.2 and 6.3 of the staff report dated July 10, 2014, herein incorporated by reference. Therefore, this finding can be made.

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

The project site contains several inland parcels and portions of parcels that are

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

2.2 CUP FINDINGS

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

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

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

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

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

As analyzed in the project EIR (10EIR-00000-00005) and discussed in Section 6.1 of the staff report dated July 10, 2014, herein incorporated by reference, significant and adverse environmental impacts related to the shared water system have been mitigated to the maximum extent feasible. This includes incorporating the recommended mitigation measures from the EIR as conditions of project approval to mitigate impacts to the maximum extent feasible.

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

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

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

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

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

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

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

As discussed in Section 6.2 and 6.3 of the staff report dated July 10, 2014, herein incorporated by reference, the private shared water system is a permitted use in the

AG-II-100 zone district with a Minor Conditional Use Permit and the project is in conformance with applicable provisions and policies of the Coastal Land Use Plan and the Coastal Zoning Ordinance.

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

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

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

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

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

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

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

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

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

2. Environmental impacts.

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

As analyzed in the project EIR (10EIR-00000-00005) and discussed in Section 6.1 of the staff report dated July 10, 2014, herein incorporated by reference, significant environmental impacts associated with the shared water system have been mitigated

to the maximum extent feasible. This includes incorporating the recommended mitigation measures from the EIR as conditions of project approval to mitigate impacts to the maximum extent feasible.

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

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

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

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

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

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

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

As discussed in Section 6.2 and 6.3 of the staff report dated July 10, 2014, herein incorporated by reference, the private shared water system is a permitted use in the AG-II-100 zone district with a Minor Conditional Use Permit and the project is in conformance with applicable provisions and policies of the County Comprehensive Plan and the County Land Use and Development Code.

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

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

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

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

A. Finding required for all Lot Line Adjustments. In compliance with Section 21-93 of Chapter 21 (Subdivision Regulations), Section 35-134 of Article II, and Section 35.30.110 of the County LUDC, prior to the approval or conditional approval of an application for a Lot Line Adjustment the review authority shall first make all of the following findings:

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

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

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

There is no parcel involved in either of the Lot Line Adjustments that currently

conforms to the minimum parcel size of the AG-II-100 zone district that would become nonconforming as to parcel size as a result of the Lot Line Adjustment.

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

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

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

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

- (a) **Water supply. The parcel shall have adequate water resources to serve the estimated interior and exterior needs for residential development as follows: 1) a letter of service from the appropriate district or company shall document that adequate water service is available to the parcel and that such service is in compliance with the Company's Domestic Water Supply Permit; or 2) a County approved onsite or offsite well or shared water system serving the parcel that meets the applicable water well requirements of the County Environmental Health Services.**
- (b) **Sewage disposal. The parcel is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district. A parcel to be served by a private sewage disposal (septic) system shall meet all applicable County requirements for permitting and installation, including percolation tests, as determined by Environmental Health Services.**

- (c) Access. The parcel is currently served by an existing private road meeting applicable fire agency roadway standards that connects to a public road or right-of-way easement, or can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.**
- (d) Slope stability. Development of the parcel including infrastructure avoids slopes of 30 percent and greater.**
- (e) Agriculture viability. Development of the parcel shall not threaten or impair agricultural viability on productive agriculture lands within or adjacent to the property.**
- (f) Environmentally sensitive habitat. Development of the parcel avoids or minimizes impacts where appropriate to environmentally sensitive habitat and buffer areas, and riparian corridor and buffer areas.**
- (g) Hazards. Development of the parcel shall not result in a hazard to life and property. Potential hazards include, but are not limited to flood, geologic and fire.**
- (h) Consistency with Comprehensive Plan and Development Code. Development of the parcel is consistent with the setback, lot coverage and parking requirements of the zoning ordinance and consistent with the Comprehensive Plan and the public health, safety and welfare of the community.**

The Lot Line Adjustment north of U.S. Highway 101 (05LLA-00000-00006) involves parcels that conform to minimum parcel size requirements and therefore this finding can be made. The Lot Line Adjustment involving the three existing parcels in between the railroad and Pacific Ocean (05LLA-00000-00005) results in two parcels that are nonconforming as to minimum parcel size. However, two of the existing parcels are residentially developable pursuant to the above criteria and therefore this finding can be made since the Lot Line Adjustment results in no increase in the number of developable parcels. The third parcel is a long, narrow parcel encompassing the bluff edge and cliff face sandwiched in between the railroad and sandy beach and could not support residential development. The two existing developable parcels are approximately 8 acres and 94 acres, respectively. Percolation tests conducted on the site demonstrate that private disposal systems are feasible on each of these existing parcels. These parcels are located within the Goleta Water District's service boundary, so water service would also be feasibly obtained. These two parcels are currently accessed by existing unpaved ranch roads and do not involve steep grades or other constraints that would not meet County Fire Department standards for access. Improvement of these roads would ensure that adequate access is available to serve these parcels. Aside from the coastal bluffs, the two parcels are generally level and free of steep slopes. Development could be sited consistent with the minimum setbacks required to accommodate the estimated 75-year bluff retreat.

The two parcels are currently used as part of the ranch's cattle grazing operation and residential development on each lot would not threaten or impair the ongoing ranching operation as a whole, as development of these two parcels would only remove a small amount of useable pastureland (up to approximately four acres) relative to the total of 630 acres of suitable grazing across the ranch as a whole. There is no cultivated agriculture that would be impacted by development of these two lots. There is sufficient area within each lot to site development outside of existing environmentally sensitive habitat and buffer areas, as a large portion of each lot consists of non-native annual grassland which is not considered environmentally sensitive habitat. There are no known hazards on either parcel that would result in a hazard to life or property that could not be avoided or minimized through fuel management (for fire defensibility) and bluff setbacks (to accommodate bluff retreat). Development within the 8-acre parcel would be sited to avoid impacts to archaeological resources if possible, or any archaeological resources would be capped to allow for reasonable development and use of the site. As discussed in Section 6.2 and Section 6.3 of the staff report dated July 10, 2014, herein incorporated by reference, the parcels are consistent with the applicable requirements of Article II and the Coastal Land Use Plan. Further, the parcels are large enough such that they could be developed consistent with the setback, lot coverage and parking requirements of the Coastal Zoning Ordinance.

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

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

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

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

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

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

2.4 TENTATIVE MAP FINDINGS (COUNTY CODE CHAPTER 21)

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

A. The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

- 1. Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.5 SUBDIVISION MAP ACT FINDINGS

A. Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Las Varas Ranch Tentative Parcel Map (Case No. 05TPM-00000-00002):

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

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

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

As discussed in Section 6.2 of the staff report dated July 10, 2014, herein incorporated by reference, the subdivision (as modified by the conditions of approval) is consistent with the County General Plan, including the Coastal Land Use Plan. The agricultural conservation easement included as part of the recommended hybrid alternative (Condition No. 80) would enhance consistency of the project with the applicable County and State policies protecting agricultural resources. Incorporating the alignment of the proposed Coastal Trail as described in Alternative 4A of the EIR (Condition No. 81) would similarly enhance the project's consistency with County policies related to public access by providing a connection between the Coastal Trail and vertical beach access trail and bringing the trail closer to the shoreline.

