

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
7 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

RECORD PACKET COPY



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Filed: 12/21/98
49th Day: 1/27/99
180th Day: 6/7/99
Staff: M. H. Capelli
Staff Report: 1/14/98
Hearing Date: 2/2-5/99

Staff Report: AppealSubstantial Issue

LOCAL GOVERNMENT: Santa Barbara County

APPEAL: A-4-STB-98-332

APPLICANT: Arco Oil and Gas Company (Agent: R. Whitt Hollis)

PROJECT: Development of a public day-fee 18-hole golf course, 9-hole golf course, driving range, putting green, clubhouse, accessory structures, and extension of reclaimed water line to serve the project

PROJECT LOCATION: 1.5 miles west of Winchester Canyon on Highway 101, Santa Barbara County

APPELLANT: Surfrider Foundation and Gaviota Coast Conservancy

Substantive File Documents: Santa Barbara County Local Coastal Program; Santa Barbara County Coastal Development Permit 98-CDP-274; Appeal A-4-STB-98-332; Coastal Commission Appeal A-4-STB-93-154, and Coastal Development Permit A-4-STB-93-154-A-2

Summary of Staff Recommendation: No Substantial Issue Exists

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 County of Santa Barbara's Coastal Development Permit No. 98-CDP-274 is consistent with and conforms to the Commission's prior approval of the proposed golf course and appurtenant facilities, as modified by Coastal Development Permit A-4-STB-93-154-A-2.

The Appellant alleges the project is inconsistent with following Santa Barbara County Local Coastal Program provisions regarding (1) adverse impacts to wetlands in a manner inconsistent with LCP Policies 9-6 and 9-9; (2) protection of public access in a manner inconsistent with LCP Policies 7-1, 7-2 and 7-18; (3) protection of agricultural resources in a manner inconsistent with LCP Policies 8-1 through 8-4; (4) protection of environmentally sensitive habitats in a manner inconsistent with LCP Policies 2-11, 3-19, 9-1, 9-11, 9-14, 9-36, and 9-41; and substantial alteration of landforms in a manner inconsistent with LCP Policies 3-13 and 3-14; and (5) provision of public services in a manner inconsistent with LCP Policy 2-6.

Staff Note: Scope of Appeal to the Commission:

The underlying proposed project has been the subject of a previous appeal to the Coastal Commission (A-4-STB-93-154) in 1993. In that appeal, the Commission found that the project raised substantial issue and subsequently issued a Coastal Development Permit (A-4-STB-93-154) for the project. The County recently issued a second Coastal Development Permit (98-CDP-274) for the project which incorporates a series of project changes and which constitutes the mechanism which the County uses for purposes of condition compliance on the original discretionary approval of the project.

These project changes are also the subject of the proposed amendment (A-4-STB-93-154-A-2) to the Commission's originally approved Coastal Development Permit (A-4-STB-93-154) for this project. This amendment which is the subject of a separate Staff Report and Recommendation is scheduled to be heard by the Commission prior to and on the same day as this appeal. Staff has recommended approval of this amendment as proposed.

Due to the nature and limited scope of the County's Coastal Development Permit (98-CDP-274) that is the subject of this appeal, the Commission should determine whether the County Coastal Development Permit (98-CDP-274) is inconsistent in some respect with the Commission's underlying Coastal Development Permit (A-4-STB-93-154), as modified by any subsequent amendments, including the conditions of the County Conditional Use Permit (91-CP-085) incorporated by reference into the Commission's underlying Coastal Development Permit. If there is an inconsistency, the Commission then must determine whether a substantial issue is raised with respect to the project's conformance with the County's certified Local Coastal Program or the public access policies of the Coastal Act.

I. Project Description

Original Project Approved by the Commission: Removal of existing oil and gas production facilities; construction of a public 18-hole and 9-hole golf course with appurtenant facilities; \pm 154,000 cubic yards of grading; extension of an eight inch water line \pm 5,200 feet from Goleta to the site; construction of a 4 acre-foot pond; and

dedication, construction, operation and maintenance of various access improvements, landscaping and merger of all 23 lots into two parcels

Amended Project Approved by the County: The original project has been modified by the County under the locally issued Coastal Development Permit No.98-CDP-274. Additionally, the applicant has applied for a modification to the Commission's originally issued Coastal Development Permit (A-4-STB-93-154) in order to conform both permits. These project changes modify a number of existing elements of the golf course including layout of fairways putting greens and driving range, tees, cart paths, vehicular entrances, location of storage lake, architectural design of buildings, drainage design, future horse tie-up/bicycle rack; location and number of bridges; add a pump house, a six-acre parcel to the project site; and concrete terminus to the vertical access west of Tomate Canyon; and revise the project description to reflect proposed changes and to conform to previously included elements in design plans.

II. Appeal Procedures

The Coastal Act provides for appeals to the Coastal Commission after certification of Local Coastal Programs (LCPs) of a local government's actions on Coastal Development Permits (and in the case of Santa Barbara County, other discretionary permits such as Conditional Use Permits and Development Plans). Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses. (Coastal Act Section 30603[a]) Further, any development approved by the County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]) Finally, developments, which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5]).

The proposed project is located seaward of the first public road paralleling the coast (U.S. Highway 101) and is therefore subject to an appeal to the Coastal Commission. (PRC Section 30603[a][1]; Santa Barbara County Local Coastal Program Coastal Zoning Ordinance Section 35-182.4[a]). As noted above, the County's certified Local Coastal Program further provides that the issuance of a CDP for a project requiring a Conditional Use Permit (or Development Plan) is appealable to the Commission, irrespective of its location within the Coastal Zone. The proposed project required a CUP and is therefore is also subject to an appeal on the basis that it is not a principal permitted use (PRC Section 30603[a][4]; Santa Barbara County Local Coastal Program Coastal Zoning Ordinance 35-182.4[c]).

The grounds for appeal for development approved by the local government are limited to the 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 Division 20 of the Public Resources Code. (Coastal Act Section 30603[a][4]). 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.

As noted above, because the issues raised in connection with the appellant's first appeal of this project (A-4-STB-93-154), were resolved by the Commission in the substantial issue and de novo hearings, the scope of this review is limited to the new issues raised by the proposed changes to the project which are reflected in the locally issued Coastal Development Permit (98-CDP-274).

It takes a majority of Commissioners present to find that 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 (3) minutes per side to address whether the appeal raises a substantial issue. If a substantial issue is found to exist, the Commission will proceed to a full public *de novo* hearing on the merits of the project, which may occur at a subsequent hearing. If the Commission conducts a de novo hearing on the merits of the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. If a *de novo* hearing is held, testimony may be taken from all interested persons at the *de novo* hearing.

III. Local Government Action and Filing of Appeal

The Santa Barbara County Board of Supervisors approved a Coastal Development Permit (98-CDP-274) on December 3, 1998, and issued a Notice of Final Action on December 4, 1998.

The Commission received a Notice of Final Action on the project on December 4, 1998, and began the appeal period on the next working day, December 7, 1998. The Commission received an appeal of the County's action on this Coastal Development Permit on December 18, 1998. The appeal was therefore filed within the 10 working day appeal period from the date of the Commission's receipt of the Notice of Final Action as provided by the Commission's Administrative Regulations.

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued Coastal Development Permit is filed. In accordance with the California Code of Regulations, on December 22, 1998 staff requested all relevant documents and materials regarding the subject permit from the County to enable staff to analyze the appeal and prepare a recommendation as to whether

a substantial issue exists. The administrative record for the project was received from the County on December 18, 1998 (two days before it was officially requested).

However, since the Commission did not receive all requested documents and materials in time to allow consideration at the January 1998 Commission hearing, the Commission opened and continued the hearing at the January 15, 1998 Commission meeting pursuant to Section 13112 of the California Code of Regulations.

IV. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that NO substantial issue exists with respect to grounds on which the appeal was filed pursuant to Section 30603 of the Coastal Act and take the following action:

Motion

I move that the Commission determine that appeal A-4-STB-98-332 raises NO substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a YES vote on the motion.

A majority of the Commissioners present is required to pass the motion.

V. Findings and Declarations for Substantial Issue

A. Project Background

Historically, half of the proposed golf course site has been used for dry farming and grazing, while the other half has been most recently used for oil and gas production. The site was originally zoned Coastal Dependent Industry (M-CD) under the County's certified Local Coastal Program (adopted in 1982). However, the remaining on-site petroleum production facilities were deemed non-conforming with the adoption of the County South Coast Consolidation Planning Area Policy in 1990. The site was subsequently rezoned Agriculture (AG-II-100) in 1991 through a Local Coastal Program amendment.

Shortly thereafter, Arco applied for a Conditional Use Permit (CUP)/Coastal Development Permit (CDP) to abandon the oil and gas facilities and construct a golf course. This Conditional Use Permit was appealed to the Coastal Commission by the Surfrider Foundation in 1993. At its November 17, 1993 hearing, the Commission determined the appeal raised substantial issue with respect to conformity with the County of Santa Barbara's Local Coastal Program and took coastal development permitting jurisdiction over the project. On April 13, 1994, the Commission conducted a de novo public hearing on the merits of the appeal and denied the project. Subsequently, the

applicant requested a reconsideration of the Commission's action, and the Commission on July 13, 1994 voted to grant reconsideration of its previous denial. On November 16, 1994, the Commission approved an amended project with special condition (A-4-STB-93-154).

In December, 1998 the project proponent submitted an application to amend the Commission's Coastal Development Permit (A-4-STB-93-154) to reflect a number of design changes in the project which have arisen in the course of refining the original golf course design, and in the development of a soil remediation program for the project which was required by a Special Condition attached to the original Conditional Use Permit (91-CP-085) of Santa Barbara for the project. (A related soil remediation project is the subject of a separate locally issued Coastal Development Permit, and a separate pending appeal to the Coastal Commission).

None of the changes incorporated into the County's Coastal Development Permit (98-DP-274) fundamentally alters the project originally approved by the Coastal Commission in 1994. Several of the proposed changes to the lay-out of the golf course are intended to avoid impacting coastal resources (including seasonal wetlands) which have expanded or shifted location or emerged in response to the naturally dynamic nature of the site, and to address aesthetic or other design issues. These changes are further described in the Commission staff report for Coastal Development Permit amendment A-4-STB-93-154-A-2. (See Exhibits 6 through 9.)

As noted above, because the issues raised in connection with the appellant's first appeal of this project (A-4-STB-93-154), were resolved by the Commission in the substantial issue and de novo hearings, the scope of this review is limited to the new issues raised by the proposed changes to the project which are reflected in the locally issued Coastal Development Permit (98-CDP-274).

B. Issues Raised by the Appellant

The Appellant alleges the project is inconsistent with following Santa Barbara County Local Coastal Program provisions regarding (1) adverse impacts to wetlands in a manner inconsistent with LCP Policies 9-6 and 9-9; (2) protection of public access in a manner inconsistent with LCP Policies 7-1, 7-2 and 7-18; (3) protection of agricultural resources in a manner inconsistent with LCP Policies 8-1 through 8-4; (4) protection of environmentally sensitive habitats in a manner inconsistent with LCP Policies 2-11, 3-19, 9-1, 9-11, 9-14, 9-36, and 9-41; and substantial alteration of landforms in a manner inconsistent with LCP Policies 3-13 and 3-14; and (5) provision of public services in a manner inconsistent with Policy 2-6.

C. Substantial Issue Analysis

Section 30603(b)(1) of the Coastal Act stipulates that:

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.

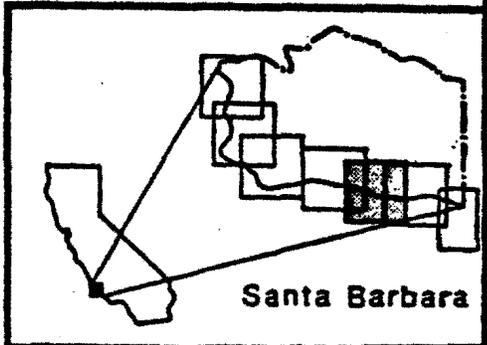
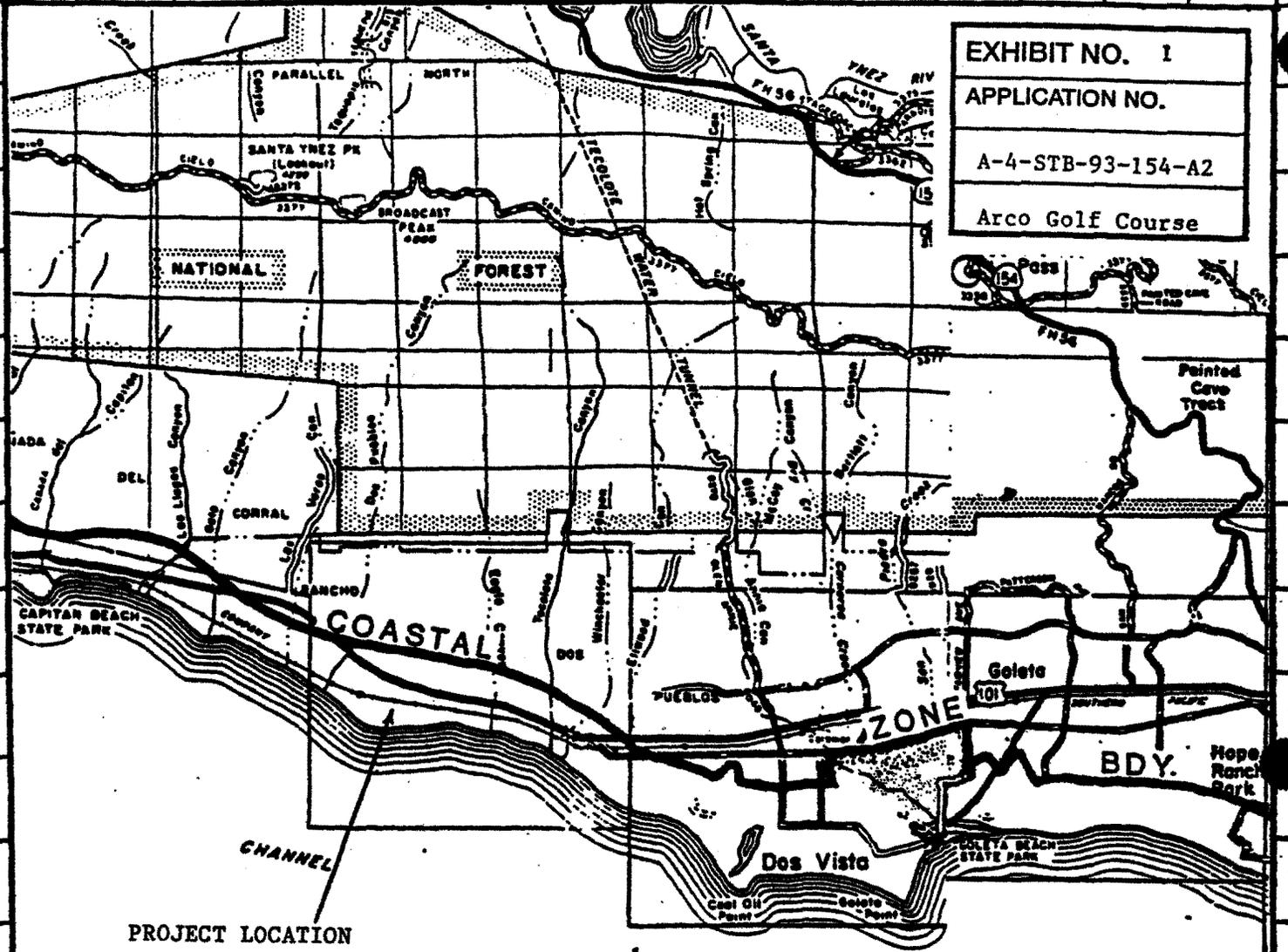
Because the issues raised in connection with the appellant's first appeal of this project (A-4-STB-93-154), were resolved by the Commission in the substantial issue and de novo hearings, the scope of this review is limited to the new issues raised by the proposed changes to the project which are reflected in the locally issued Coastal Development Permit (98-CDP-274). The new issues raised as a result of the amendments to the originally approved project involve protection of environmentally sensitive habitats, including wetlands, provision of public access, alteration of landforms, public services, public access. The proposed changes to the project do not raise any new issues with respect to the preservation of agricultural lands.

