

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION  
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F 6b

RSM



Filed: March 21, 1996  
49th Day: May 9, 1996  
Staff: Bill Van Beckum  
Staff Report: April 19, 1996  
Hearing Date: May 10, 1996  
Commission Action:

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: Sonoma County  
DECISION: Approved with Conditions  
APPEAL NO.: A-1-SON-96-18  
APPLICANT: **BODEGA HARBOUR HOMEOWNERS ASSOCIATION**  
PROJECT LOCATION: 20506 Highway One, Bodega Bay, Sonoma County, APNs 100-150-26, 100-300-2 and -3, 100-360-25, and 103-040-027, -28, -29, and -30.  
PROJECT DESCRIPTION: (1) Construct a 4,000-square-foot golf course equipment storage building; (2) construct one golf course/public restroom and one golf course-only restroom; (3) recognize an existing maintenance facility and construct a maintenance bay at the facility; (4) construct a gravelled road to connect the storage building with the maintenance facility, for use by equipment transport vehicles; and (5) a dune restoration project adjacent to fairways #16 and #17.  
APPELLANT: League of Women Voters of Sonoma County, and Californians Organized to Acquire Access to State Tidelands (C.O.A.A.S.T.)  
SUBSTANTIVE FILE DOCUMENTS: Sonoma County LCP and Sonoma County CPU 95-333.

STAFF NOTE:

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or within 100 feet of any wetland, estuary, or stream. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. Pursuant to Section 30603 (b)(1), the grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in the Coastal Act.

The subject project is appealable to the Commission because the project is located between the sea and the first public road paralleling the sea. In addition, none of the proposed developments are designated as the "principal permitted use" under the certified LCP.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission conducts a de novo hearing on the permit application, because the development is between the first public road and the sea, the applicable test for the Commission to consider is whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

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**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed for the following reason: The appellants have not raised any substantial issues with the local government's action and its consistency with either the certified LCP or the access policies of Chapter 3 of the Coastal Act.

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#### I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Staff recommends a YES vote on the following motion:

##### MOTION:

I move that the Commission determine that Appeal No. A-1-SON-96-18 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

To pass the motion, a majority of the Commissioners present is required. Approval of the motion means that the County permit is valid.

#### II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

##### A. Local Government Action

On October 12, 1995, the Sonoma County Board of Zoning Adjustment (BZA) approved a Use Permit and Coastal Permit for the proposed development, with provisions requiring development of a coastal access trail (Shorttail Gulch Trail) from the project site to Bodega Bay, as an alternative trail to an inland trail (Heron Drive Trail) that had been proposed by the applicant. The BZA's approval decision was subsequently appealed to the Board of Supervisors.

On January 30, 1996, the Board of Supervisors heard the appeal, made its straw vote to deny the appeal and to approve the Use Permit and Coastal Permit, and modified the BZA's decision by deleting the Shorttail Gulch trail from the proposed project and accepting, instead of development of that trail or the originally proposed Heron Drive Trail, the offered dedication of \$20,000 to the Regional Parks Department for development or maintenance of coastal access trails generally. At the January 30, 1996 hearing, the Board of Supervisors directed that County Counsel return to the Board with a resolution reflecting its considerations and actions. The adopted Resolution, which includes eighteen conditions, is dated March 5, 1996, and is attached as Exhibit 8 (note that "Exhibit B" to Exhibit 8 is the project description as originally proposed to the BZA).

##### B. Site Background: 1977 Settlement Agreement

In 1972, when the Coastal Zone Conservation Act was approved by the voters, several large residential subdivisions were in the process of being developed on the Sonoma and Marin County coastlines. One of these was Bodega Harbour Subdivision, located just south of the town of Bodega Bay, and developed by Transcentury Properties, Inc. In 1973, when the new North Central Coastal Zone Conservation Commission came into being and asserted coastal permit

jurisdiction over the subdivision, a legal dispute with the developer ensued. Resolution of this dispute was achieved on June 1, 1977 via a Settlement Agreement between Transcentury Properties, Inc. and the California Coastal Zone Conservation Commission.

The 1977 Settlement Agreement reduced the originally proposed scale of residential development at Bodega Harbour Subdivision approximately in half, to a total of 725 single-family home-sites. The Settlement also accomplished a number of other objectives, including setting aside as permanent open space some of what would have been subdivided as residential lots, along with a neighboring unsubdivided property known as the Bruhn Ranch. To ensure that the open space lands would indeed remain essentially undeveloped, the developer granted certain lands to several public agencies, and restricted future uses by easement on other lands. Thus, an open space and conservation easement over Tract D, the subject site, was granted to the County of Sonoma and to the State of California.

The Grant Deed of Real Property and Open Space Easement (see Exhibit 10) required by the 1977 Settlement Agreement states, on page 4, that the use of the Tract D shall be confined:

to low intensity agricultural uses such as livestock grazing, low density recreational uses such as equestrian or hiking trails, and such other open space uses as the County and the Commission, or their respective successors or assigns, shall agree do not conflict with the aesthetic and environmental values which Grantor and Grantees seek to preserve through the grant of this easement. In particular, all development rights for subdivision or construction of structures, except those reasonably necessary to carry on the agricultural, recreation, and open space uses described herein, are quit-claimed to the County and the State. Additionally, Grantor, by this easement, forever relinquishes any right of Grantor, his successors or assigns, to use for, or allow on Tract D (the Bruhn Ranch) any form of motorized recreation such as trail bikes, dune buggies, recreational trailers, automobiles, and any other vehicles; though grantor reserves the right to make reasonable use of motorized equipment in pursuing agricultural uses of Tract D.

Consequently, as part of the Settlement and as reflected in the Grant Deed and Open Space Easement, all development rights, except those consistent with the terms of the easement, were quitclaimed to the County and the State. In particular, only structures considered reasonably necessary to carry on the allowable agricultural, recreational or open space uses are not precluded by the terms of the easement.

Ownership of the open space and conservation easement is vested jointly in the County of Sonoma and the State of California, with the Department of General Services as the administrator of the State's interest. As such, the County and the State of California have the right to enforce the easement. In approving the proposed development, the County exercised its enforcement and

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ownership responsibilities to determine that the applicant had the legal ability to construct the proposed development consistent with the terms of the easement.

The Commission, on the other hand, does not share in the ownership role (nor could it do so under the law). Therefore, formal review of potential land uses within the open space easement area by the Commission is available through the coastal development permit process; since the County of Sonoma has coastal permit review authority over the open space easement area, the Coastal Commission's review is limited to appeals to the Commission of a coastal permit approval by Sonoma County.

#### C. Appellants' Contentions

The Commission received appeals of Sonoma County's decision to approve this project from the League of Women Voters of Sonoma County, and from Californians Organized to Acquire Access to State Tidelands (C.O.A.A.S.T.). See Exhibits 6 and 7 for the full texts of the appellants' contentions. The appellants' contentions are summarized below.

##### 1. League of Women Voters

1.a. The proposed storage building is inconsistent with the LCP Land Use Plan (LUP) designation of the building site as "dedicated open space."

1.b. The project is inconsistent with terms of the 1977 Settlement Agreement that limit land uses and motorized vehicles.

1.c. The County's Resolution for the storage building's approval misrepresents the storage building's 1/4-mile distance from the existing maintenance facility, thereby implying the storage building would be an addition to the maintenance facility.

1.d. There is no documentation in the County's project file that a detailed analysis was made of other possible locations for the storage building.

##### 2. C.O.A.A.S.T.

2.a. "This project is located in an Open Space Easement own(ed) jointly by the State of California and the County of Sonoma (Settlement Agreement Book 3242 pg. 138 or page 2, 2nd para., Grant Deed of Real property and Open Space Easement). It is assumed by C.O.A.A.S.T. that the Coastal Commission would conduct a hearing on the project because a coastal permit is required for it and it appears that the Commission may represent the Real Property interest of State of California as held by the State Department of General Services."

2.b. Certain cited sections of the above-referenced Settlement agreement are violated by the approval of the project.

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2.c. Two cited references, in the County's Resolution of project approval, to two existing golf holes "#4 & #5 being in the Open Space Easement are misrepresented or absolutely incorrect."

2.d. "...other open space uses..." are clearly defined as those which do not significantly detract from the aesthetic, scientific, and ecological values of the Easement. In other words are as passive as the defined "low density" recreational uses. The mitigation for the construction of the storage facility is, in itself, a violation of the condition "other open space uses" as they are defined in the Agreement. The cure is more damaging than the disease. (Grant Deed, page 1, 6th WHEREAS)"

2.e. The equipment storage facility is not a "low density" recreational use as required for recreational uses permitted in the Open Space Easement.

2.f. "An EIR is the appropriate environmental document for this project. The CEQA makes clear that the burden of proof should not be monumental upon the appellant by equating 'substantial evidence' with overwhelming or overpowering evidence. (Group 2 material, Audubon V Stanislaus County, Fifth Appellate District Court, March 1, 1995, page 8, Citation, 2nd. para.)"

2.g. While golf courses are listed in the LCP's definition of "private recreational facilities," they are not listed in its definition of "visitor serving facilities."

2.h. The project is not in conformance with four sections of the Coastal Act.

2.i. There is no evidence in the County's Resolution of project approval to support the approval of golf course supporting facilities as "low density recreational use."

2.j. The County's application and hearing process was conducted without recognizing the authority of the Settlement Agreement and without establishing how the Agreement enters into the process.

#### D. Project Setting and Description

The subject property is located west of Highway One just south of the town of Bodega Bay. See Exhibits 1-3. The proposed developments are located just east of existing residential and golf course development in the Bodega Harbour Subdivision, mostly on the largest (approximately 116 acres) parcel of the eight parcels on which developments are proposed.

As noted above, the County of Sonoma approved the following development:  
(1) construction of a 4,000-square-foot golf course equipment storage building (on APN 103-040-27); (2) construction of one golf course/public restroom and one golf course-only restroom (on APNs 100-300-02 and -3, and on 100-360-25); (3) recognition of an existing maintenance facility (the Bruhn Ranch facility) that has been developed without a coastal permit, and construction of a new

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maintenance bay at the facility (on APN 100-040-27); (4) construction of a gravelled road to connect the storage building with the maintenance facility, for use by equipment transport vehicles (on APNs 103-040-27, -28, -29, and -30); and a dune restoration project adjacent to fairways #16 and #17 (on APN 100-150-25). The locations of the proposed developments are shown on Exhibits 3 and 4.

The table below describes the LCP land use and zoning designations that apply to the proposed developments.

<u>Proposed Development</u>	<u>Land Use Designation</u>	<u>Zoning Designation</u>
(1) storage building	Dedicated Open Space	AP, Primary Agricultural
(2) restrooms:		
a. at Tee #13	Recreation	PC, Planned Community
b. at Pinnacle Gulch	Dedicated Open Space	PC, Planned Community
(3) maintenance facility	Dedicated Open Space	AP, Primary Agricultural
(4) connecting road	Dedicated Open Space	AP, Primary Agricultural
(5) dune restoration	Recreation	AP, Primary Agricultural

The proposed storage building would be located near Holes 4 and 5 of the subdivision's eighteen-hole course, at the crest of a hill overlooking the subdivision and Bodega Bay (Exhibits 4 and 5). The portion of the property where the storage building is proposed is not used for grazing or any other active use. The Association proposes to use the new facility only for washing and storing lawn mowers and other equipment used in maintaining the golf course. Repair of the equipment will continue to be carried out at the existing Bruhn Ranch maintenance facility, about 1,000 feet northeast of the proposed storage building. No environmentally sensitive habitat areas have been identified in any of the locations proposed for development.

The maintenance facility and new storage building would be connected by a gravelled road, approximately one-half mile in length (a direct, "as the crow flies" 1,000-foot road route is not feasible because of the site's hilly terrain). The proposed development would eliminate the current need to use Highway One for transporting slow-moving equipment from the Bruhn Ranch facility to the golf course. Exhibit 11 contains materials submitted by the applicant, since the appeal was filed, discussing safety concerns with continued use of Highway One for transporting equipment.

#### E. Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Appellants' Contentions that are not Related to LCP or Public Access Policies:

Several of the contentions raised in this appeal are not valid grounds for appeal because they are not supported by any allegation of inconsistency with the County's certified LCP or with the public access policies of the Coastal Act. These are listed and discussed below.

1.c. The County's Resolution for the storage building's approval misrepresents the storage building's 1/4-mile distance from the existing maintenance facility, thereby implying the storage building would be an addition to the maintenance facility.

Discussion: This contention has no relevance to project conformity with the certified LCP. In any event, County staff reports prepared prior to adoption of the Resolution include maps which clearly indicate the project components' locations in relation to one another.

1.d. There is no documentation in the County's project file that a detailed analysis was made of other possible locations for the storage building.

Discussion: This contention does not describe how a detailed analysis of alternative sites is or is not in conflict with certified LCP provisions. In any event, the County staff report to the Board of Zoning Adjustments, dated September 28, 1995, included, as its Exhibit "J", a list of alternative sites that "were selected by BHHA (Bodega Harbour Homeowners Association) for the initial purpose of investigative research." Ten sites are listed on that exhibit, which is attached to this staff report as Exhibit 9. The "specific site pros & cons" are described, in the list, for each of the ten sites, which are shown on a map attached to Exhibit 9. The site that is the subject of this appeal is designated on the list and on the map as Site E., 5th Hole Hill. Furthermore, the consideration of alternative locations is discussed at some length in the Board of Supervisors Resolution of project approval (see pages 16 and 17 of Exhibit 8).

2.f. "An EIR is the appropriate environmental document for this project. The CEQA makes clear that the burden of proof should not be monumental upon the appellant by equating 'substantial evidence' with overwhelming or overpowering evidence. (Group 2 material, Audubon V Stanislaus County, Fifth Appellate District Court, March 1, 1995, page 8, Citation, 2nd. para.)"

Discussion: On March 5, 1996, the Board of Supervisors adopted a Negative Declaration for the project. This appellant contention appears to take issue with the Board's determination that preparation of a project EIR was not necessary. A contention that the Board's CEQA determination was not the



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appropriate determination does not qualify as a valid ground for an appeal because it is not an allegation that the local government approval does not conform to the standards set forth in the certified LCP.

2.h. The project is not in conformance with four sections of the Coastal Act (Sections 30222, 30241, 30241.5, and 30251).

Discussion: This contention does not qualify as a valid ground for an appeal because it is not an allegation that the local government approval does not conform to the public access policies of the Coastal Act, since the four cited policies are not related to coastal public access but rather to visitor serving facilities, land resources and development.

All of the following eight contentions are related not to provisions of the certified LCP or Coastal Act public access provisions but to alleged inconsistencies with the 1977 Settlement Agreement:

1.b. The project is inconsistent with terms of the 1977 Settlement Agreement that limit land uses and motorized vehicles. (See Exhibit 6, p. 3 "Attached Comments #1," for the appellant's specific concerns.)

2.a. "This project is located in an Open Space Easement own(ed) jointly by the State of California and the County of Sonoma (Settlement Agreement Book 3242 pg. 138 or page 2, 2nd para., Grant Deed of Real property and Open Space Easement). It is assumed by C.O.A.A.S.T. that the Coastal Commission would conduct a hearing on the project because a coastal permit is required for it and it appears that the Commission may represent the Real Property interest of State of California as held by the State Department of General Services."

2.b. Certain cited sections of the above-referenced Settlement agreement are violated by the approval of the project. (This contention does not in any way describe how the cited sections, in item (2) of Exhibit 7's Attachment #2, are violated.)

2.c. Two cited references, in the County's Resolution of project approval, to two existing golf holes "#4 & #5 being in the Open Space Easement are misrepresented or absolutely incorrect." (This contention does not in any way describe how the cited references are misrepresented or incorrect.)

2.d. "'...other open space uses...' are clearly defined as those which do not significantly detract from the aesthetic, scientific, and ecological values of the Easement. In other words are as passive as the defined 'low density' recreational uses. The mitigation for the construction of the storage facility is, in itself, a violation of the condition 'other open space uses' as they are defined in the Agreement. The cure is more damaging than the disease. (Grant Deed, page 1, 6th WHEREAS)"

2.e. The equipment storage facility is not a "low density" recreational use as required for recreational uses permitted in the Open Space Easement.

2.i. There is no evidence in the County's Resolution of project approval to support the approval of golf course supporting facilities as "low density recreational use."

2.j. The County's application and hearing process was conducted without recognizing the authority of the Settlement Agreement and without establishing how the Agreement enters into the process.

Discussion: These eight contentions above specifically relate to alleged inconsistencies with the 1977 Settlement Agreement's Grant Deed of Real Property and Open Space Easement (Exhibit 10). The agreement pre-dates the County's 1982-certified LCP, was not expressly made a part of the certified LCP, and is not a substitute for the certified LCP for purposes of considering an appeal of a coastal development permit. None of the eight contentions, therefore, are valid allegations for filing an appeal to the Commission, pursuant to Coastal Act Section 30603(b)(1), which limits the grounds for an appeal to "an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division."

Appellants' Contentions that are Related to LCP or Public Access Policies:

Several of the contentions raised in the appeal do relate to policies of the certified LCP or the public access policies of the Coastal Act. However, the Commission finds that these contentions do not raise a substantial issue because the project as conditioned by the County conforms to the certified LCP and public access policies of the Coastal Act.

1.a. The proposed storage building is inconsistent with the LCP Land Use Plan (LUP) designation of the building site as "dedicated open space."

Discussion: The County's Resolution of approval for this project found that

The proposed project is also consistent with the Coastal Plan (LUP). The Coastal Plan has not changed since the July 3, 1985, approval of the second nine holes of the golf course, two holes of which were located within the agricultural zoning district and open space areas. (See Exhibit 8, pp. 15-16.)

The two holes that were approved in 1985 that are referenced in the above finding are in fact located adjacent to the proposed storage building site. The proposed building site and the two golf holes (holes 4 and 5) are classified as "Designated Open Space" on the certified LUP Land Use Map and as "AP" (Primary Agricultural District) on the certified LCP Zoning Map.

The LUP (Coastal Plan) defines the "Dedicated Open Space" land use category as "Common areas in planned developments that are committed to perpetual open space." The LUP provides no other guidance for interpreting this category, e.g., what types of development, if any, might be allowed in "Dedicated Open

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Space" lands. The County's 1985 action to approve two golf holes in the Dedicated Open Space area, an action that was not appealed to the Commission, was based on the County's interpretation that a golf course is a commitment to perpetual open space, within a planned development, for commercial recreation purposes, and therefore a use consistent with the LCP's land use and zoning designations for the site.

The County's approval earlier this year of the proposed storage building adjacent to the two golf holes, but designed to serve all eighteen holes, is consistent with this interpretation of open space uses permitted by the certified LCP for the portion of the Bodega Harbour planned development that is not committed to residential development. It is not unreasonable or unusual for open space recreational areas or facilities to include on-site equipment storage buildings, for example, at overnight campgrounds or even at day-use parks. A golf course requires intensive maintenance in order to keep the fairways, greens and tee areas mowed and playable; storage of maintenance equipment in close proximity to the golf course allows efficient maintenance of the course. The Commission notes that the storage building site is zoned as Primary Agricultural. According to Sec. 26C-82(d)(3), the allowable "incidental uses" in an AP District, with a use permit, are "Commercial recreation facilities such as campgrounds, fishing resorts, and the like." Golf facilities are a form of commercial recreation facility similar to campgrounds and fishing resorts in that all of these facilities provide for open space, recreational use, and involve such minor structures as restrooms, kiosks, and maintenance equipment storage structures. Thus, the equipment storage building is consistent with the zoning and is the kind of open space use the County and the Commission envisioned for site at the time the LCP was proposed and certified.

The Commission finds that the County's approval of the storage building is a reasonable land use decision that raises no substantial issue as to conformity with the certified LCP's provisions to protect open space values.

2.g. While golf courses are listed in the LCP's definition of "private recreational facilities," they are not listed in its definition of "visitor serving facilities."

Discussion: The cited LCP definitions are in the County's Coastal Plan (LUP) and read as follows:

**Private Recreation Facilities.** Private facilities serve a recreation function and are operated by private business for profit, including campgrounds, trailer parks, stables, golf courses, and boat launching.

**Visitor-Serving Facilities.** Visitor-serving facilities include developments that provide basic visitor support services such as motels, restaurants, grocery stores, auto service stations, public restrooms. Most services on the Sonoma coast are both visitor and local serving.

The contention does not describe how the appealed golf equipment storage building might be inconsistent with the LCP in terms of its provisions regarding either private recreation facilities or visitor-serving facilities. The LUP does include two land use categories, among its total of fifteen land use categories, that essentially reflect the two cited definitions. These two categories are:

Recreation: Public and private recreational lands and facilities (i.e., golf courses, campgrounds, beaches, overnight trailer parks, stables, day use accessways).

Visitor Serving Commercial: Land to accommodate visitor-serving facilities, (i.e., restaurants, lodging).

The proposed equipment storage building is not sited on land designated for either of these two categories, however, but is sited on land designated for "dedicated open space," as noted above. Therefore, the Commission finds that the County's approval does not raise a substantial issue with the LCP's recreation and visitor-serving categories since those categories are not applicable to the building site.

#### Conclusion

In summary, for the reasons stated above, the Commission finds that the project as approved and conditioned by the County of Sonoma raises no substantial issue with respect to the grounds on which the appeal has been filed.

#### F. Alleged Violation

Certain development that is included in the application that has been appealed to the Commission, namely operation of the Bruhn Ranch maintenance facility, has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit appeal, the Commission's consideration of whether a substantial issue exists with respect to the grounds on which the appeal has been filed has been based solely upon the consistency of the project, as approved by the County, with the Sonoma County LCP policies and the public access policies of the Coastal Act. Consideration of this appeal does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

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Exhibits.