- 3. State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:**

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

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

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

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

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

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

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

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

e. The design of the subdivision or the proposed improvements are likely to

cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

Applicable mitigation measures have been incorporated into the project as conditions of project approval. With implementation of the recommended hybrid alternative and these mitigation measures, the subdivision and proposed improvements would not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

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

The subdivision and proposed improvements are not likely to cause serious public health problems. As discussed in Section 6.1 of the staff report dated July 10, 2014, herein incorporated by reference, potential traffic hazards resulting from the project would be mitigated to less than significant levels with various improvements to the Las Varas Ranch Road interchange with U.S. Highway 101 as part of project approval. In addition, the EIR identifies mitigation measures to reduce impacts to public health associated with the potential to encounter contaminated soil from improperly abandoned oil and/or gas wells as well as a requirement that the applicant obtain all necessary permits and authorizations from the County Fire Department or other agency with jurisdiction for the storage and handling of hazardous materials.

Implementation of the Alternative 4A coastal trail alignment would provide a connection between the vertical and lateral trail easements, avoiding the potential public health and safety problems associated with disconnected trails that could encourage trail users to cross the highway. With implementation of these mitigation measures included as conditions of project approval, along with the recommended hybrid alternative, the subdivision and proposed improvements would not be likely to cause serious public health problems.

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

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

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

subject to any of the following:

- (a) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.
- (b) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).
- (c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.
- (d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

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

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

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

2.6 COASTAL DEVELOPMENT PERMIT FINDINGS

The following findings apply to the portion of the private shared water system located in the coastal zone under Case No. 11CDP-00000-00078.

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

As discussed in Section 6.2 of the staff report dated July 10, 2014, herein incorporated by reference, adequate services are available to serve the proposed project. The purpose of

the shared water system is to provide potable water to serve future residential development on the project site. The shared water system would therefore ensure that adequate water supply is available to serve the project. The water system would be designed to meet County Fire Department standards for water storage to ensure adequate fire protection.

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

1. The proposed development conforms:

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

As discussed in Sections 6.2 and 6.3 of the staff report dated July 10, 2014, herein incorporated by reference, the shared water system as modified with the recommended hybrid alternative and mitigated with the incorporation of conditions of approval conforms to applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan as well as applicable provisions of the Article II Coastal Zoning Ordinance.

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

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

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

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

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

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

The infrastructure to support the shared water system will largely be underground. The wells, storage tanks, and 960 square-foot treatment facility are small in scale and would not obstruct public views to and along the coast.

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

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

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

The shared water system would not be in conflict with any public access through or recreational use of the site. The shared water system would comply with the public access and recreation policies of Article II and the Comprehensive Plan, including the Coastal Land Use Plan.

2.6.3 Additional finding required for sites zoned Environmentally Sensitive Habitat (ESH) Overlay. In compliance with Section 35-97.6 of the Article II Zoning Ordinance, prior to the issuance of a Coastal Development Permit for sites designated with the ESH Overlay zone, the review authority shall first find that the proposed development meets all applicable development standards in Section 35-97.8 through Section 97.19.

The only area of the site that is impacted by the shared water system and is designated with the ESH Overlay zone is Gato Creek. The shared water system within the coastal zone would comply with all applicable development standards for creeks associated with the ESH Overlay zone. The shared water system would cross Gato Creek immediately south of U.S. Highway 101. Section 35-97.19(2) allows pipelines within stream corridors when no alternative route is feasible, as is the case on Las Varas Ranch. In compliance with Sections 35-97.19(4) and (5), any impacts associated with its construction would be reduced through the implementation of required mitigation measures incorporated as conditions of approval, including Condition Nos. 17 and 31, and any temporary removal of riparian vegetation during construction would be restored with native vegetation consistent with Condition No. 22.

ATTACHMENT B: CONDITIONS OF APPROVAL

PROJECT DESCRIPTION

1. This project is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit #1, dated ~~July 30, 2014~~ September 23, 2014, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows¹:

LOT RECONFIGURATION

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

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

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

In between the UPRR and U.S. Highway 101, the project includes a lot merger combining two existing lots of 239.53 acres (Lot D) and 165.21 acres (Lot E) and a subdivision (Vesting Tentative Parcel Map) resulting in three proposed parcels of 100.00 acres (Parcel 3), 147.53 acres (Parcel 4), and 157.21 acres (Parcel 5), respectively. Parcel 3 would have a 3.5-acre residential development envelope, while Parcels 4 and 5 would each include a 5-acre designated residential development envelope encompassing existing development on the site. Total estimated grading quantities are approximately 2,000 cubic yards of cut and 1,500 cubic yards of fill associated with access road improvements.

North of U.S. Highway 101, the project includes a lot line adjustment of two lots following a voluntary lot merger by the applicant combining four existing lots of 740.09 acres (Lot F), 281.35 acres (Lot G), 242.3 acres (Lot H), and 1.27 acres (Lot I) into two lots. The lot line adjustment and lot merger would result in two parcels of 1,115 acres (Parcel 6) and 150.01 acres (Parcel 7), respectively. The resultant 1,115-acre parcel (Parcel 6) would not include a

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

specific development envelope given its size, though residential development would be limited to up to a five-acre development envelope within one of three potential development areas identified on the site plan.

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

FUTURE RESIDENTIAL DEVELOPMENT

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

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

PUBLIC TRAIL EASEMENTS

The project includes the dedication of an easement to the County of Santa Barbara for a public parking lot and public riding and hiking trail leading to the beach along the eastern boundary of proposed Parcel 5. The easement includes an 84-foot x 170-foot area in the northeast corner of proposed Parcel 5 for the parking lot and an approximately 4,000-foot long, 15-foot wide corridor for the trail. It would pass through an existing 8-foot wide, 12 to 15-foot high culvert under the Union Pacific Railroad tracks and out to the beach once a public access easement is obtained from the railroad company. The trail would largely

follow the western bank of Las Varas Creek as it meanders south to the Pacific Ocean. The first half of the trail would pass through clearings along the edge of an existing avocado orchard, though there would be a few instances in which orchard trees would remain in between the trail corridor and the creek. The second (lower) half of the trail follows an existing dirt ranch road along the eastern side of the avocado orchard, in between the orchard and Las Varas Creek, before reaching the aforementioned culvert. The trail is primarily flat with one or two short drops in elevation along the way.

The project also includes the dedication of a lateral 25-foot wide easement to the County of Santa Barbara for a public riding and hiking trail along the ~~southern~~northern property lines of proposed Parcel ~~6-4 and 5~~ and continuing along Calle Real immediately south of Parcel 7 adjacent to U.S. Highway 101 (as described in Alternative 4A of the Revised Final EIR). ~~Per the applicant's proposed easement, construction of the trail would be require the placement of a pedestrian span bridge over the existing underpass used by cattle to cross under U.S. Highway 101 at Gato Creek. From east to west, this trail corridor would follow the existing ranch road immediately south of Highway 101 until reaching the existing farm employee residence/orchard facility area Gato Creek undercrossing. At that point the trail would continue on the southern (highway) side of these structures (in order to avoid the residence and agricultural packing/storage facility) use the existing undercrossing to cross to the north side of Highway 101 before rejoining the ranch road near the border between parcels 6 and 7. The trail would then continue to follow the existing ranch road, crossing Gato Creek on the pedestrian bridge referenced above, at which point the trail would follow an old segment of Calle Real, westward through the remainder of the site ranch.~~

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

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

The applicant would record the offers to dedicate the trails and parking lot prior to recordation of the Tentative Parcel Map and documentation of the Lot Line Adjustment/Mergers included in the project, but such offer to dedicate shall include a condition that the offer to dedicate may not be accepted and no trail or parking lot constructed or opened prior to the final approval, and the exhaustion of all appeals and litigation, and the property owner's acceptance of, a CDP for a

residence within a designated development envelope on the portion of the property located south of Highway 101.