The appellant's contentions do not raise valid grounds for an appeal for the following reason: the locally issued Coastal Development Permit 98-CDP-274 is consistent with and conforms to the Commission's prior approval of the proposed golf course and appurtenant facilities, as modified by the Commission's Coastal Development Permit amendment A-4-STB-93-154-A-2.

Therefore, the Commission finds that the appellant's contentions do not raise a substantial issue with respect to conformity with the standards of the County's certified Local Coastal Program and the public access policies of the Coastal Act.

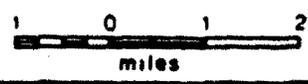
A B C D E F G H I J K L M N O

EXHIBIT NO. 1
APPLICATION NO.
A-4-STB-93-154-A2
Arco Golf Course



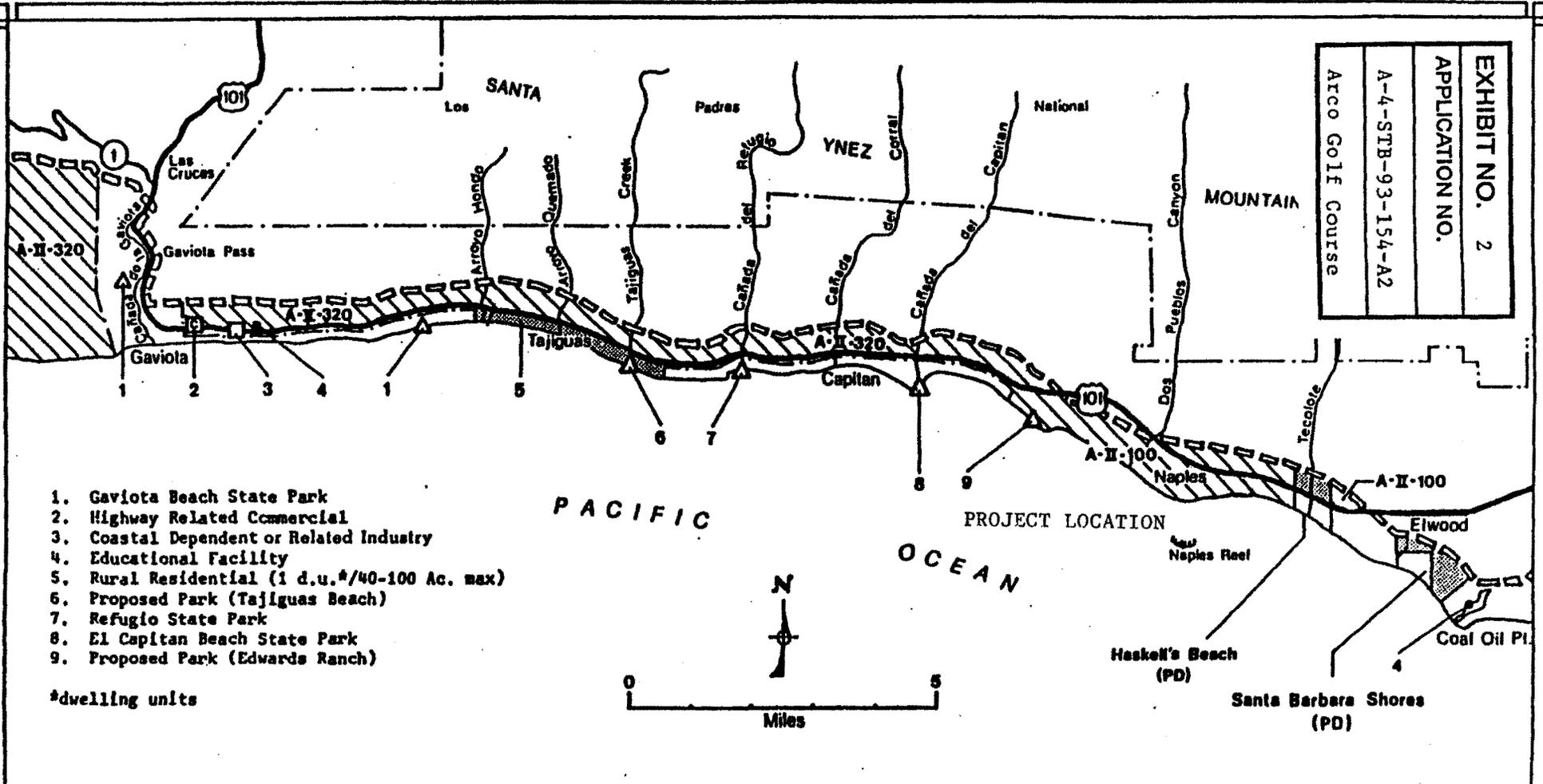
California Coastal Commission

LOCATION MAP



County of Santa Barbara

EXHIBIT NO. 2
 APPLICATION NO.
 A-4-STB-93-154-A2
 ARCO GOLF COURSE



1. Gaviota Beach State Park
2. Highway Related Commercial
3. Coastal Dependent or Related Industry
4. Educational Facility
5. Rural Residential (1 d.u./40-100 Ac. max)
6. Proposed Park (Tajiguas Beach)
7. Refugio State Park
8. El Capitan Beach State Park
9. Proposed Park (Edwards Ranch)

*dwelling units

FIGURE 4-9
 Generalized Land Use Plan
 Gaviota Coast Planning Area
 County of Santa Barbara
 Local Coastal Program

Land Use Designations - see text for definitions

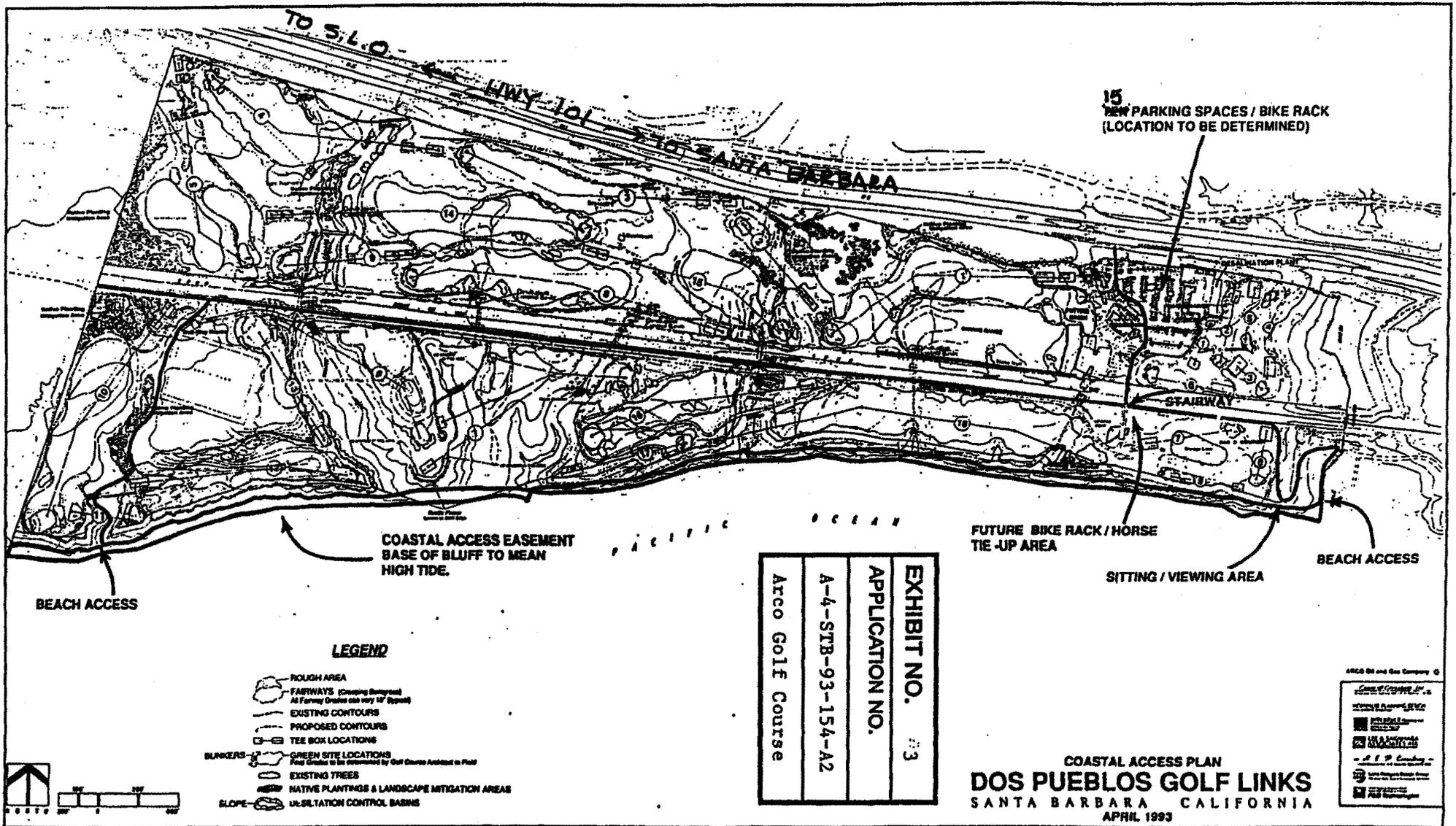
- ▬▬▬ COASTAL ZONE BOUNDARY

- COMMUNITY FACILITIES
- INDUSTRIAL
- ▣ COMMERCIAL
- RESIDENTIAL (see map list for densities)

- OPEN LAND USES
- ▨ AGRICULTURE II (100-320 acre min.)
- △ RECREATION (existing or proposed parks and open space)

F. VonCapp 3-79

ORIGINALLY APPROVED GOLF COURSE PLAN



15
NEW PARKING SPACES / BIKE RACK
(LOCATION TO BE DETERMINED)

ARCO GOLF COURSE
A-4-STB-93-154-A2
APPLICATION NO.
EXHIBIT NO. #3

COASTAL ACCESS PLAN
DOS PUEBLOS GOLF LINKS
SANTA BARBARA CALIFORNIA
APRIL, 1993

ARCO 98 and Son Company ©

Consulting Engineer

Professional Engineer

Professional Geologist

Professional Surveyor

Professional Planner

Professional Architect

Professional Landscape Architect

Professional Interior Designer

Professional Environmental Scientist

Professional Environmental Engineer

Professional Environmental Planner

Professional Environmental Analyst

Professional Environmental Scientist

Professional Environmental Engineer

Professional Environmental Planner

Professional Environmental Analyst

ARCO: Revised Findings
Exhibit 5
page 1 of 2

ARCO: REVISED FINDINGS
EXHIBIT 5
page 2 of 2

Program (LCP), and also requires that any development located between the first public road and the sea or the shoreline of any body of water located within the Coastal Zone must conform with the public access and recreation policies of the Coastal Act.

II. STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, adopt the following resolution:

Approval with Conditions.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of the certified Santa Barbara County Local Coastal Program, is in conformance with the public access policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

MOTION

I move that the Commission approve the revised findings for the project (A-4-STB-93-154) as approved by the County of Santa Barbara, and as subsequently amended by the applicant on October 14, 1994 and November 14, 1994.

III. CONDITIONS

Standard Conditions. See Exhibit 7.

Special Conditions.

1. The project shall be subject to all conditions attached to County approval (91-CP-085) except as specifically modified by subsequent amendments to the project description. Any deviations or conflicts shall be reviewed by the Executive Director to determine whether an amendment to the Coastal Permit is required.
2. The applicant shall submit a deed restriction to the Executive Director for review and approval which irrevocably precludes the re-subdivision of the lots merged as proposed in the amended project description (amendment dated November 14, 1994). The approved deed restriction shall be recorded within sixty days of recordation of the lot merger.

The document shall run with the land, binding all successors and assigns and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

EXHIBIT NO. 4
APPLICATION NO.
A-4-STB-93-154-A2

ARCO OIL AND GAS COMPANY GOLF COURSE

Final Revised Findings of 2/8/95 Commission Meeting

Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO.	5
APPLICATION NO.	
	A-4-STB-93-134-A2
	Arco Golf Course

Attachment A

The following excerpt is the Golf Links project description as contained in the County Conditional Use Permit 91-CP-085. The relevant portions of the project description (i.e., the Golf Links description) have been modified as appropriate to reflect the proposed project changes. Changes to the text have been marked by underline and/or ~~strikethrough~~. Page 1 of 3

Modified Project Description (From Conditional Use Permit 91-CP-085)

The golf links component of the project, comprised of 18 holes, encompasses 72.4 acres of the ~~202~~ 208 acre project site and is designed as a sea-side course which is reminiscent of the classic course design of the 1930's. The course routing has been planned based upon the topography and shape of the land; environmental sensitivities; the fact that the course is to be operated as a public daily fee facility; and the architect's preferred style.

The 18 hole course would have a standard ~~an earthen~~ concrete cart path servicing the entire course. Six inch, stand-up concrete curbing would extend a short distance around all tees, greens and other locations for maintenance and safety. An existing service road located south of the railroad right-of-way would, along with the cart path system and turf surfaces, provide maintenance vehicles access to the entire property. ~~Six~~ Eleven¹ short bridges (9 cart bridges and 2 foot bridges) are proposed throughout the course on the cart paths.

In addition to the 18 hole public daily fee links, the project also includes a par-three course located on the eastern edge of the property. This course consists of nine holes, measuring 150 yards or less. The par-three course is designed to complement the 18 hole course by allowing golfers the opportunity to sharpen their "short game". It is designed to be walked and no electric golf carts would be allowed. This component of the project would occupy approximately 8.7 acres of the project site. The 18 hole golf links and par-three course together would occupy approximately ~~54~~ 40 percent of the site.

The clubhouse, cart barn, maintenance area and parking lot would occupy approximately 7 acres. These facilities would be located on the ~~present~~ site of the previous ARCO's production offices, warehouse and storage yards.

The 9,290 square foot clubhouse would be the focal point of the site. The building height of the clubhouse is 17 feet ~~with a central atrium at 22 feet~~. It would consist of a pro shop, grill, administrative offices, meeting room, and restrooms. Food service is intended for golfers during daylight hours only and is not intended or programmed to compete with local restaurants.

Given the 18 hole golf links routing, golfers would not return to the clubhouse until their round is completed. Therefore, a half-way house between the ninth and tenth holes is proposed. The half-way house would include a 700-square-foot snack bar, restroom facility and starters station.

¹ The originally approved plans showed a total of 13 bridges, 11 cart bridges and 2 foot bridges, but the project description incorrectly stated 6 bridges.

Along with the half-way house, another restroom and three additional shelters would be located on the golf links to provide comfort and protection from the elements.

The 8,012 square foot cart barn, located north of the clubhouse, would enclose all of the golf cart storage, maintenance, cleaning, and range operations. The 7,974 square foot maintenance building would house all of the equipment and machinery necessary to maintain the golf course, as well as offices and employee facilities. This building would be located east of the clubhouse and would serve to screen the service yard. The service yard would be screened to the west by a serpentine wall. An 800-square-foot storage building would be located north of the service yard.