1. Regional Location Map
2. Vicinity Map
3. Bodega Harbour Project Sites
4. Development Sites
5. Storage Building Site Plan and Elevation
6. League of Women Voters Appeal
7. C.O.A.A.S.T. Appeal
8. County Resolution
9. Site Selection Criteria
10. 1977 Grant Deed
11. Public Safety Correspondence.

8717p

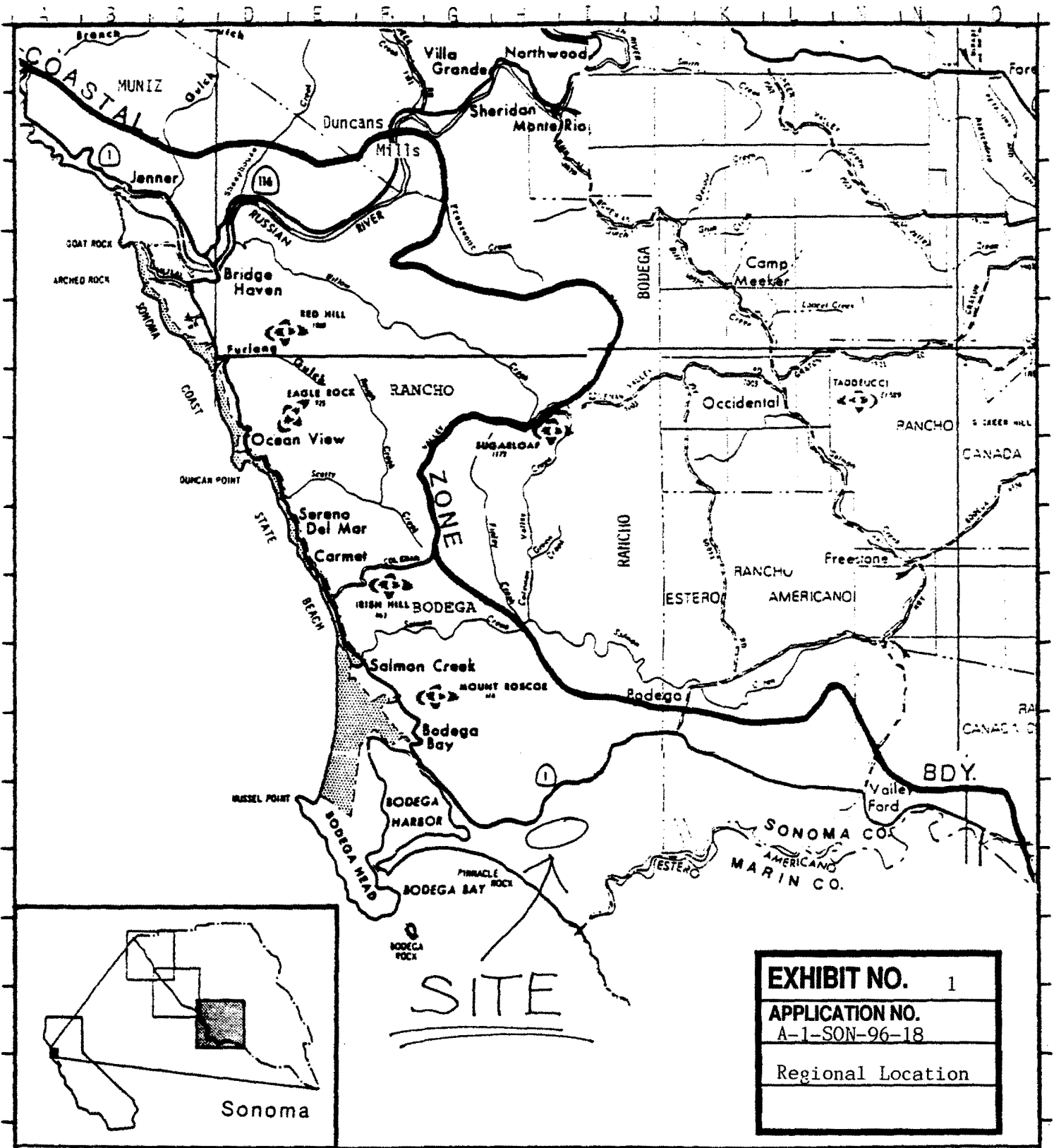


EXHIBIT NO.	1
APPLICATION NO.	A-1-SON-96-18
Regional Location	

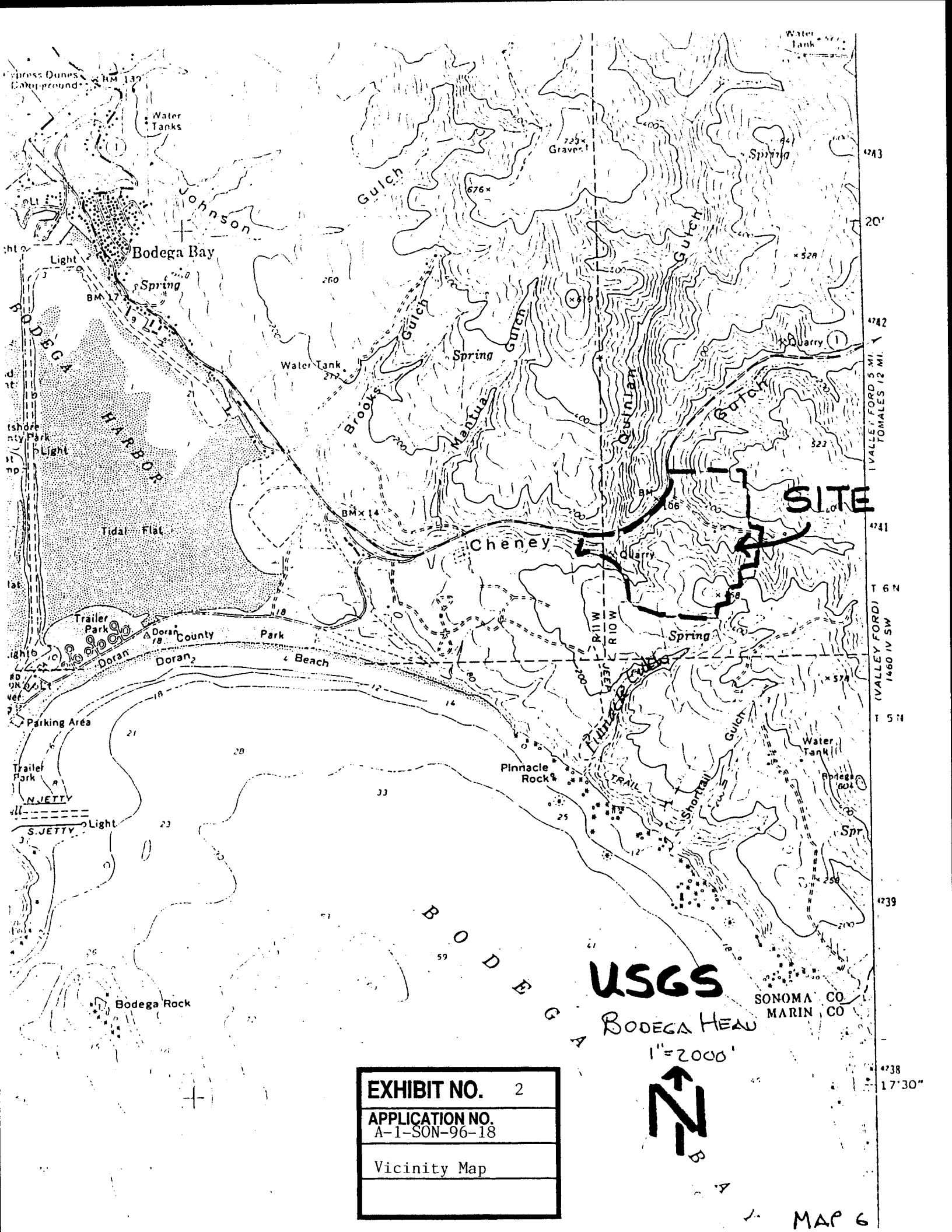


EXHIBIT NO.	2
APPLICATION NO.	A-1-SON-96-18
Vicinity Map	

**USGS**  
 BODEGA HEAD

1"=2000'



MAP 6

4243

20'

4242

1 VALLEY FORD 5 MI.

TOMALES 12 MI.

4241

T 6 N

(VALLEY FORD)

1460 IV SW

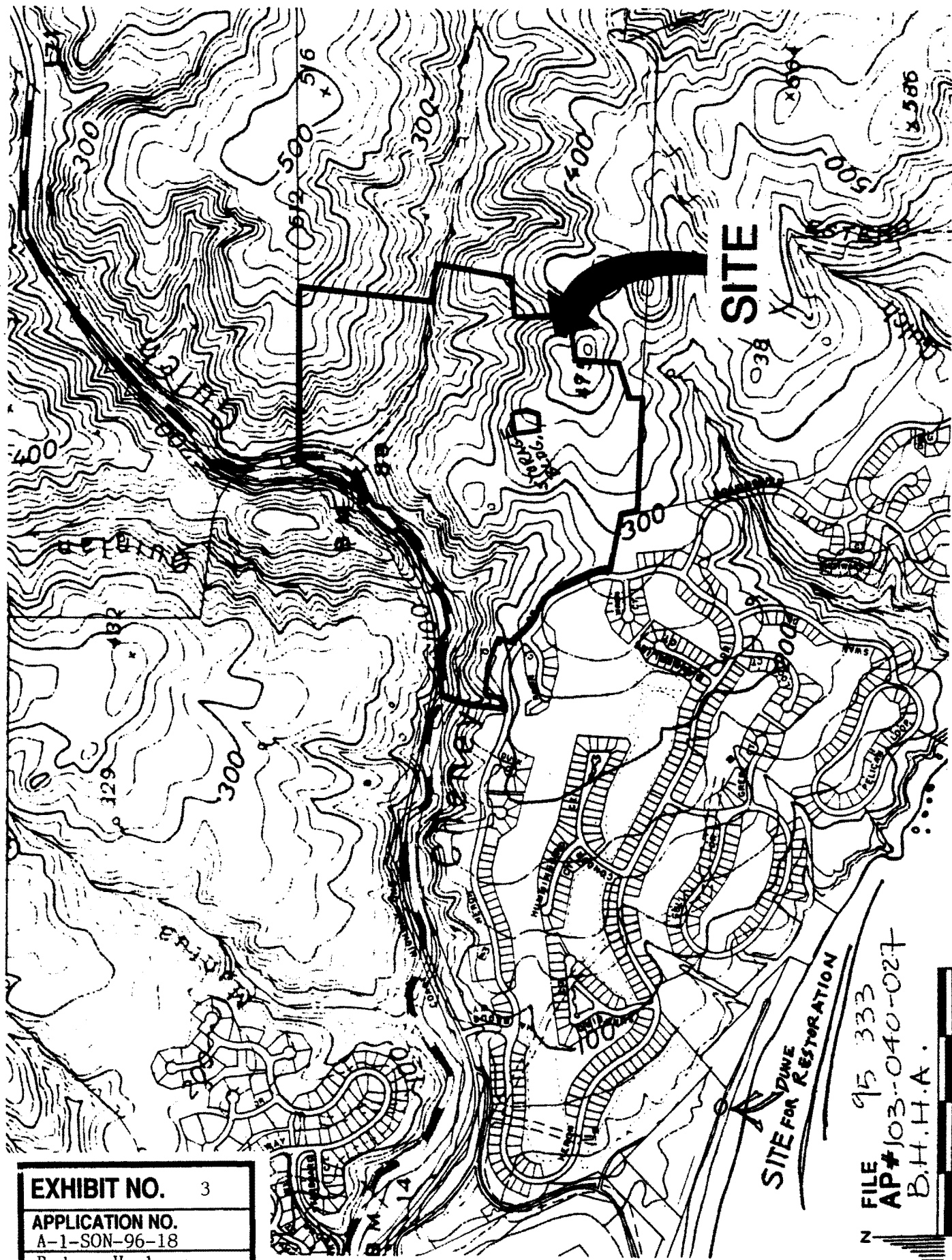
T 5 N

4239

4238

17'30"

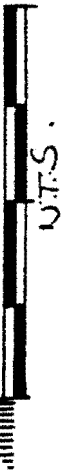
SONOMA CO.  
 MARIN CO.



**SITE**

**SITE FOR RESTORATION**

N  
 FILE 95 333  
 AP# 103-040-027  
 B.H.H.A.



<b>EXHIBIT NO.</b>	3
<b>APPLICATION NO.</b>	A-1-SON-96-18
Bodega Harbour Project Sites	



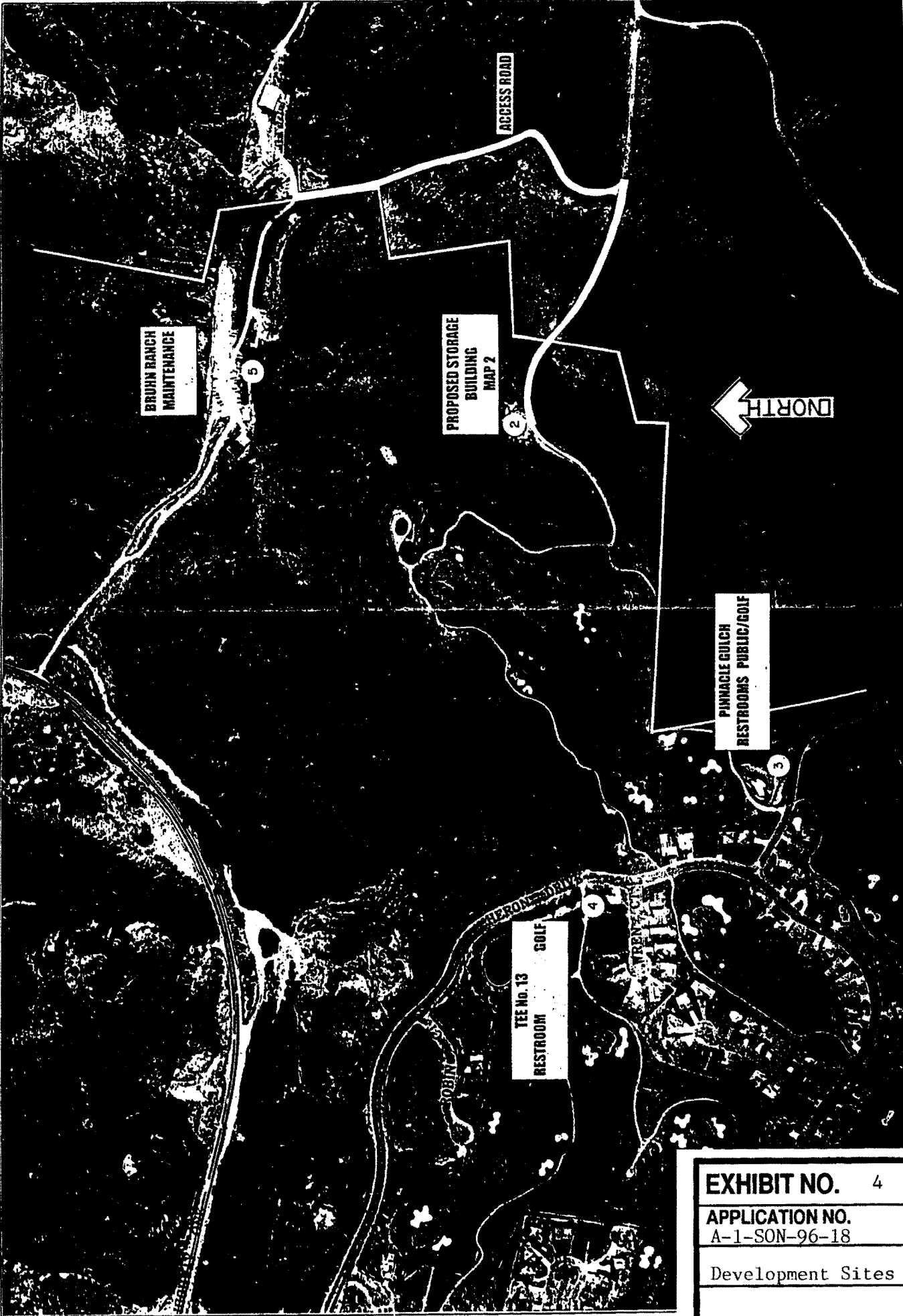
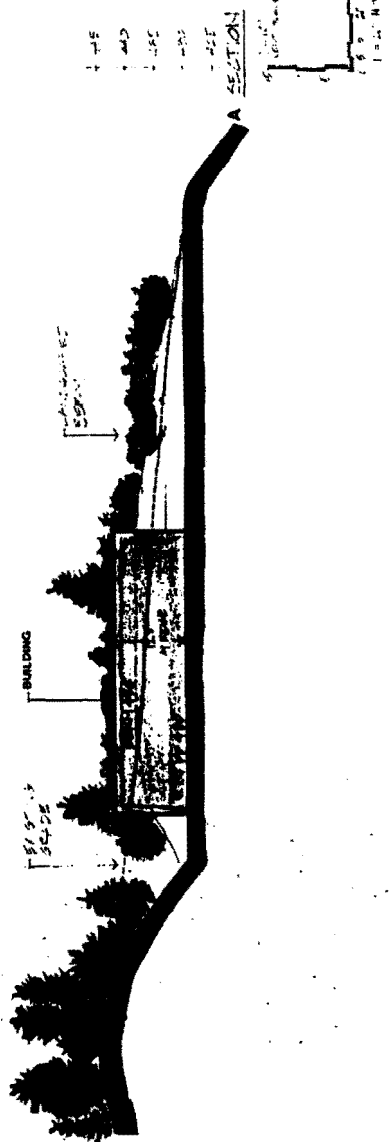
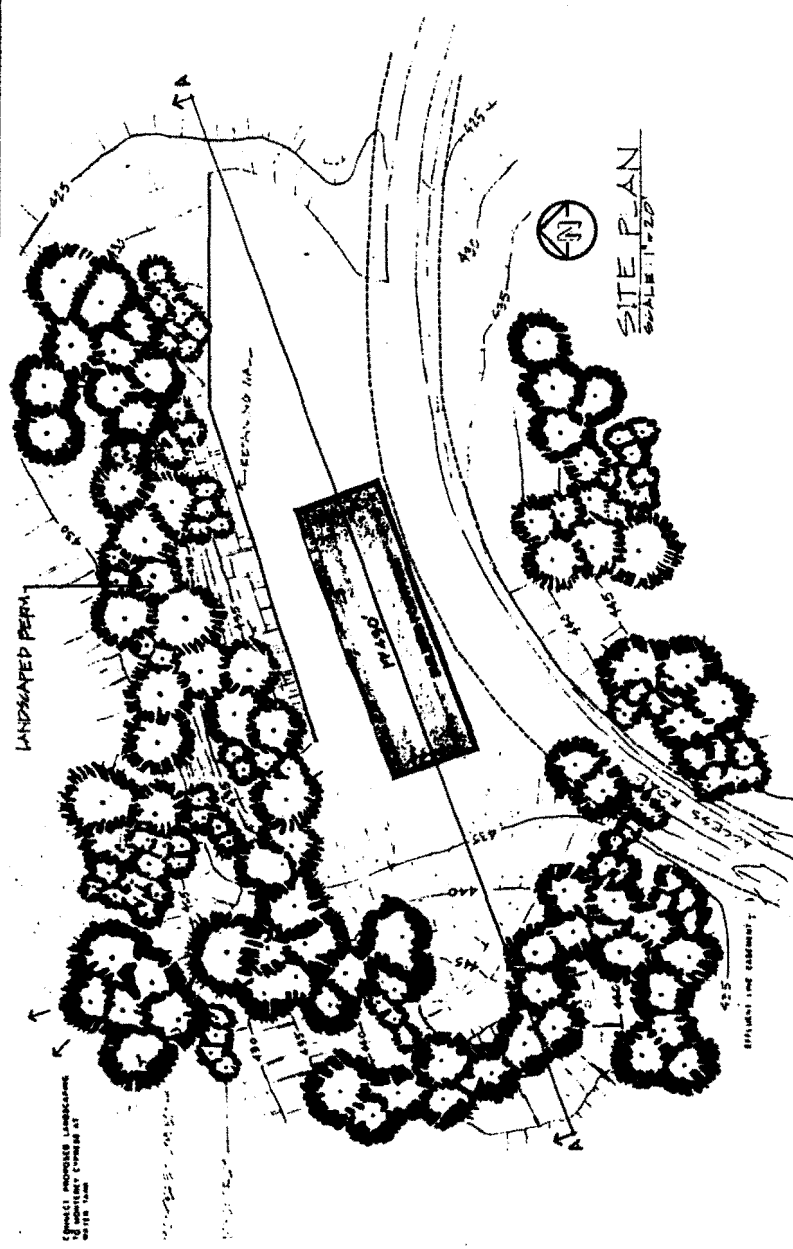


EXHIBIT NO.	4
APPLICATION NO.	A-1-SON-96-18
Development Sites	

BY	
DATE	
SCALE	
PROJECT	
NO.	
DATE	
BY	
DATE	
BY	
DATE	

STORAGE BUILDING SITE PLAN  
MAP 2

BODEGA HARBOUR HOMEOWNERS' ASSOCIATION  
GOLF MAINTENANCE FACILITY  
PRELIMINARY LANDSCAPE SCREENING PLAN  
COMMON GROUND LAND PLANNING SERVICES  
JULY 1984



**EXHIBIT NO.** 5  
**APPLICATION NO.**  
 A-1-SON-96-18  
 Storage Building  
 Site Plan and  
 Elevation

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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SAN FRANCISCO, CA 94105-2219

415/ 904-5260



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Marsha Vas Dupre, President, League of Women Voters Sonoma County

3515 Ridgeview Drive

Santa Rosa, CA 95404

(home)

(707) 528-7146

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port

government: Sonoma County Board of Supervisors

2. Brief description of development being

appealed: Construction of a 4,000 sq. ft. building on an Open Space

Easement in a coastal zone. Building will house lawn mowers, trimmers,  
edgers etc., about 80 pieces of equipment, more than half gas or diesel  
powered. Equipment will enter and exit site daily.