ACCESS ROADS

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

WATER AND SEWER SERVICE

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

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

The water treatment system is a "packaged" type plant consisting of a filtration unit, chemical feeds, waste decant tank, finished water storage tank, and booster pump. The support chemicals for the system include 12.5% Sodium Hypochlorite for oxidation, a coagulant (either aluminum sulfate or ferric chloride), and a cationic polymer to aid the coagulation process. The chemicals will be in bulk dry format and mixed in separate 50 to 100 gallon tanks and liquid fed into the raw water supply line prior to entering the packaged system. The system produces a waste stream that is typically 3-5% of the total flow pulled, which is composed of backwash water and waste from the clarifiers. The waste stream would be diverted to a decant tank (approximately 2,500 gallons) located next to the treatment building and the system would recover 95% of the waste stream which would be recirculated for potable use. The decant tank would need periodic removal of the solids, and it is anticipated that removal of the solids would be performed by a service company and

disposed of at a sanitation receiving station on a semi-annual or annual basis. There would be no effluent released from the system.

Irrigation for the continued agricultural operation would be supplied by the existing Edwards Reservoir and by two existing Goleta Water District agricultural meters served by the Goleta West Conduit. Back up wells are in place to supplement the primary sources of irrigation during dry years, though these are rarely used.

Domestic water service for the existing residential development on the project site is provided by the Goleta Water District through two agricultural water meters. However, this water is non-potable, so potable water is provided by bottled water deliveries from the District. Goleta Water District is no longer offering new domestic water hookups from the Goleta West Conduit due to quality and pressure issues. This service would remain in place for existing development within the project site.

Sewer service would be provided by individual septic systems and associated leach fields within each proposed parcel. Existing septic systems are in place to serve existing development within proposed Parcels 4 and 5, as well as the existing residential units on Parcel 6. New septic systems would be installed for the remaining proposed parcels. With the exception of Parcel 2, septic systems would be installed within the designated residential development envelopes. The system for Parcel 2 would be installed on the coastal terrace just west of the residential development envelope.

AGRICULTURAL OPERATIONS

Existing grazing lands on the ranch are proposed to continue as common grazing lands to be collectively managed through a cooperative grazing agreement and the development of CC&Rs to ensure such collective management. At a minimum, the CC&Rs would limit perimeter fencing outside of development envelopes and would provide a cooperative management structure through identification of an HOA or other cooperative entity. Fences for agricultural purposes would be coordinated with Ranch Management so as not to impact existing and future agricultural operations. Each parcel resulting from the projects will be subject to CC&Rs that will include a requirement that all land outside the designated owners' development envelopes will be devoted to agricultural usage. The CC&Rs would include the following type of language and would not be able to be terminated or substantially altered for a minimum of 50 years, after which time they would be automatically extended each year unless two-thirds of the landowners vote otherwise. Amendments not affecting the continued agricultural operation could occur at anytime during the life of the CC&Rs and require only a majority vote given the broad range of issues they would cover:

Prior to Declarant's² conveyance of the first Lot, Declarant shall record an easement for the benefit of [insert here either the name of the homeowners association or of the agricultural co-op], over all areas of the Ranch excluding (i) the designated Owner development envelopes, and, the common access roadway system; and, (iii) the areas devoted to water storage; and, (iv) the areas presently devoted to orchard usage (which excluded areas are depicted on Exhibit "____" attached to this Declaration and made a part hereof), which easement shall entitle and obligate [insert here either the name of the homeowners association or of the agricultural co-op] to manage, operate, maintain, and control the easement area for agricultural production, including but not limited to irrigated and dry land livestock grazing, using sound ranching practices and sound rangeland maintenance

² "Declarant" is the property owner who signs and records the CC&R's, the full name of which is "Declaration of Covenants, Conditions and Restrictions."

measures to ensure that the easement area is operated to its full agricultural potential without jeopardy to the land and its water supply, and for marketing the livestock and other agricultural products from the easement area. The easement area, or any portion thereof, may be leased to responsible third parties, but [insert here either the name of the homeowners association or of the agricultural co-op] shall reserve ultimate management control, responsibility, and supervision over the easement. Every Lot within the Ranch shall be subject to said easement and no Owner shall obstruct or interfere with [insert here either the name of the homeowners association or of the agricultural co-op]'s rights thereunder. Said easement also shall include a grant of access rights as shall be reasonably necessary for [insert here either the name of the homeowners association or of the agricultural co-op]'s management, operation, maintenance, and control over the easement area and livestock grazed thereon for agricultural production.

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

REZONES

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

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES FROM 10EIR-00000-00005

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

~~to CBAR plan filing. Story poles shall be erected as part of the CBAR review process.~~

~~**MONITORING:** P&D shall ensure residence is built in compliance with plans approved by the CBAR.~~ **DELETE [not required with elimination of building site 6a]**

3. **AES 2.** Future residential structures shall not exceed a maximum height of 15 feet above existing grade (excluding architectural projections) within the View Corridor Overlay District and the area designated as a Rural Historic Landscape (Parcels 1 through 5).

Plan requirement: This measure shall be included on building plans for future residential development. Story poles shall be erected for each future residence as part of the CBAR review process. **Timing:** Plans shall be submitted for review by the CBAR prior to Coastal Development Permit approval for future residential development.

MONITORING: Height of building(s) shall be checked by Building and Safety during frame/inspection approval.

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

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

MONITORING: P&D shall confirm buildings have been constructed consistent with approved plans prior to granting occupancy clearance.

5. **AES 4.** Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and non-agricultural fences. White-board fencing shall not be permitted.

Plan Requirement: Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance for any new residential structure.

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

6. **AES 5 Fencing.** To minimize the impacts of the trail fencing to the visual character of the site, a more subtle design than standard chain link shall be incorporated that is more visually permeable (e.g. thinner gauge wire, larger openings, hog wire, etc.), while still providing the necessary security for the adjacent agricultural operation consistent with other agricultural fencing within the ranch.

PLAN REQUIREMENTS AND TIMING: The final fence design shall be submitted to P&D for review and approval prior to issuance of the Coastal Development Permit for initial infrastructure development. The approved fencing shall be installed prior to opening of the public trails by the Community Services Department, Parks Division. In the event that the installed fencing is deemed ineffective in excluding the public and their dogs from the orchards and/or grazing land, the applicant may install an alternative form of fencing that provides the necessary security upon review and approval by P&D and Community Services Department, Parks Division.

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

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

- Conserve energy and follow night sky lighting practices, generally conforming to the

standards and recommendations of the International Dark-Sky Association (IDA)³ and the Illuminating Engineering Society of North America (IESNA)⁴ for rural settings;

- Any exterior night lighting installed on the project site within the residential development envelopes shall be of low intensity, low glare design, minimum height, and shall be fully hooded and shielded to direct light downward, such that lamp usage is not directly visible beyond the area of illumination;
- Exterior lighting shall only be permitted within the development envelopes, unless associated with the agricultural operation;
- Motion, light, and time sensors shall be used that minimize duration of use and 24-hour security lighting shall be avoided;
- Uplighting of landscaping or structures shall be prohibited;
- Locations of exterior lighting shall be minimized to that necessary for safety along driveways and parking areas. The driveway lighting shall be low intensity and indirect with on-demand switching to minimize night light visibility from public viewing places.
- This condition does not apply to agricultural development and activities.

Plan Requirements: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to approval of each applicable Coastal Development Permit or Land Use Permit for future residential development.

MONITORING: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of a Coastal Development Permit or Land Use Permit for residential structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

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

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

Plan Requirements and Timing: This requirement shall be included on all grading and

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

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

building plans associated with residential development on Parcels 4 and 5 and submitted for review and approval by P&D. The location of the temporary construction fencing shall be depicted on the plans submitted for review and approval by P&D.