A driving range, putting green and turf farm are also proposed. The driving range is proposed to be located west of the clubhouse. The putting green is proposed to be located between the driving range, the first hole's tee, and the clubhouse. To support the turf needs of the 18 hole golf links and par-three course, a turf farm of approximately one-half acre would be located near the northwestern corner of the site.

The routing of the 18 hole golf links course requires crossing of the Southern Pacific Railroad right-of-way three times. The crossings would be accommodated by the existing wooden bridge and the creation of two new tunnel crossings. The tunnel crossings would be finished with gunite or textured plaster to aesthetically conform to the architectural and golf course character of the 1930s. The tunnels would be approximately 100 feet in length with a height to ceiling of 10 feet.

Perimeter fencing and railroad right-of-way fencing would be constructed from rustic wood and possibly cable; no chain link or modern reflective materials would be used. All utilities, including those presently located on the site, would be placed underground.

The course is anticipated to operate from 350 to 360 days per year. An estimated 50,000 to 60,000 rounds of golf per year would be played on the 18-hole course and 20,000 rounds would be played on the nine-hole course. Hours of operation would be from dawn to dusk for the course. Restaurant service would close one-half hour after dusk. A maximum of two professional and/or amateur events, which would draw galleries, would be held at the site per year. The project applicant estimates that 32 full-time equivalent employees would be required for golf course operation. This would result in a net increase of 17 new employees at the site.

The project would involve approximately 154,470 cubic yards of cut and 154,470 cubic yards of fill, to be balanced on-site. Some offsite grading would be required for the installation of pipelines and proposed addition of the acceleration and deceleration lanes. The above cut and fill estimate includes these offsite components. Overall, 115 acres of the ~~202~~ 208 acre site would be graded. The maximum elevation that would result from grading would occur near hole number seven and would involve an increase in elevation of 25 feet (from 50 feet to 75 feet). The proposed drainage plan includes a system of storm drains with associated energy dissipaters to reduce erosion effects of drainage flows and ~~five~~ four desiltation basins, most of which would be located within the existing drainages of the site.

Slope stability on the bluffs and barrancas of the project site were a concern in the design of the golf links project. Therefore, the applicant has proposed a drainage system which would contribute to the control of erosion and enhance slope stability. A conceptual landscape design has also been proposed as part of the project that would incorporate deep-rooted, drought tolerant native plants on the bluff tops and drainages to provide slope stability.

A structural setback from the top of the bluff has been included in the project design to mitigate potential geologic hazards associated with sea cliff retreat. This setback zone includes a 55-foot structural setback and a 30-foot non-structural setback.

A harbor seal haul out and rookery area exists at the beach near the mouth of Tomate Canyon. In an effort to avoid impacting harbor seal activity in this area, the golf links has been designed with fencing to avoid encroachment into the portions of the project site from which views of the harbor seal haul out area can be gained. Construction activities adjacent to the bluffs that are above the seal haul out area would be scheduled to avoid the most sensitive seasons, such as when pups are present.

Revegetation and habitat enhancement components are also included in the project. Removed trees greater than six inches in diameter shall be replaced with native trees at the ratio of three to one (willows would be replaced at five to one). Removed tamarisk trees would not be replaced. Wildlife habitat would also be enhanced by the use of native vegetation throughout the site.

A storage lake in the eastern portion of the site is proposed to allow for sufficient water reserve in the case of a temporary interruption of water deliveries. The approximately ~~four~~ ^{5.4} acre-foot lake would provide reserves for five days of average irrigation and 2.5 days of peak irrigation needs. An approximately 704 square foot pump house will be located south of the lake to house all the pump equipment associated with the intake and outtake of water from the lake.

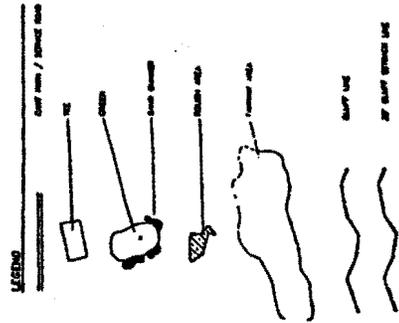
~~In order to construct the cart barn in the location shown on the site plan, a Lot Line Adjustment must first be accomplished as it is currently shown extending over the property boundary into an area owned by Caltrans.~~

² It should be noted that the project description and Condition #10 are inconsistent in that the project description references a 4 acre-foot lake but Condition #10 references a 5 acre-foot lake. The 5.4 acre-foot estimate is a result of final engineering and design work conducted for the storage lake.

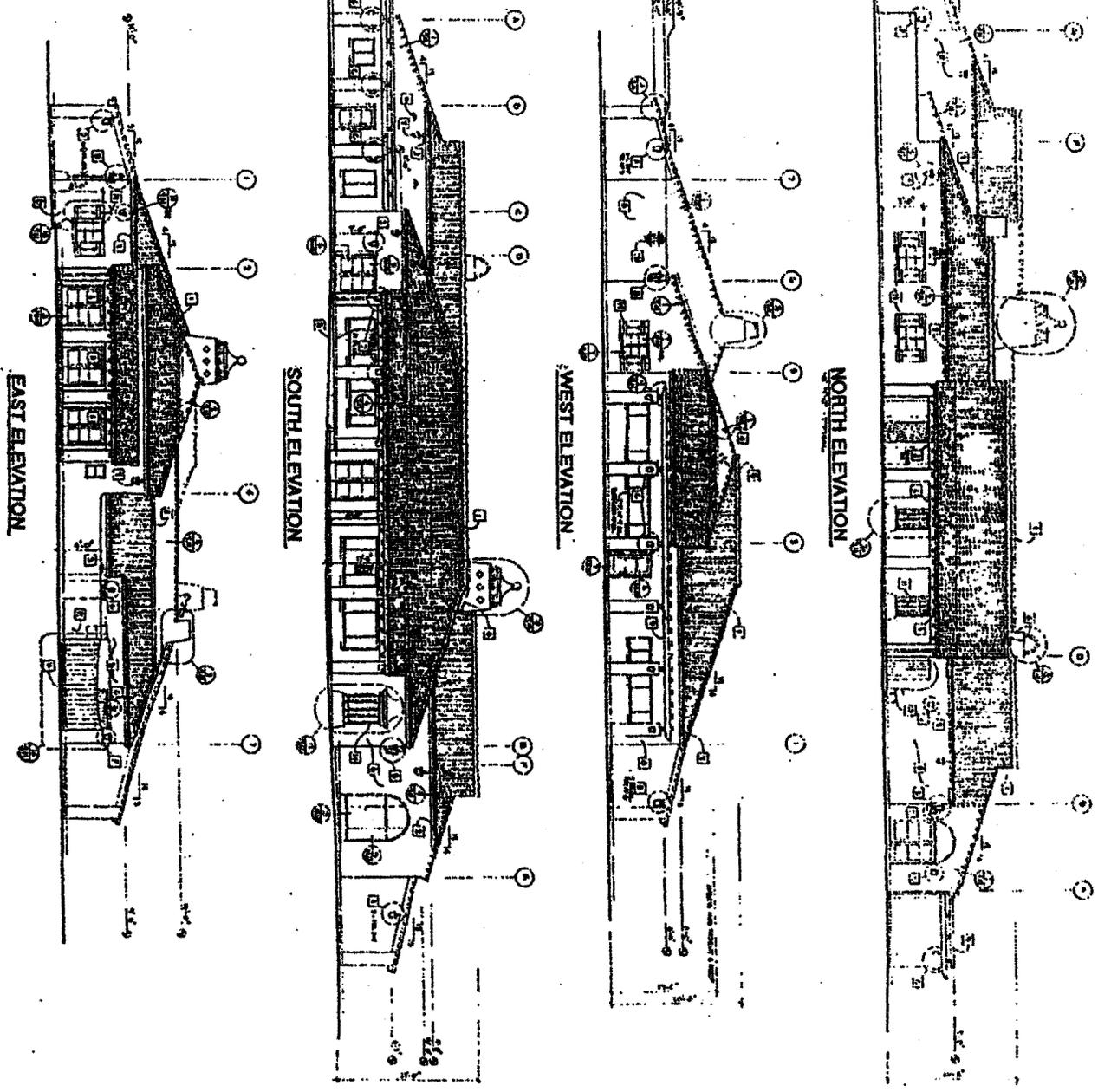
PROPOSED REVISED ARCO GOLF COURSE PLAN



EXHIBIT NO. 7
 APPLICATION NO.
 A-4-STB-93-154-A2
 Arco Golf Course



<p>City of Arco, Idaho Planning Department 1100 1st St. S. Arco, Idaho 83201</p>	<p>DATE: 11/19/93</p>	<p>PROJECT: ARCO GOLF COURSE</p>	<p>BY: [Signature]</p>
<p>City of Arco, Idaho Planning Department 1100 1st St. S. Arco, Idaho 83201</p>	<p>DATE: 11/19/93</p>	<p>PROJECT: ARCO GOLF COURSE</p>	<p>BY: [Signature]</p>



- Revisions:**
- 1. Initial design
 - 2. Final design
 - 3. Final design
 - 4. Final design
 - 5. Final design
 - 6. Final design
 - 7. Final design
 - 8. Final design
 - 9. Final design
 - 10. Final design
 - 11. Final design
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 - 17. Final design
 - 18. Final design
 - 19. Final design
 - 20. Final design

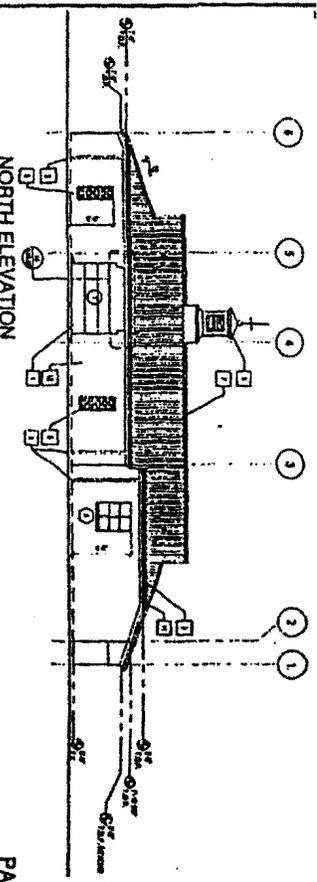
SHEET NO. 12

PROJECT DESCRIPTION
 CLIMBHOUSE
 EXTERIOR ELEVATIONS
 DATE: 10/10/03
 SHEET NO. 12

Architects:
 Mahan Architects /
 Edwards-Pittman Architects
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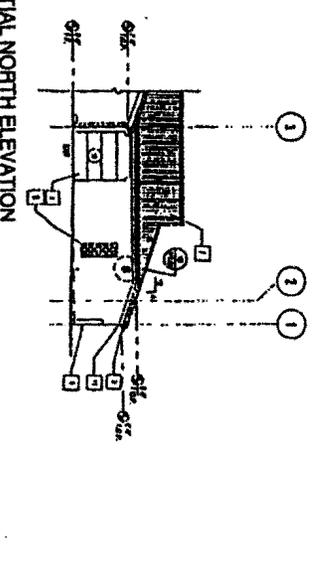
Dos Pueblos Golf Links
 Santa Barbara, California

Structural Engineers:
 Elias & Spina
 Mechanical Engineers:
 Mechanical Engineering
 Consultants
 Electrical Engineers:
 South Engineering Associates



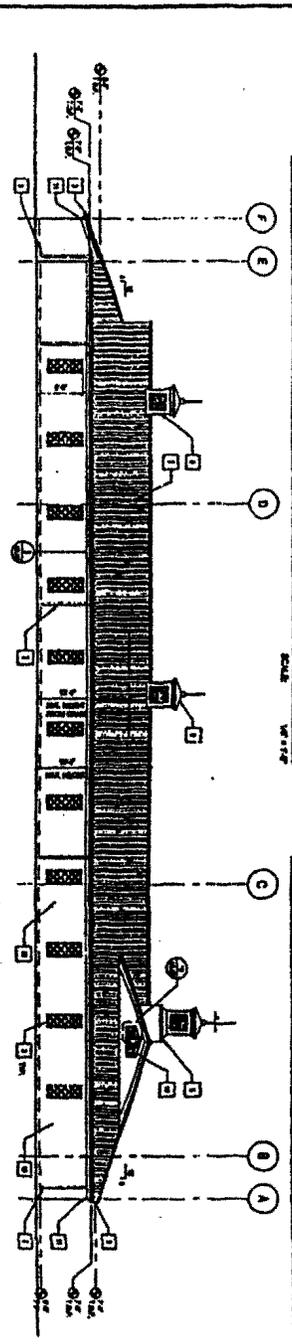
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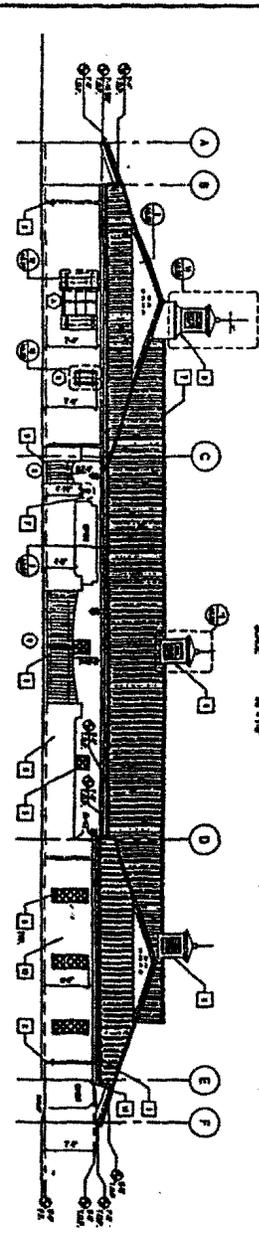
PARTIAL NORTH ELEVATION

SCALE 1/8" = 1'-0"



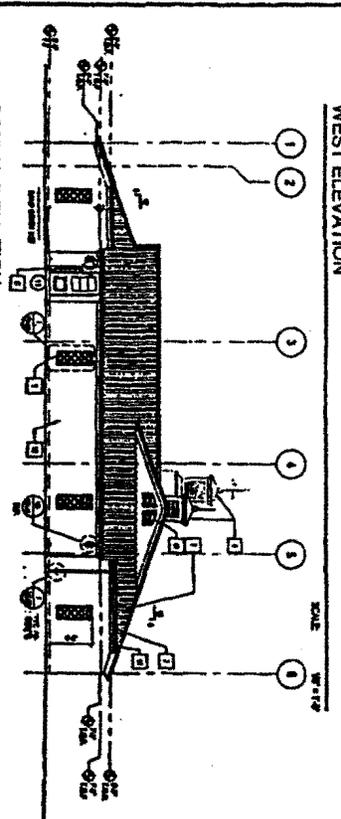
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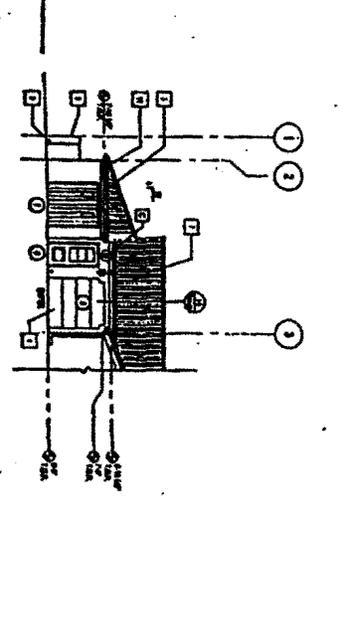
WEST ELEVATION