3. Development's location (street address, assessor's parcel

no., cross street, etc.): 20506 Highway 1, Bodega Bay, CA APN 103-040-27

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: \_\_\_\_\_ x

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

EXHIBIT NO. 6

APPLICATION NO.

A-1-SON-96-18

League of Women  
Voters Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator
- c.  Planning Commission
- b.  City Council/Board of Supervisors
- d.  Other \_\_\_\_\_

6. Date of local government's decision: Mar. 5, 1996 (Resolution)

7. Local government's file number (if any): CPU 95-333

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bodega Harbor Homeowners Association  
21301 Heron Drive  
Bodega Bay, CA 94913

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1. The project permits a 4,000 sq. ft. building on an open space easement. It will garage 80 pieces of equipment, more than half of which are motorized and will exit and enter the site daily. This use is inconsistent with the Sonoma County Coastal Plan which calls for dedicated open space to be "committed to perpetual open space."
2. The Resolution seems to imply that the new construction will be part of facilities already located on the easement when, in fact, the new construction site is at least 1/4 mile away (as estimated from site map.)

Additional comments and reference documents attached.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Marsha Van Dyke

Signature of Appellant(s) or  
Authorized Agent

Date March 20, 1986

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## Attached Comments to the Appeal of Resolution No. 96-0259

1. The project allows construction of a 4,000 sq. ft. garage on land on which an open space and conservation easement was granted to the State of California and the County of Sonoma in 1977. This facility would house maintenance equipment for an 18 hole golf course. This equipment, lawn mowers, trimmers, edgers etc. powered by diesel or gasoline, would leave and return to the facility on designated open space daily between 6 or 7 AM and 4:30 PM. Washing and light maintenance of the equipment would also occur on the designated open space easement. We believe that the construction and use of the facility is inconsistent with the Sonoma County Local Coastal Plan definition of Dedicated Open Space as "Common areas in planned developments that are committed to perpetual open space." (Local Coastal Plan, Dec. 1980, VII-48)<sup>1</sup> The project is also inconsistent with the Settlement Agreement of 1977 between the developer of Bodega Harbor and the State and County in which an open space and conservation easement over Tract D was granted the County and State with use confined "solely to low intensity agricultural uses such as livestock grazing, low density recreational uses such as equestrian or hiking trails, and such other open space uses...(which) do not conflict with the environmental and ascetic values..." "Additionally, Grantor, by this easement, relinquishes any right of Grantor, his successors or assigns, to use for, or allow on tract D any form of motorized recreation such as trail bikes, dune buggies, recreational trailers, automobiles and any other vehicles; though Grantor reserves the right to make a reasonable use of motorized equipment in pursuing agricultural uses of Tract D." (Grant Deed of Real Property and Open Space Easement Book 3242 pg.140)<sup>2</sup>

2. The Resolution seems to imply that the new project would just be an addition to the Bruhn Ranch facility when, in fact, the new storage facility is completely separate and at least 1/4 mile away (see attached map)<sup>3</sup> There has always been disagreement in the County as to whether the Bruhn Ranch facility situated within the open space easement was legal since there is no documentation stating that the Bruhn Ranch facility legally is allowed. To add an additional facility on the open space easement, completely separated from the Bruhn Ranch facility, on the basis of past use which is possibly illegal, seems disingenuous, at least.

3. There is mention, but no documentation in this project file (CPU 95-333) which demonstrates that a detailed analysis was made by the County on other possible locations for the storage facility. The only review on file is that made by the applicant. The applicant's project analysis of 10 possible sites makes no mention of open space easements on the analyzed sites which would preclude development of that site.<sup>4</sup> The resolution states that "the entire common area of the Homeowners Association is encumbered by one open space easement or another" and "the location of a golf course maintenance or storage structure on any of the lots within the Bodega Harbor subdivision is also expressly prohibited by the terms of the open space agreement." (Pg. 5 no.1) In light of the documentation by the applicant on other sites, the above statement in the Resolution makes availability of other possible sites ambiguous.

Superscripts refer to attached documents as cited.

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Californians Organized to Acquire Access to State Jewels  
P.O. Box 4872  
Santa Rosa, CA 95402 (707) 539-0153  
 Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

Sonoma County Board of Supervisors

2. Brief description of development being appealed:

Coastal Use permit to construct a 4000 sq. ft. equipment storage facility, a washdown facility, a repair facility, and public restroom, two golfers restrooms, sand dune restoration and recognition of an existing illegal non-conforming repair and storage site.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

20506 Highway One, Bodega Bay, CA. 94923. APN 103-040-027

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions:  \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-1-SON-96-018DATE FILED: 3/21/96DISTRICT: North Coast

H5: 4/88

EXHIBIT NO.	7
APPLICATION NO.	A-1-SON-96-18
C.O.A.A.S.T. Appeal	

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: Straw Vote 1/30/96  
Consent Calendar 3/5/96

7. Local government's file number (if any): CPU 95-333

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Mr. Dennis Kalkowski      BHA  
2103 21301 Heron Drive      or 21301 Heron Drive  
Bodega Bay, CA. 94923      Bodega Bay CA ~~94923~~ 94923

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Ms. Marsha Dupre, Chair  
The League of Women Voters of Sonoma County  
2421 Coddington Center, Santa Rosa, CA 95401
- (2) Mr. Clyde Vance, Co-Chair  
Conservation Committee, Madrone Audubon Society, Inc.  
4700 Sullivan Way, Santa Rosa, CA. 95409
- (3) Ms. Carol Vellutini, Chair  
Park and Trails Committee, Sierra Club Sonoma Group  
610 Wilrush Ave., Santa Rosa, CA, 95401
- (4) Mrs. Nancy Richards, Chair  
Conservation Committee, The League of Women Voters Sonoma County  
1009 Highland Drive, Santa Rosa, CA, 95404

See attachment #1

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1 This project is located in an Open Space Easement own jointly by the State of California and the County of Sonoma. (Settlement Agreement, Book 3141 pg. 138 or page 2, 2nd para, Grant Deed of Real Property and Open Space Easement). It is assumed by C.O.A.A.S.T. that the Coastal Commission would conduct a hearing on this project because a coastal permit is required for it and it appears that the Commission may represent the Real Property interest of State of California as held by the State Department of General Services. Ibid. See attachment 2

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

of C.O.A.A.S.T.

Charles A. Blanchard Pres.  
Signature of Appellant(s) or  
Authorized Agent

Date 1-20-96

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)  
Date \_\_\_\_\_



Post Office Box 4072  
Santa Rosa California 95402  
(707) 539-0153

Attachment #2

(2) Certain sections of this Settlement Agreement are violated by the approval of this project. (Settlement Agreement page 18, #19; Grant Deed, page 1, para 7 & 8; page 2, para 1; page 3, #4, para .1; page 4, first complete para, sentence 3.)

(3) Several references to holes #4 & #5 being in the Open Space Easement are misrepresented or absolutely incorrect. ( Resolution 96-0259, page 3, 2.8, par 2 & 3.)

(4) " ...other open space uses..." are clearly defined as those which do not significantly detract from the aesthetic, scientific and ecological values of the Easement. In other words are as passive as the defined "low density" recreational uses. The mitigation for the construction of the storage facility is, in itself, a violation of the condition "other open space uses" as they are defined in the Agreement. The cure is more damaging than the disease. (Grant Deed, page 1, 6th WHEREAS)

(5) Recreational uses permitted in the Open Space Easement are required to be "low density" uses. This equipment storage facility is not a low density recreational use. Holes #4 & #5 presently existing in the Open Space Easement have not been determined to be low density recreational uses and in our opinion they should not have been allowed to have been placed in the Easement. (Group One material, footnote #6.)

(6) An EIR is the appropriate environmental document for this project. The CEQA makes clear that the burden of proof should not be monumental upon the appellant by equating 'substantial evidence' with overwhelming or overpowering evidence. ( Group 2 material, Audubon V Stanislaus County, Fifth Appellate District Court, March 1, 1995, page 8, Citation, 2nd para.)

(7) The LCP does not include a golf course among its listing of visitor serving facilities. (LCP, DEFINITIONS, V-43) Only for the purpose of defining the term "Private recreational facilities, are golf courses listed among other private for profit facilities.  
LCP, DEFINITIONS, V-29)

(8) The project is not in conformance with certain Sections of the Coastal Act of 1976. (Chap. 3, Article 3, Section 30222; Chap. 3, Article 3, Section 30241 & 30241,5; Chap. 3, Article 6, Section 30251)

(9) The decision to deny C.O.A.A.S.T.'s Appeal was made without answering the all important question, " Is a golf course and its supporting facilities a "low density " recreational use?" Resolution 96-0259 states in an indeterminate way that that question has been answered. There is no evidence which supports that decision, as far as the official record indicate. It is a simple unsupported presumption at this point.

(10) The entire application and hearing process was conducted without recognizing the authority of the Settlement Agreement and all its addenda. C.O.A.A.S.T. finds it unconscionable that the Agreement has no recognized status in the application and hearing procedures. In our opinion the Settlement Agreement supersedes the General Plan, the County Zoning Ordinance, the LCP, and the Coastal Zoning Ordinance. In any case, approval of this project is flawed by the absence of any status accorded the Settlement Agreement. Because the Coastal Commission may be representing the State of California Attorney General's Office in this matter, since so far it represents a modification in a significant way without the concurrence of the Attorney General's Office, we believe that no decision can be made by the Commissioners until there is an established process wherein everyone is advised as to how the Settlement Agreement enters into the process.

Attachment #1

- (5) Ms Patti Vergara, Chair  
Land Use Committee, Sierra Club Sonoma Group  
641 McConnell  
Santa Rosa, CA, 95404
- (6) Mr Nick Marlow, V.P.  
Surfrider Foundation  
P O Box 138  
Bodega, CA 94922
- (7) Ms. Evelyn Matteucci  
1017 Hacienda Ave.  
Davis, CA 95616
- (8) Paul and Marilyn Davis  
P. O. Box 405  
Bodega Bay, CA 94923
- (9) Mr & Mrs Richard Shubb  
P. O. Box 818  
Bodega Bay, CA 94923
- (10) Ms. Ernestine Smith  
1512 Fair Oaks Court  
Santa Rosa, CA. 95404
- (11) Ms Martha Bentley  
1521 Fair Oaks Court  
Santa Rosa, CA. 95404

THE WITHIN INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

RECEIVED  
MAR 14 1996  
CALIFORNIA  
COASTAL COMMISSION

ATTEST: MAR 06 1996

RESOLUTION NO. 96-0259

DATED: March 5, 1996

EEVE T. LEWIS,  
County Clerk & ex-officio Clerk of the Board of  
Supervisors of the State of California, in & for  
the County of Sonoma  
BY [Signature] DEPUTY

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, DENYING AN APPEAL FROM A DECISION OF THE BOARD OF ZONING ADJUSTMENTS AND GRANTING A USE PERMIT AND COASTAL PERMIT TO BODEGA HARBOUR HOMEOWNERS ASSOCIATION FOR CERTAIN GOLF COURSE MAINTENANCE AND STORAGE USES ON COMMON AREA PROPERTY OWNED BY THE ASSOCIATION AND LOCATED AT 20506 HIGHWAY 1, BODEGA BAY**

RESOLVED, that the Board of Supervisors of the County of Sonoma (hereinafter "the Board") hereby finds and determines as follows:

1. Application and Proposed Project.

The Bodega Harbour Homeowners Association (hereinafter "the applicant") filed application CPU 95-333 (hereinafter "the proposed project") with the County of Sonoma (hereinafter "the County") and its Permit and Resource Management Department (hereinafter "PRMD") requesting a use permit and coastal permit for certain uses generally consisting of a 4,000 sq. ft. golf maintenance equipment storage building, recognition of the existing maintenance operation located at Bruhn Ranch, the addition of a 375± sq. ft. equipment repair bay at Bruhn Ranch, two restrooms, improvement of an existing public trail, construction of an additional public trail and sand dune restoration. The proposed project is located primarily on a 116± acre parcel located at 20506 Highway 1, Bodega Bay; APN 103-040-27; the restrooms are located on common area owned by the applicant adjacent to APN 103-040-27 (hereinafter collectively "the subject property"). The subject property has a General Plan designation of land extensive agriculture and a Zoning classification of primary agriculture, together with a coastal combining designation.

2. Procedural History.

2.1 In the late 1960s and early 1970s, a number of tentative maps were approved by the County in connection with the development of Bodega Harbour. These tentative maps were approved prior to the effective date of the California Coastal Initiative (hereinafter "the Coastal Initiative"). The Coastal Initiative was adopted by way

of Proposition 20 late in 1972. Prior to the effective date of the Coastal Initiative, the developer of Bodega Harbour secured a use permit for the construction and operation of a nine-hole golf course and vested at least one of the five units covered by the previously approved tentative maps.

2.2. In the early 1970s, the developers of Bodega Harbour began utilizing the then existing and historically used Bruhn Ranch facilities in connection with the development, use, and operation of the nine-hole golf course.

2.3. The California Coastal Zone Conservation Act (hereinafter "the Coastal Act") was subsequently enacted by the State Legislature in 1976, becoming effective on January 1, 1977. The Coastal Act superseded the Coastal Initiative. After adoption of the Coastal Act, there ensued a dispute between the developer of Bodega Harbour and the California Coastal Commission (hereinafter "the Commission") regarding the extent to which the developer had a vested right to build out the Bodega Harbour subdivision in accordance with previously approved tentative maps and the use permit for the golf course.

2.4. The dispute between the developer of Bodega Harbour and the Commission was resolved by way of a stipulated judgment and settlement agreement (hereinafter "the settlement agreement"), which was executed in May of 1977 and filed with the Sonoma County Superior Court on June 1, 1977. The settlement agreement provided, in pertinent part, as follows:

2.4.1. Two of the subdivision units within Bodega Harbour were either found to be exempt from or were not required to fulfill the permit requirements of the Coastal Act. The nine-hole golf course was situated within these units. The settlement agreement provided that the remaining three subdivision units of Bodega Harbour would be largely reverted to acreage.

2.4.2. With respect to the development, use, and operation of the golf course, the settlement agreement provided that the developer would not be required to fulfill the permit requirements of the Coastal Act. At the time of the execution of the settlement agreement, the Bruhn Ranch maintenance facility was being used by the developer in connection with the golf course.

2.4.3. The settlement agreement also provided that the golf course at Bodega Harbour had to be opened for public use subject to reasonable fees and conditions.

2.4.4. The settlement agreement also provided that the Commission and its staff would, to the extent possible and appropriate, lend assistance and support to the developer in seeking whatever approvals were necessary from the County or any other

public agency to effectuate the settlement agreement and permit the development of the revised project contemplated in the settlement agreement.

2.4.5. The settlement agreement also included a grant of an open space easement to the Commission and the County for Tract "D" (Bruhn Ranch) owned by the Bodega Harbour developer (hereinafter "Bruhn Ranch easement"). No express reference was made in the Bruhn Ranch easement to the existing Bruhn Ranch maintenance facility. The remaining common area owned by the Bodega Harbour developer was encumbered by other grants of open space easements in favor of the County.

2.5. Thereafter, in accordance with the settlement agreement, the nine-hole golf course was opened for public use.

2.6. In 1979, the County adopted its Coastal Plan (hereinafter "the Coastal Plan"), which was certified by the Commission in December of 1980. The Coastal Plan, still effective today, expressly noted, on page I-5, that Coastal Act policies give priority to recreation and visitor-serving uses over all other uses except coastal-dependent industry and agriculture and also promote the enhancement of public and recreation opportunities. On page V-29, the Coastal Plan expressly noted that golf courses are a recreation facility for purposes of the Coastal Plan.

2.7. In 1985, the applicant, successor in interest to the original Bodega Harbour developer, made application to the County to add a second nine holes to the then existing nine-hole Bodega Harbour golf course. Two of the nine holes were located within the Bruhn Ranch easement.

2.8. On July 3, 1985, the County approved the second nine holes to the golf course by way of use permit and coastal permit. The County found that the second nine holes were consistent with the Coastal Plan. The staff report prepared in connection with the approval also provided as follows:

"The Coastal Commission staff has reviewed the proposed project, in terms of the Trans-Century settlement agreement, and has no objection to the addition of the second nine holes."

The plans for the second nine holes referenced the use of golf cart paths in connection with the second nine holes.

2.9. Thereafter, in accordance with the provisions of law, the County duly gave notice to the Commission of its approval of the second nine holes of the golf course, which included the holes located within the Bruhn Ranch easement area. No

appeal was taken by the Commission or any other person in connection with the County's approval of the second nine holes.

2.10. Thereafter, the applicant commenced construction and completed the second nine holes of the golf course, which area was also opened for public play. The maintenance of equipment used in connection with the operation and use of the golf course continued to be conducted at the Bruhn Ranch facility. Of necessity, the applicant had to trailer the equipment from Bruhn Ranch onto Highway 1 and proceed northward to the main entrance to the Bodega Harbour subdivision and then to the golf course. This maintenance operation, which involves the trailering of equipment at approximately 15 mph in a heavily trafficked area, has been described by the United States Golf Association as the most dangerous golf course maintenance operation in its western district. With the approval of the second nine holes, it became apparent to the applicant that a more efficient and safe maintenance operation was necessary in connection with the operation and use of the public golf course. There then ensued an 11-year effort on the part of the applicant to establish an alternative maintenance arrangement. That effort has culminated in the decision reached by the Board today.

2.11. During the 11-year period, the applicant explored 12 different sites in connection with its efforts to site a more efficient and safe maintenance operation. The applicant worked with PRMD staff in connection with the siting efforts. Potential sites were analyzed for:

- a. Public views from ocean "open space";
- b. Public views from Highway 1;
- c. Public views from "open space" recreational trails;
- d. Public views from adjacent (to Bodega Harbour) pastoral views;
- e. Impacts (noise, nuisance, visual) to adjoining BHHA residences;
- f. Public views from public streets in Bodega Harbour;
- g. Facility convenience to golf course;
- h. Vehicular accessibility to facility;
- i. Site accessibility to utilities; and
- j. Site utilization of natural resources (non-renewable, fuel).

Finally, in the latter part of 1994, the applicant settled on a compromise solution to its maintenance needs. That solution, now the proposed project, involved continuing its historical maintenance of the golf course equipment at the Bruhn Ranch facility, with the storage of the equipment in a proposed 4,000 sq. ft. storage shed located proximate to the golf course and connected to Bruhn Ranch by an existing ranch road. The applicant had secured an easement from the adjoining agricultural landowner for use of the existing ranch road. The construction of the 4,000 sq. ft. storage shed is to



be within the Bruhn Ranch easement area. After consultation with PRMD and Commission staff, it was decided that, in light of the additional construction proposed within the Bruhn Ranch easement area, a determination be sought from the County and Commission regarding the consistency of the proposed project with the Bruhn Ranch open space easement.

2.12. Thereafter, the applicant requested from the County an administrative determination regarding the consistency of its proposed use with the Bruhn Ranch easement. On September 13, 1994, the Board adopted Resolution No. 94-1304, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference (hereinafter "Resolution No. 94-1304"), finding that the construction of a 4,000 sq. ft. golf course equipment storage facility was consistent with the Bruhn Ranch easement. In making this consistency determination, the Board took into consideration certain offers of dedication, improvement, and restoration made by the applicant and specified in Resolution No. 94-1304. As part of Resolution No. 94-1304, the Board also recommended that the applicant describe the entirety of its golf course maintenance operation, including the historically used Bruhn Ranch facility, as part of its use permit and coastal permit application.

2.13. Thereafter, Resolution No. 94-1304 was considered by the Commission on December 13, 1994. After hearing testimony from several interested parties in connection with the matter, the applicant was given direction to file a formal coastal permit application.

2.14. Pursuant to direction given by the Board and the Commission, the applicant filed its application for a use permit and coastal permit. That application generally included the following:

2.14.1. A 4,000 sq. ft. equipment storage building to be located within the Bruhn Ranch easement area.

2.14.2. Two restroom buildings.

2.14.3. A 15' x 25' equipment repair building on an existing pad at the Bruhn Ranch maintenance facility.

2.14.4. A description and site plan for the historically used Bruhn Ranch maintenance operation as requested by the Board.

2.14.5. An offer to construct an additional public trail from Heron Drive to a point above the golf course, about 1,500 feet long.

2.14.6. A donation of \$15,000 to reconstruct the existing Pinnacle Gulch public trail providing access to the beach.

2.14.7. A sand dune restoration project.

2.14.8. A youth golf development program to serve disadvantaged youths.

2.14.9. The execution of an additional open space easement over the Bruhn Ranch easement area to make it clear that absolutely no further development would take place within the Bruhn Ranch easement area over and above that approved by the use permit and coastal permit. A full project description is set forth in Exhibit "B," attached hereto and incorporated herein by this reference.

2.15. Pursuant to the California Environmental Quality Act ("CEQA") and State and County CEQA guidelines, PRMD staff prepared an initial study for the proposed project in accordance with CEQA and State and County CEQA guidelines. Based upon the information contained in the initial study, the Environmental Review Committee for the County determined that there would be no significant effect from the proposed project, provided that specified mitigation measures were incorporated into the proposed project. A negative declaration was then prepared that included the identified mitigation measures. Notice and public review of the negative declaration and initial study were provided in accordance with CEQA and State and County CEQA guidelines.