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

9. **AG 2-1: Controlled Access.** To protect the liability of the ranch's agricultural operations, public access within the trails shall be restricted on days when a pesticide application (aerial or ground-based) is being conducted until the treated area is safe to re-enter, when orchards or trees are being pruned adjacent to the trails, or when other agricultural activities that may endanger the public or pose a potential conflict are being conducted adjacent to or in close proximity to the trails (estimated to be approximately six days per year). The applicant/landowner shall notify the County Parks Department and post a notice at the trails' public control points within the ranch at least 48 hours in advance of closures. In addition, permanent signs shall be placed at the trails' public control points within the ranch identifying the agricultural practices and the issues associated with being present adjacent to an active agricultural area, as well as educating trail users on proper trail etiquette, the importance of not wandering from the trail, and directing them to the right-trail locations. **Plan Requirements and Timing:** A copy of the signage shall be reviewed and approved by P&D and Parks Department prior to ~~zoning clearance for site improvements~~opening the trails. The signs shall be installed prior to opening of the trails for public access.

MONITORING: P&D shall site inspect and document installation prior to opening the trails for public access.

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

Important: Buyer Notification

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

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

MONITORING: P&D shall ensure the notification is included in the recorded map or line lot adjustment, prior to final map clearance. P&D shall review the CC&R document prior to issuance of any CDP or LUP for any new residence within the Ranch.

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

- Establishment of residential development envelopes, with the requirement that all residential buildings and non-agricultural structures be located within the development envelopes (except provisions for water storage tanks for fire protection purposes and other permitted infrastructure improvements);
- No conversion of existing orchards to a non-agricultural use and conversion of existing orchards to grazing land ~~shall~~ should be minimized, though crop types may be changed; any necessary buffers between orchards and residential and non-agricultural development must be contained within the residential development envelopes;
- No impingement of existing cattle grazing operation by non-agricultural uses; fencing outside of the 2-acre areas selected by each owner for residential development within each development envelope shall not interfere with the ongoing agricultural operation and shall ensure continued use of common grazing lands;
- Off-road vehicle and equestrian use within the first-calf heifer calving pastures shall be limited to ranch personnel during the calving season if calving is occurring in the pastures;
- Provide cooperative management structure through identification of an HOA;
- Establishment of standards for production of commercial agriculture and best management practices in the orchard areas.

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

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

12. **AQ 1: Construction-Generated Airborne Dust (PM₁₀).** The applicant shall prepare a Construction Management Plan to control PM₁₀ emissions during grading for and construction of residential development and associated infrastructure. At a minimum the Plan shall include the following dust control measures:

- During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. Minimize the amount of disturbed area and reduce onsite vehicle speeds to 15 mph per hour or less.
- All access points shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc.
- If importation, exportation, and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be covered with a tarp from the point of origin.

- After clearing, grading, earthmoving, or excavation is completed, the disturbed area shall be treated by watering, revegetating, or spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SBCAPCD prior to approval of permits for map recordation and for finish grading for any structures.
- This condition shall not apply to agricultural development and activities.

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

MONITORING: The County building/grading inspector shall perform periodic site inspections throughout the grading and construction period.

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

- All portable diesel-fired construction engines rated at 50 brake-horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or APCD permits prior to operation. Construction engines with PERP certificates are exempt from APCD permit, provided they will be on-site for less than 12 months.
- Diesel construction equipment meeting the California Air Resources Board's Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting Tier 2 or higher emissions standards should be used to the maximum extent feasible.
- Diesel catalytic converters, diesel oxidation catalysts, and diesel particulate filters, as certified and/or verified by EPA or California, shall be installed on equipment operating on-site, if available.
- Diesel-powered equipment should be replaced by electric equipment whenever feasible.
- Idling of heavy-duty diesel trucks during loading and unloading should be limited to five minutes; auxiliary power units should be used whenever possible.
- Construction worker's trips should be minimized by requiring carpooling where feasible.
- The engine size of construction equipment shall be the minimum practical size.
- The amount of construction equipment operating simultaneously shall be minimized through efficient construction management practices to ensure that the smallest practical number is operating at any one time.
- Construction equipment shall be maintained per the manufacturer's specifications.
- Construction equipment operating on site shall be equipped with two or four degree engine timing retard or pre-combustion chamber engines.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- This condition does not apply to agricultural development and activities.

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

MONITORING: The County building/grading inspector shall perform periodic site inspections throughout the construction period.

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

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

Plan Requirements and Timing: The applicant shall incorporate the listed provisions into residential building and improvement plans or shall submit proof of infeasibility (with concurrence from P&D) prior to approval of Coastal Development Permits and/or Land Use Permits for individual residences.

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

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

monitored, and a 500 ft. buffer shall be applied, or as determined by the qualified biologist based on the type and location of the roost and the specific work activity being conducted.

MONITORING: P&D shall be given the name and contact information for the qualified biologist prior to initiation of the pre-construction survey. The biologist shall contact P&D prior to and at the conclusion of the field survey to inform P&D in writing of the survey plan and the results of the surveys. If no sensitive species are found, P&D will allow grading activities to commence. All required mitigation shall be implemented prior to the start of proposed grading activities for project elements. P&D or a qualified local biologist approved by the County shall monitor for compliance.

16. **BIO 4-1: Additional Provisions for SWPPP and Erosion Control Plans.** Condition #55 (MM WAT 2-1) and #58 (MM WAT 2-4) require the preparation of Stormwater and Erosion Control Plans for new residentially-related development. These plans shall also show the locations of coastal scrub, oak woodland, riparian woodland, delineated seasonal wetlands and undefined water bodies, and seeps within 100 feet of any work areas in the project area for non-agricultural structures. Habitats occurring within 100 feet of proposed work areas shall be delineated in the field for avoidance during construction. **Plan Requirements and Timing:** See Condition #55 and #58.

MONITORING: P&D shall review the documentation prior to issuance of Coastal Development Permits or Land Use Permits for future development. P&D shall site inspect during construction for compliance with the SWPPP.

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

MONITORING: P&D shall review the documentation prior to issuance of Coastal Development Permits or Land Use Permits for future development. P&D shall site inspect during construction for compliance with this condition.

18. **BIO 5: Buffer from Sensitive Habitat.** With the exception of the existing residence on Parcel 5 and future remodels (or rebuilds in the event of a natural disaster), future residences and habitable structures within each development envelope, as well as the water treatment facility and storage tanks, shall be sited a minimum of 100 feet from the edge of sensitive habitat as depicted in Exhibit #1 attached to these conditions (30 ft. for native grasslands) and as determined in the field by a County-qualified biologist at the time of

future development. Any expansion of the existing residence on Parcel 5 shall not result in any further encroachment into these buffers as compared to the existing building footprint. Based on the field survey, building envelopes shall not encroach into the sensitive habitat areas. **Plan Requirements and Timing:** Prior to recordation of the Final Map, this requirement shall be included on an Informational Sheet attached to the Final Map and shall be reviewed and approved by P&D. This requirement shall be shown on all building plans and a written report prepared by a County-qualified biologist containing detailed mapping of the development envelope habitats shall be submitted to P&D for review and approval prior to Coastal Development Permit approval for future residential development or approval of the Land Use Permit for the water treatment facility, as applicable. This condition does not apply to agricultural development and activities.

MONITORING: P&D shall review and approve prior to recordation. P&D shall review the plans prior to approval of Coastal Development Permits or Land Use Permits for future structures to ensure compliance with this measure.