SCALE 1/8" = 1'-0"



SOUTH ELEVATION

SCALE 1/8" = 1'-0"



PARTIAL SOUTH ELEVATION

SCALE 1/8" = 1'-0"

REFERENCE NOTES

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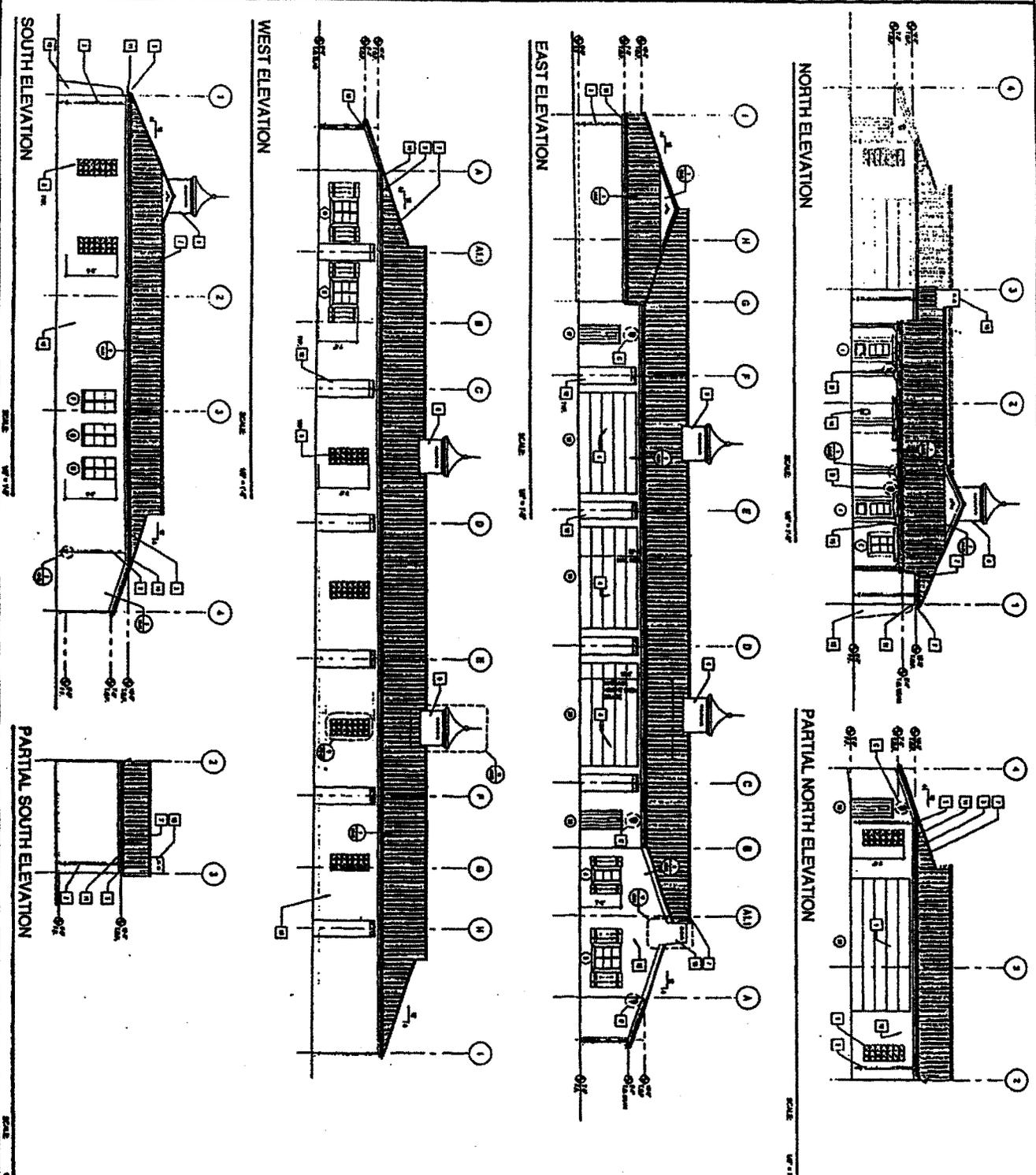
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DATE: 08/11/03
 SHEET NO. **A-1.01**

Dos Pueblos Golf Links
 Santa Barbara, California

Structural Engineers
 Mike & Specs
 Mechanical Engineers
 Mechanical Engineering
 Consultants
 Electrical Engineers
 South Engineering Association

SCALE: 1/8" = 1'-0"



- REFERENCE NOTES**
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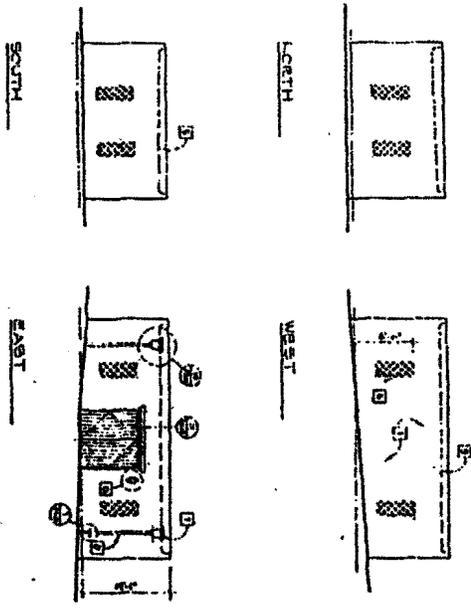
Dos Pueblos Golf Links
 Santa Barbara, California

Structural Engineer:
Ehlers & Spence
 Mechanical Engineer:
Mechanical Engineering
 Consultants
 Electrical Engineer:
Smith Engineering Associates

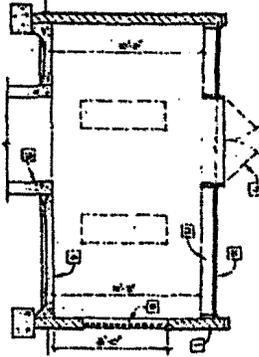
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REVISIONS

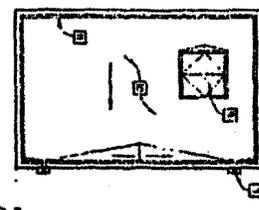
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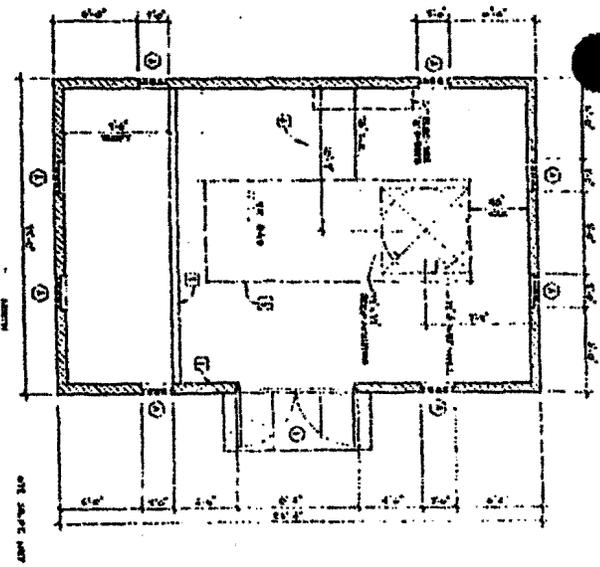
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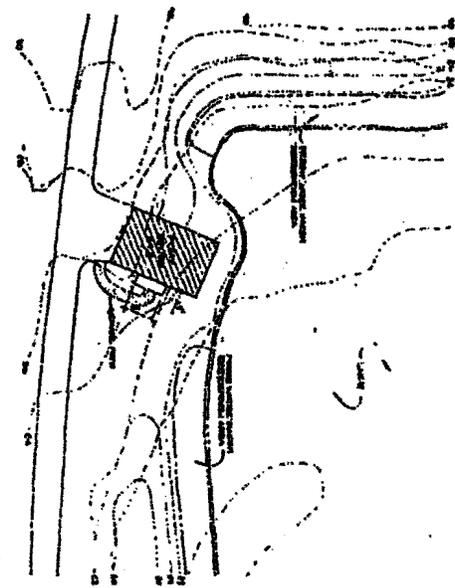
ROOF PLAN



FLOOR PLAN



PARTIAL SITE PLAN



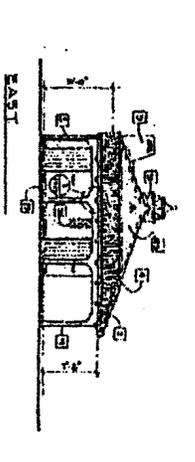
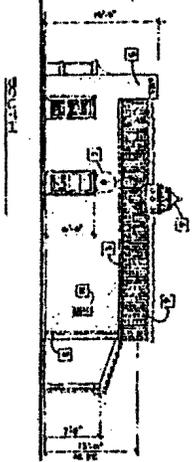
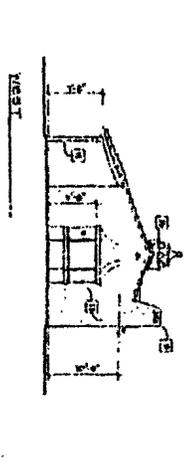
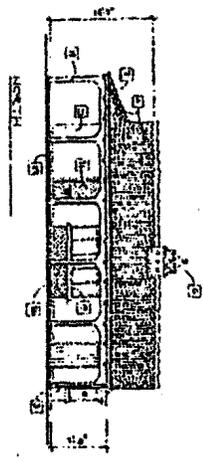
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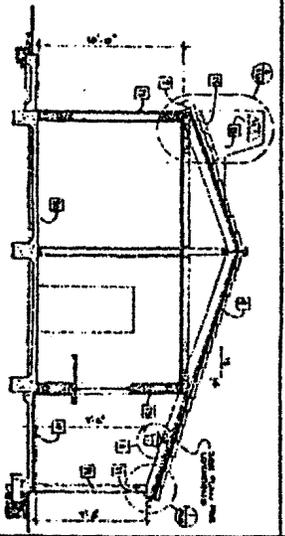
Dos Pueblos Golf Links
 Santa Barbara, California

Structural Engineer:
Elder & Spence
 Mechanical Engineer:
Mechanical Engineering
 Consultants
 Electrical Engineer:
Smith Engineering Associates

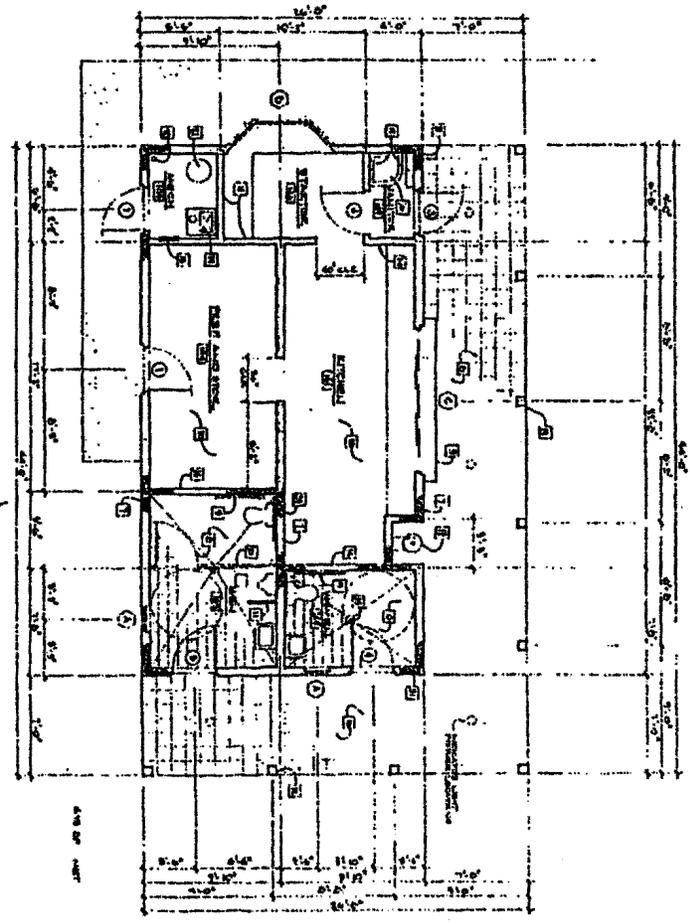
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 DATE:
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 DATE:
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AG.01



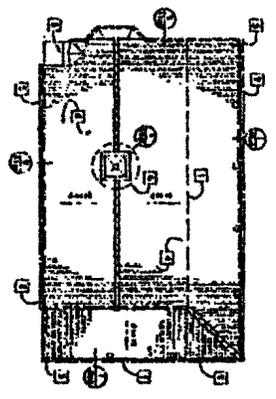
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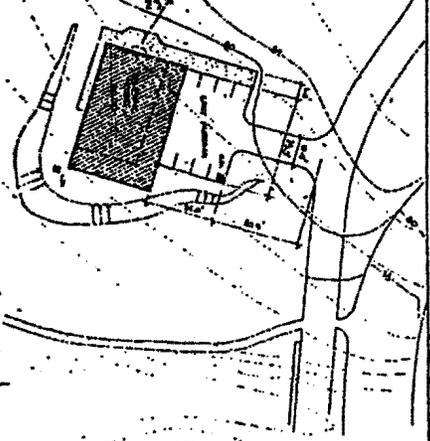
BUILDING SECTION



FLOOR PLAN



ROOF PLAN



PARTIAL SITE PLAN

- 1. All work shall be in accordance with the California Building Code, 2007 Edition, unless otherwise specified.
- 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
- 3. The contractor shall maintain access to all existing utilities and structures on the site.
- 4. The contractor shall be responsible for the protection and preservation of all existing trees and landscaping on the site.
- 5. The contractor shall be responsible for the removal and disposal of all debris and materials from the site.
- 6. The contractor shall be responsible for the installation and testing of all fire and life safety systems.
- 7. The contractor shall be responsible for the installation and testing of all mechanical, electrical, and plumbing systems.
- 8. The contractor shall be responsible for the installation and testing of all structural steel and concrete systems.
- 9. The contractor shall be responsible for the installation and testing of all exterior finishes and cladding.
- 10. The contractor shall be responsible for the installation and testing of all interior finishes and fixtures.
- 11. The contractor shall be responsible for the installation and testing of all site work, including paving, grading, and landscaping.
- 12. The contractor shall be responsible for the installation and testing of all utility work, including electrical, gas, and water.
- 13. The contractor shall be responsible for the installation and testing of all drainage and stormwater management systems.
- 14. The contractor shall be responsible for the installation and testing of all fire and life safety systems, including fire alarm, fire extinguishers, and fire escape.
- 15. The contractor shall be responsible for the installation and testing of all mechanical, electrical, and plumbing systems, including HVAC, lighting, and plumbing.
- 16. The contractor shall be responsible for the installation and testing of all structural steel and concrete systems, including foundation, framing, and floor slabs.
- 17. The contractor shall be responsible for the installation and testing of all exterior finishes and cladding, including masonry, stucco, and metal.
- 18. The contractor shall be responsible for the installation and testing of all interior finishes and fixtures, including drywall, paint, and fixtures.
- 19. The contractor shall be responsible for the installation and testing of all site work, including paving, grading, and landscaping.
- 20. The contractor shall be responsible for the installation and testing of all utility work, including electrical, gas, and water.
- 21. The contractor shall be responsible for the installation and testing of all drainage and stormwater management systems, including gutters, downspouts, and storm drains.
- 22. The contractor shall be responsible for the installation and testing of all fire and life safety systems, including fire alarm, fire extinguishers, and fire escape.
- 23. The contractor shall be responsible for the installation and testing of all mechanical, electrical, and plumbing systems, including HVAC, lighting, and plumbing.
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Dos Pueblos Golf Links
 Santa Barbara, California

Structural Engineer:
 Elise & Spies
 Mechanical Engineer:
 Mechanical Engineering
 Consultants
 Electrical Engineer:
 Smith, Engineering Associates

DATE: 10/15/01
 SHEET NO.: 17.01
 JOB NO.:

EXHIBIT

SANTA BARBARA COUNTY CONDITIONAL USE PERMIT

ARTICLE II, CHAPTER 35

CASE NO. 91-CP-085

EXHIBIT NO. 9
APPLICATION NO.
A-4-STB-93-154-A2
Arco Golf Course

Page 1 of 36

I. A Conditional Use Permit is Hereby Granted:

TO: ARCO Oil and Gas Company

APN: 079-180-05, -16, -18 and 079-200-04, -08

ZONE: AG-II-100

AREA/DISTRICT: Gaviota/Third

FOR: The development of a public day-fee 18-hole "links" style golf course, nine-hole par three golf course, driving range, putting green, clubhouse, cart barn, maintenance building, and accessory uses/structures and extension of a reclaimed water line on and off site. In addition, oil and gas production facilities currently located on the site would be abandoned.