2.16. On October 12, 1995, the County's Board of Zoning Adjustments (hereinafter "the BZA") heard the application for the use permit and coastal permit. The BZA approved the application with a 4-1-0 vote. As part of its approval, the BZA requested the development of an alternative trail along Shorttail Gulch.

2.17. Thereafter, the BZA's approval of the proposed project was appealed to the Board. On January 30, 1996, the Board heard the appeal from the BZA's approval of the use permit and coastal permit. At the time and place of the duly noticed public hearing, the Board heard and received all oral and written testimony and evidence which were made, presented, or filed, and all persons present at the hearing were given an opportunity to hear and be heard with respect to any matter relating to the proposed project. At the conclusion of public testimony, the Board made its straw vote to deny the appeal of the BZA's approval and to approve the use permit and coastal permit. As will be discussed elsewhere herein, the Board made a modification to the decision rendered by the BZA as it related to the BZA's requirement to develop the Shorttail Gulch trail. The Board directed that County Counsel return to the Board with a resolution reflecting its consideration and actions. The Board has had an opportunity to review this resolution and the findings, determinations, and orders contained herein and hereby determines that they accurately set forth the intentions of the Board regarding the proposed project.

### 3. Environmental Findings.

3.1. On August 21, 1995, PRMD staff prepared a negative declaration in connection with the proposed project. That negative declaration included an initial study dated August 11, 1995, and specifically referred to a number of source documents in connection with its determination that the proposed project would not result in a significant effect on the environment, as that term is defined by CEQA. Included among the source documents incorporated by express reference in the initial study were the project application and description, the initial data sheet, the County Planning Department sources and criteria manual, the Sonoma County General Plan and associated EIR, the Coastal Plan, the Sonoma County Zoning Ordinance, the Sonoma County Rare Plant Site Identification Study, project referrals and mitigations from responsible agencies, State and local environmental quality acts, the full record of previous hearings on the proposed project in Files Nos. UP 85-11525 and CPU 94-173, correspondence received on the proposed project and the Bruhn Ranch open space easement.

3.2. Referrals received on the proposed project included those from the Sonoma County Department of Fire Services, the Bodega Bay Fire Protection District, the Bodega Bay Public Utility District, the Sonoma County Sheriff's Department, the Sonoma County Department of Transportation and Public Works, the Sonoma State Historical Resource Information System, the California Regional Water Quality Control Board, the Department of Fish and Game, the Sonoma County Permit and Resource Management Department and the Sonoma County Department of Health Services. None of these agencies or departments felt that the preparation of an environmental impact report was warranted in connection with the proposed project. Some of the departments and agencies suggested mitigation measures which were agreed to by the applicant and incorporated into the proposed project. Letters were also received from the two agricultural operators adjoining the proposed project, both of which stated they had no objection to the request by the applicant for the use permit and coastal permit. Additionally, a rare plant study had been prepared by a biologist and reviewed by the State Department of Fish and Game and Native Plant Society in connection with the proposed project.

3.3. The only additional site disturbance connected with the proposed project was the location of the 4,000 sq. ft. storage building on an existing disturbed site and the construction of the 1,500-foot Heron Drive trail proposed in the original application. The construction of an additional 15' x 25' service bay at Bruhn Ranch is to take place on an existing pad without further site disturbance. The construction of the restroom facilities are to take place within already developed areas of the applicant's common area located outside of the Bruhn Ranch easement area. Accordingly, very little environmental intrusion is associated with the proposed project.

3.4. Opponents of the proposed project took issue with the propriety of the negative declaration and argued that an EIR should have been prepared for the proposed project. The Board finds that these positions are not well taken. Specifically, the Board makes the following findings in connection with these points:

3.4.1. January 30, 1996, COAST Comment Regarding "Earth."

The comment states that the site is barely out of the Alquist Priola special study zone and that an EIR is required to contain a geotechnical investigation and subsurface exploration and laboratory testing to provide detailed recommendations regarding the design of the 4,000 sq. ft. metal storage building. First, the site is outside the Alquist Priola special study zone. Second, the proposed construction is a metal building to store equipment and does not involve a significant exposure of people to earthquake hazards. Third, as indicated in the initial study and the applicant's September 20, 1995, report, there are no obvious signs of slope stability or obvious soil expansion problems at the location. Fourth, Condition No. 1 requires the preparation of a soils report at the time of building permit. If the soils report indicates slope and stability or soil expansion problems, design standards set forth in the Uniform Building Code are sufficient to address this concern.

3.4.2. January 30, 1996, COAST Comment Regarding "Water".

The comment requests an EIR on the issue of changes in the drainage pattern that could result in a discharge of waste into surface water. No background is given in connection with this comment. Condition No. 5 provides that the applicant must provide a wastewater disposal system for the equipment wash rack that meets current standards of a septic disposal system under permit from Environmental Health or install a closed system water recycling unit or a filtration/separation unit. The systems must be approved by Environmental Health and the Regional Water Quality Control Board. Building Department approval may also be necessary. Additionally, if applicable, the applicant will also have to apply for wastewater discharge requirements from the North Coast Regional Water Quality Control Board. If a septic system is utilized, it must be designed by a registered civil engineer or registered Environmental Health specialist meeting current County requirements. Condition No. 7 requires that drainage improvements must be designed by a civil engineer in accordance with the Sonoma County Water Agency's flood control design criteria for approval by PRMD and be shown on the improvement plans. These requirements, in conformance with identified performance standards, will address the concerns expressed in the comment.

3.4.3. January 30, 1996, COAST Comment Regarding "Plant

Life." This comment relates to potential plant life impacts associated with the proposed Heron Drive trail. As indicated elsewhere herein, the Board has deleted this proposed trail from its approval and therefore no impact will take place.

3.4.4. January 30, 1996, COAST Comment Regarding "Animal

Life." The comment relates largely to the 1985 approval of two holes of the golf course

within the Bruhn Ranch easement area. With respect to the concern expressed regarding potential wildlife impacts associated with the Heron Drive trail, that trail has now been deleted from the Board's approval. The location of the 4,000 sq. ft. shed is on an already disturbed site immediately proximate to the golf course. The shed will be within 200 feet of an existing golf course cart path. The biotic survey concluded that there were no rare or endangered species or sensitive habitat in the area of the building site for the storage shed. There are no facts in the record to support the conclusion that the storage shed will result in a significant effect on the animal life in the area. The Department of Fish and Game did not raise this issue as a concern.

3.4.5. January 30, 1996, COAST Comment Regarding "Noise."

The comment requests an EIR based on potential noise impacts. Condition No. 6 requires that the proposed project conform to the standards set forth in table NE-2 of the Noise Element of the Sonoma County General Plan. Opponents of the proposed project did no acoustical analysis to suggest that the proposed project would have the far-reaching noise impacts suggested in this comment. The record also reflects that the storage building will be more than 1,400-feet from any existing residence and that the low activity, storage use of the building will not be noise intensive. The project description indicates use from 6:00 a.m. to approximately 4:30 p.m. The facility will not be operated in the evening.

3.4.6. January 30, 1996, COAST Comment Regarding "Light."

This comment relates to light and glare impacts to the community in general and to nocturnal birds and other creatures in the area of the proposed storage building. Again, there are no facts to suggest that this would constitute a significant effect on the environment. However, as will be discussed later herein, the Board is modifying the condition relating to lighting of the facility to further reduce any potential impact.

3.4.7. January 30, 1996, COAST Comment Relating to "Natural

Resources." This comment relates to an assertion that the proposed project will result in a major depletion of a non-renewable resource, specifically the aesthetic and environmental values of the Bruhn Ranch open space area. Since the only new construction proposed in connection with the proposed project is the 4,000 sq. ft. storage shed, the Board finds this comment to be groundless. As indicated previously, the County has made detailed findings in Exhibit "A" relating to the consistency of the proposed project with the open space easement. The minimal additional intrusion into the easement area does not constitute a significant environmental effect. Condition No. 11 will ensure that further development of the Bruhn Ranch open space area will be permanently restricted.

3.4.8. January 30, 1996, COAST Comment Regarding "Risk of

Upset." This comment relates primarily to the risk of fire associated with the use of equipment and associated fuels, lubricants, solvents and cleaning materials. Condition No. 1 states that fire-safe standards must be met in accordance with the letter from the Bodega Bay Fire Protection District dated June 14, 1995. No facts are advanced by the

commentor supporting the conclusion that a significant fire problem will occur as a result of the proposed project. Moreover, the January 29, 1996, correspondence received from the Bodega Bay Fire Protection District states, in pertinent part, as follows:

"Our fire chief has informed this Board of Directors of how the BHHA has complied with all of the required uniform fire codes, and the Sonoma County Fire Safe Act.

"The facility is located far and away from all wood structures and poses no fire safety threat to anyone or anything. The new location allows the maintenance personnel access to Bruhn Ranch without traveling down on Highway 1 on a daily basis. In addition, their new building permit will also require the BHHA to upgrade some parts of the fire protection systems at the Bruhn Ranch.

"Speaking from a fire, safety and common sense point of view, we, the Board of Directors of the Bodega Bay Fire Protection District by consensus, support the construction of the Bodega Harbour Homeowners Association maintenance facility."

3.4.9. January 30, 1996, COAST Comment Regarding "Human Health." The comment simply states that noise and light may be detrimental to human health. No facts are asserted to support this statement. As previously indicated, noise impacts must conform to performance standards set forth in the General Plan and light impacts are dealt with elsewhere herein.

3.4.10. January 30, 1996, COAST Comment Regarding "Aesthetics." This comment relates to an assertion that the aesthetics of the open space easement will be offended. As indicated in the visual analysis submitted in connection with the proposed project, the storage structure will be partially buried, then bermed and vegetated in order to prevent a visual impact. Accordingly, the Board finds that there is no adverse aesthetic impact.

3.4.11. January 30, 1996, COAST Comment Regarding "Recreation." The comment suggests that the proposed project will have a recreation impact because viewing the open space is a recreational activity. As stated previously, the combination of burying, berming and landscaping will screen the area from outside view. Although the proposed project is located within an open space area, there is no right of public access to the Bruhn Ranch and therefore on-site public viewing will not be impacted. Recreational opportunities associated with the safe and efficient maintenance of the golf course will enhance, rather than detract, from the existing recreation environment.

3.4.12. September 27, 1995, Vorpe/Matteucci Letter.

a. The letter first states that there is an inadequate basis for deciding to prepare the negative declaration. As stated previously, the initial study and negative declaration incorporated a wide variety of source documents which support the conclusions set forth in the negative declaration that no significant environmental impact will occur.

b. Comments relating to the potential exposure of people or property to geologic hazards, such as earthquakes, have been dealt with above. Additionally, on page 3 of the initial study, PRMD states that the proposed project is located outside of the fault hazard zone and that initial geologic review shows no landslide hazard and that the site appears feasible for the proposed project. The fact that people will not be working and residing in the building minimizes any threat to the health of individuals. After preparation of the soils report, any UBC-required performance standards will be enforced by the Building Department and are routinely used to mitigate potential geologic impacts.

c. In relation to the comments on potential water impacts, conditions incorporated into the negative declaration require hookup to public sewer and water for the restroom and a waste disposal system for the equipment wash rack that either meets current standards of a septic disposal system or involves a closed system water recycling unit or a filtration separation unit acceptable to the Departments of Environmental Health and the Regional Water Quality Control Board. These required conditions support the conclusions of the negative declaration relating to potential water contamination impacts.

d. The negative declaration is also based on the conditions of approval. Condition No. 6 requires that noise will be controlled in accordance with the standards set forth in table NE-2 of the Noise Element of the Sonoma County General Plan. The mitigation suggested by the Department of Health Services was cross-referenced in the initial study and has been incorporated into the proposed project and agreed to by the applicant. No noise analysis was presented by project opponents suggesting that noise impacts from the proposed project would be significant.

e. With respect to comments regarding light and glare impacts, the initial study checklist states that no outside lighting should be allowed, unless it is low and will not create any visible glow, subject to design review. Condition No. 6 requires that the applicant submit the plans to the Design Review Committee for the storage building and that building plans will not be approved for construction until design review has approved the plans. The Board finds that this condition was intended to include and does in fact include the Design Review Committee's control over any outside lighting associated with the proposed project. Approval of any outside lighting by the

Design Review Committee shall not be allowed if such lighting will create any visible glow. Additionally, although the Board does not believe that it is necessary in order to address a significant environmental impact, the Board further modifies Condition No. 9 to prohibit any outside lighting of the storage building unless requested by the Bodega Bay Fire Protection District. If so requested, any such lighting will be of a security type that only lights for a few minutes upon being triggered by significant movement immediately proximate to the shed. Additionally, any such lighting will be reviewed by the Design Review Committee to ensure that any such lighting will not create any visible glow outside the immediate area of the building. The Board finds that this modification will further mitigate any potential light and glare impact to the environment.

f. Comments are made regarding potential impacts to rare and endangered species and impacts from possible fencing of the Heron Drive trail. Neither of these impacts will occur since the trail has been deleted from the project approval.

g. Comment is made regarding potential impacts to animal life. No background information or facts are given supporting the conclusion. As indicated previously, the Department of Fish and Game was notified and involved and did not indicate that there would be any potential impact to animal life.

h. To conclude, no showing has been made that requires the preparation of an EIR. No substantial evidence has been advanced to suggest that the proposed project will have a significant effect on the environment. Section 21082.2 of the Public Resources Code requires that a lead agency determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record and that:

"Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

3.4.13. Undated Davis Letter. The Davis letter relates to potential animal life impacts, particularly with reference to the proposed Heron Drive trail. As indicated previously, the Heron Drive trail has not been approved by the Board. Additionally, referrals made to the Department of Fish and Game do not indicate that significant impacts to animal life would occur.

3.4.14. August 2, 1995, Letter from Fish and Game. This letter recommended the preparation of an additional botanical survey in connection with the



Heron Drive trail. That survey is no longer necessary. As indicated in the letter, the Department of Fish and Game concluded, "We are not opposed to the development of the maintenance building."

3.5. The Board will note here that the existing environment in which the proposed project is proposed includes the transportation of equipment, people, fuels and chemicals from the Bruhn Ranch maintenance facility over Highway 1 to the main entrance to Bodega Harbour. In recent years, traffic on Highway 1 in this area has increased dramatically. The traffic in this area, composed in significant part by tourists and non-residents, travels quickly. In addition to the slow-moving Bodega Harbour maintenance equipment, the traffic mix also includes truck traffic from the quarry in the area and recreational trailers, boats and mobile homes. This traffic mix is dangerous. There is an existing significant safety concern which has been recognized not only by the public agencies commenting on the proposed project, but by over 120 letters received from individuals working or residing in the area. School bus traffic is also a part of this mix. Reference was made by at least one business owner that he will not allow his trucks to drive this portion of Highway 1. The continuance of this existing safety hazard will ultimately lead to disasters of major or minor proportion. The proposed project will integrate the existing Bruhn Ranch maintenance operation with the golf course by way of an internal road and thus significantly alleviate the present danger in this area. The proposed project will contribute significantly to the enhancement of the existing environment in this regard.

3.6. Based on the foregoing and its review of the entire record, the Board determines that the proposed project, as mitigated by the mitigation measures included in the conditions of approval, would not have a significant effect on the environment and that adoption of the negative declaration is appropriate. The Board certifies that the negative declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA guidelines, and finds that the negative declaration reflects the independent judgment of the Board.

3.7. The Board determines that adoption of the mitigation monitoring program set forth in the conditions of approval is appropriate. In addition, the Board adds the following mitigation monitoring to several of the conditions.

3.7.1. Mitigation monitoring for Condition No. 1 shall be as follows: The Director of PRMD, in conjunction with the Bodega Bay Fire Protection District, shall confirm that all fire-safe standards have been met prior to occupancy of any new structures. The Director of PRMD shall review the soils report and grading plans and, if warranted due to slope stability or other geologic problems, require conformance with applicable UBC standards designed to ensure that the new structures can be safely

constructed and used. The Director of PRMD shall verify construction prior to occupancy.

3.7.2. Prior to occupancy of any new structures, the Director of PRMD, in tandem with the Regional Water Quality Control Board, shall verify that Condition Nos. 2, 3, 4 and 5 have been met. The Director of PRMD shall also verify that noise will be controlled in accordance with the standards set forth in Table NE-2 of the Noise Element of the Sonoma County General Plan in connection with the operation and use of the storage building.

3.7.3. With respect to Condition No. 7, the Director of PRMD, in consultation with the Sonoma County Water Agency, shall confirm that drainage improvements meet established design criteria prior to issuance of a building permit. The Director of PRMD shall also review and approve the site grading plan required by Condition No. 8 prior to the issuance of a permit.

3.7.4. Building permits for new construction shall not be issued until the Director of PRMD has received the review and approval called for by Condition No. 13.

#### 4. Land Use Findings.

##### 4.1. Existing Bruhn Ranch Facility.

The existing Bruhn Ranch maintenance and storage facility has been utilized by the applicant, and its predecessors in interest, since at least 1970 and perhaps before that date. The Board finds that as part of the County's January 1972 approval of a use permit for the development, construction and use of the golf course, the historical use of the Bruhn Ranch maintenance facility was implicitly approved and its use has been allowed by the County for the past 24 years. The Board also finds that, in 1977 when the settlement agreement was approved, the use of the Bruhn Ranch maintenance facility had long been continuing. The settlement agreement's sanctioning of the development, use and operation of the golf course without requiring the fulfillment of permit requirements of the Coastal Act must have, notwithstanding any express reference, included the historical Bruhn Ranch facility because no provision was made elsewhere in the documents for a maintenance and storage facility. Notwithstanding the Board's finding that the historical maintenance and storage uses at Bruhn Ranch have been at least implicitly authorized, the Board notes that there is substantial confusion regarding this matter and that it is desirable from the County's and community's standpoint to resolve, once and for all, the uses which can be made of the Bruhn Ranch facility through the description and express authorization of such uses through this resolution. In so doing, the Board notes, that if the applicant desires to take the benefit of the use permit and coastal permit granted herein, it will thereafter conduct such uses in accordance with the

terms and conditions of the permits as set forth in this resolution. Those terms and conditions shall include, among other things, an express survey of the Bruhn Ranch maintenance and storage operation area and the dedication of an open space easement outside of that area which will prohibit, in perpetuity, all further development of the Bruhn Ranch easement area other than the Bruhn Ranch facility, the road connecting the facility with the 4,000 sq. ft. storage building and the 4,000 sq. ft. storage building itself.

#### 4.2. General Plan Consistency.

The permitted uses specified in the land-extensive agricultural land use category allow "community facilities" such as public and private schools, churches and granges. Although golf course uses are not specifically referenced in the delineated examples, the Board finds that golf courses and related maintenance operations qualify as a community facility due to its use by the public as a whole. The Board previously found that approximately 80 percent of the play at Bodega Harbour golf course is public. This Board's General Plan consistency finding is also supported by zoning regulations adopted by the County to implement its General Plan, which regulations specifically allow golf course maintenance facilities with a use permit in the land-extensive agricultural zoning district.

The scenic landscape unit overlay on the General Plan open space map does not result in General Plan inconsistency. First, the Board does not consider the proposed project to be commercial in nature. Even if it were considered commercial, General Plan policy OS-2B allows commercial uses in scenic landscape units when they are permitted by the agricultural or resource land use categories. Since the proposed use is permitted in the underlying land use category, there is no General Plan consistency problem.

#### 4.3. Coastal Plan Consistency.

The proposed project is also consistent with the Coastal Plan. The Coastal Plan has not changed since the July 3, 1985, approval of the second nine holes of the golf course, two holes of which were located within the agricultural zoning district and open space areas. The same rationale articulated by planning staff at the time for Coastal Plan consistency is applicable to the proposed maintenance facility associated with the golf course. Moreover, the following Coastal Plan references are also supportive of the proposed project, even though they were not referenced in the 1985 staff report.

- a. Encourage the provision of private recreation facilities. (page 5-39)
- b. Bodega Bay is the area most suitable for visitor-serving facilities. (page 5-45)

c. Coastal Act policies encourage visitor-serving commercial recreational facilities (page 5-43; Public Resources Code §§ 30213, 30222 and 30250(c)).

d. In the chart of land use priorities on page 1-3, public recreation is the highest on the list.

e. Low-intensity visitor-serving uses may be compatible with resource lands if they are compatible with the resource use of the land (paragraph 6-12). As indicated previously, adjoining agricultural landowners do not object to the proposed project.

#### 4.4. Zoning Ordinance Consistency.

Although the County has not yet rezoned the coastal area to conform to the new land use categories set forth in the 1989 Sonoma County General Plan, as previously noted, the land-extensive agricultural zoning district enacted in response to the 1989 General Plan allows the requested use. Additionally, the current zoning of AP (primary agricultural) allows commercial recreational facilities (section 27(c)-82(d)(3)).

#### 4.5. Consistency with the Open Space Easement.

As previously indicated, the Board determined in Resolution No. 94-1304 that the proposed project is consistent with the open space easement. Findings in support of that conclusion are set forth in great detail in Resolution 94-1304 (See Exhibit "A").