19. **BIO 6-1: Buffer from Sensitive Habitat.** With the exception of the existing residence on Parcel 5 and future remodels (or rebuilds in the event of a natural disaster), aAll future residences, guest houses and other habitable structures (including the water treatment facility) must be positioned so that the 100-ft. fuel modification zones (30 feet for native grasslands) will not encroach within sensitive native habitat as depicted in Exhibit #1 attached to these conditions, and as determined in the field by a County-qualified biologist at the time of future development, including oak forest and woodland, Eucalyptus (for Monarch habitat and drainage features) California sycamore riparian woodlands, native grasslands (foothill and purple needlegrass, and meadow barley), specific types of coastal sage scrub (i.e., goldenbush scrub and lemonadeberry scrub) and wetlands. Any expansion of the existing residence on Parcel 5 shall not result in any further encroachment into these buffers as compared to the existing building footprint. Based on the field survey, fuel management shall not encroach into the sensitive habitat areas. **Plan Requirements and Timing:** Prior to recordation of the Final Map, this requirement condition shall be included on an Informational Sheet attached to the Final Map and shall be reviewed and approved by P&D. This requirement shall be included on all building and grading plans submitted for future residential development. This condition does not apply to agricultural development and activities.

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

20. **BIO 6-2 Fuel Management Plan Required.** The applicant shall prepare a Fuel Management Plan to ensure that avoidance of native vegetation is accomplished and to ensure that fuel management is balanced with sensitive resource protection. **Plan Requirements:** The Fuel Management Plan shall include the following:
- The goal of the plan would be to meet the dual goals of public safety and protection of significant vegetation.
 - The plan shall depict fuel management zones (i.e., Zone 1, 2, and 3) wherever required and shall include specific habitat and rare species protection and fuel management measures to be used in each management zone and for each habitat type. Onsite vegetation management shall be limited to the zones and clearance requirements/percentages conceptually described.

- Impacts to native grasslands and special status plant and animal species shall be minimized. Zone 2 clearance of shrub cover shall not exceed 50% of shrub cover and shall be created in a mosaic pattern. Mowing of native bunchgrass shall occur in such a manner that at least 4 inches of height of each plant remains after mowing. Pre-mowing surveys within the fuel management zones to ensure no ground-dwelling birds are nesting shall be conducted if mowing occurs during the nesting season (February 1 to August 15).

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

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

- | 21. **BIO 7-1: Biologist Review of Landscape Plans.** Landscape Plans for future development shall be reviewed and approved by the P&D Staff Biologist. The applicant shall use primarily native, locally collected plant species (coastal Santa Barbara and Ventura County species or other non-invasive plant material) for landscaping purposes. The use of non-native invasive species shall be prohibited. **Plan Requirements and Timing:** The plans shall be approved by the staff biologist prior to approval of Coastal Development Permits or Land Use Permits for future residential development.

MONITORING: P&D permit compliance shall monitor implementation in the field.

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

MONITORING: P&D shall site inspect to ensure compliance.

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

- Minimizing the attractiveness of the project area, specifically livestock areas, to non-native wildlife and avoiding or minimizing native wildlife mortality;
- Reducing or avoiding negative human/wildlife interactions;
- Keeping cats and dogs in at night in order to reduce predation by them on native wildlife and to prevent them from being preyed upon by coyotes and mountain lions;
- Requiring leashing of dogs on hiking trails;

- Developing measures to prevent domestic cats and dogs from roaming in habitats outside the development envelopes, such as barrier fencing around the development envelopes;
- Preventing domestic cats and dogs from reproducing and becoming feral;
- Eliminating food sources and other attractive nuisances to wildlife in and around development envelopes;
- Limiting impacts of non-native aquatic and terrestrial plants and animals on native wildlife and habitats (See BIO-6 and BIO 7-1 above);
- Prohibiting release of non-native animals into open spaces and collecting of native wildlife, such as turtles, frogs, and snakes;
- Educating residents concerning snakes and the benefits of these predators for rodent control, identification of harmless species, and the alternative of capturing and moving snakes to open space areas rather than killing them;
- The value of swallows, black phoebes, and other eave-nesting birds for insect control,
- Simple, proactive, non-invasive measures that can be implemented by landowners to prevent nesting by these species on residences and other structures; and
- Other relevant topics.

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

MONITORING: P&D and County Counsel shall review the CC&Rs to ensure compliance with this condition prior to final map clearance and final documentation of the Lot Line Adjustments and shall confirm recordation of the Program as part of the site's CC&Rs prior to Coastal Development Permit or Land Use Permit approval for the first residence.

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

- **Pre-Construction Surveys.** Pre-construction surveys for California red-legged frogs, South Coast newts, and other special-status amphibian species shall be conducted prior to construction activities no more than one week before construction begins. If any individuals of CARLF are found, the agencies shall be contacted. If other sensitive species are identified, appropriate measures shall be taken to ensure their protection as recommended by the consulting biologist and approved by P&D. The biologist, at his/her discretion, shall perform capture and relocation of non-listed fish, tadpoles, aquatic insects, and other animals found in the scour pool below the existing crossing to further downstream.
- **Biological Monitoring.** Removal of the existing crossing and installation of the proposed span crossing shall be monitored by a qualified wildlife biologist with a handling permit for potentially-affected wildlife. A County-qualified wildlife biologist shall monitor all aspects of removing the existing crossing and installation of the new span crossing and installation of grade control structures.
- **Installation of boulder weirs.** Prior to construction, plans for installing one or more boulder weirs (grade control structures) shall be prepared in consultation with a County-qualified wildlife biologist. The grade control structures shall consist of large boulders placed across the streambed upstream and downstream of the existing crossing in order to reduce the magnitude of streambed gradient re-adjustment following removal of the existing crossing. The boulder weir plans shall be included on all grading plans.

- **Dry season construction.** All work shall be conducted in the dry season after CRLF and newt larvae have metamorphosed (August 1 - October 15). Removing and replacing the existing crossing shall be done in as short a period of time as possible.
- **Staging outside Gato Creek corridor.** All staging and laydown areas shall be located outside of the Gato Creek riparian corridor on previously-disturbed ground.
- **Restoration of Vegetation.** Any native riparian vegetation removed or damaged shall be restored at a 3:1 (restored acres: disturbed acres) ratio. A separate plan shall be prepared by a County-qualified botanist that would be reviewed and approved by P&D. The goal of the restoration would be to restore any riparian habitat or functions disturbed by construction with a similar assemblage of species that occur in the area such that the restoration area is suitably integrated into the larger ecological matrix. Specific measures for restoration and monitoring success shall be included in the plan, including: an explicit species list, installation methods and activities, performance standards, monitoring methods, and schedules and budgets.
- **Fencing during construction.** Any additional protection procedures proposed to be used, including marking the extent of ground disturbance and fencing areas for avoidance.

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

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

25. **BIO 12-1: CC&R Provisions for Protection of Grassland Habitat and Wildlife.** In order to protect remaining grassland habitat within the project site and use of the habitat by wildlife, the following measures shall be incorporated into CC&R's for the project:
- a. **Open Space Provisions and Regulation of Agricultural Use.** Areas outside of development envelopes on Parcel 1 and 2 that contain native vegetation shall remain as open space and shall not be converted to row-crop agriculture, including, but not limited, to: alfalfa production, vineyards, orchards, or dry-farmed fields. Grazing shall be allowed.
 - b. **Fencing.** New fences outside of development envelopes, along access roads and elsewhere in open space areas, shall be constructed to allow for wildlife passage while still providing the necessary functions for the ~~livestock~~ agricultural operations. The use of deer fencing or other tall mesh-type fencing shall be restricted to agricultural areas and within development envelopes. Construction of non-agricultural stone, stucco, or other solid walls outside of development envelopes shall be prohibited.
 - c. **Rodenticides prohibited.** Rodent traps for non-agricultural purposes within the residential development envelopes shall be restricted to snap-traps and not rodenticides, which may kill rodents over a broad area outside the development envelopes.