Irrigation water shall be provided through the private extension of the Goleta Sanitary District/Goleta Water District reclaimed water line to the site.

II. This Conditional Use Permit approval [91-CP-85] is based upon and limited to compliance with the project description, Planning Commission Exhibit A, (the site plan marked reclaimed option) dated May 26 1993, and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of the Resource Management Department for conformity with this approval. Deviations from the project description or conditions of approval may require a modification to 91-CP-85 and further environmental review.

1. The project description is as follows:

The 202-acre project site currently supports ARCO's Dos Pueblos oil and gas production facility which would be entirely abandoned with the development of the Golf Links Project. Wells and facilities abandonment would involve the following components: plugging and abandonment of wells other than water

disposal wells; cleaning of hydrocarbons from oil and gas pipelines; cleaning of main gathering lines; removal of liquids from separators; emptying wash tank, oil tanks, and wastewater tanks; removal and disposal of tanks, vessels, pipelines, and equipment; purging of gas from pipelines between the tank farm and the sales gas compressor; removal and disposal of vessels and equipment in the sales gas compressor, gas chiller/knockout, and sulfacheck areas; removal and disposal of all above ground pipelines and supports; removal of the Southern California Gas Company's metering facilities; and removal of buried pipelines only as necessary to allow golf course grading and construction (additional detail is provided in Appendix 3.0 of 92-EIR-16).

The links component of the project, comprised of 18 holes, encompasses 72.4 acres of the 202-acre project site and is designed as a sea-side course which is reminiscent of the classic course design of the 1930's. The course routing has been planned based upon the topography and shape of the land; environmental sensitivities; the fact that the course is to be operated as a public daily fee facility; and the architect's preferred style.

The 18-hole course would have an earthtone concrete cart path servicing the entire course. Six-inch, stand-up, concrete curbing would extend a short distance around all tees, greens and other locations for maintenance and safety. An existing service road located south of the railroad right-of-way would, along with the cart path system and turf surfaces, provide maintenance vehicles access to the entire property. Six short bridges are proposed throughout the course on the cart paths.

In addition to the 18-hole public daily fee links, the project also includes a par-three course located on the eastern edge of the property. This course consists of nine holes, measuring 150-yards or less. The par-three course is designed to complement the 18-hole course by allowing golfers the opportunity to sharpen their "short game". It is designed to be walked and no electric golf carts would be allowed. This component of the project would occupy approximately 8.7 acres of the project site. The golf links and par-three course together would occupy approximately 54 percent of the site.

The clubhouse, cart barn, maintenance area and parking lot would occupy approximately 7 acres. These facilities would be located on the present site of ARCO's production offices, warehouse and storage yards.

The 9,290 square foot clubhouse would be the focal point of the site. The building height of the clubhouse is 17 feet with a central atrium at 22 feet. It would consist of a pro shop, grill, administrative offices, meeting room, and restrooms. Food service is intended for golfers during daylight hours only and is not intended or programmed to compete with local restaurants.

Given the golf links routing, golfers would not return to the clubhouse until their round is completed. Therefore, a half-way house between the ninth and tenth holes is proposed. The half-way house would include a 700-square-foot snack bar, restroom facility and starters station. Along with the half-way house, another restroom and three additional shelters would be located on the golf links to provide comfort and protection from the elements.

The 8,012 square foot cart barn, located north of the clubhouse, would enclose all of the golf cart storage, maintenance, cleaning and range operations. The 7,974 square foot maintenance building would house all of the equipment and machinery necessary to maintain the golf course, as well as offices and employee facilities. This building would be located east of the clubhouse and would serve to screen the service yard. The service yard would be screened to the west by a serpentine wall. An 800-square-foot storage building would be located north of the service yard.

A driving range, putting green and turf farm are also proposed. The driving range is proposed to be located west of the clubhouse. The putting green is proposed to be located between the driving range, the first hole's tee, and the clubhouse. To support the turf needs of the golf links and par-three course, a turf farm of approximately one-half acre would be located near the northwestern corner of the site.

The routing of the golf links course requires crossing of the Southern Pacific Railroad right-of-way three times. The crossings would be accommodated by the existing wooden bridge, located immediately south of the existing ARCO facilities, and the creation of two new tunnel crossings. The tunnel crossings would be finished with gunite or textured plaster to aesthetically conform to the architectural and golf course character of the 1930s. The tunnels would be approximately 100 feet in length with a height to ceiling of 10 feet.

Perimeter fencing and railroad right-of-way fencing would be constructed from rustic wood and possibly cable, no chain link or modern reflective materials would be used. All utilities including those presently located on the site, would be placed under ground.

The course is anticipated to operate from 350 to 360 days per year. An estimated 50,000 to 60,000 rounds of golf per year would be played on the 18-hole course and 20,000 rounds would be played on the nine-hole course. Hours of operation would be from dawn to dusk for the course. Restaurant service would close one-half hour after dusk. A maximum of two professional and/or amateur events which would draw galleries would be held at the site per year. The project applicant estimates that 32 full-time equivalent employees would be required for golf course operation. This would result in a net increase of 17 new employees at the site.

The project would involve 154,470 cubic yards of cut and 154,470 cubic yards of fill, to be balanced on-site. Some offsite grading would be required for the installation of pipelines and proposed addition of the acceleration and deceleration lanes. The above cut and fill estimate includes these offsite components. Overall, 115 acres of the 202 site would be graded. The maximum elevation that would result from grading would occur near hole number seven and would involve an increase in elevation of 25 feet (from 50 feet to 75 feet). The proposed drainage plan includes a system of storm drains with associated energy dissipators to reduce erosion effects of drainage flows and five desiltation basins most of which would be located within the existing drainages of the site.

Slope stability on the bluffs and barrancas of the project site were a concern in the design of the golf links project. Therefore, the applicant has proposed a drainage system which would contribute to the control of erosion and enhance slope stability. A conceptual landscape design has also been proposed as part of the project that would incorporate deep-rooted, drought tolerant native plants on the bluff tops and drainages to provide slope stability.

A structural setback from the top of the bluff has been included in the project design to mitigate potential geologic hazards associated with sea cliff retreat. This setback zone includes a 55 foot structural setback and a 30 foot non-structural setback.

A harbor seal haul out and rookery area exists at the beach near the mouth of Tomate Canyon. In an effort to avoid impacting harbor seal activity in this area, the golf links has been designed with fencing to avoid encroachment into the portions of the project site from which views of the harbor seal haul out area can be gained. Construction activities adjacent to the bluffs that are above the seal haul out area would be scheduled to avoid the most sensitive seasons, such as when pups are present.

Revegetation and habitat enhancement components are also included in the project. Removed trees greater than six inches in diameter shall be replaced with native trees at the ratio of three to one (willows would be replaced at five to one). Removed tamarisk trees would not be replaced. Wildlife habitat would also be enhanced by the use of native vegetation throughout the site.

The scheduling and time in months for completion of the various construction components is presented in Appendix 3.0 of the EIR. The total estimated construction schedule for the reclaimed water option is 18 months. Based on the applicant's estimate that abandonment of the existing oil and gas operations could commence within six months after approval of the Conditional Use Permit, project construction (starting with abandonment) could begin in October of 1993 and be completed by April of 1995.

Implementation of the reclaimed water option would involve extension of the proposed 8-inch reclaimed water pipeline from the GSD/GWD Phase II extension which would terminate at Hollister Avenue and Las Armas Road, where the Phase II expansion to Sandpiper Golf Course leaves Hollister Avenue. The pipeline would continue westward within Hollister Avenue until reaching the entrance to the Sandpiper Golf Course and the existing public access road to ARCO's Ellwood facility. The pipeline would continue westward across the Hyatt property within the proposed access road. Should the access road not be constructed during the installation of the pipeline, a portion of the eastern half of the Hyatt property would have a temporary alternate route. The remainder of the Hyatt property would be crossed within the existing road to the boundary of the Eagle Canyon Ranch. From this point, the pipeline would turn southwest and continue approximately 220 feet within the existing access road to the Ellwood Pier. The lines would then be located on existing oil and gas piperacks (within an existing easement) crossing Eagle Canyon Ranch. The existing piperacks extend over two drainages including Eagle Canyon and an unnamed corridor north of Ellwood Pier. Through both of these areas, the pipelines would be positioned by light crane and then welded in place. Once the reclaimed water pipeline extension crosses Eagle Canyon Creek, it would enter the existing roadway for approximately 300 feet until turning west and climbing out of the Canyon. The line would terminate at a proposed four acre-feet, onsite storage lake. The last 300 feet of the pipeline would be mostly outside of the existing roadway. Where buried within roadways, the pipeline would be located approximately two to three feet off the centerline of the pavement.

A storage lake in the eastern portion of the site is proposed to allow for sufficient water reserve in the case of a temporary interruption of water deliveries. The approximately four acre-foot lake would provide reserves for five days of average irrigation and 2.5 days of peak irrigation needs. The lake would be included.

In order to construct the cart barn in the location shown on the site plan, a Lot Line Adjustment must first be accomplished as it is currently shown extending over the property boundary into an area owned by Caltrans.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto.

2. Compliance with Departmental Letters:

- a. Air Pollution Control District dated March 15, 1992
- b. Building and Development Division, Public Works dated March 26, 1993

- c. Environmental Health Services dated April 2, 1993
 - d. Fire Department dated July 21, 1992
 - e. Flood Control dated March 17, 1993
 - f. Park Department dated March 25, 1993
3. Prior to Issuance of a Coastal Development Permit for any aspect of the project, an Environmental Quality Assurance Program (EQAP) shall be prepared according to procedures established by Santa Barbara County RMD, paid for by the applicant and submitted for review and approval of RMD. The EQAP shall include the following: 1) All conditions and mitigation measures imposed on this project and the impacts they are mitigating separated by subject area. 2) A plan for coordination and implementation of all measures and the plans and programs required therein. 3) A description of all measures the applicant will take to assure compliance, including field monitoring, data collection, management and coordination of all field personnel and feedback to field personnel and affected County agencies including RMD. Contractor feedback responsibilities include weekly, monthly and quarterly reports (as specified in EQAP) to be prepared throughout grading and construction. These shall include status of development, status of conditions, incidents of non-compliance and their results and any other pertinent or requested data. 4) A contractor to carry out the EQAP shall be selected by RMD in consultation with the applicant. The contractor(s) will be under contract and responsible to the County, with all costs to be funded by the applicant. The EQAP contractor shall appoint at least one on-site Environmental Coordinator (OEC) responsible for overall monitoring, but shall employ as many qualified specialists as necessary, as determined by RMD, to oversee specific mitigation areas (e.g. archaeologists, biologists). In addition, the OEC has the authority and ability to secure compliance with all project conditions and to stop work in an emergency. The EQAP shall also provide for any appropriate procedures not specified in the conditions of approval to be carried out if they are necessary to avoid environmental impacts.
4. The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
- a. Contact RMD compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact RMD compliance staff at least 2 weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
 - c. Pay fees prior to land use clearance as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs

for RMD to hire and manage outside consultants when deemed necessary by RMD staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with RMD recommendations to bring the project into compliance. The decision of the Director of RMD shall be final in the event of a dispute.

NOTE: The letters with numbers which appear within the parenthesis indicate mitigation measures as identified in the EIR prepared for the project.

5. (B1) Riparian/Wetlands. The following measure ensures that features contained on the Biological Enhancement Plan are fully implemented and provides for replacement of riparian vegetation and riverine wetlands lost as a result of the construction of storm drains, desiltation basins, energy dissipators, retention walls and fill.
- a. The applicant shall submit a revegetation plan describing in detail the methodology used to implement the Biological Enhancement Plan to mitigate losses of riparian vegetation and wetlands on Drainages 1, 2, 3, 5-south. The applicant shall also revegetate the banks of all constructed desiltation basins (Drainages 1, 3, 5, 6 and Tomate Canyon). The revegetation plan shall include the following measures:
1. The plan shall distinguish between native grassland revegetation, riparian revegetation and native tree planting.
 2. Plant species will be native species, at a density to be determined by the RMD approved botanist preparing the plan. Species will be from locally obtained plants and seed stock.
 3. A management plan shall be developed and include provisions for buffers of dense, screening native vegetation around wetlands and riparian areas, measures for preventing competitive displacement of native grasslands by introduced grasses and forbs, an erosion control plan, and an exotic plant/weed control plan. The plan shall include a detailed maintenance and monitoring plan, measurable performance criteria, and a contingency plan to be carried out in the event of high plant mortality.
 4. New plantings will be irrigated with drip irrigation on a timer, and will be weaned off of irrigation over a period of two to three years.
 5. Revegetated areas will be fenced during the establishment period, but allow free passage of wildlife.

6. Grass cutting, disking for fire control or any other removal of native species will be prohibited within the biological enhancement areas.
 7. Non-native species will be removed.
 8. The plantings will be in place and non-native plant species removed prior to opening of the golf course for public use.
- b. Construction envelopes shall lie at least 30 feet outside Drainages #4,5,6,7 south of the railroad and Tomate Canyon (with the exception of drainage facilities). No construction or construction equipment shall occur outside of these construction envelopes. Subsurface structures including septic systems and utilities and access ways including roads, driveways and utilities shall not be placed in these drainages except on bridges. Envelope boundaries shall be staked in the field prior to any ground disturbance.
 - c. The energy dissipators shall be re-designed to allow native revegetation to occur by using rock gabions or preformed concrete block revetment systems with open cells instead of gunite or grouted rip-rap.
 - d. Drainages shall be marked as out of bounds and separated from fairways and roughs by vegetated buffers and/or rustic fencing. Signage shall be included at visible points along the drainages, at the starter house, and on each course card indicating that players found within specified out-of-bounds areas will be expelled from the course. This action shall be enforced by the golf course marshal.
 - e. A golf ball recovery program shall be developed and implemented consisting of retrieval of balls in drainages and on the beach by designated course employees.

Plan Requirements: Prior to project approval, the applicant shall submit a detailed Biological Enhancement/Landscape Plan (BELP), prepared by a RMD approved biologist, to RMD for review and approval. The applicant shall file a performance security bond with the County prior to issuance of a Coastal Development Permit (CDP) to complete restoration, monitor and maintain plantings for a three-year period. An erosion control plan shall be submitted to and approved by RMD, Public Works Grading Division and Flood Control prior to CDP issuance. Construction envelopes shall be shown on all grading and building plans. A note shall be placed on all final plans describing the activities disallowed in this area. The final design of the energy dissipators shall be incorporated into the final development plans and grading plans. **Timing:** Revegetation work and construction of erosion control devices shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course for public use. Envelopes shall be staked prior to initiation of construction activity.