#### 4.6. Alternative Locations.

The Board is satisfied that during the 11-year search for an appropriate location for the proposed project, the applicant has demonstrated that the proposed location for the storage building is appropriate and most safely and efficiently achieves the necessary goal of maintaining the public golf course. The Board has previously found and again concludes that no other reasonable locations exist for the proposed use. Opponents of the proposed project suggested that it would be appropriate to expand the historical Bruhn Ranch facilities and to store the equipment at that location, rather than the location proximate to the golf course. The Board disagrees. Not only would this be inefficient and unworkable in terms of golf course maintenance, but such suggestion would have more severe impacts. If the existing Bruhn Ranch facility were used for storage as well as maintenance, then it would be necessary to convey all of the equipment each day to the golf course. This would result in significantly more daily traffic through the area and necessitate longer hours of operation due to the distance from the Bruhn Ranch facility to the golf course. As indicted previously, transporting the

equipment on Highway 1 is no longer an acceptable alternative. Moreover, the applicant has stated, and the Board finds, that the transportation of highly precise and mechanically sensitive mowing equipment on a daily basis over the ranch road would result in unacceptable damage to such equipment. The proposed storage location, proximate to the golf course, provides the least intrusive workable solution to a comprehensive maintenance and storage plan for the Bodega Harbour golf course.

#### 4.7. Biotic Survey.

The biotic survey determined that there were no rare or endangered species or sensitive habitat in the area of the building site for the proposed storage building. As indicated in the environmental findings, the need for a further biotic survey or fencing on the proposed trail is obviated due to the Board's deletion of the Heron Drive trail from the proposed project.

#### 4.8. Fire Danger.

With respect to access and fire requirements, the Board finds that by encompassing the historical maintenance and storage operation of the Bruhn ranch under these permits, the existing fire environment will be improved. Compliance with the June 14, 1995, letter from the Bodega Bay Fire Protection District will address any potential fire concerns associated with the proposed project and make the existing situation better.

#### 4.9. Discussion of Public Trails.

4.9.1. The Heron Drive trail, which was included as part of the application, is not supported by opponents of the proposed project, proponents of the proposed project, or the County Parks Department.

4.9.2. The Shorttail Gulch trail, which was included as part of the BZA's approval, is opposed by the applicant. At the time of the hearing before the Board, the applicant objected to the Shorttail Gulch trail for a variety of reasons. The applicant's arguments against the Shorttail Gulch trail included the following:

4.9.2.1. While there exists a dedicated public trail easement at Shorttail Gulch, the development of the entire trail may create environmental impacts, such as grading, vegetation removal, and loss of stream-side wildlife habitat, that have not been evaluated.

4.9.2.2. Imposing a condition on the proposed project requiring development of the Shorttail Gulch easement would expand the project description and give rise to new environmental impacts necessitating further environmental review.

4.9.2.3. The dedication of additional land in order to develop an abbreviated Shorttail Gulch access lacks an adequate constitutional nexus to the proposed project either in terms of relationship to the proposed project or to the degree of impact which would result from the proposed project.

4.9.2.4. The settlement agreement does not authorize the development of an abbreviated Shorttail Gulch access. Specifically, the settlement agreement provides as follows:

"No use shall be made of this easement (Shorttail) by the public until such time as the County of Sonoma undertakes to develop the pedestrian access easement through Shorttail Gulch and further assumes responsibility for the maintenance and operation of the entire access easement."

4.9.2.5. Homeowners residing in the area of the Shorttail Gulch trail indicated that they would litigate any approval of a shortened version of the trail that was contrary to the settlement agreement.

4.9.2.6. In order to proceed forward with its application, the applicant conducted numerous internal community meetings and achieved general consensus on the components of the proposed project, which components were brought forward to the Board and the Commission in 1994. After receiving the Board's consistency determination, the applicant moved forward with the proposed project containing exactly the components required by the Board in its Resolution No. 94-1304. The BZA's inclusion of either a long or short version of Shorttail Gulch trail as part of the proposed project injected a new issue into the proposed project that was controversial and divisive within the Bodega Harbour community and would delay and obscure the priority of constructing the storage building and diverting traffic off of Highway 1. Due to the requirements of the applicant's CC&Rs, public dedication of a new trail segment would require a vote of the entire Bodega Harbour Homeowners Association, which successful vote does not appear feasible. This would perpetuate the existing and intolerable situation on Highway 1.

4.9.2.7. The Shorttail Gulch trail was considered by the Board as part of the proceedings related to its 1994 consistency determination and ultimately was rejected by the Board.

4.9.2.8. In lieu of the development of the Shorttail Gulch trail and in recognition of its position as a coastal landowner, the applicant has offered, as an alternative, a contribution of \$20,000 to be used for development or maintenance of coastal access trails.

4.9.2.9. The short version of the Shorttail Gulch trail would create public access and related parking problems on narrow streets near several residences.

4.9.3. After considering the matter of the Heron Drive trail and the Shorttail Gulch trail, but without deciding upon the ultimate merits of the applicant's various arguments against the Shorttail Gulch trail, the Board concludes that the appropriate action in the context of the proposed project is to delete both trail proposals from the proposed project and to accept, in their stead, the offered dedication of an additional \$20,000 for development or maintenance of coastal access trails.

4.10. The proposed storage building is consistent with the open space easement. The storage and maintenance of equipment used to operate the golf course is reasonably necessary to carry on the golf course use. The storage building would not conflict with environmental and aesthetic values because it will be hidden from public view with grading, berming and landscaping. The applicant has demonstrated that the use may not be reasonably located elsewhere. The equipment storage facility is an integral, needed component of the golf course operation, and the proposed location is necessary for the efficient and safe operation of the golf course, by avoiding the use of Highway 1 to transport equipment. The use of the equipment storage building will not adversely affect the intent of the open space easement and will not significantly detract from the aesthetic and ecological values of the subject property. Golf course uses have been previously found to be consistent with the open space easement, and the equipment storage building is a reasonably necessary accessory use.

4.11. The findings for recommended action set forth in PRMD staff's September 28, 1995, staff report are incorporated herein as if set out at length herein.

4.12. The establishment, maintenance, and operation of the proposed project will not under the circumstances of the particular case be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.

4.13. The proposed project, as described in the application and accompanying materials, and as conditioned herein in accordance with section 26(C)-485.3 of the Coastal Zoning Ordinance, conforms with the plans, policies, requirements, and standards of the Sonoma County Coastal Program.

4.14. The proposed project offers significant public benefit in addition to remediating an existing and serious safety concern on Highway 1. A permanent public restroom for Pinnacle Gulch public hikers is included. Additional public benefits are set forth in sections 2.14.6 through 2.14.9 of this resolution.

4.15. The Board notes that there was significant public controversy surrounding the proposed project. That controversy stemmed, in large part, over whether the proposed storage building was an appropriate use within the open space area. That determination was made by the Board in Resolution No. 94-1304 and is affirmed herein.

4.16. The Board notes that the Bodega Harbour golf course is the only public seaside links golf course north of San Francisco. It is nationally known and provides significant public recreation opportunities for enjoyment of the Sonoma coast. It is a major contributor to the tourism economy of the Bodega Bay area and, as indicated in a number of letters sent to the Board, is widely supported by the community. The development of the golf course has been sanctioned by both the Commission and the County. Its use in the open space area has been previously authorized and recognized as a permitted recreational use under the Bruhn Ranch easement. Aside from the identified safety benefits of the proposed project, it is reasonable and necessary that a public golf course of this quality have a safe and efficient maintenance operation to maintain it in an acceptable condition. It is reasonable and necessary that after 11 years, the search for an acceptable and workable maintenance facility be concluded. As mentioned previously, the entirety of the common area owned by the applicant is encumbered by one open space easement or another. Accordingly, the applicant did not have the luxury of siting this facility in an area other than one encumbered by an existing easement. The Bruhn Ranch easement allows considerably more latitude than the open space easements currently employed by the Sonoma County Agricultural Preservation and Open Space District. Condition No. 11 will ensure that a much more restrictive easement will be executed and recorded and that the nature and extent of the development of the Bruhn Ranch easement area will be forever laid to rest. The Board is hopeful that opponents of the proposed project will recognize the public benefits associated with the proposed project and the public safety enhancement resulting from it, and the desirability of exactly defining and forever precluding any further development of the Bruhn Ranch easement area.

## 5. Conditions of Approval.

5.1. The proposed project shall be subject to the conditions of approval set forth in Exhibit "C," attached hereto and incorporated herein by this reference.

5.2. Condition No. 12 is modified from the form approved by the BZA to read as follows:

"Prior to issuance of building permits for either the storage building or maintenance building, the applicants must accomplish the following:

"a. Deposit a sum of \$20,000 with Regional Parks to be utilized for the development or maintenance of coastal access trails.



- "b. Deposit a sum of \$15,000 with Regional Parks for repair of Pinnacle Gulch public trail.
- "c. Deposit a sum of \$1,500 with Regional Parks for dunes restoration adjacent to the golf course.
- "d. Provide evidence of a program to sponsor youth golf development for a minimum of 4 times per year.

**"Mitigation Monitoring:** The applicant shall submit a letter from Regional Parks demonstrating compliance with the above requirements prior to issuance of the building permit for the maintenance building."

5.3. Condition No. 9 is clarified from the form approved by the BZA to read as follows:

"The applicant shall submit plans to the Design Review Committee for the storage building, including site plan, parking and driveway access, landscaping and berming and, if required by the Bodega Bay Fire Protection District, any exterior lighting. In the event that any exterior lighting is requested by the Fire District, such lighting will be of a security type illuminated only for moments upon significant movement in immediate proximity to the building. The Design Review Committee, in its review of the project, will ensure that any such lighting is of extremely low intensity and will not create any visible glow outside of the immediate area of the building. Additionally, the restrooms proposed in connection with the project will also be reviewed by the Design Review Committee."

5.4. In connection with the preparation of an open space easement to be dedicated to the Sonoma County Agricultural and Open Space Preservation District, a survey of the outer boundaries of the Bruhn Ranch maintenance area shall be done in order to ensure, in the future, that no further development takes place in the Bruhn Ranch easement area other than the area depicted in Exhibit C to the Board's September 1994 Resolution No. 94-1304 and the area upon which the storage building is to be located, together with the connecting road between the two.

**NOW, THEREFORE, based on the foregoing findings and determinations, the Board hereby orders as follows:**

1. The appeal from the decision of the BZA approving the proposed project is denied.
2. The negative declaration and mitigation monitoring program are adopted.

3. The proposed project and conditions of approval as described herein are approved and adopted. All mitigation measures incorporated into the project approved herein are hereby expressly made conditions of approval.

4. The precise components of the project approved herein are as follows:

(a) Recognition of the historical maintenance and storage facilities located at the Bruhn Ranch as part of this use permit and coastal permit.

(b) A 4,000 sq. ft. golf course equipment storage building to be connected with the existing maintenance and storage facility private ranch road.

(c) Establishment of a public/golf course restroom at the Pinnacle Gulch public trail parking lot.

(d) Establishment of a golf course restroom at tee 13.

(e) Construction of a 15' x 25' or 16' x 24' maintenance bay at the Bruhn Ranch maintenance station on an existing pad.

(f) Payment of a \$15,000 contribution to the Regional Parks Department to be used for renovation of the Pinnacle Gulch public trail and related support facilities.

(g) Payment of a \$20,000 contribution to the Regional Parks Department to be used for development or maintenance of coastal access trails.

(h) A \$1,500 contribution to the Regional Parks Department to be used for sand dune restoration near hole 16.

(i) A golf development program for disadvantaged youth.

(j) The execution of a new open space easement in favor of the Sonoma County Agricultural Preservation and Open Space District as specified herein.

(k) Operation of the new 4,000 sq. ft. building in tandem with the existing maintenance and storage operation at Bruhn ranch.

(l) The granting of the use permit and coastal permit authorizing all of the foregoing.

5. The Clerk of the Board is designated as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100A, Santa Rosa, California 95403.

SUPERVISORS:

CALE no HARBERSON / <sup>abstain</sup> KELLEY aye CARPENTER aye SMITH aye

AYES 3 NOES 1 ABSTAIN 1 ABSENT   

SO ORDERED.

FEB 29 1993

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF SONOMA  
*P. Olson* DEPUTY

#17

RESOLUTION NO. 94-1304

Dated: September 13, 1994

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THAT THE ESTABLISHMENT, OPERATION, AND USE OF A GOLF COURSE EQUIPMENT STORAGE FACILITY PROPOSED BY THE BODEGA HARBOR HOMEOWNERS ASSOCIATION IS CONSISTENT WITH THE OPEN SPACE EASEMENT CONTAINED IN THE SETTLEMENT AGREEMENT BETWEEN TRANSCENTURY AND THE COASTAL COMMISSION

WHEREAS, the applicant, Bodega Harbor Homeowners Association ("Homeowners Association"), filed a request with the Sonoma County Planning Department for an administrative determination as to whether a 4,000 square foot golf course equipment storage facility is an allowable use at the proposed location under the terms and restrictions of the open space easement in the Settlement Agreement between Transcentury and the Coastal Commission for property located at 20506 Highway 1, Bodega Bay, APN 103-040-27, zoned AP(Primary Agriculture), B6 160 acre density/640 acre minimum, CC(Coastal Combining), Supervisorial District No. 5; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on July 19, 1994, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the hearing was continued to August 9, 1994, to allow for a public meeting on August 4, 1994 to discuss alternative resolutions to the issues; and

WHEREAS, the results of the public meeting were placed into the record before the Board of Supervisors, together with addition testimony relating thereto, on August 9, 1994;

NOW, THEREFORE, BE IT RESOLVED that the Sonoma County Board of Supervisors finds and determines as follows:

1. The project is the proposed construction of a 4,000 square foot equipment storage facility in which golf course maintenance equipment will be washed and stored ("Project"). The maintenance of the equipment will continue to be done at Bruhn Ranch. The equipment will be shuttled between Bruhn Ranch and the equipment storage facility and between the facility and the golf course.

2. The open space easement has previously been construed by the county and state to allow accessory structures

relating to a primary permitted use within the open space easement area.

3. The open space easement allows low-density recreational uses. In 1985, the county determined that golf course uses were an acceptable low-density recreational use within the open space area. At that time, coastal and use permits were approved by the county which allowed the expansion of the golf course and the placement of two golf holes within the open space easement area.

4. Since the county has previously determined that golf course uses are a primary permitted low-density recreational use for purposes of the easement, accessory structures incidental thereto may be allowed provided that certain findings can be made as delineated in the December 2, 1980 correspondence sent from the California Attorney General's Office to William E. Chamberlain.

5. The Board concludes that there is substantial evidence in the record to support the consistency findings previously delineated by the Attorney General in the December 2, 1980 letter. Specifically, the Board concludes as follows:

A. That the Project is consistent with the open space easement provisions which allow low-intensity agricultural uses and low-density recreational uses because the storage and maintenance of equipment used to operate and maintain the Bodega Harbor Golf Course is reasonably necessary to carry on the principal permitted golf course use.

B. The proposed equipment storage facility would not conflict with environmental and aesthetic values which are to be preserved by the open space easement because it will be hidden from public view with grading, berming, and landscaping. Moreover, the facility will be placed on a site which is already degraded and which contains no significant biotic or wildlife resources.

C. The applicant submitted a map and accompanying information on which the Board finds that it has been adequately demonstrated that the use could not reasonably be located elsewhere so as to avoid development in an area which should not be changed from its natural state.

D. The visual impact of the equipment storage facility would be lessened by grading, berming, and landscaping and would not be a significant impact to the natural character of the land.

E. An equipment storage facility is an integral, needed component of the golf course operation. The location of the facility at the proposed site is necessary for the efficient and safe operation of the golf course use. The maintenance and storage of equipment at Bruhn Ranch involves

the utilization of Highway 1 for the purpose of transporting chemicals and slow moving tractors, mowers, and other maintenance equipment. This is unreasonably dangerous. The location of the facility at the proposed site efficiently ties into the existing golf course operation because it can be accessed from Bruhn Ranch, where equipment maintenance is currently performed, without a need to utilize Highway 1. Moreover, the location of the facility in the proximity to an existing fairway provides an efficient means of accessing the golf course through a system of existing roadways, thus avoiding unreasonable intrusion to the environment or to the Bodega Harbor Community.

F. The use of the equipment storage facility will not adversely affect the intent of the open space easement and will not significantly detract from the aesthetic and ecological values of the property covered by the easement. As indicated previously, golf course uses have been found consistent with the open space easement and, moreover, are a high priority coastal use. The evidence adduced at the time of the hearing indicated that approximately 80% of the play on the golf course is from members of the public as opposed to Bodega Harbor homeowners. The utilization of the already degraded site, which can be screened from public view, and which lies between the existing maintenance operation and the golf course, is an effective and efficient solution to the golf course's need for an equipment storage facility.

BE IT FURTHER RESOLVED, that in addition to the foregoing findings, the Board, in making this consistency determination, also took into consideration the Homeowners Association's offer to do the following:

1. Dedicate to Sonoma County and develop a public trail connecting to a view point in the vicinity of the knoll near the proposed equipment storage facility. The location shall be as generally shown on Exhibit "A," being 10 feet wide and approximately 1,500 feet long. No additional parking area is required, as public parking is allowed on Heron, on Mocking Bird and Pinnacle Gulch public access. The dedication and development of this public trail will provide additional public access and an opportunity to enjoy sweeping vistas of the ocean and bay.

2. Provide for the improvement of Pinnacle Gulch access trail, including erosion control, stabilization, and safe winter access in an amount not to exceed \$15,000.00. The plan shall be approved by the Sonoma County Regional Parks Department. Within forty-five (45) days after the County's approval of a coastal and use permit for the Project, the applicant shall deposit \$15,000.00 with the Sonoma County Regional Parks Department which shall be earmarked for this project.

3. The Homeowners Association shall conduct a dunes restoration project adjacent to the golf course (hole 16 and 17) as indicated in Exhibit "B." The cost of the work shall not be less than \$1,500.00. The plan for the dunes restoration project shall be approved by the Sonoma County Regional Parks Department and the project shall be completed by August, 1996.

4. The Homeowners Association shall offer a conservation easement or other form of deed restriction to the County of Sonoma or the Sonoma County Agricultural Preservation and Open Space District that will preclude ancillary or supporting structures within the open space easement, except for those uses, pads, and structures which are depicted on the site plan of the Bruhn Ranch in Exhibit "C." Additionally, the Homeowners Association may apply to the county to locate a restroom facility in the vicinity of the public trails. Since the equipment storage facility is to be utilized in connection with the existing equipment maintenance operation at Bruhn Ranch, the county recommends that the applicant when making its application for the use and coastal permit for the new facility, describe the entirety of its golf course maintenance operation.

5. The Homeowners Association will develop a program to sponsor youth golf development a minimum of four (4) times per year. This program shall be organized in partnership with a recognized youth group serving disadvantaged youths such as a boys' or girls' club and shall be held on site without fee to the participants.

BE IT FURTHER RESOLVED, that for a future coastal/use permit to be accepted, it shall meet the following criteria:

1. The new equipment storage facility shall not exceed 4,000 square feet. No other structures or activities shall be allowed on the site for the facility, except for the parking area adjacent to the building. The applicant may expand the scope of the use and coastal permit application to describe the Bruhn Ranch maintenance operation. Any such application shall not involve the construction of additional structures beyond the pads and structures depicted in Exhibit "C."

2. The equipment storage facility shall be located on the already disturbed area as shown on Exhibit "A" and shall not be located within the 60 foot easement.

3. Access to the site shall be limited to use of the existing ranch road as shown on Exhibit "A" and shall not be visible from Highway 1.

4. The equipment storage facility shall be made to be invisible from Highway 1 by grading down into the hill, berming, and landscaping as shown on Exhibit "D." The adjacent land shall remain in its natural state with the exception that

the use of trees in the landscaping plan may tie into an existing tree stand currently surrounding the tank owned by the Bodega Bay Public Utility District.

5. The new equipment storage facility shall be subject to design review to insure appropriate color of the building, to evaluate visibility, and to approve plant and landscaping materials.

6. The coastal/use permit application shall include the five (5) above-mentioned conditions.

BE IT FURTHER RESOLVED, that the Board makes the following miscellaneous findings:

1. The Board's finding that the proposed equipment storage facility is consistent with the open space easement shall not be precedential as it relates to other open space easements currently held by the County of Sonoma or the Sonoma County Agricultural Preservation and Open Space District. The particular easement in question was uniquely structured as part of the settlement surrounding the development of Bodega Harbor and was arrived at through negotiations among the county, state, and the prior developer. Not only did that easement provide for certain low-density recreational uses and low-intensity agricultural uses, but it also provided a specific mechanism whereby changing circumstances could justify the amendment of the easement to allow uses not contemplated at the time of execution. Through oversight, the original developer of the Bodega Harbor subdivision made no allowance for the location for a safe and properly designed maintenance and storage structure for the golf course, although public access to the golf course was specifically required through the Settlement Agreement. Currently, the entire common area of the Homeowners Association is encumbered by one open space easement or another. The unquestioned need for this type of facility to provide for public coastal access, in the form of coastal golf course recreation, combined with the unique provisions of the Settlement Agreement and easement justify a finding of consistency in this situation. However, this finding by the Board should in no way be construed to allow or suggest that the location of other uses and open space easements throughout the county will be allowed or countenanced.

Finally, for the record, the Board notes that the location of a golf course maintenance or storage structure on any of the lots within the Bodega Harbor subdivision is also expressly prohibited by the terms of the open space easement.

2. Open space values will be enhanced by the totality of the Project which includes enhancement of dune ecology, additional public trail access, which is specifically called out in the easement, and the utilization of an existing ranch road and an already degraded site.



3. In order to give direction to the applicant with respect to the processing of a future use/coastal permit application, the Board requests that the Coastal Commission review the determination made herein.

SUPERVISORS:

HARBERSON absent SMITH aye ESPOSTI aye CARPENTER aye CALE no

AYES 3 NOES 1 ABSTAIN        ABSENT 1

SO ORDERED.