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

MONITORING: P&D shall review the CC&Rs to ensure compliance with this condition prior to final map clearance and shall respond to complaints.

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

- a. The building site on Parcel 1 shall be limited to 2 acres and the building site on Parcel 2 shall be limited to 1 acre;
- b. The proposed Bbuilding sites within ~~each the~~ development envelope for that parcel shall avoid impacting native grasslands to the extent feasible;
- c. Any native habitats temporarily or permanently disturbed by project development shall be ~~restored~~ mitigated at a 2:1 ratio based on acreage.
- d. Roadways. Roadways shall not contain curbs, ditches, or other barriers to small, ground-dwelling wildlife. The width of access roads shall be the minimum necessary to meet County Fire Department requirements for vehicular and emergency vehicle safety in order to avoid or minimize habitat fragmentation and barriers to wildlife movement. Maximum speed limits on all access roads shall not exceed 20 mph in order to avoid or minimize wildlife mortality.
- e. Lighting. All outdoor lighting (including around residences, barns, corrals, and other facilities), access roads, and trails shall be of the minimum number and wattage necessary for safety and shall be shielded and directed downward to minimize light "pollution" to adjacent open spaces. Lighting within development envelopes shall not be directed outside of the envelopes.
- f. Landscaping shall avoid disturbance of native habitats to the extent feasible.

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

MONITORING: P&D shall review the Habitat Avoidance, Protection, and Restoration Plan for ~~each lot of~~ Parcels 1 and 2, in addition to grading and building plans, to ensure consistency with approved plans. Any necessary Restoration Plans for disturbed habitats

shall include long-term monitoring for 5 years. P&D shall ensure compliance with approved plans during construction of infrastructure and future dwellings prior to Final Building Inspection Clearance.

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

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

28. **BIO 15-1:** Trees in the monarch groves shall not be trimmed or removed during project construction or occupation unless approved and monitored by County P&D and a qualified monarch butterfly biologist, except that dead trees may be removed if such removal occurs without damage to living trees and with concurrence from a County-qualified monarch butterfly biologist that their removal would not adversely impact the microclimate of the grove. **Plan Requirements and Timing:** Monarch Butterfly Environmentally Sensitive Habitat areas, adjacent woodland trees, and windrows shall be shown on all grading and building plans for work within 100 feet of these areas and submitted to P&D for review prior to approval of Coastal Development Permits or Land Use Permits for future residential development.

MONITORING: P&D shall review plans and site inspect during residential construction to ensure compliance with this measure.

29. **BIO 15-2: Monarch Protection Plan.** The landowner and future applicants for Lots 1, 2, 4 and 5 shall prepare and implement a Monarch Butterfly Protection Plan. The Plan shall include:
- Timing restrictions on grading and construction of access roads and future residential development that require use of heavy equipment, including backhoes, to avoid noise, dust, and increased human activity impacts to overwintering monarch butterflies (i.e., construction activities should occur between March and October);
 - If grading or other heavy equipment work must occur between October and March, a qualified biologist shall survey all eucalyptus trees within 50 feet of the development area prior to the start of work to determine use by monarchs. If butterfly aggregations are found within 50 feet of the work area, work activities shall be delayed until monarchs have left the site.

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

MONITORING: P&D permit compliance staff shall monitor implementation of the Protection Plan in association with each future permit and shall confirm results of any pre-construction surveys prior to construction.

30. **BIO 16: Wetlands.** With the exception of the existing residence on Parcel 5 and future remodels (with no change to the building footprint), all site improvements and project development shall maintain a minimum 100-ft. buffer from all coastal wetlands. The potential wetlands in the vicinity of Parcels 4 and 5 shall be properly delineated (i.e., using U.S. Army Corps of Engineers methods and coastal zone definitions) and identified on all grading or building plans for future residential development proposed to be located proximate to said wetlands. No new structures, including irrigation and non-native landscaping, shall be placed, and no disturbance shall occur, within the wetlands or the 100 ft. buffers. Any rebuild or expansion of the existing residence on Parcel 5 shall comply with the 100-foot setback requirement. **Plan Requirements and Timing:** Plans for future residential development shall be submitted to P&D for review prior to Coastal Development Permit approval. All wetlands and buffers shall be shown on grading and building plans, and the edge of the buffer shall be fenced in the field during construction. This condition shall not apply to agricultural development and activities.

MONITORING: P&D shall confirm compliance with this measure prior to permit issuance for future residential development on Parcels 4 and 5. P&D permit compliance staff shall monitor to ensure that the required 100-ft. buffers are maintained around all delineated wetlands during construction.

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

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

32. **CULT 1-1.** All earth disturbances associated with infrastructure improvements and future residential development shall be monitored by a P&D-qualified archaeologist unless subsurface testing within the area of disturbance determines that no resources are present. **Plan Requirements and Timing:** Prior to approval of Coastal Development Permits and/or land use clearances, a contract or Letter of Commitment between the applicant and the archaeologist, consisting of a project description and scope of work, shall be prepared. The contract must be executed and submitted to P&D for review and approval. If after initial monitoring of the proposed area of disturbance or testing for presence/absence, the archaeologist determines that additional monitoring is unnecessary based on the absence of cultural resources, the requirement for further monitoring can be terminated with approval by P&D. Prior to occupancy clearance or Building & Safety sign-off, a cultural resources

monitoring report must be submitted to P&D and the CCIC.

MONITORING: P&D shall confirm monitoring by archaeologist as required and spot check in the field.

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

MONITORING: P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check in the field.

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

MONITORING: P&D shall confirm reconfiguration of the development envelope and review the informational sheet prior to final map clearance. P&D shall site inspect during construction to confirm compliance.

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

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

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

archaeological site. **Timing:** Plans to be approved and fencing to be in place prior to start of construction.

MONITORING: P&D shall verify installation of fencing by reviewing photo documentation or by site inspection prior to grading or construction, and ensure fencing is in place throughout grading and construction through site inspections.

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

MONITORING: P&D shall confirm monitoring by archaeologist and Native American observer and spot check in the field.

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

MONITORING: P&D planners shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check fieldwork.

39. **CULT 3-1.** Archaeological site CA-SBA-2409 and a buffer area (to be determined by a County-qualified archaeologist) shall be temporarily fenced with chain link flagged with color or other material authorized by P&D where ground disturbance is proposed within 100 feet of the site. **Plan Requirements:** The fencing requirement shall be shown on approved grading and building plans. The fence shall be designated as "exclusionary fencing" and shall not mention an archaeological site. **Timing:** Plans to be approved and fencing to be in place prior to start of construction.

MONITORING: P&D shall verify installation of fencing by reviewing photo documentation or by site inspection prior to grading or construction, and ensure fencing is in place throughout grading and construction through site inspections.

40. **CULT 3-2.** Except as provided herein, No ground disturbance of any kind, including landscaping and vegetation removal involving disturbance of root balls, shall be permitted within 100 feet of the boundaries of CA-SBA-2409. Utility infrastructure and driveways shall be sited so as to avoid the boundaries of CA-SBA-2409. No orchard planting shall be permitted within the boundaries of CA-SBA-2409. Grazing shall be exempt from this

requirement. **Plan Requirements and Timing:** These requirements shall be shown on all approved grading and building plans. Plans shall be reviewed for conformance with this measure prior to approval of Land Use Permits for future development on Parcel 7.

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

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

MONITORING: Permit compliance staff shall confirm buildings are constructed in conformance with final approved plans.