MONITORING. RMD/EQAP staff shall site inspect for compliance. Maintenance shall be ensured through site inspections. During Plan Check the planner shall ensure that all construction is to occur within approved envelopes. Staking shall be checked during preconstruction meeting. Site inspections and photo documentation shall occur during all construction phases to ensure building envelopes are respected. Permit Compliance signature is required for performance security bond release.

6. (B2) Harbor Seal protection. Permanent fencing shall be installed at least 30 feet north of the bluff edge above the haulout area and no activity shall be allowed south of this fencing. Construction activities shall not be allowed within 300 feet of the bluff edge above the haulout area during the pupping/breeding season (February 1 to May 31). **Plan Requirements:** All grading and construction plans shall indicate the location of the 30-foot setback fence line, the location of the harbor seal breeding area and a note concerning restrictions during the harbor seal breeding season. **Timing:** Construction fencing should be in place prior to grading. Grading activities shall be restricted from the 300 foot bluff area from February 1 to May 31. Permanent fencing shall be installed prior to opening of the golf course to public use.

MONITORING: RMD/EQAP staff shall inspect site prior to the start of grading activities. Monitoring shall be conducted during construction to determine if impacts are occurring and to recommend additional mitigation if required. Final inspection of permanent fencing prior to golf course opening.

7. (B2) Harbor Seal protection. Coastal access vertical easements shall be offered for dedication to the County from the Coastal Trail to the beach at the mouth of Eagle Canyon and to the beach and at the mouth of the canyon just west of Tomate Canyon prior to the issuance of the CDP. **Plan Requirements:** The offer shall be in form and language acceptable to Santa Barbara County. The specific location of the easements and the extent, location and design of any improvements shall be submitted by the applicant for review and approval by the Parks Dept and RMD. **Timing:** The easement and requirements of the Restricted Access Implementation Plan presented in condition 8 shall be submitted for review and approval prior to acceptance by the County.

MONITORING: Park Dept. and RMD shall review prior to Acceptance.

8. (B2) Harbor Seal protection. To reduce impacts to the Harbor Seal haul-out area associated with the offer to dedicate vertical coastal access to the beach at the mouth of Eagle Canyon and to the beach and at the mouth of the canyon just west of Tomate Canyon, a Restricted Access Implementation Plan shall be required. Prior to acceptance of the offer to dedicate the vertical access, the County, State, or other group acceptable to the County shall enter into an agreement to accept responsibility for implementing the restrictions which include but are not limited to the following:

- a. Access to the beach at the vertical coastal access point at Eagle Canyon and access eastward along the beach from the vertical coastal access point west of Tomate Canyon shall be prohibited during the seal pupping/breeding season (February 1 to May 31).
- b. Locking gates shall be installed at the vertical access trails to implement any restrictions on access to the beach under the Restricted Access Implementation Plan (e.g. at Eagle Canyon during the pupping season).
- c. No dogs shall be allowed on the vertical access nor on the beach.
- d. Signs shall be posted at the golf course parking lot, at the bridge stairway to the coastal access trail, at the terminus of the trail at Eagle Canyon and at the vertical access located west of Tomate Canyon and, if possible, on the beach bluff east and west of the haul out area detailing the provisions of this condition and noting appropriate Marine Mammal Protection regulations.
- e. The restricted access implementation plan shall contain a monitoring component (such as an on-site guard) to assure the above restrictions are enforced and that the seals are not being harassed.
- f. The restricted access implementation plan shall contain a two year monitoring study to determine the effects of providing beach access on the seals. The vertical coastal beach access trails shall be permanently closed if it is determined by RMD, Fish and Game, or the National Marine Fisheries Service that the program is not effective in protecting the seals as planned, or if the agency/entity responsible for implementation of the plan terminates their responsibility and no other agency/entity accepts responsibility.

PLAN REQUIREMENTS AND TIMING: Prior to Acceptance of the offer to dedicate the vertical access easements to the sandy beach, the restricted access implementation plan, detailing the provisions above, shall be approved by RMD, Fish and Game, and the National Marine Fisheries Service.

MONITORING: RMD shall approve the plan prior to acceptance, and shall inspect the access prior to opening the accessway prior to public use. Limited periodic monitoring by RMD of the accessways shall be performed as required.

9. (B3) Monarch Butterflies. Pipeline construction shall not occur within 50 feet of the Monarch autumnal roosting trees located in Eagle Canyon between October 1 and January 31. Plan Requirements: The Monarch Butterfly

autumnal roosting trees shall be show on the pipeline construction plans. **Timing:** Pipeline construction plans shall be approved by RMD prior to issuance of CDP.

MONITORING: RMD/EQAP staff shall ensure compliance onsite during construction.

10. a. (B4) Surface Water. The applicant shall retain a qualified biologist to participate in refining the design of the proposed five acre-foot reservoir to maximize its wildlife value and allow for minimal human disturbance in the reservoir area. **Plan Requirements:** Prior to issuance of a CDP, the applicant shall submit a revised BERP including this provision for the proposed reservoir, prepared by a RMD approved biologist, to RMD for review and approval. Prior to issuance of a CDP, the applicant shall file a performance security bond with the County to complete restoration and maintain plantings for a three-year period. **Timing:** Revegetation work shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course for public use.

MONITORING: RMD/EQAP staff shall site inspect for restoration. Maintenance shall be ensured through site inspections. Permit Compliance signature is required for performance security release.

- b. (from addendum) Pond Turtles. A survey for western pond turtles shall be conducted by an RMD approved biologist prior to grading and/or construction occurring in or within 50 feet of Tomate Canyon and Drainage 5 during the wet season, when standing water may be present in the drainages (between November 1, and May 1.) If turtles are found construction shall be prohibited within 50 feet of the standing water between November 1, and May 1. **Plan Requirements and timing:** The BERP shall include this provision and shall be submitted prior to issuance of the CDP.

MONITORING: RMD/EQAP staff shall site inspect to ensure compliance.

11. (B5) Trees. The applicant shall replace all trees as shown on the tree inventory map (with the exception to tamarisk) as mitigation for impacts to sensitive riparian communities, bats and raptors and to facilitate raptor control of rodents through the use of trees as raptor perches. All non-willow trees shall be replaced at ratio of 3:1 and all willows shall be replaced at a ratio of 5:1. Excavation work within the canopy and/or dripline of willows shall be avoided to the maximum extent feasible. Where excavation must be performed adjacent to willow trees or within southern willow scrub (see Figure 5.1-1) it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by RMD, excavation work may be authorized by RMD to be completed with rubber-tired construction equipment weighing five tons or less. If significant

large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by RMD staff. **Plan Requirements:** A revised BELP including the tree replacement, prepared by a RMD-approved biologist and approved by RMD shall be implemented. Prior to issuance of CDP, the applicant shall file a performance security bond with the County to complete planting and maintain plantings for a three-year period. Construction requirements for work near native trees shall be noted on all building and construction plans. **Timing:** Tree planting shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course.

MONITORING: RMD/EQAP staff shall ensure tree installation and maintenance through periodic site visits. Performance security bond release requires Permit Compliance sign-off.

12. **(B6) Pesticides.** The project shall incorporate an Integrated Pest Management (IPM) program, utilizing an ecosystem approach, focusing on selective control of pests while maintaining populations of pest predators, parasites and non-pest competitors. The IPM program shall include buffer zones adjacent to the vernal pool and all drainages in which pesticide application would be prohibited or highly restricted. The plan shall prohibit the use of rodenticides such as diphacinone or other first-generation anticoagulants known to cause secondary poisoning effects in predators, and shall require proper and frequent disposal of poisoned carcasses. Mosquito abatement shall be conducted using a biological control agent (Vectobac-G or equivalent) specific to mosquito and black fly larvae. Conditions limiting the use of pesticides during specific wind conditions shall also be contained in the IPM program to limit the potential for aerial drift during pesticide application. To minimize the need for pesticides, the IPM program should also contain recommendations regarding the installation of bat and swallow boxes on the site. **Plan Requirements:** The applicant shall submit a plan for implementation of an IPM program. The plan shall be developed in coordination with the University of California Agricultural Cooperative Extension. The plan shall include an action level (pest density at which action is taken), pesticide (insecticide, fungicide, herbicide, rodenticide) application rates (i.e. pounds per acre) and application frequency for all expected pest species. The potential for importation of turfgrass pest predators or parasites or application of pathogenic bacteria (*Bacillus thuringiensis* strains) shall be investigated and included in the plan if feasible. The plan shall be updated annually, reviewed by RMD and include a monitoring section. The applicant shall submit a written request for RMD review and approval of any changes in the IPM program throughout the life of the project. A written approval from RMD shall be required prior to implementation of such changes. **Timing:** The plan shall be submitted to and approved by RMD prior to issuance of CDP.

MONITORING: RMD/EQAP staff shall ensure compliance by conducting periodic site inspections throughout the life of the project.

13. (B7) Vernal Pool. The following requirements apply to the vernal pool designated in Figure 5.1-1 and shall be a component of the BELP and shall be incorporated into the final grading and building plans for the project:
- a. Construction other than that shown on the site plan, or required to build the staircase from the existing bridge to access the Coastal Trail shall be prohibited within 100 feet of the pool.
 - b. A permanent fence at the edge of the cart path as shown in the site plan, and at least 50 feet from the pool edge in all other areas shall be installed around the pool to protect the pool against humans and vehicles. The fencing shall be split rail (or equivalent) to allow for wildlife use of the pool. The fence shall have signs posted to explain this requirement and discourage vandalism. No recreation shall be permitted within the fenced pool area.
 - c. Grass cutting or disking for fire control shall not be permitted within buffer zone established by Measure b.
 - d. The applicant shall remove the non-native Hottentot fig along the edge of the pool and replace it with a native plant that is compatible with the vernal pool and ecosystem.

Plan Requirements: The above measures shall be noted on all grading and construction plans. **Timing:** The revised BELP shall be reviewed and approved prior to issuance of CDP.

MONITORING: RMD/EQAP staff shall ensure compliance during construction and prior to occupancy through site inspection.

14. (B8) Sensitive Plants. The applicant shall submit a revised BELP, including a component addressing revegetation for the southern tarplant, prepared by a RMD approved biologist, to RMD for review and approval. The plan shall follow the California Department of Fish and Game Rare Plant Mitigation Guidelines and shall include, but not be limited to the following elements:
- a. Collection of propagules (seeds, cuttings, rootstock);
 - b. Growth of propagules in containers in a greenhouse;
 - c. Transplanting of propagated plantings to suitable habitats onsite;

- d. Monitoring and maintenance of transplanted populations; and,
- e. A contingency plan to be carried out in the event of high mortality of transplants.

Plan Requirements: Prior to issuance of the CDP, the applicant shall submit the revised BELP. **Timing:** Populations of rare plants grown from collected propagules shall be established in advance of the removal of natural populations from the site. Revegetation work shall commence immediately following the completion of construction activity and be completed prior to opening of the golf course for public use.

MONITORING: RMD/EQAP staff shall site inspect for restoration. Maintenance shall be ensured through site inspections. Permit Compliance signature is required for performance security release.

- 15. (T1) Traffic. The applicant shall provide low vegetation (trees and shrubs) adjacent to the tee boxes on Holes 1, 3 and 4 to minimize the risk of errant tee shots entering the highway and impacting passing motorists. Fencing or netting to prevent errant golf balls from entering the highway shall not be permitted. Final golf hole routing shall be reviewed and approved by Caltrans for avoidance of errant golf ball shots entering the highway. **Plan Requirements:** Prior to Coastal Development Permit (CDP) a landscape plan as part of the Biological Enhancement/Landscape Plan showing the vegetation to be planted adjacent to holes 1, 3, and 4 shall be submitted by the applicant and reviewed and approved by RMD and hole routing shall be reviewed and approved by Caltrans. **Timing:** Landscaping shall be in place prior to occupancy clearance (OC).

MONITORING: Prior to Occupancy Clearance, RMD shall visit the site to ensure landscaping is in place.

- 16. (T2) Trails. The applicant shall dedicate to the County in perpetuity a 24-foot-wide lateral access area (narrowing to 16 feet over each of the proposed tunnels) for the future development and exclusive use of a biking, hiking and equestrian trail. The applicant shall dedicate an easement allowing for limited parking (15 spaces) and access from the parking lot to the trail. The 15 spaces shall be clearly marked and reserved for public trail users during the hours that the golf course parking lot is open to golfing patrons. The applicant shall construct a stairway from the existing bridge to the trail and construct the trail east of the bridge to the vertical viewing area near Eagle Canyon. The applicant shall construct a locked gate east of the vertical viewing area to prevent public access to Eagle Canyon until such time that either the Coastal Trail is opened for public use through the adjacent property to the east or until the vertical beach access and monitoring program is in effect, whichever occurs first. In the event that

the Coastal Trail is opened through the adjacent property to the east, and the vertical beach access program is not in effect, a locking gate shall be constructed at Eagle Canyon to prevent public access down to the beach. The applicant shall rough grade the remainder of the trail. **Plan Requirements:** Access easement and the 15 designated parking spaces shall be indicated on the site plans to be reviewed and approved by RMD and Santa Barbara County Park Department, prior to issuances of CDP.

MONITORING: RMD and County Park Department shall visit the site to ensure proper designation of lateral access corridor.

17. (T3) Calle Real. Prior to issuance of CDP, the applicant shall obtain the easement on the private portion of Calle Real for the County and shall construct to County Standards; or gain approval from the effected property owners located on the north side of the highway to close the median break on U.S. Highway 101. **Timing:** The easement shall be obtained and the road constructed, or, approval from effected property owners shall be gained prior to CDP.

MONITORING: RMD shall verify for receipt prior to CDP.

18. (T4) Dos Pueblos Canyon Road Interchange. The applicant shall provide fair-share funding to the County of Santa Barbara Public Works Department for inclusion in the County Pavement Management System to repair the pavement structure of the roadway system between the northbound and southbound ramps (including the loop road under the highway overcrossing structure) at the Dos Pueblos Road Interchange. The Public Works Department has determined that the project's contribution (59% based on traffic volumes) to this improvement is \$19,833.00. **Timing:** Road improvement contribution shall be made prior to CDP.

MONITORING: RMD shall check for receipt prior to CDP and shall check for improvements prior to OC.

19. (T5) Parking. The applicant shall draft a parking program plan to provide for adequate parking at off-site facilities, including the use of shuttle services to and from the site, for event days when the on-site parking demand could not be accommodated. The plan shall include offsite designated parking areas with scheduled shuttle bus services to and from the course. **Plan Requirements and Timing:** Prior to CDP, the parking program shall be submitted for review and approval by RMD.

MONITORING: RMD shall visit site during the first tournament event to ensure that the program is in place and functioning.

20. (WS1) Water Supply. The applicant shall provide a water-efficient irrigation system for the golf courses. **Plan Requirements and Timing:** Prior to Coastal Development Permit (CDP) the irrigation plan as a component of the Biological Enhancement/Landscape Plan shall be submitted to RMD for review and approval. The irrigation system shall be installed prior to Occupancy Clearance (OC).

MONITORING: RMD shall review and approve plan prior to CDP and shall inspect system prior to OC.