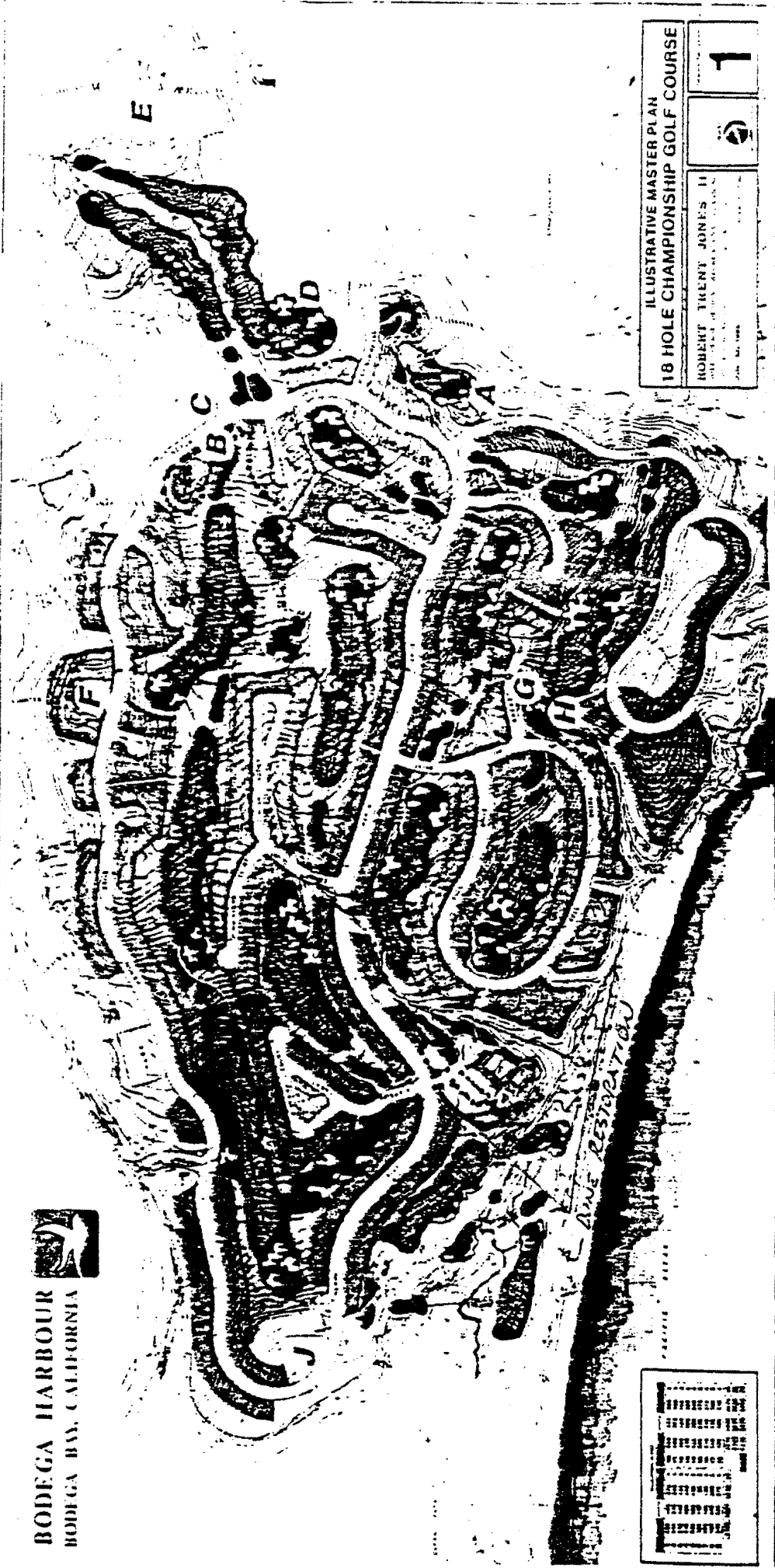


EXHIBIT A

EXHIBIT A



**BODEGA HARBOUR**  
 BODEGA BAY, CALIFORNIA



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
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ILLUSTRATIVE MASTER PLAN  
 18 HOLE CHAMPIONSHIP GOLF COURSE

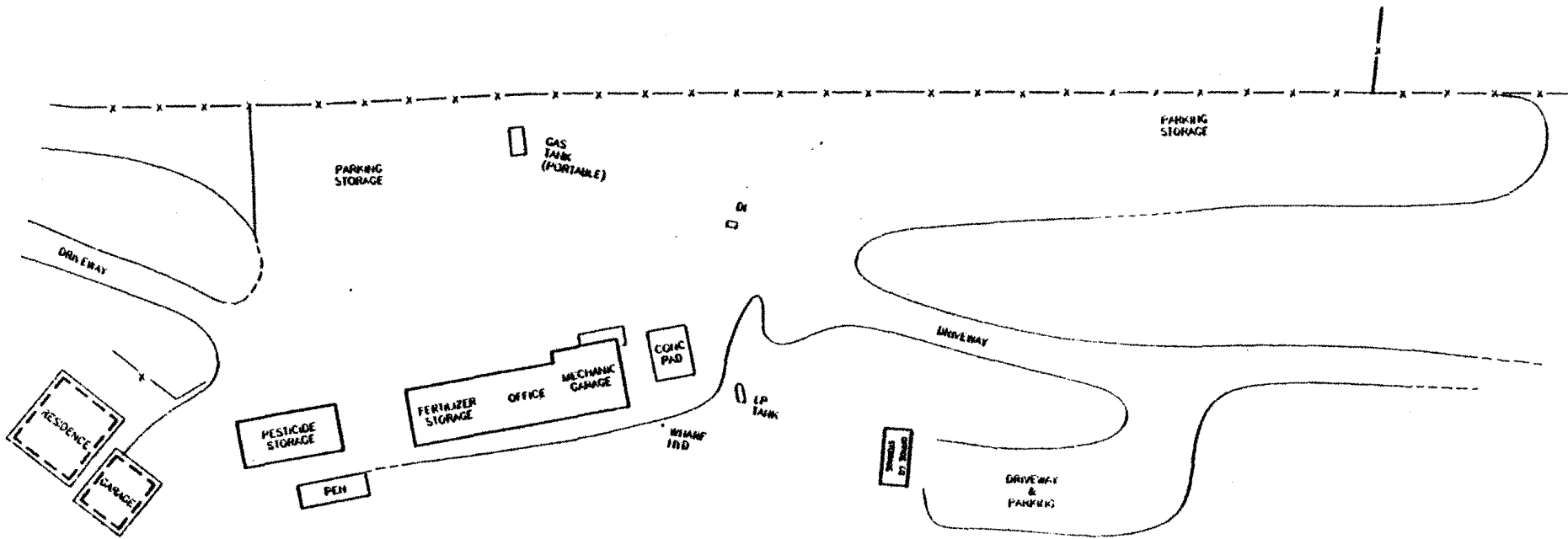
ROBERT TRENT JONES II  
 ARCHITECT

1

EXHIBIT "B"

EXHIBIT D

EXHIBIT A



BODEGA HARBOUR HOMEOWNERS  
ASSOCIATION  
GOLF COURSE MAINTENANCE  
FACILITY  
SITE PLAN

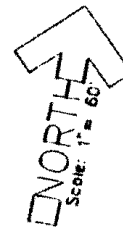


EXHIBIT "C"



SANDINE & ASSOCIATES, INC.  
Consulting Civil Engineers  
1100 Sonoma Avenue • Suite A3  
SANTA ROSA, CALIFORNIA 95405

BOUEGA HARBOUR HOMEOWNERS' ASSOCIATION  
GOLF MAINTENANCE FACILITY  
PRELIMINARY LANDSCAPE SCREENING PLAN

LANDSCAPE ARCHITECTURE & PLANNING SERVICES  
2011

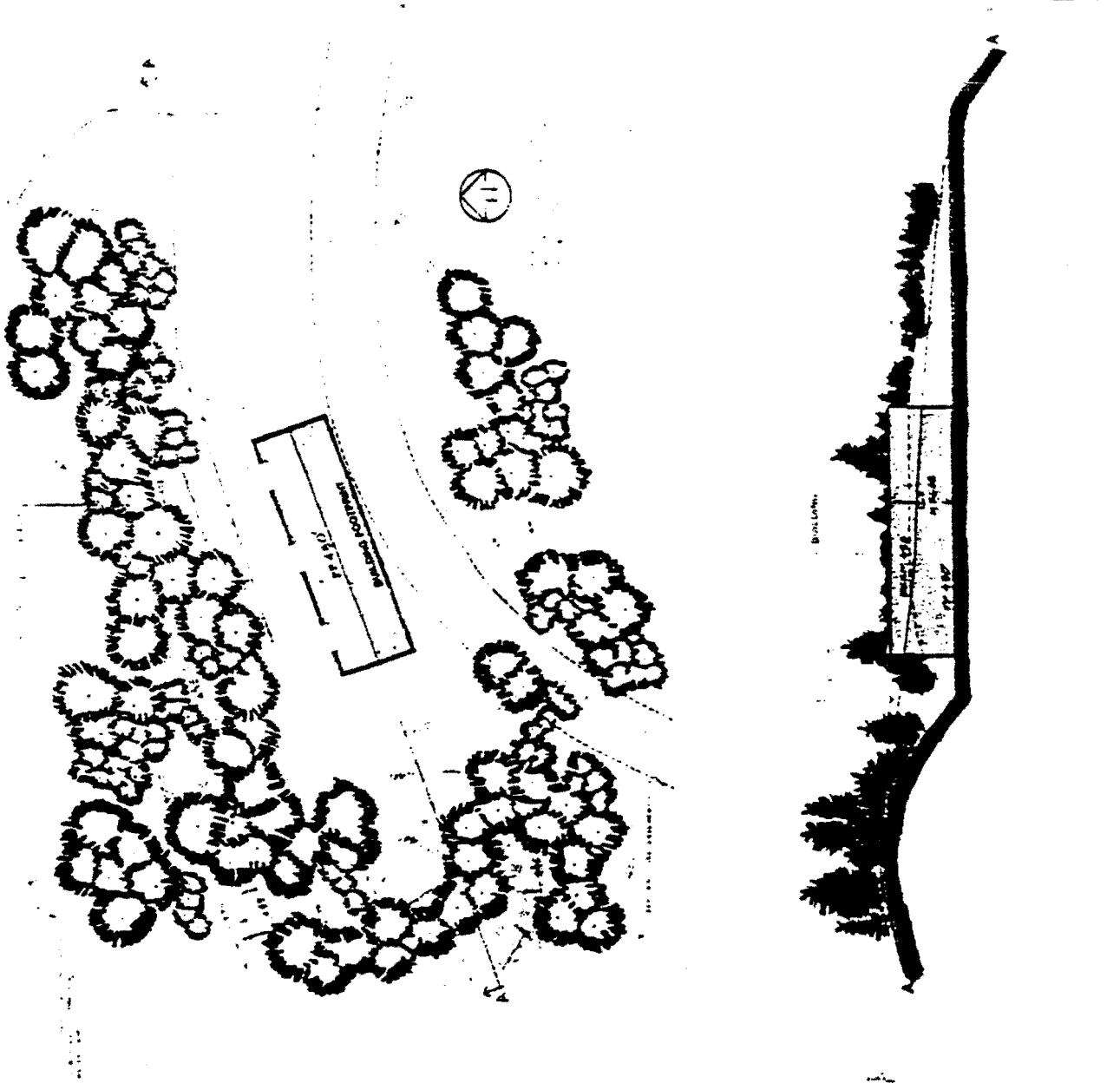


EXHIBIT D

EXHIBIT 2

EXHIBIT A

# Common Ground

## Land Planning Services

411 Russell Avenue  
Santa Rosa, CA 95403  
Tel.: (707) 526-9444  
Fax: (707) 571-5541

### PROJECT DESCRIPTION

Sodega Harbour Golf Course  
Golf Course Equipment Storage Facility  
and Other Minor Land Use Improvements

- I. General: This Use Permit is submitted on behalf of the Bodega Harbour Homeowners' Association (BHHA) and as a follow up permit from the Board of Supervisors' September 1994 resolution finding a 4,000 square foot equipment storage building consistent with the area's open space easement. Section 4 of the resolution encouraged the applicant to include the entirety of the golf course maintenance operations as a part of the project. As a further part of the Board's resolution, the Board stated that the applicant may expand the scope of the use and coastal permit application to describe the "Bruhn Ranch" maintenance operation. For that reason this application includes the existing "Bruhn Ranch" maintenance operation, together with a request for a minor expansion in place of an existing concrete pad.

The open space easement in question was placed over the general area as a result of the Bodega Harbour development in the 1970's.

The uses proposed in this application are:

1. 4,000 square foot storage building for the mowers, trimmers, and other equipment used for daily golf course maintenance and equipment washing.
2. Two small restroom buildings in other locations but within the general golf course area and accessible to public trails and the golf course. These restrooms will be available for public use.
3. Reconstruction of an existing concrete pad and construction of a 15' x 25' new equipment repair space at the existing "Bruhn Ranch" main maintenance facility.

4. Recognition of existing maintenance operations at "Bruhn Ranch" as part of this Use Permit application.
5. Several "public benefit" uses such as:
  - A. Construction of and dedication to the public of a trail segment
  - B. Improvement to existing trails
  - C. Sand dune restoration
  - D. Expansion of the scope of the open space easement
  - E. Youth group golf program

The public benefit uses were offered by the BPHA at the time of the consistency hearings and are included in this application so that they may be "officially" approved by the County and implemented. Map #1 illustrates the overall area with the location of each proposed use. Additional individual maps illustrate the immediate location of each proposed use.

II. Specific:

1. Storage Building:

- A. Description and Site Location: In September 1994, the Board of Supervisors found the proposed storage building consistent with the open space easement. Exhibit 1 is the 9/94 Board resolution. This local decision was reviewed by the State Coastal Commission in December 1994 and the applicant was directed to proceed to file the Use Permit applications with the County.

The storage facility will be approximately 4,000 square feet (40' x 100') in size and be used for the storage of mowers, trimmers, small tractors, and other equipment used on the golf course. This facility is required at this location near the golf course since its equipment is used daily and because the carefully calibrated equipment cannot travel long distances off-

site and over rough roads. No repair or major maintenance of equipment will occur at this facility--only storage and washing of equipment.

The storage building height will a maximum of 12'. The building will be of metal construction and painted an earth tone color. The building will be placed in a depressed excavated area for maximum screening. Existing topography, berming, and extensive screen type landscaping will shield the building from any public view. Map #2 illustrates the storage building location and related details. Access to/from the storage building to the main maintenance facility will be by internal gravel road as shown on Map 1. Use of this road will eliminate the need to use Highway 1 to transport the equipment which has been the historical method of moving equipment to and from the golf course and maintenance facility--a method with major traffic and road safety concerns.

A visual analysis was prepared during the use's consistency hearings which concluded the structure will not be visible from Highway 1 or streets internal to the Bodega Harbour development. In addition to excavation, building height, surrounding topography, and landscape screening shielding the building from Highway 1 view, the public's view from Highway 1 of this specific area is minimal and measured in seconds as illustrated by Exhibit 2. The Board of Supervisors, in its consistency determination, concluded that the storage building would not have a significant impact to the natural character of the land and its visual impact would be lessened by the kind of grading, berming, and landscaping proposed.

The location of the storage building resulted from an analysis of alternate sites throughout the golf course area. Based on the information on alternate sites--which justified the proposed site--the Board of Supervisors made a finding in its consistency decision that the BHHA adequately demonstrated that the storage building could not reasonably be located elsewhere. (See Exhibit 1, pg. 2, c)



- B. Operating Hours: Maintenance of the golf course begins at 6 AM or later; activity in and around the storage building will begin usually no earlier than 6:00 a.m. and will usually end by 4:30 p.m. Since the golf course is open seven days/week, maintenance also occurs seven days/week.

An equipment washing pad/area will be located outside of the storage building and be properly drained.

- C. Utility Service: Reclaimed water, from the Public Utilities District, will charge the building's fire sprinklers, be used for equipment washing, and will be stored on-site in the amount determined by the fire district (approximately 6,000 gallons). Since the building is for equipment storage no domestic water or sewage disposal systems are proposed.

A water tank will be constructed outside of the storage building for holding water to operate the building's fire sprinklers. This tank will not exceed 10' in height and 8' - 10' in diameter with a capacity to be determined by the fire district.

- D. Noise will be minimal due to the distance of the building from any residence (1,400') and the low activity, storage use of the building.
- E. Lighting of exterior areas around the building--for early morning starting and security--will have shielded sources, be of low intensity, and located for minimal off-site exposure.
- F. No parking by employees will occur at this site. Employees will be driven by crew truck from the main maintenance facility at "Bruhn Ranch".
- G. There will be no increase in the number of employees due to the storage building.

With the greater efficiency of having the storage building closer to the golf course and with less Hwy 1 equipment travel, there will be an improvement in efficiency of operations and increase in public safety by removing slow moving traffic from Highway 1.

The storage building and other items are subject to the review and approval by the BHHA Design Review Committee and the County Design Review Committee.

2. Land Uses Surrounding Storage Building: The storage building is isolated and remote from any uses which might be affected by activity in and around the building. The nearest residence--to the west and downhill--is 1,400' plus distant; the storage building will not be seen by any residences. To the north is undeveloped grass and shrubland along with the Bodega Bay PUD water tank. To the east is undeveloped grass and shrubland. To the south is slightly higher terrain, undeveloped, and grassland. To the west is slightly higher terrain, grassland, and the golf course.
3. Repair Bay Addition, "Bruhn Ranch" Maintenance Facility: All golf course equipment, including that proposed to be stored in the new building described above, is maintained and repaired at the "Bruhn Ranch" facility which is the maintenance and repair area for the golf course.

As part of its 9/94 resolution, the Board of Supervisors required the applicant to submit an additional open space easement precluding ancillary or supporting structures within the open space easement, but excepted the uses, pads, and structures depicted in a site plan attached to the resolution and included here as Map #5. The applicant requests reconstruction of an existing concrete pad depicted on Map #5 and the placement of a 15' x 25' garage bay over this reconstructed pad.

The minor addition is needed since the existing covered equipment repair/maintenance space is inadequate for all of the equipment needing servicing. To be able to maintain and repair the equipment in space sheltered from weather conditions requires this construction. This structure will be constructed adjacent to the existing maintenance/repair building. Since the "Bruhn Ranch" facility is located too far away from the golf course itself, this facility cannot be used for equipment storage. No new employee will be added due to this additional space and operations will not materially change at the "Bruhn Ranch" facility over historical levels except to provide additional sheltered equipment repair space. The additional covered repair space is not visible from Highway 1.

It is proposed that the Use Permit sought by the application include the "Bruhn Ranch" facility and its minor expansion as described above and as shown on Map #5. In accord with the Board of Supervisors' 9/94 consistency decision the BHHA will provide an additional open space easement to preclude additional structures in that area outside the limited maintenance area illustrated on Map #5.

4. Two Public Restroom Buildings: The Board of Supervisors, in their 9/94 consistency determination, authorized the BHHA to apply for a restroom facility in the vicinity of the public trails. This application proposes two restrooms, one near the Pinnacle Gulch public trailhead and one near the new Heron Drive public trailhead. To replace existing chemical toilets with permanent facilities, this Use Permit application proposes two such buildings for both public and golf course use as shown on Map #1 (overall map) and Maps 3 & 4.

Restroom building #1, located near fairway #5 and the Pinnacle Gulch public parking and trailhead, will be open to the public as well as for golfers. The building will measure approximately 14' x 21' and will be designed to be unobtrusive yet conveniently located for maximum use. Restroom building #2, near fairway #13 and the Heron Drive public trailhead, will also be open to the public. The building will measure approximately 15' x 26' and will be sited within an area of extensive landscaping.

see  
revised  
map

Both restroom buildings will be architect-designed to be compatible with their immediate location and any views by neighboring residences. Both buildings will require approval by the Bodega Harbour Design Review Committee. The two buildings will replace the existing chemical toilets which have limitations on their appearances and functions. Exhibits 3 and 4 illustrate the general design of the restroom buildings. Both restroom buildings are well screened from public or residential view but will be noticeable to hikers and golfers through building location and signing.

5. Public Benefits: In addition to making restroom facilities available to the public, several other more significant public benefits have been offered by the BHHA and are described below:

- A. "Heron Drive Trail": In an effort to provide additional public access to the coast area, the BHHM proposes to expand the public trail system in Bodega Harbour by adding a trail segment as shown on the overall map (Map #1). This "Heron Drive Trail", which will be dedicated to the County, will provide an easterly segment to the overall trail system, and will terminate at a high point affording panoramic views of Bodega Bay and the south coastal area. The trail traverses easy to moderate terrain outside the golf course area and near fairways #4 and #5. The trail easement will be 1500' long, 10' wide, unimproved, and cleared of brush type vegetation for a width of 4+ feet. Parking for trail users will be available on Heron Drive--a public street with sufficient width--at the trail head.
- B. Improvement of the Pinnacle Gulch public access trail: Improvements will include erosion control, trail stabilization, and safe winter access with costs not to exceed \$15,000.00.
- C. A sand dune restoration project adjacent to golf course fairways #16 and #17 with costs not to exceed \$1,500.00.

Both the trail improvements and dune restoration shall be approved by, and funds placed on deposit with, the County Regional Parks Department.

- D. A youth golf development program will be sponsored a minimum of four (4) times per year in partnership with a recognized youth group serving disadvantaged youths.
- E. Expansion of the scope of the County/Coastal Commission open space easement to preclude ancillary or support structures other than in the area shown of Map #5.

The above descriptions encompass those uses requested by this Use Permit application. All of the uses are either accessory to the main golf course use or--in the case of the trails and restrooms--provide additional coastal area access and convenience to the public. The

storage facility is a major necessity, fills a long standing need, and will eliminate the need for the existing unsightly storage/shipping containers now used in an exposed location for the storage of the golf course equipment.