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

MONITORING: Permit compliance staff shall confirm buildings are ~~constructed~~ rehabilitated or altered in conformance with final approved plans.

43. **CULT 6-2:** ~~Prior to the project's implementation the applicant approval of any new residential development or associated infrastructure on Parcel 4 and 5, the applicant shall provide for photographic documentation of the significant buildings in the portion of Historic Areas 1 and or 2 located on that parcel, within their setting, which photographs shall be taken by a County-approved historian. Such photographic documentation includes large-format black and white archival photographs of the elevations of each building and their relationship to each other within their setting. A color Xerox copy of these photographs, with a copy of this report, shall be provided to Planning and Development in hard copy and digital format and the original photographs and negatives shall be compiled in a binder, with a site map with arrows indicating the direction of each photograph, and provided to the Goleta Valley Historical Society.~~ **Plan Requirements and Timing:** A letter from the Goleta Valley Historical Society to Planning and Development accepting receipt of this documentation shall be provided prior to CDP issuance for infrastructure improvements or the first new residential construction ~~south of U.S. Highway 101 on either Parcel 4 or 5.~~

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

44. **FIRE-1: Impact Fees.** All applicable Development Impact Mitigation Fees in effect at the

time of permit issuance for future residential development of the site shall be paid.

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

MONITORING: P&D shall ensure payment of applicable fees is made at the appropriate times prior to permit issuance.

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

MONITORING: Planning and Development shall review and approve plans for Coastal Development Permits for Parcels 1 and 2. Permit Compliance shall site inspect to ensure that construction is in accordance with the approved plans.

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

MONITORING: Planning and Development shall review and approve applicable studies prior to approval of Coastal Development Permits or Land Use Permits. Permit Compliance shall site inspect to ensure that construction is in accordance with the approved plans.

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

MONITORING: Building and Safety shall site inspect to ensure construction is consistent with approved plans.

48. **HAZ 1-1: Hazardous Materials Discovery – Field Observation.** A registered environmental assessor shall conduct a pre-grading/construction training with appropriate construction crews regarding the identification of contaminated soil and shall be on-site during grading and site excavation activities in areas that are within 500 feet of mapped abandoned oil wells. In the event that visual contamination or chemical odors are detected while implementing the approved work on the project site, all work shall cease immediately. The property owner or appointed agent shall contact the County Fire Department's Hazardous Materials Unit (HMU) or other appropriate agency with jurisdiction; the resumption of work requires the approval of the HMU or other appropriate agency with jurisdiction. **Plan Requirements/Timing:** This requirement shall be noted on all grading and building plans.

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

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

MONITORING: Permit Compliance staff shall site inspect to ensure compliance. The County Fire Department or other agency with jurisdiction and DOGGR shall monitor abandonment activities and documentation, as necessary.

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

MONITORING: P&D shall confirm compliance with this condition prior to Coastal Development Permit issuance.

51. **REC 2:** The design for any future residences on proposed Parcels 1 and 2, including massing, building materials, colors, and landscaping, shall be compatible with the rural character of the area. Residences shall be set back far enough from the beach and sized appropriately so as to not intrude into the skyline ~~or break the view plane of the Santa Ynez Mountains as viewed by the public from the beach~~. Excessive grading, interpreted for this project to mean a cut or fill slope of five feet or greater, shall not be permitted as a means to avoid skyline intrusion. The minimum distance for residential structures, including the beach cabana (if approved) from the bluff top or beach edge shall be 200 feet. **Plan Requirements and Timing:** Final architectural plans shall be reviewed and approved by the Central Board

of Architectural Review prior to issuance of Coastal Development Permits. Story poles shall be required as part of BAR approval. The story poles shall identify the peak height of each structure and include a line or tape in between poles identifying the peak roof pitch. Upon final design, visual simulations of each residence tied to proposed building pad elevation taken from two locations at Edwards Point (i.e. on either side of the point knoll) shall be prepared to demonstrate visibility of each residence from the beach.

MONITORING: P&D shall site inspect to ensure construction is in compliance with approved plans.

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

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

53. **TRANS 2:** The Owner/Applicant shall extend the existing northbound left turn lane approximately 240 feet within the center median to meet the minimum Caltrans distance of 530 feet. **Plan Requirements and Timing:** The owner/applicant shall submit plans to P&D and Public Works for review and approval prior to approval of the first Coastal Development Permit for future residential development within a designated residential development envelope south of the highway or the beach parking lot, whichever comes first. The owner/applicant shall obtain an encroachment permit from Caltrans prior to construction.

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

54. **TRANS 3:** The Owner/Applicant shall construct full deceleration and acceleration lanes at Las Varas Ranch Road along the southbound shoulder of U.S. Highway 101 ~~to meet minimum Caltrans requirements if necessary for traffic safety.~~ **Plan Requirements and Timing:** The owner/applicant shall submit plans to P&D and Public Works for review and approval prior to approval of the first Coastal Development Permit for future residential development within a designated residential development envelope south of the highway or the beach parking lot, whichever comes first. The owner/applicant shall obtain an encroachment permit from Caltrans prior to construction.

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

55. **WAT 2-1 SWPPP.** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

PLAN REQUIREMENTS AND TIMING: Prior to issuance of Coastal Development Permits or Land Use Permits for future residential development, including infrastructure improvements ~~and for~~ future residential development, the Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required

Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities.

MONITORING: P&D permit processing planner shall review the documentation prior to approval of Coastal Development Permits and/or Land Use Permits for future residential development or infrastructure improvements. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

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

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

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

MONITORING: The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

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

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

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

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

58. **WAT 2-4 Erosion and Sediment Control Plan.** For all future residential development, including infrastructure improvements, Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until regraded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit an Erosion and Sediment Control Plan (ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The Erosion and Sediment control plan shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 ([www.countysb.org/government/county ordinance code](http://www.countysb.org/government/county%20ordinance%20code) Chapter 14 14-9 and 14-29 – refer to Erosion and Sediment Control Plan Requirements.)

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

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

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

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

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

MONITORING: The plans shall be submitted to P&D for review prior to approval of applicable Coastal Development Permit or Land Use Permit approval and Permit Compliance staff shall confirm that the maximum allowable size of the building envelope has not been exceeded and installation of the temporary construction fencing has been completed in the field prior to construction.

60. **WAT 3-1 Storm Water Retention-Biofiltration Systems.** To reduce storm water runoff, allow for infiltration, reduce pollutants and minimize degradation of storm water quality from development, parking lots and other paved surfaces, the Owner/Applicant shall construct a permanent biofiltration system to treat storm water runoff from the site. Biofiltration includes vegetated swales, channels, buffer strips, retention, and rain gardens, and shall be designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. The biofiltration systems shall be designed by a registered civil engineer specializing in water quality or other qualified professional to ensure that the filtration properties and the plants selected are adequate to reduce concentrations of the target

pollutants including nutrients, heavy metals, pathogens, and oil and grease. Where feasible, local plants sources (i.e., collected from the watershed or propagated from cuttings or seed collected from the watershed) shall be used in the biofiltration system. Invasive plants shall not be used. Biofilters shall not replace existing riparian vegetation or native vegetation unless otherwise approved by P&D. **Plan Requirements and Timing:** The Owner/Applicant shall include the biofilter/bioretenion design, including the plant palette and the source of plant material, on grading, drainage, and landscape plans for initial infrastructure improvements (i.e. access roads, water treatment facility, and public parking area), and depict it graphically. Applicants for future individual lot development within the project site shall include site-specific biofilter/bioretenion designs, including the plant palette and the source of plant material, on grading, drainage, and landscape plans for future residential development, and depict it graphically. Maintenance plans for the biofilter systems shall be submitted to P&D for review and approval. Performance securities will be required to ensure installation and long-term five-year maintenance, including maintenance inspections at least once/year. Long-term maintenance and proof of inspections shall be the responsibility of the HOA for common roadway areas and individual landowners for each future residence. Maintenance requirements shall be specified in the CC&Rs and recorded with the Clerk of the Board. The plans and copies of the applicable long-term maintenance programs shall be submitted to P&D, and Public Works, Project Clean Water staff, for review prior to issuance of Land Use Permits or Coastal Development Permits for all future development. Performance securities shall be submitted to P&D prior to Coastal Development Permit or Land Use Permit issuance for applicable development. In the event that the CC&R's are terminated or expire, this condition shall remain in full force and effect.