21. (WS2) Water Supply. The applicant shall plumb toilet fixtures and fire suppression systems to accept non-potable water assuming the appropriate authorities authorize such use. **Plan Requirements and Timing:** Prior to CDP, non-potable lines shall be depicted on building plans subject to RMD review and approval. Lines shall be installed prior to OC.

MONITORING: RMD shall inspect to ensure compliance prior to occupancy.

22. (WS3) Water Supply. The applicant shall submit to RMD a copy of the can-and-will-serve letter from the GSD/GWD indicating willingness and ability to provide reclaimed water to the project site. The letter shall be provided to RMD prior to issuance of CDP.

MONITORING: RMD shall ensure compliance through review of the can-and-will-serve letter.

23. (WS5) Water Supply. Indoor water use shall be limited through the following measures:

- a. All hot water lines shall be insulated.
- b. Water pressure shall not exceed 50 pounds per square inch (psi). Water pressure greater than 50 pounds per square inch shall be reduced to 50 psi or less by means of a pressure-reducing valve.
- c. Recirculating, point-of-use, or on-demand water heaters shall be installed.
- d. Water efficient dishwashers shall be installed.
- e. Lavatories and drinking fountains shall be equipped with self-closing valves.

Plan Requirements and Timing: Prior to CDP, indoor water-conserving measures shall be graphically depicted on building and/or grading plans, subject to RMD review and approval. Indoor water-conserving measures shall be implemented prior to OC.

MONITORING: RMD shall inspect for all requirements prior to OC.

24. (WQ1) Water Quality. The applicant shall submit a final turf management plan to RMD for review and approval. The plan shall include information regarding irrigation, pest management and fertilization practices. Pest management shall be conducted as an Integrated Pest Management (IPM) program which relies on frequent scouting of golf course areas for pests. Chemicals are applied on localized areas only when needed. **Plan Requirements and Timing:** The plan shall be submitted and approved by RMD prior to CDP.

MONITORING: RMD/EQAP staff shall review and approve plan. Periodic inspections shall be made at the discretion of RMD through the life of the project to ensure implementation.

25. (WQ2) Water Quality. The applicant shall submit the final Biological Enhancement/Landscape Plan (BELP) to RMD which follow the parameters outlined in the Biological Enhancement Plan showing setbacks and areas of undisturbed vegetation to be maintained between drainage features and components of the golf course for review and approval. **Plan Requirements and Timing:** The final BELP and design plans shall be approved prior to CDP.

MONITORING: RMD shall review and approve plan. Building and grading inspectors shall monitor the site during construction to ensure that buffers are maintained.

26. (WQ3) Water Quality. New and replacement culverts shall meet County requirements of 100-year flow capacity. Headwalls, endwalls, wingwalls and regraded channels shall also be designed (size and material) to accommodate 100-year flows and afford adequate stabilization of banks and abutments. **Plan Requirements and Timing:** Final drainage plans shall be submitted to the Public Works Department for review and approval prior to CDP.

MONITORING: Public Works shall approve plan and shall inspect site to ensure proper design of drainage facilities.

27. (WQ4) Water Quality. The applicant shall develop and implement a maintenance (dredging) schedule for removal of accumulated sediments in the proposed in-stream desiltation basins. The plan shall include provisions for maintenance during construction, immediately after storm events and normal periodic maintenance. **Plan Requirements and Timing:** The schedule shall be submitted to RMD and the Public Works Department for review and approval prior to CDP.

MONITORING: RMD/EQAP staff/Public Works shall approve the schedule and shall periodically inspect the site during construction, and through the life of the project to ensure that maintenance is being conducted according to the approved schedule.

28. (WQ5) Water Quality. A grading plan shall be designed to minimize erosion and shall include the following:
- a. Graded areas shall be revegetated within three weeks of final grading activities within a given area. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established (also proposed by the applicant).
 - b. Methods such as silt fencing and hay bales shall be used to reduce siltation into adjacent streams during grading and construction activities. Scheduling of construction shall be limited to the dry season (May through October) unless appropriate erosion control devices are installed (also proposed by the applicant).
 - c. A 30-foot-wide buffer of undisturbed native vegetation from the top of bank and/or slope line as indicated on the Biological Enhancement Plan shall be maintained during construction. The edge of this buffer shall be delineated by vegetated buffers and/or rustic fencing.

Plan Requirements and Timing: The plan shall be submitted for review and approved by RMD and Public Works prior to CDP. The applicant shall establish fencing and notify Permit Compliance prior to commencement of grading.

MONITORING: Permit Compliance will photo-document revegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

29. (AQ1) Air Quality. The applicant shall ensure that all contractor's equipment meets the following requirements:
- a. Construction equipment shall be maintained as per manufacturer's specifications;
 - b. Catalytic converters shall be installed on all gasoline-powered equipment;
 - c. The fuel injection timing shall be retarded on diesel-powered equipment by two (2) degrees from manufacturer's recommendations. Reformulated diesel fuel and high pressure injectors shall be used in all diesel powered construction and abandonment equipment;

- d. Gasoline-powered equipment shall be substituted for diesel powered equipment if feasible.

Plan Requirements: All requirements shall be listed in contractor and subcontractor contracts. A list of equipment to be used on-site and a copy of manufacturer's specifications for each shall be provided to the monitor prior to the commencement of abandonment/construction. The applicant shall provide quarterly equipment use (hours), fuel use, fuel supplier and mechanics certificate to the APCD and RMD to verify requirements.

Timing: The grading plans, building plans and contracts must have requirements listed prior to issuance of a Coastal Development Permit (CDP).

MONITORING: RMD shall ensure such measures are on plans and manufacturer's specifications have been provided. A monitor shall be provided by the applicant. The name and telephone number of the monitor shall be provided to the APCD and RMD prior to the initiation of construction activities.

30. (AQ2) Air Quality. Emissions generated by construction activities shall be reduced by the following measures:
 - a. The frequency of construction site watering shall be increased when wind speeds exceed 15 miles per hour (mph) to reduce PM₁₀ emissions;
 - b. Grading and scraping operations shall be suspended when wind speeds exceed 20 mph to reduce PM₁₀ emissions;
 - c. An on-site construction speed limit of 15 mph shall be posted to reduce PM₁₀ emissions;
 - d. Water trucks or sprinkler systems using reclaimed water shall be used, if available, during clearing, grading, earth moving, excavation or transportation of cut and fill materials to prevent dust from leaving the site and to create a crust after each day's activities cease (also proposed by applicant);
 - e. Excavated material and stockpiled soil shall be covered if not to be used for more than 48 hours;
 - f. All trucks transporting fill material to and from the site shall be covered.
 - g. Construction/abandonment related vehicle trips shall be scheduled to avoid peak hours (7:30-8:30 a.m.; 4:30-6:00 p.m.) to reduce peak hour construction emissions;

Plan Requirements: All requirements shall be shown on grading and building plans. A well abandonment mitigation plan shall be developed and include a complete description of equipment and procedures used to comply with measure 30.g. A monitor shall be provided by the applicant. The monitor shall supervise the dust control program and order increased watering frequency when necessary. The name and telephone number of the monitor shall be provided to the APCD and RMD.

Timing: The grading plans, building plans and contracts must have requirements listed prior to issuance of a CDP.

MONITORING: RMD shall ensure such measures are on all plans. RMD/EQAP staff/Grading and Building Division shall inspect the site to ensure compliance.

31. (AQ3) Air Quality. Project patrons shall be given a financial incentive to carpool (i.e. reduced green fees).

Plan Requirements and Timing: The applicant shall provide RMD a written letter outlining the incentive program to be implemented upon project operation prior to CDP.

MONITORING: RMD shall review plan and visit site upon operation to ensure compliance.

32. (AQ4) Air Quality. Commercial water heaters and space heaters used on the project site shall emit no more than 40 nanograms of NO_x per joule heat input, consistent with 1991 AQAP Control Measures N-XC-2 and N-XC-3.

Plan Requirements: Requirements shall be shown on building plans to be submitted and approved by RMD. The applicant should provide RMD with proof of purchase of specified heaters prior to OC. **Timing:** Building plans must have requirements listed prior to issuance of a Coastal Development Permit.

MONITORING: RMD shall ensure requirements are on plans.

33. (A1) Archaeological Resources. A fill program shall be designed so that intrusions or recompaction shall be limited to the upper 20 centimeters of previously disturbed topsoil. All material used as fill shall be culturally sterile and chemically neutral. Placement of the fill over the archaeological sites shall be monitored by a RMD-qualified archaeologist and a Native American

representative. Because site deposits on which fill would be placed would no longer be accessible to research, a data collection program shall be conducted. The program shall be performed by a RMD-qualified archaeologist, and shall include the following:

- a. mapping the location of surface remains within the proposed area of fill;
- b. surface collection of artifacts;
- c. the excavation of a small sample, determined by the RMD contract archaeologist, of the cultural deposit to characterize the nature of the buried portions of the sites;
- d. monitoring of excavations by a Native American representative;
- e. analysis of all remains;
- f. submission to RMD of a final report detailing the results of the investigations; and
- g. curation of all artifacts and records at a County-approved curation facility.

Plan Requirements and Timing: Prior to CDP, the applicant shall record an agreement, subject to RMD approval, that if significant archaeological resources cannot be avoided by fairways greens, tees, bunkers, or other facilities, impacts shall be reduced by filling or capping the sites. The data recovery program shall be funded by the applicant and performed by a RMD-qualified archaeologist. The archaeologist shall submit a final report to the RMD contract archaeologist or designee detailing the results of the study prior to the capping of the site.

MONITORING: RMD/EQAP staff shall approve the program and monitor in field.

34. (A2) Archaeological Resources. All earth disturbances inside and within 50 feet of an archaeological site area shall be monitored by a RMD-qualified archaeologist and a Native American representative pursuant to County Archaeological Guidelines. This recommendation includes the monitoring of the proposed pipeline through southern portion of the CA-SBA-2441 site area. An agreement between the applicant and the archaeologist, consisting of a project description and scope of work, shall be reviewed and approved by RMD prior to grading. **Plan Requirements and Timing:** This condition shall be included on all grading plans.

MONITORING: RMD/EQAP staff and the Public Works Department shall approve the program and monitor in the field.

35. (A3) Archaeological Resources. A Phase III mitigation excavation pursuant to County guidelines shall be conducted along the buried pipeline route in the CA-SBA-1322 site area, in order to offset the significant impacts to this portion of the site that the proposed development of a water pipeline, as planned, would cause. A Phase II archaeological testing to evaluate the archaeological deposits within the maintenance building locality shall be conducted with subsequent Phase III mitigation excavations required in the event of significant finds. For all studies, the volume of the soil excavated and processing techniques shall be reviewed and approved by the RMD archaeologist or County designee. Analysis of all cultural materials and other items shall be detailed in a final report and submitted to the RMD contract archaeologist or County designee prior to development of this area of the site. Additionally, all artifacts and records from the programs shall be curated at a County-approved curation facility. Since Phase III mitigation work requires a large investment of time and labor, sufficient time shall be given by the applicant to perform the study. Should unexpected finds such as human burials be discovered, project redesign shall be considered to protect the religious and cultural values of the most likely Native American descendants (identified by the California Native American Heritage Commission) of the site. Plan Requirements and Timing: Prior to CDP, the applicant shall hire a RMD-qualified archaeologist to perform the Phase III mitigation program. The program shall be funded by the applicant and shall be performed by a RMD-qualified archaeologist and monitored by a native American representative. Similar plan requirements and timing constraints apply if a Phase II study is to be performed at the maintenance building localities.

MONITORING: Prior to CDP, RMD shall approve the program. RMD/EQAP staff shall monitor.

36. (A4) Archaeological Resources. At site CA-SBA-76 on the Eagle Canyon Ranch, low impact rubber wheeled construction equipment shall be used during placement of the pipeline. All ground disturbance inside and within 50 feet of an archaeological site area shall be monitored by an RMD-qualified archaeologist and a Native American representative pursuant to County archaeological guidelines. Should piperack repair or replacement be required in the site area, a Phase II archaeological study shall be required, pursuant to County guidelines, in order to evaluate the deposit in the proposed development area. All excavation shall be performed by an RMD-qualified archaeologist in the presence of a Native American representative. An agreement to perform an archaeological investigation (Phase II) between the applicant and the archaeologist, consisting of a project description and scope of work, shall be reviewed and approved by RMD prior to any grading or removal of the existing piperacks. The agreement shall include provisions for Phase III mitigation data recovery in the event of significant finds during the Phase II investigation. Upon

completion of the fieldwork, a final report documenting the results of the investigation shall be submitted to the RMD archaeologist or County designee. All artifacts and records from the program shall be curated at a County-approved curation facility. **Plan Requirements and Timing:** Prior to issuance of the CDP for grading permit, the applicant shall include a note on a separate informational sheet to be included with grading plans regarding the provision of this condition. The program shall be funded by the applicant.

MONITORING: RMD shall approve the program. RMD/EQAP staff shall monitor.

37. (A5a) Archaeological Resources. The alternate above-ground pipeline route, north of CA-SBA-73, shall be the permanent location for placement of the pipeline to ensure that all impacts to the site are avoided. **Plan Requirements and Timing:** The revised pipeline route shall be shown on all pipeline grading and construction plans to be reviewed and approved by the Public Works Department prior to CDP.

MONITORING: RMD shall check plans prior to CDP. RMD/EQAP staff shall spot check during grading and construction to ensure that CA-SBA-73 is avoided.

OR

Should the above recommended action prove unfeasible and the underground route following the future Hyatt - Santa Barbara access road be chosen for pipeline placement, mitigation would depend upon the results of final archaeological work conducted prior to the construction of the proposed road therefore the following measure shall be implemented.

(A5b) An archaeologist familiar with the proposed ARCO Dos Pueblos pipeline plans shall consult with the archaeologist conducting the proposed Hyatt access road to take into consideration the placement of the buried pipeline in the site area. If the proposed pipeline would lie in fill for the proposed access road, then no adverse impacts to the site are expected. However, should trenching for the pipeline go below the fill layer, a Phase III mitigation excavation for the pipeline impacts shall be performed prior to placement of the fill soil. **Plan Requirements and Timing:** Prior to CDP an RMD-qualified archaeologist for the proposed project shall consult with the Hyatt Project archaeologist to determine the significance of the impact to CA-5BA-73 from the reclaimed pipeline and shall provide a written letter relating the results to RMD. If the Phase III mitigation program is required, prior to CDP, the applicant shall hire an RMD-qualified archaeologist to perform the Phase III mitigation program. The program shall be funded by the applicant and monitored by a Native American representative.

MONITORING: Prior to CDP RMD shall approve a letter report and a Phase III mitigation program if necessary. RMD/EQAP staff shall also make an onsite inspection to ensure that the mitigation is carried out.

38. (A1) Aesthetics. The applicant shall submit architectural drawings and site plans including details on the size, location and appearance of signage on and off the project and exterior lighting fixtures of the project for review and approval by BAR prior to Coastal Development Permits.

MONITORING: RMD will check project structures to ensure that all BAR requirements have been incorporated into the project design prior to occupancy clearance.

39. (HM2) Hazardous Materials. The applicant shall submit to EHS a work plan for assessment of hazardous waste or other contamination (i.e., crude oil) on the site. The assessment shall target especially those areas of known oil-drilling activity, including areas surrounding abandoned wells, sites of former aboveground storage tanks, underground piping and suspected sump locations. The work plan must include information on sampling locations of soil and groundwater constituents to be sampled, and sampling and analysis techniques to be utilized. **Plan Requirements and Timing:** Prior to CDP the work plan shall be submitted to EHS. Upon approval of the plan by EHS, the work plan and analysis shall be performed. Results shall be submitted to EHS to determine if further testing is needed. The site assessment shall be completed to the satisfaction of EHS.