III. Public Plan & Policies:

1. General Plan Consistency, Land Use: Land Extensive Agriculture (LEA); "community facilities" are allowed such as public/private schools, churches, and garages; a golf course and related maintenance facility can be considered a community facility. The LEA zoning district specifically allows golf course maintenance facilities with a Use Permit. If the LEA zoning allows for the use specifically it cannot be inconsistent with the General Plan's LEA land use category.

Open Space: Scenic Landscape Unit (SLU) overlay; the criteria of OS-2e can be met by the storage structure's location below a ridgeline, use of natural land forms for screening, limiting visible grading, and undergrounding of utilities.

2. Coastal Plan Consistency: The 1985 expansion of the golf course's second nine holes was deemed by the County to be consistent with the then and still current agricultural and open space designations. That same determination should apply to the maintenance and storage facilities for that same golf course as a necessary accessory use. In addition, the Coastal Plan sets forth the following references in support of recreation in general and uses necessary to support it:

- A. Encourage the provision of private recreation facilities (P. V-3A)
- B. Bodega Bay is the area most suitable for visitor serving facilities (P. V-45). 80% of the golf course's use is public.
- C. Coastal Act policies encourage visitor serving commercial recreational facilities (P. V-43)

- D. In the chart of land use priorities on P. 1-3, public recreation is highest on the list.
- E. Low intensity visitor serving uses may be compatible with resource lands if they are compatible with the resource use of the land (P. IV-12).

- 3. Zoning Ordinance Consistency: Current coastal plan zoning--Primary Agricultural--allows commercial recreational facilities (See 27c-82[d] [3]); accessory uses required for the proper functioning of allowed uses, are in turn, also allowed.

When the County brings coastal plan zoning into conformity with the 1989 General Plan Land Use categories, the implementing LEA zoning specifically allows golf course maintenance facilities by Use Permit.

END OF PROJECT DESCRIPTION

EXHIBIT B

EXHIBIT "C"  
Conditions of Approval  
CPU 95-333  
March 5, 1996

Building:

1. The applicant shall obtain all applicable permits from Building. These appear to include but may not be limited to site review, building permits, soils report, and grading permits. Fire safe standards must be met, as referenced in the letter from Bodega Bay Fire District, June 14, 1995.

Health:

2. Connection shall be made to public sewer and water.
3. If applicable for the wash rack, all wastewater shall be discharged to a sewage disposal system that is designed by a Registered Civil Engineer or Registered Environmental Health Specialist. The design may require both soils analysis and percolation testing.
4. If applicable for the wash rack, application for wastewater discharge requirements shall be filed with the North Coast Regional Water Quality Control Board.
5. Applicant shall provide a waste water disposal system for the equipment wash rack that (1) meets current standards of a septic disposal system under permit from Environmental Health or (2) install a closed system water recycling unit, or a filtration/separation unit. Either must meet approval of Environmental Health, the Regional Water Quality Control Board, and Building Department, if applicable.
6. Noise shall be controlled in accordance with the standards set in Table NE-2 of the Noise Element of the Sonoma County General Plan.

Mitigation Monitoring: The building permit shall not be issued until conditions have been cleared by Permit and Resource Management Department.

Flood and Drainage:

7. Drainage improvements shall be designed by a civil engineer in accordance with the Water Agency's Flood Control Design Criteria for approval by the Permit and Resource Management Director and shall be shown on the improvement plans.
8. The developer's engineer shall include a site grading plan as part of the required improvement drawings.

Mitigation Monitoring: The building permit shall not be issued until the plans have been approved by Permit and Resource Management Department.

Planning:

9. The applicant shall submit plans to the Design Review Committee for the storage building, including site plan, parking and driveway access, landscaping and berming and, if required by the Bodega Bay Fire Protection District, any exterior lighting. In the event that any exterior lighting is requested by the Fire District, such lighting will be of a security type illuminated only for moments upon significant movement in immediate proximity to the building. The Design Review Committee, in its review of the project, will ensure that any such lighting is of extremely low intensity and will not create any visible glow outside of the immediate area of the building. Additionally, the restrooms proposed in connection with the project will also be reviewed by the Design Review Committee.

**Mitigation Monitoring:** The building plans shall not be approved for construction until Design Review has approved the plans.

10. An archaeological survey of the site was conducted and the field investigation found no archaeological resources on the site. If archaeological indicators or human remains are uncovered during development, work is to be temporarily halted and a qualified archaeologist is to be consulted.
11. Prior to issuance of permits for either the storage building on the golf course or maintenance building at the Bruhn Ranch, the applicants shall grant an open space easement over Tract "D" (Bruhn Ranch) to the Agricultural Preservation and Open Space District to define the limits of the approved development and preclude further development outside the existing maintenance and storage areas, and those areas approved as part of this use and coastal permit. The easement shall include a metes and bounds description of such development area and will prohibit any other maintenance or accessory buildings or uses outside this area.

**Mitigation Monitoring:** The applicant shall submit evidence to the Director of the Permit and Resource Management Department that an open space easement is being reviewed by the Open Space District prior to issuance of the building permit. The easement shall be accepted prior to final occupancy.

12. Prior to issuance of building permits for either the storage building or maintenance building, the applicants must accomplish the following:
  - a. Deposit a sum of \$20,000 with Regional Parks to be utilized for the development or maintenance of coastal access trails.
  - b. Deposit a sum of \$15,000 with Regional Parks for repair of Pinnacle Gulch public trail.
  - c. Deposit a sum of \$1,500 with Regional Parks for dunes restoration adjacent to the golf course.
  - d. Provide evidence of a program to sponsor youth golf development for a minimum of 4 times per year.

**Mitigation Monitoring:** The applicant shall submit a letter from Regional Parks demonstrating compliance with the above requirements prior to issuance of the building permit for the maintenance building.

13. Plans shall be submitted for review and approval to the Bodega Bay Public Utilities District as part of the building permit process.
14. The applicant shall pay within ten days after approval of this project to the Permit and Resource Management Department - Planning Division a mandatory Notice of Determination filing fee of \$35 for County Clerk processing. This fee must be paid or the approval of this project is not valid.
15. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-465.1 and 26-465.2 of the Sonoma County Code.

In any case where a zoning permit, use permit or variance permit has not been used within two (2) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-465.1 of the Sonoma County Code.

**EXHIBIT C**



<b>EXHIBIT NO.</b>	9
<b>APPLICATION NO.</b>	A-1-SON-96-18
Site Selection Criteria	

**BODEGA HARBOUR HOMEOWNERS' ASSOCIATION  
-- GOLF COURSE MAINTENANCE FACILITY**

Project Analysis & Feasibility  
July 5, 1994

Requirements & Needs:

The facility, as recommended by the Bodega Harbour Homeowners' Association (BHHA) internal staff (Golf Course Superintendent, Greens Committee) and concurred with recommendations by representatives of the United States Golf Association Turfgrass Management Dept. (USGA) includes the following items:

- a. An all weather building of 5,500 to 6,500 square feet in size. Note: Total square footage could consist of more than 1 building configuration.
- b. Building(s) to include -
  - Large interior storage area for maintenance equipment: requires wide roll up garage doors and at least 1 man door for access.
  - Storage Area to house:
    - \* Parts inventory
    - \* Irrigation components
    - \* Sealed storage for chemicals/fertilizers with exterior access
    - \* Superintendents office
    - \* Employee lunch room/meeting area
    - \* Restroom for employees
    - \* Shower for employees w/locker area
  - Building to have skylights for natural interior lighting
- c. Exterior Equipment Wash Area
- d.\* On site fuel storage facility (convault tank) for both gasoline and diesel fuels.
- e.\* On site parking for employees.
- f. Direct access to golf course by equipment.
- g. Accessibility for bulk material delivers (sand, gravel).
- h.\* Site/building should be readily accessible to utilities such as sewers, water and electricity.
- i. On site availability for exterior storage of bulk materials such as (sand, rock, etc.).

Note: \* indicates features of requirements needed that currently exist at Bruhn Ranch (Site I) which is in use as the main operating center at this time.

Characteristics considered for site selection, include:

- a. Accessibility to golf course by vehicles and equipment.
- b. Safety for employees and public.
- c. Site visibility to public/community.
- d. Intrusion/impact of noise from operations at site on community/neighborhood.
- e. Site access to utilities.
- f. Site development restrictions/land conditions.
- g. Abnormal exposures, wind/weather, etc. of site.
- h. Site acceptability for use by local government agencies (Sonoma County Planning Dept, U.S. Fish and Wildlife, Sonoma County Open Space Committee, State Water Quality, State Coastal Commissions).

J

9

The following potential sites were selected by BHHA for the initial purpose of investigative research. Some sites met very few of the basic requirements and/or were discouraged from further efforts by recommendations of county planning staff.

- A. East side of Swan Drive behind and below the #6 green.
- B. Heron Drive Site (North side) adjacent to BBPUD Pump House.
- C. Heron Drive Site (South side) east of BBPUD Pump House.
- D. East of 5th green behind Mockingbird Way Public Parking Lot.
- E. Top of hill east of 5th Hole.
- F. North side of Heron Drive opposite Duck Court.
- G. North side of 8th green off Grebe Court.
- H. South side of 8th green near BBPUD Lift Station.
- I. Bruhn Ranch with possible alternative connecting access to Site E above 5th Hole.
- J. North east side of Heron Drive behind 15th green.

A list of typical pro vs. con considerations is denoted in an order of most likely to receive positive concurrence from government agencies, produce fewest objections from surrounding neighborhood/community and provide acceptable levels of efficiency for facility operations. These are based on professional consultants observations.

- 1. Public views from Highway 1 scenic corridor.
- 2. Public views from ocean.
- 3. Public views from "open space" recreational trails.
- 4. Public/private views from neighboring pastoral open space.
- 5. Public views from public roads within Bodega Harbour.
- 6. Impacts (noise, nuisance, visual) to BHHA residences.
- 7. Site access to golf course.
- 8. Vehicle access to site.
- 9. Utility access at site.
- 10. Utilization of natural resources for site development and operations.

#### Specific Site Pros & Cons

- A. Swan - Substantial grading required to create building site. High visual impact on Pinnacle Gulch Trail and neighboring homes. Questionable soil stability, limited ingress/egress.
- B. Heron Pumphouse - Site of previously existing parking shed prior to fire. Adequate area for site design. Good central location. Strong objection from neighborhood owners based on noise and danger as a result of fire.
- C. Heron East Side - Very steep site with difficult ingress/egress. Site also exists in an unstable geological zone. High visual impact on Highway 1 view corridor.
- D. 5th Green - Conflict with space for public Pinnacle Gulch parking. High visual impact on neighborhood. Easy golf course access.
- E. 5th Hole Hill - Adequate area for site design. Possible visual impact on Hwy. 1. Open space use issue. No neighborhood impacts. Existing access. Acceptance golf course access. Possible use with Bruhn Ranch facilities.
- F. Duck Court - Possible visual impact on Hwy. 1 and neighborhood. Poor location and access to golf

Golf Course Maintenance Facility  
Project Analysis & Feasibility  
July 5, 1994  
Page three

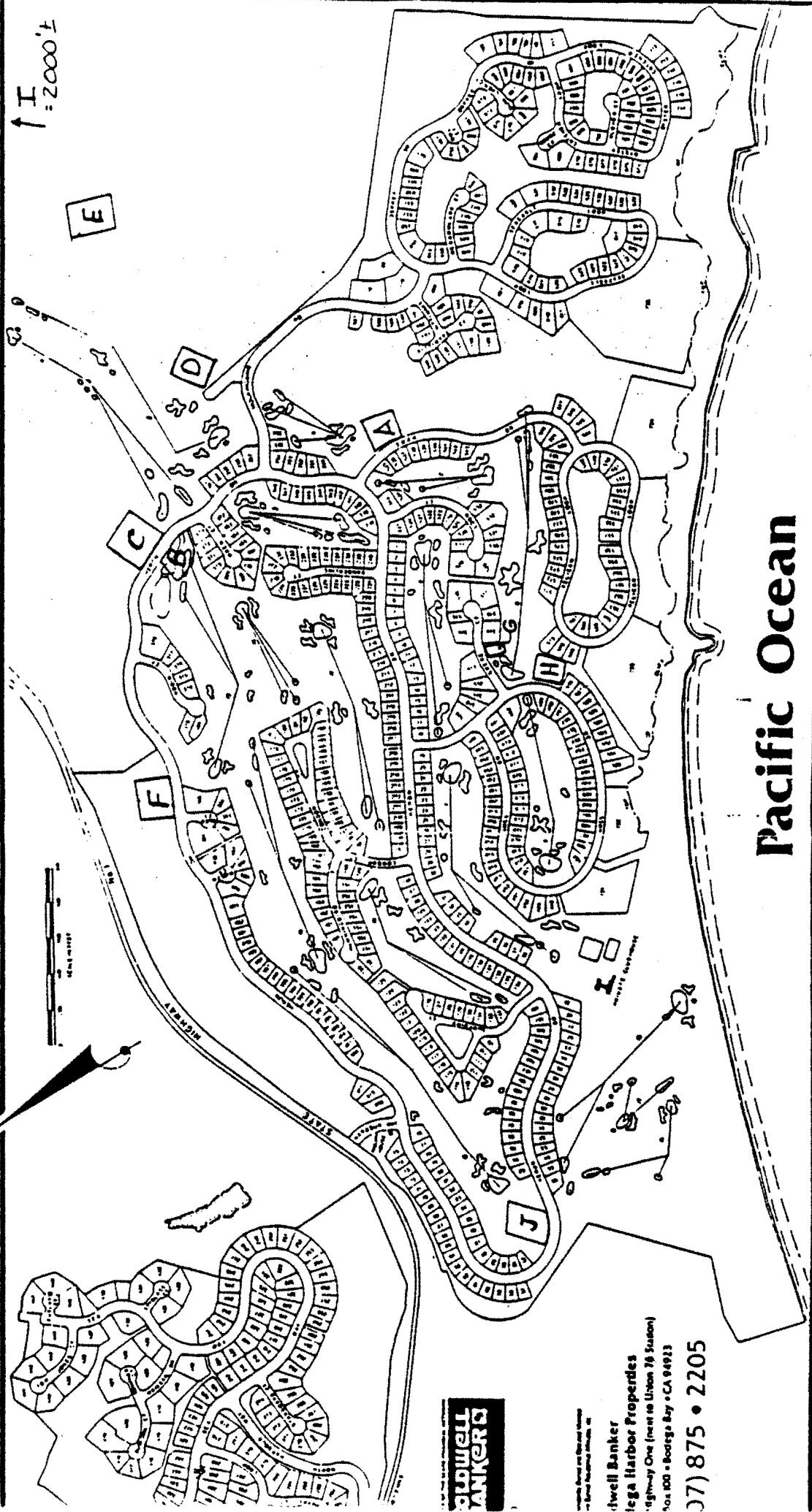
course. Strong possibility of neighbor objection to this location.

G & H. Grebe Court - Sites are too small to consider.

I. Bruhn Ranch - Existing operating facility. No connection to golf course except Hwy 1. Dangerous current use pattern. No equipment storage area. Possibility of modifications with site E.

J. 15th Green - Obvious visual intrusion on public and neighborhood views.

4



↑ I  
= 2000'

E

D

C

F

# Pacific Ocean

BHHA PROPOSED GOLF COURSE MAINTENANCE FACILITY 1101-01 4/30/92 DVD  
SITE LOCATIONS - A TO J



**Blumwell BANKERS**

Blumwell Banker  
Legal Harbor Properties  
Highway One (next to Union 76 Station)  
Box 100 • Bodega Bay • CA 94923

(7) 875 • 2205

GRANT DEED OF REAL PROPERTY AND  
OPEN SPACE EASEMENT

This Grant Deed of Real Property and Open Space Easement is by and between Transcentury Properties, a California corporation, (hereinafter referred to as "Grantor"), the State of California, and the County of Sonoma,

WITNESSTH that:

WHEREAS Grantor is the owner of certain real property in Sonoma County known as the "Bodega Harbour" development together with adjacent property known as the "Brunn Ranch", which properties are described in the deeds recorded with the Sonoma County Recorder at Book 2461 pages 701, 733, and 737;

and,

WHEREAS, the Department of General Services is an agency of the State of California empowered to accept grants of real property to the State, and

WHEREAS, the California Coastal Commission is an agency of the State of California whose duties include preservation, protection and restoration of the coastal zone environment for the benefit of present and future residents and who has entered into a contract with grantor which requires that this grant be made in furtherance of the public interest in the preservation and protection of amenities in the Coastal Zone and,

WHEREAS, the County of Sonoma is a subdivision of the State of California which owns and operates Doran County Park adjacent to the Bodega Harbour Development;

and,

WHEREAS, Grantor desires to insure reasonable public access to and full public use of all beach areas in the Bodega Harbour Development; and,

WHEREAS, certain other portions of the Bodega Harbour Development and adjacent property owned by grantor are currently in their natural state, having natural beauty and containing significant ecological communities of aesthetic and scientific value, which lands are suitable for low intensity agricultural uses and some limited recreational uses such as equestrian or hiking trails, and other open space uses which would not significantly detract from the aforementioned aesthetic, scientific and ecological value of said property; and,

WHEREAS, Grantor desires that said real property shall forever remain as open space either in its natural state or as agricultural land, devoted only to those uses set forth above; and,

EXHIBIT NO.	10
APPLICATION NO.	A-1-SON-96-18
1977 Grant Deed	

WHEREAS, Grantor, the County, and the Commission all recognize that the natural environment of the Bodega Bay community and surrounding lands, of which the grantor's real property is a part, may be endangered by excessive development of residential units in the vicinity of Bodega Bay and that therefore it is desirable that development rights on natural lands such as those described above be surrendered in perpetuity to discourage the development of surrounding lands or to create buffer zones between developments; and,

WHEREAS, the County and the Department of General Services on behalf of the State of California have agreed to receive interests in various portions of the real property comprising the Bodega Harbour subdivision and grantor's adjacent property as set forth below upon the understanding that the foregoing expressed intentions of Grantor shall forever be honored and defended;

NOW, THEREFORE, in consideration of the mutual covenants herein and of the foregoing agreement and promise of the County and the State, its successors and assigns, to uphold the intentions of Grantor, Grantor therefore grants and conveys all of his rights, title and interest in and to the following property, to wit:

1. A fee simple absolute interest to the County of Sonoma in all those lands contained within the Bodega Harbour Development as described above from the mean high tide line of the Pacific Ocean to the top of the coastal bluff, or where there are no bluffs, the line of first significant vegetation in the coastal dunes. Such beach and bluff property (hereinafter referred to as "Tract A") is more particularly described in the Appendix hereto.

Tract A is dedicated to the County as an addition to the existing Doran County Park, and the County covenants that said Tract A shall be administered as part of the Doran Park, that no motor vehicles shall be allowed on said Beach except for maintenance and emergency service, and that the County shall preserve and enhance said area and maintain said Beach as an aesthetically pleasing area for swimming, walking, picnicking, fishing, sunbathing and related recreational pursuits.

2. Grantor hereby grants to the County of Sonoma a parcel of land within the Bodega Harbour development as described above, adjacent to Mockingbird Road, more particularly described in the Appendix hereto as Tract "B". The above described parcel shall be referred to hereinafter as "Tract B". Said dedication of Tract B to the County shall be upon condition, and subject to a right of reentry for condition broken such that Grantor or his successors or assigns may reacquire fee simple title to said parcel by appropriate judicial proceedings

should the County intentionally permit said parcel to be used in any way other than a) retention in its natural state or b) as a public parking area for use by members of the public to park their vehicles during daylight hours as and while they use the pedestrian access easement hereinafter described and the beach.

Provision by the County of sanitary facilities and a drinking fountain for public use shall be considered consistent with the use of "Tract B" as a public parking area, but prior to construction the County shall obtain (1) architectural approval (which shall not be unreasonably withheld) from the Environmental Committee established under the Declaration of Restrictions, Covenants and Conditions - Bodega Harbour and (2) a coastal development permit pursuant to the Coastal Act of 1976.

The County further covenants with respect to Tract B that it will maintain said Tract and any improvements placed thereon in good repair and shall make reasonable efforts to keep Tract B free of litter and prevent its use from detracting from the aesthetic value of surrounding lands.

3. Grantor additionally grants to the County of Sonoma a pedestrian access easement running between Tract A and Tract B through Pinnacle Gulch. Said easement is granted in perpetuity and shall be appurtenant to Tracts A and B and for the benefit of Tracts A and B, and shall run with the land and be binding upon Grantor and all of its successors and assigns. Said easement shall be referred to hereinafter as "Easement C" and is more particularly described in the Appendix hereto. No use shall be made of this easement by the public until such time as TRINISCAJURY has developed a parking lot and trail and a public agency has assumed responsibility for the maintenance and operation of the access easement.

4. Grantor identifies a series of parcels within the Bodega Harbour development and the Bruhn Ranch as "Tract D" as fully described in the Appendix hereto.

Grantor grants to the County of Sonoma and to the State of California, their successors and assigns, in consideration of the mutual covenants and promises contained herein, an open space and conservation easement, hereinafter defined, over and across Tract D to preserve and protect in perpetuity the natural and aesthetic value thereof. Said open space and conservation easement shall be appurtenant to and for the benefit of Tract A and B described above, and appurtenant to the scenic highway corridor, State Highway One which is contiguous to and adjacent to Tract D, and Grantor intends that said open space easement shall run with the land in perpetuity and shall bind Grantor, his successors and assigns.