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

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

MONITORING: P&D shall site inspect for installation.

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

MONITORING: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and ~~periodically thereafter to ensure proper maintenance~~ respond to complaints.

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

- a. Landscaping shall be primarily with native and/or drought tolerant species.
- b. Drip irrigation or other water-conserving irrigation shall be installed.
- c. Plant material shall be grouped by water needs.
- d. Turf shall constitute less than 20% of the total landscaped area.
- e. No turf shall be allowed on slopes of over 4%.
- f. Soil moisture sensing devices shall be installed to prevent unnecessary irrigation.
- g. If a successor ordinance is adopted regulating outdoor water use, it shall be complied with and shall supersede the above requirements.

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

MONITORING: Permit Compliance shall conduct site visits to ensure installation and maintenance of landscape and irrigation. Any part of irrigation plan requiring a plumbing permit shown on building plans shall be inspected by Building Inspectors.

64. **WAT 4-2** Indoor water use for future residential development within a designated development envelope shall be limited through the following measures:

- a. All hot water lines shall be insulated.
- b. Recirculating, point-of-use, or on-demand water heaters shall be installed.
- c. Self regenerating water softening shall be prohibited in all structures.
- d. Pool(s) shall have pool cover(s).

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

MONITORING: P&D shall inspect for all requirements prior to occupancy clearance.

TENTATIVE PARCEL MAP CONDITIONS

65. **Map-01 Maps-Info.** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.

66. **Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map during any future non-agricultural grading or construction activities and during any subsequent non-agricultural development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
67. **Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Parcel Map, the Owner/Applicant shall submit a Parcel Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
68. **Map-10 Public Utility Easements.** Prior to recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the Parcel Map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
69. **Rules-19 Maps/LLA Revisions.** If the unrecorded Tentative Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Map.

LOT LINE ADJUSTMENT CONDITIONS

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

CONDITIONAL USE PERMIT CONDITIONS

74. **Rules-02 Effective Date-Appealable to CCC.** The Conditional Use Permit for the private shared water system shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission.
75. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by the Conditional Use Permit shall not commence until ~~the~~ all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development for the shared water system, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
76. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Land Use Permit (coastal)/Zoning Clearance (inland) within five years following the effective date of this Conditional Use Permit. If the required permits are not issued within five years following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-172.9 of Article II (coastal) and Section 35.82.060.G.2 of the County LUDC (inland), and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
77. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit, including but not limited to testing of the water system, is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-172.9 of Article II (coastal) and Section 35.82.060 of the County LUDC (inland). Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any CDP/LUP/ZCI approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit.
78. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
79. **Rules-06 Recorded Map Required.** The Tentative Map (05TPM-00000-00002) and Lot Line Adjustments (05LLA-00000-00005 and 05LLA-00000-00006) shall be recorded prior to issuance of any permits for non-agricultural development, including grading.

PROJECT SPECIFIC CONDITIONS

80. **Agricultural Conservation Easement.** Prior to Final Map Clearances for the Tentative Parcel Map and two Lot Line Adjustments, the applicant shall grant a 1,784 acre Agricultural Conservation Easement (hereafter referred to as "Easement") in perpetuity, as shown on Attachment G to the Planning Commission staff report, dated July 10, 2014, to the County or a qualified nonprofit organization as defined by California Civil Code Section 815.3(a) or California Government Code Section 51075(f), which shall accept and record the Easement.

The Easement shall be recorded free of prior liens and encumbrances (other than existing and approved easements for roads, trails, and utilities) which the County determines may affect the interest being conveyed, and shall run with the land in favor of the County or conservation organization, binding all successors and assigns. The recorded grant of easement shall include a formal legal description of the entire property and a metes and bounds legal description and graphic description, prepared by a licensed surveyor, of the Easement. The easement language shall indicate that no non-agricultural development shall occur within the Easement except the following activities as approved for the Project, or pursuant to a future permit:

1. Construction of residential structures, improvements, and development within each designated development envelope on each lot;
2. Habitat restoration, enhancement and maintenance, including associated grading and drainage improvements for such purposes;
3. Installation, repair or upgrading of approved roads, utilities, including storm drains, water lines and associated water supply facilities, irrigation lines, underground water storage tanks or cisterns serving residential development, wastewater disposal areas, and similar facilities;
4. Construction of water quality management structures, erosion control and flood control management activities;
5. Fuel modification required by the County of Santa Barbara Fire Department undertaken in accordance with the final fuel modification plans approved for each parcel in association with future residential development, or other fuel modification plans required and approved by the County;
6. Improvements for and maintenance of public access, recreation, and/or environmental education and research including, but not limited to, trails, fencing along designated pathways, and associated appurtenances and necessary signage;
7. Reconstruction of existing drains or maintenance and repair activities consistent with permit conditions;
8. Activities for the remediation of hazardous materials as approved by the County; and,
9. Minor earth disturbance for archaeological study.

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

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

81. **DELETED [project description revised to incorporate this trail] Lateral Trail Easement.** In place of the lateral trail easement proposed by the applicant/owner, the

~~applicant/owner shall dedicate a 15-foot wide easement to the County in perpetuity for a lateral public access trail that follows the alignment depicted in Alternative 4A of the Revised Final EIR.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

87. **Rules-29 Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:

1. Air Pollution Control District dated December 12, 2011;
2. County Surveyor dated March 18, 2005;
3. Environmental Health Services Division dated February 16, 2011;
4. Fire Department dated December 22, 2011 and January 20, 2012;
5. County Flood Control dated July 21, 2014;
6. Parks Department dated December 21, 2011;
7. Transportation Division dated December 21, 2011.

88. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that development of the shared water system, the infrastructure improvements, and future residential development within the designated development envelopes each the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

1. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
2. Pay fees prior to approval of Land Use Permit or Coastal Development Permit for future residential development within the residential development envelopes and associated infrastructure as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
3. Note the following on each page of grading and building plans "This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from 10EIR-00000-00005;
4. Contact P&D compliance staff at least two weeks prior to commencement of future residential construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.

89. Rules-33 Indemnity and Separation. The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

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

(i) OTD Recordation. No later than 30 calendar days following Board of Supervisors approval of the proposed project, the applicant/property owner shall execute and submit to the Planning and Development Department and County Counsel an irrevocable OTD to the County for all areas on Las Varas Ranch within which permanent public easements for public pedestrian access and passive recreational use are proposed and shown on Attachment G to the Planning Commission staff report dated July 10, 2014 (OTD areas). The OTD shall be in a form and content acceptable to the Planning and Development Department and the County Counsel. The OTD shall include a formal legal description of the entire property and a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, for each of the OTD areas being conveyed. Upon approval of the form and content of the OTD, the OTD shall be recorded free of prior liens and encumbrances (other than existing and approved easements for roads, trails, and utilities) which the County determines may affect the interest being conveyed, and shall run with the land in favor of the County. The OTD shall be binding upon the owners of Las Varas Ranch and their heirs, assigns, or successors in interest.

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

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

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