Grantor further intends and hereby specifically provides that either the County or the State of California, or their respective successors or assigns, as owner of real property to which the open space easement herein granted is appurtenant, shall have the right to enforce said easement, and

further, that either the County or the State and their respective successors and assigns, may enter upon the land which is subject to said easement for the purpose of inspection to insure protection of their rights under this grant after giving notice to Grantor, his successors or assigns, but that neither the County nor the State shall have any right to administer or control said lands in any way except to prevent uses which are inconsistent with the conservation easement granted herein. Grantor specifically intends by its offer, and the County and State specifically intend by their acceptance thereof, that neither the County nor the State of California shall have any right of control over or duties and responsibilities with respect to Tract D which would subject the County or the State of California to any liability for injury occurring upon the lands encompassed in Tract D inasmuch as the County and the State of California shall have no right to go upon said land for the purpose of correcting any dangerous condition as defined by Government Code section 830.

Grantor intends that the open space and conservation easement granted herein shall confine the use of Tract D solely to low intensity agricultural uses such as livestock grazing, low density recreational uses such as equestrian or hiking trails, and such other open space uses as the County and the Commission, or their respective successors or assigns, shall agree do not conflict with the aesthetic and environmental values which Grantor and Grantees seek to preserve through the grant of this easement. In particular, all development rights for subdivision or construction of structures, except those reasonably necessary to carry on the agricultural, recreation, and open space uses described herein, are quit-claimed to the County and the State. Additionally, Grantor, by this easement, forever relinquishes any right of Grantor, his successors or assigns, to use for, or allow on Tract D any form of motorized recreation such as trail bikes, dune buggies, recreational trailers, automobiles, and any other vehicles; though Grantor reserves the right to make reasonable use of motorized equipment in pursuing agricultural uses of Tract D.

In recognition of the fact that future technology may suggest uses of this land for energy production through solar energy collection or wind generation or for aquaculture or other environmentally desirable innovations, the parties agree that grantor, his successors and assigns, may apply to the County and the Commission, or their respective successors and assigns, and to the California Attorney General for approval of any uses which are not specifically permitted in this instrument or which are implicitly or expressly prohibited and if all of the above parties agree in writing that such proposed use is appropriate in light of conditions as they stand at the time of such application, this instrument shall be deemed automatically modified to permit the use subject to whatever conditions are imposed or agreed to by the various parties. Such modifications to this instrument shall be recorded by grantor or his successors and assigns.



Grantor retains no right to extract any minerals, hydrocarbons, soils or other materials except water on or below the surface of Tract D, or to otherwise disturb the natural fauna, the existing natural floral communities, the soil structure or the natural aesthetic appearance of the land except as is reasonably necessary for such agricultural uses permitted by this grant unless Grantor, its successors or assigns, obtain the express written consent of the County and the Commission or their respective successors or assigns.

This open space and conservation easement shall not be surrendered by the County or the State or modified in any significant way without the concurrence of the Office of the California Attorney General.

5. Grantor hereby makes an irrevocable seven year offer to the Shoreline Unified School District to dedicate a ten (10) acre parcel in the northeast corner of the Bruhn Ranch suitable for use as a school site. Said ten (10) acre parcel shall be delineated at the time of acceptance of this offer, shall have frontage along Listero Lane, and shall be located entirely within the parcel described as "Tract E" in the Appendix hereto. If this offer is accepted, the School District shall have seven years to commence use of the parcel as a school site. Failure to commence such use within that period, or any attempt to use the parcel for any other purpose shall operate to revert fee simple title to the ten (10) acre parcel in TRASCENTURY, its successors or assigns, subject to the open space easement provided in Paragraph 4 above. Said easement shall forever continue to operate on said ten (10) acre parcel unless and until the School District shall accept the above offer and actually commence use of the parcel as a school site. During such use as a school site, the easement shall be inoperative only as is necessary to permit use as a school site.

6. Grantor hereby quit-claims to the County all right, title and interest it may have to an 11.28 acre parcel of tideland marsh more particularly described as "Tract F" in the Appendix hereto.

7. Grantor further grants to the County of Sonoma a pedestrian access easement to connect a presently dedicated easement through Shirt Tail Gulch to the beach with public roads as planned under the new development plan agreed to by the parties hereto. Said easement is granted in perpetuity and shall be appurtenant to Tracts A and B and the dedicated road right of ways appurtenant to such easement and shall be for the benefit of Tracts A and B and such road right of ways, and shall run with the land and be binding upon grantor and all of its successors and assigns. Said easement shall be referred to hereinafter as "Easement G" and is more particularly described in the Appendix hereto.

No use shall be made of this easement by the public until such time as the County of Sonoma undertakes to develop the pedestrian access easement through Shirt Tail Gulch and further assumes responsibility for the maintenance and operation of the entire access easement.

To have and to hold unto the County and the State, their successors and assigns forever.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be affixed hereto and this instrument to be executed by its President and its Secretary thereunto duly authorized, this 23rd day of May, 1977.

TRANSCENTURY PROPERTIES, INC.

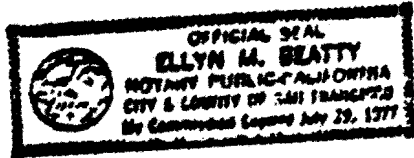
By William E. Chamberlain  
President

By Clifford W. Woodward  
Secretary

STATE OF CALIFORNIA )  
CITY & ) ss.  
COUNTY OF SAN FRANCISCO )

On this 23rd day of May, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared William E. Chamberlain, known to me to be the President and Clifford W. Woodward, known to me to be the Secretary of the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid the day and year in this certificate first above written



Ellyn M. Beatty  
Ellyn M. Beatty  
NOTARY PUBLIC  
State of California

Acceptance of this Deed is hereby acknowledged on behalf of the County of Sonoma, this \_\_\_ day of \_\_\_\_\_, 1977.

\_\_\_\_\_  
Chairman, County Board of Supervisors

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss.

On this \_\_\_ day of \_\_\_\_\_, 1977, before me, I.

EXHIBIT NO. 11

APPLICATION NO.

A-1-SON-96-18

Public Safety  
CorrespondenceLAW OFFICES OF  
CLEMENT, FITZPATRICK & KENWORTHY

INCORPORATED

3333 MENDOCINO AVENUE

POST OFFICE BOX 1494

SANTA ROSA, CALIFORNIA 95402

FAX: 707-548-1300

TELEPHONE: (707) 523-1181

April 17, 1996

VIA FACSIMILE  
415-904-5400Bill Van Beckum  
Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA 94105-2219Re: Bodega Harbour Homeowners Association/Golf Storage  
Facility

Dear Mr. Van Beckum:

Please find enclosed a copy of the January 29, 1996, letter from the Bodega Bay Fire Protection District relating to the Association's coastal permit application. The letter reflects the unanimous project support of the Board of Directors of the Bodega Bay Fire Protection District based on a "fire, safety and common sense point of view."

Previously, I faxed to you copies of correspondence from the Sonoma County Sheriff's Department and the United States Golf Association. As we previously represented to the Coastal Commission, the United States Golf Association characterized the current maintenance operation as the most dangerous that they have observed over an eight year period. Their letter states, on page 2, as follows:

"As mentioned during the past eight years, there is not a single maintenance facility visited by the USGA that is more dangerous than the one located at Bodega Harbour....

...the cost of a maintenance facility will be high, however, it pales in comparison to potential lawsuits if an accident occurs on Highway 1 between the maintenance facility and golf course. Placing the employees in this type of life threatening position should be unacceptable."

The USGA's letter also notes the potential problems which could arise from the transportation of gasoline and pesticides between the Bruhn Ranch and Bodega Harbour on Highway 1. The letter from the resident Sheriff's Deputy in Bodega Bay states that it would be in the interest of public safety, and all concerned, to resolve the maintenance building issue as soon as possible.

Bill Van Beckum  
 April 17, 1996  
 Page 2

We are very hopeful that this matter may be taken up by the Commission at its next regularly scheduled meeting in May. While, at the April meeting, one of the Commissioners noted the regional convenience of considering this matter at the Commission's June meeting in San Rafael, from our perspective, further delay gives rise to a number of problems and concerns as follows:

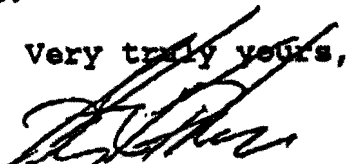
1. First, it is our understanding that the purpose of the next meeting will be to determine whether a substantial issue has been raised by the appeal. From my reading of the notice issued in connection with the May meeting, comment upon this issue is limited to three minutes. Anything that can be said in three minutes can easily be put in letter form. Accordingly, we do not believe that consideration of this issue at the May meeting will be prejudicial to the appellant.

2. The summer tourist season is rapidly approaching. It is during this season that Bodega Harbour experiences the greatest traffic loads of the year. Further delay will likely perpetuate the existing safety problem on Highway 1 through another tourist season.

3. If regional convenience is the driving consideration, this could mean that, should the Commission deem that a substantial issue exists, the substantive merits of the application might not be heard until the Northern California meeting in August. If the Commission were to approve the coastal permit in August, it is likely that the Association could not commence and complete actual construction of the improvements during the dry season. Accordingly, the existing problem could be perpetuated through the spring of next year.

Based on the foregoing and the fact that the Homeowners Association has been pursuing a golf course maintenance solution for the past 11 years, we would respectfully request any assistance that you may give to us regarding the expeditious scheduling of this matter. We recognize the workload of both Commission staff and the Commission and appreciate your consideration of this request.

Very truly yours,



STEPHEN K. BUTLER

SKB:cg  
 Enclosure  
 c: Dennis Kalkowski/Bodega Harbour



# BODEGA BAY FIRE PROTECTION DISTRICT



January 29, 1996

**Ernie Carpenter, 5th District Supervisor**  
 Sonoma County Board of Supervisors  
 575 Administration Drive, Room 100-A  
 Santa Rosa, CA 95403

Dear Sir,

*Please accept this letter as our official support of the new construction of the Bodega Harbour Homeowners Association's Maintenance Facility.*

*In April 1994, the former maintenance facility was located in a precarious location and ultimately burned to the ground. This building did not conform to any fire code and did not have a permit on file with Sonoma County. It also was attached to another building at the time of the fire, which in itself is considered a target hazard due to the high voltage located inside.*

*The BHHA has requested to construct a safe and fire sprinkled facility to store over \$800,000 worth of maintenance equipment to maintain a very popular golf course. Our Fire Chief has informed this Board of Directors of how the BHHA has complied with all the required Uniform Fire Codes, and the Sonoma County Fire Safe Act.*

*The facility is located far and away from all wood structures and poses no fire safety threat to anyone or anything. The new location allows the maintenance personnel access to Bruhn Ranch without traveling down Highway One on a daily basis. In addition, their new building permit will also require the BHHA to upgrade some of the fire protection systems at the Bruhn Ranch.*

*Speaking from a fire, safety and commonsense point of view, We the Board of Directors of the Bodega Bay Fire Protection District by consensus, support the construction of the Bodega Harbour Homeowners Association's Maintenance Facility.*

Sincerely,

*Barbara McElhiney*  
 Barbara McElhiney  
 President

*Eric C. Lund*  
 Eric C. Lund  
 Vice President

**Bodega Bay Fire Protection District**

cc: Tim Smith, Chairman, 3rd District  
 Michael J. Cole, 1st District  
 Jim Harberson, 2nd District  
 Paul Kelly, 4th District

04/12/1996 14:31 7070759600

BODEGA HARBOUR HOA

PAGE 02

April 11, 1996

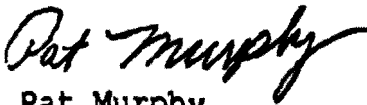
To whom it may concern,

This letter is regarding public safety concerns, I have about Bodega Harbor Golf Course equipment on Highway 1, Bodega Bay.

I believe it would be in the interest of public safety, and all concerned, to resolve the maintenance building issue as soon as possible. My only interest and concern is the operation of golf course equipment and the transportation of hazardous materials on Highway 1.

The situation is a hazard for the public driving on Highway 1 and the equipment operators. I would hope the situation can be resolved soon in the interest of public safety.

Sincerely,



Pat Murphy  
Sonoma County Sheriff Resident Deputy, Bodega Bay

04/12/1996 10:17

7078759600

BODEGA HARBOUR HOA

PAGE 02

04/12 '96 08:49

ID: LAW OFFICE OF R L BRAGG

FAX: 916-773-8934

PAGE 2

United States Golf Association® Green Section  
Western Region

#2  
USGA

32792 Center Dr., Suite 290  
Lake Forest, California 92630  
(714) 457-9404 (714) 457-9364 (FAX)

*Copy  
Callahan  
11/10/95*

Director  
LARRY W. GILMOUR  
Agronomist  
PAUL W. VERMEULEN



August 27, 1991

**GREEN SECTION TURF ADVISORY SERVICE VISIT****BODEGA HARBOUR GOLF LINKS, BODEGA BAY, CALIFORNIA**

Present: Mr. Dennis Kalkowski, Director of Golf  
Mr. Chester Manni, Superintendent  
Mr. Bob Radarouch, Green Chairman

It was a pleasure to visit the Bodega Harbour Golf Links on August 27, 1991 on behalf of the USGA Green Section. The main purpose of this visit was to discuss both operational procedures and long-range plans for overall golf course improvement within budgetary considerations. Should you have any questions concerning this report, please do not hesitate to contact our office.

Since the time of the last visit, several significant improvements were noted. The program of reducing maintained acreage and developing natural areas has had a noticeable impact in several areas. In addition to improving the visual aspects of the golf course, these areas provide natural habitat for a variety of animal species, reduce labor and, most importantly, reduce fertilization, herbicides and water usage. By reducing these key areas, the potential for problems in nearby wetlands is minimized.

In addition to adding many natural areas, it was also good to view improved drainage, a new fairway/rough mower, increased tee and fairway mowing frequency, updated irrigation controllers and a method of mowing severe contours on the front nine to replace hand mowers. By maintaining less acreage and updating mowing equipment, increased hours have become available for improving tees, fairways and bunkers.

**THE MAINTENANCE FACILITY**

While many improvements have been made on the course, the overriding major issue that still must be addressed is the

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location of the maintenance facility. As mentioned during the past eight years, there is not a single maintenance facility visited by the USGA that is more dangerous than the one located at Bodega Harbour! The cost for a new facility will be high however, it is a win-win situation for the membership and employees due to the following reasons:

1. Improved efficiency. Many hours are wasted every day transporting to and from the maintenance facility. Whenever a piece of equipment breaks, the mechanic requires more time to address the issue. These hours can be transferred into upgrading maintenance frequencies.
2. Employee safety. The cost of a maintenance facility will be high however, it pales in comparison to the potential lawsuits if an accident occurs on Highway 1 between the maintenance facility and golf course. Placing the employees in this type of life threatening position should be unacceptable.
3. Potential environmental problems. Currently, all gasoline and pesticides are transferred in containers from the maintenance facility to the golf course on Highway 1. If an accident should occur while these containers are in the vehicle, the safety of the employee and nearby environment would be in jeopardy.
4. Poor communications. With the location of the maintenance facility in a deep hole, it is extremely difficult to communicate to the staff in an effective manner. When the maintenance facility is constructed, a complete FM - based communication system is necessary to improve overall efficiency.
5. Existing working conditions. The working area for the mechanic, lunchroom and locker facilities should be improved. Also, pesticide storage and containment requires updating.
6. Inadequate storage capabilities. As new and ~~expensive~~ equipment is purchased, it must be protected with adequate storage. For example, the recently purchased fairway mower was chosen over lightweight mowers due to the inadequacy of storage. These lightweight fairway mowers would produce substantially better fairways, yet the lack of storage was a determining factor.



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When the new maintenance facility is constructed, the current fairway mower can be moved to rough mowing, with lightweight fairways mowers purchased for improving the fairways.

The addition of a maintenance facility on the golf course site has been recommended for the last eight years and beyond. It is hoped that the membership will understand the immediate need and provide funding for this facility in addition to other capital improvements.

**DRAINAGE**

During the last year, Superintendent Menni and his staff have improved drainage on the front nine. However, this remains the major issue for improving course playability and should be addressed as the highest priority item on the long-range plan. Those areas of particular note that should be improved within the next year include:

1. The bunkers. The use of liners around the drains on the new nine and drainage problems on the old nine should be addressed as the highest priority for course improvement. In those bunkers with liners, the removal of all liners is suggested and additional drainage added if needed. On the older nine, a prioritized list of bunker problems is needed. Drainage installation should occur on those bunkers with habitual standing water problems near greens, with fairway bunkers receiving a lower priority, unless they display severe problems.
2. Green surrounds. As the bunkers are improved for drainage purposes, all of the areas around the greens should also be included. For example, the left bank of No. 9 displayed excess water accumulation due to drainage from the green. On this and other areas, drainage should be installed below ground and taken away from the greens. Water can then be connected to standard drainage lines, daylighted to the surface or connected with a dry well.

**NATURAL AREAS**

Congratulations are in order for the decision to establish natural areas throughout the golf course. The visual contrast between maintained turf and natural areas is stunning. Also,

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the hours of labor transferred into other portions of the operation was noticeable.

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After reviewing all of the natural areas, it was noted that several areas were natural, yet returned to regular mowing practices due to inconsistency or neighbor complaints. In those areas, the use of improved turf type tall fescues and perennial ryegrasses was suggested for the establishment of consistent seedstalks that provide the most noticeable contrast. For example, the area around No. 9 tee was suggested for overseeding in early September with a mixture of these grasses. This combination may eliminate the need for backfilling and will provide consistency in one of the areas that was deemed unacceptable from a visual standpoint.

In regard to existing natural areas, some areas were noted where undesirable grasses or weeds have become established. These areas should be mowed this fall, sprayed with appropriate herbicides and overseeded with a combination of tall fescue and perennial ryegrass.

The New York Audubon Society/USGA Cooperative Sanctuary Program - The USGA has joined forces with the New York Audubon Society in assisting golf courses in providing methods of improving habitat. In short, golf courses can provide a green oasis of animal activity in the ever expanding developed areas where they are not customarily found. Enclosed with this report you will find a reprint outlining this program. For further information, contact Ms. Nancy Sadion at the USGA (908) 234-2300.

Control of detrimental animals - Greater emphasis is required for the control of gophers and moles. Whether this is done in-house or by an outside contractor, immediate and constant attention is needed for improvement.

#### GREENS

Putting surfaces were in healthy condition and recovering from a recent aeration. Thatch levels were increased over previous years due to cool spring temperatures and a reduction in control measures.

In addition to programs discussed in past reports (intensive vertical mowing and the use of hydrated lime) the following was suggested to further improve the thatch situation:

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modern fairway aerifier. The fairways should be aerified two times per year with the thatch removed. When this is done in combination with overseeding, the results can be very effective if the aerifier achieves good penetration. The current aerifier does not penetrate well and severely disrupts the surface, thus a new piece of equipment will produce noticeable returns.

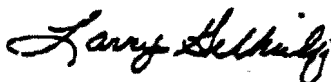
#### CART PATHS

It was good to see improvements in the area of vehicular cart traffic control around greens and tees. While this should be included in improvement projects for the future, it should fall at a lower priority level than drainage, new equipment and the maintenance facility.

As control measures are used, it was also suggested to consider the use of pressure treated timbers, rather than creosote soaked railroad ties. These timbers are available at approximately the same cost, are more visually pleasing and eliminate the problems associated with creosote. Also, on areas where gentle slopes and traffic occur, the use of timbers placed at grade is suggested. Enclosed with this report is a reprint discussing this concept.

Thank you for this opportunity to discuss your turf management operations. In addition to your support of the USGA Green Section through this Turf Advisory Service visit, you are supporting major turfgrass research at many universities across the country. Within the next few years, new turfgrass varieties will become available that will require less water, labor, and chemical usage. We thank you for your support and look forward to being of service in 1992 on behalf of the USGA Green Section.

Respectfully submitted,



Larry W. Gilhuly,  
Western Director

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1. Increase aeration. Although increased aeration is not needed on the new greens, it is necessary on the older greens. This can be achieved by either increasing the size of the tines to 3/4" or double aerifying with 5/8" tines. Based on the amount of thatch on the greens, an increase to a minimum of four aerifications (two double 5/8" aerifications) is needed.
2. Carefully control nitrogen levels. While potassium levels should remain high, consideration could be given to a slight reduction in nitrogen rates. Try to apply only enough nitrogen to allow for normal recovery from traffic. If color is desired, the use of iron at light rates will produce desirable results.
3. Continue overseeding with newer bentgrass varieties. The use of SR-1020 provides an improved bentgrass that is susceptible to less thatch development. Try to overseed the greens at least two times per year at a rate of 1 lb. SR-1020 creeping bentgrass/1,000 sq. ft.

Would rolling help the greens? The subject of rolling greens is one that should be approached carefully. Due to the amount of thatch found on the older greens and the high sand content of the newer greens, rolling would be beneficial in several areas. First, rolling greens will provide a greater degree of speed while firming the surfaces. To minimize the effect of speed on the heavily contoured greens at Bodega Harbour, the mowing heights could be raised to 3/16". This will produce a healthier plant with improved root systems that will assist in resisting the stress of disease, high amounts of salt and low amounts of water.

To improve turf growth by raising the mowers, yet maintaining adequate speed is a program that should be given consideration. For this reason, it was suggested to view this operation at Pasatiempo Golf Club in Santa Cruz. At Pasatiempo, the combination of rolling and monthly aeration with a water aerifier has had a dramatic impact on putting green improvement.

## FAIRWAYS

It was good to view the improvements on the fairways from the new mower and increase mowing frequency. To provide the most positive impact for further fairway and rough improvements, the next piece of equipment that should be purchased is a

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o+r: Mr. Dennis Kalkowski, Director of Golf  
cc: Mr. Chester Manni, Superintendent  
cc: Mr. Bob Radarach, Green Chairman

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Reprints/enclosures:

- Audubon
- Naturalizing Your golf Course
- Railroad Ties For Traffic Control