MONITORING: EHS shall be responsible for approving the work plan and assessment results. EHS shall also inspect site prior to OC.

40. (HM3) Hazardous Materials. If soil and/or groundwater contamination exists onsite, the applicant shall submit a site remediation plan which will include timeliness for remediation acceptable to EHS. Soil remediation methods could include excavation and onsite treatment, excavation and offsite treatment or disposal, or treatment without excavation. Remediation alternatives for cleanup of contaminated groundwater could include in-situ treatment, extraction and onsite treatment, or extraction and offsite treatment and/or disposal. If site remediation is required, it could increase the extent of excavation currently proposed for the project. This could result in secondary archaeological or biological impacts if excavation is proposed in areas with sensitive biological or archaeological resources. Therefore, the remediation plan should also be approved by RMD to ensure that impacts to these resources would be avoided or mitigated. **Plan Requirements and Timing:** The remediation plan shall be approved by EHS, RMD prior to CDP.

MONITORING: EHS shall approve the remediation plan and shall ensure that the plan is implemented according to the approved schedule. Site inspections shall be made periodically during the remediation effort at the discretion of EHS.

41. (HM4) Hazardous Materials. An abandonment plan for the proposed Dos Pueblos Golf Links Project shall be submitted by the applicant and approved by RMD Energy Division, EHS, County Fire Department and DOG. The plan shall follow the draft Site Abandonment Restoration Guidelines (SARG). Refer to Appendix 5.7.3.2 of 92-EIR-16 for The Energy Division's SARG and ARCO's Draft Facilities Operation and Abandonment Plan submitted to the County October 14, 1991.

MONITORING: RMD Energy Division, EHS and County Fire Department shall check plans and ensure their proper implementation prior to CDP.

42. (HM5) Hazardous Materials. The applicant shall develop a formal fertilizer/pesticide storage and application plan to be reviewed and approved by the EHS and CACO. This plan shall conform to standards contained in Assembly Bill 2185 and the UFC and Building Code where applicable. In addition, application of chemicals shall be consistent with instructions on container labels and permits for restricted substances shall be obtained from CACO. Storage areas for hazardous materials shall be designed with the following mandatory components:

- a. A low berm around the interior floor to prevent migration of materials in the event of a spill.
- b. The floor shall be a concrete slab.
- c. The berm shall be designed to provide 100 percent containment of any stored liquids.
- d. A fire protection sprinkler system or other approved fire protection system shall be installed in all chemical storage areas.

Plan Requirements: Prior to CDP, the applicant shall submit storage area plans to RMD and EHS for approval. Storage area specifications shall be depicted on all grading and construction plans. **Timing:** The storage area shall be installed prior to occupancy clearance.

MONITORING: EHS and RMD shall site inspect prior to occupancy clearance.

43. (HM6) Hazardous Materials. The applicant shall develop a Hazardous Materials Business Plan (HMBP) as applicable with respect to actual stored quantities of hazardous materials and regulatory threshold quantities of hazardous materials and regulatory threshold quantities. Such plans shall conform to the provisions of AB2185/2187. **Plan Requirements:** Prior to occupancy clearance, the applicant shall submit a HMBP to EHS for review and approval. The plan shall be updated annually and shall include a monitoring section. **Timing:** The components of the HMBP shall be implemented prior to occupancy clearance.

MONITORING: EHS shall ensure plan approval and shall site inspect prior to occupancy clearance and periodically through the life of the project.

44. (HM7) Hazardous Materials. All wells shall be inspected and reviewed by the DOG and the RMD Energy Division to determine the adequacy of their abandonment. If portions of the casings of the presently existing wells will have to be removed during grading, surface cement plugs placed during abandonment shall be of a sufficient length that the required length of cement will remain after casing removal. If portions of the casings of the presently existing wells will have to be removed during grading, DOG must be contacted for possible requirement for upgrade of surface plugging. All well casings shall be cut off at least 5 feet below the surface of the ground. A steel plate at least as thick as the outer casing shall be welded around the circumference of the outer casing at the top of the casing, after division approval of the surface plug. DOG must also receive and review a site plan showing the locations of all wells in the project and all proposed permanent structures. Recommendations by the DOG and RMD Energy Division regarding reabandonment procedures and positioning of any structures in the vicinity of the wells shall be incorporated into the final project plans. Further requirements regarding reabandonment of wells pursuant to Section 3208.1 of the Public Resources Code (PRC) would be made from an examination of abandoned well conditions. DOG may order the reabandonment of any previously abandoned well if the future construction of any structure over or in the proximity of the well could result in a hazard [California Laws for Conservation of Petroleum and Gas, Publication No. PRC01, November 1991, Article 4, Regulation of Operations, Section 3208.1(a)]. **Plan Requirements:** This measure shall be incorporated into the abandonment plan. **Timing:** The abandonment plan shall be submitted and approved by the RMD Energy Division, EHS, and County Fire Department prior to CDP.

MONITORING: Abandonment and reabandonments shall be visually inspected by RMD Energy Division throughout abandonment procedures.

45. (HM8) Hazardous Materials. If site remediation is required, the remediation plans shall include a Site Health and Safety Plan to be followed throughout all remediation activities to protect the health of the site workers, the public and/or the environment. Excavation areas should be fenced off at sufficient distances to minimize exposure. A dust control program should be included in the site remediation plans requiring frequent wetting of exposed areas, as site remediation could involve extensive excavations. Offsite transportation of contaminated soil may be necessary for treatment or disposal. Transportation times and routes should be prearranged to minimize the potential for accidents or public exposure. All transportation of hazardous wastes would be done under proper manifest and restricted to persons with appropriate training and licensing. **Plan Requirements and Timing:** The remediation plan shall be approved by EHS prior to CDP.

MONITORING: EHS shall approve the remediation plan and shall ensure that the plan is implemented according to the approved schedule. Site inspections shall be made periodically during the remediation effort at the discretion of EHS.

46. (HM9) Hazardous Materials. A geophysical survey shall be performed on the area as part of the assessment identified in condition #39. The survey should locate pipelines and mud pits for appropriate abandonment procedures. Plan requirements timing and monitoring would be the same as for measure HM2.
47. (G1) Geology. The preliminary drainage plan for the project shall be finalized by a civil engineer and shall be designed to ensure that there would be no increase in surface runoff onsite and that surface runoff is conducted in a controlled manner to the base of the sea cliffs or appropriate areas within the major drainage swales. Specifically, runoff from all impervious surfaces such as roofs, pathways and parking areas shall be directed into an engineered drainage control system. The final design for proposed energy dissipators shall consider conformity to existing channels, cross-sectional area to accommodate discharge, and proper sizing of riprap to avoid scour beneath rocks and accomplish dispersion. **Plan Requirements and Timing:** The final drainage plan which includes a maintenance and inspection program to ensure proper functioning, shall be submitted prior to Coastal Development Permit by the applicant to RMD, Public Works and the Flood Control District for review and approval. Drainage plan components shall be installed prior to issuance of Occupancy Clearance (OC).

MONITORING: RMD, Flood Control and Public Works shall ensure compliance with plan requirements prior to CDP and RMD shall ensure installation of drainage control measures prior to OC.

48. (G2) Geology. Undersaturation of soils and subsequent increased slope stability shall be maintained through the implementation of the measures listed below.

- a. Deep-rooted, drought-tolerant plant species, as selected by a landscaping specialist, shall be planted on the site to the extent feasible and existing ice plant shall be removed from the cliff face and replaced with species with less surface weight. Removal of the ice plant shall not occur during the rainy season.
- b. Water percolation and soil moisture measurement devices shall be installed in areas of the project site to receive irrigation and water shall be applied at a rate that represents only the consumptive use of the plants.

Plan Requirements: Prior to CDP, a Biological Enhancement/Landscape Plan (BELP) including the above components shall be submitted to RMD for review and approval. **Timing:** The applicant shall implement components of the BELP referenced above prior to OC.

MONITORING: RMD/EQAP staff shall conduct site visits to ensure installation prior to occupancy.

49. (G3) Geology. A detailed geological and soils engineering study addressing structure sites, bridge sites, pathways, access roads and pipeline routes shall be prepared to assess surface and subsurface soil conditions (including collapsibility, compressibility, and expansiveness) and determine the structural design criteria. The stability of the existing piperacks to accommodate new pipelines shall also be assessed. The study shall be submitted for review and approval by the County Public Works Department. (This has already been completed by Rick Hoffman and Associates and Pacific Materials Laboratory for the proposed tunnel areas. Recommendations for tunnel construction presented in the existing investigation shall also be incorporated into the project design.) **Plan Requirements:** Grading and construction plans denoting the recommended measures as found in the geological and soils engineering study shall be submitted for review and approved by RMD prior to Coastal Development Permit (CDP). **Timing:** Components of the grading plan shall be implemented prior to issuance of building permits and components of the construction plans shall be implemented prior to issuance of occupancy clearance (OC).

MONITORING: Public Works shall ensure compliance with study requirements prior to CDP. Grading inspectors shall ensure compliance with measures incorporated into the grading plan and building inspectors shall ensure compliance with the structural design measures incorporated into the building plans prior to OC.

50. (F1) Fire. Adequate structural access shall be provided to the proposed site. **Plan Requirements:** Emergency access route shall be submitted by the applicant for review and approval by the County Fire Department prior to issuance of CDP and shall be installed prior to construction with combustible materials.

MONITORING: Access shall be reviewed and approved by RMD and County Fire Department prior to construction of combustible materials. The Fire Department and Permit Compliance shall ensure compliance through site inspections.

51. (F2) Fire. The applicant shall provide an adequate number of fire hydrants as determined by the County Fire Department. **Plan Requirements:** Prior to Coastal Development Permits, the applicant shall meet with the County Fire Department to review placement of additional fire hydrants throughout the development. **Timing:** Hydrants shall be installed prior to construction with combustible materials.

MONITORING: The County Fire Department shall ensure compliance through visitation of the site.

52. (F3) Fire. Buildings proposed as part of the project shall be equipped with automatic sprinkler systems, as determined by the County Fire Department. **Plan Requirements:** Prior to installation, the applicant shall meet with the County Fire Department to review sprinkler system plans. **Timing:** Sprinkler systems shall be installed and inspected during construction.

MONITORING: The County Fire Department shall ensure compliance prior to occupancy.

53. (S1) Solid waste. The applicant shall submit a Solid Waste Management Source Reduction Plan to RMD and Public Works for review and approval. The plan shall include the following components:

- a. Implementation of a curbside recycling program in coordination with Marborg Disposal Company to serve the new development, including provision of accessible recyclable collection areas where needed within the project site with bins for storage of recyclable material;
- b. The provision of composting facilities for the onsite recycling of all green wastes;
- c. The provision of built-in compartmentalized recyclable material collection bins within each structure;
- d. A listing of building supply merchandisers that would provide recycled materials to be used in construction and description of how these materials would be used;
- e. A provision stating that recycled materials would be used in construction including a list of such supplies and suppliers.

Plan Requirements and Timing: The applicant shall submit a Solid Waste Management Program to RMD and Solid Waste (Public Works) for review and approval prior to approval of a CDP.

MONITORING: RMD and Public Works shall site inspect as necessary.

54. **DELETED.**

55. (ALU1) Agricultural Land Use. During grading of areas of Class II soil (as shown in Figure 1 in Appendix A to 92-EIR-16, ARCO letter comment 213), the following procedures will be followed:

Cut Areas

- a. Topsoil to a depth of 24 inches will be removed and stockpiled separately;
- b. Upon completion of the cut, the underlying subsoil shall be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart; and
- c. The previously removed top soil shall be replaced in 12-inch lifts in the same area it was removed from and will be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart. This soil will not be compacted.

Fill Areas

- a. Topsoil to a depth of 24 inches will be removed and stockpiled separately;
- b. Upon completion of the top soil removal, the underlying subsoil shall be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart;
- c. Clean subsoil that was removed from the Class II soil cut areas shall be used as fill and shall be placed in 12-inch lifts with no compaction;
- d. Once the fill is placed, the top 18 inches shall be ripped with ripper shanks placed no more than 18 inches apart; and
- e. The previously removed top soil shall be replaced in the same area it was removed from and will be ripped to a depth of 18 inches with ripper shanks placed no more than 18 inches apart.

Stockpiled topsoil shall be protected from wind and water erosion. The replaced topsoil shall be revegetated and protected from erosion. The above activities shall be monitored for compliance.

Plan Requirements: Grading plans denoting the recommended measures shall be submitted to RMD for review and approval prior to Coastal Development Permit (CDP). **Timing:** Components of the grading plan shall be implemented prior to issuance of building permits.

Monitoring: Grading inspectors shall ensure compliance with measures in the grading plan through periodic site inspection.

56. (ALU2) Agricultural Land Use. It shall be stipulated in the Conditional Use Permit (CUP) that in the event of a permanent closure of the golf links facility, agricultural land use shall be given preference on the project site's prime soil.
57. Pursuant to the Administrative Guidelines for Housing Impact Assessment for Non-Residential Projects, the applicant shall contribute in-lieu fees of \$35,000.00 per housing unit demand over the first unit generated by the project. The housing demand is determined based on the number of anticipated employees generated by the project. The reclaimed water option will generate 32 employees. Affordable housing demand is determined by the following formula: $32 \text{ (employees)} / 1 \text{ (employee density factor)} * 0.27 \text{ (new-to-the-area proportion of total employees based upon "other" use)} * 0.37 \text{ (low to moderate proportion of new-to-the-area employees)} / 1.4 \text{ (workers per household or unit)}$. Therefore, using the above formula, the applicant shall contribute \$44,800.00. **Timing:** All in-lieu fees shall be paid prior to issuance of the Coastal Development Permit. As an alternative, the applicant shall enter into an agreement with the County of Santa Barbara, satisfactory to County Counsel and RMD, agreeing to provide for the development of one (1) affordable housing unit. The unit may be provided through direct provision on the project site or on an alternate site. If the applicant chooses to provide for the development of one affordable housing unit, prior to the issuance of the CDP the applicant shall enter into an agreement with the County, subject to County Counsel's approval that one unit shall be affordable based on RMD's "Model" *Agreement to Provide Affordable Housing* approved by the Board of Supervisors. The agreement shall contain timing by which the unit must be built and monitoring requirements to ensure its affordability. Income eligibility of prospective low or moderate buyer or renter shall be determined by the County or its designee. An intent to reside statement shall be required of the potential owner or renter of the low or moderate-income unit. The maximum sales price or rental rate of the low or moderate income unit shall not exceed the maximum levels established by RMD, consistent with the provisions of the Housing Element. Said low or moderate

income unit shall be retained as an affordable unit for a period of 30 years. Provisions for resale controls to implement this condition shall be recorded in the agreement between the applicant and the County using the "Model" *Deed Restriction to Control the Resale of Property* approved by the Board of Supervisors.

Monitoring: RMD staff shall ensure that either in-lieu fees have been paid or an agreement to supply an affordable unit is in place prior to issuance of the CDP. If in-lieu is not selected, the agreement mentioned above shall contain additional monitoring requirements.

58. Two performance securities shall be provided by the applicant prior to land use clearance, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three years of maintenance of the items. The amounts shall be agreed to by RMD. Changes to approved landscape plans may require a substantial conformity determination or a modification to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, RMD may release the maintenance security two years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, RMD may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- (a) Installation of the Biological Enhancement/Landscape Plan (BELP) prior to occupancy clearance.

MONITORING: RMD shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

59. Landscaping shall be maintained for the life of the project.
60. Prior to the issuance of the CDP for the cart barn in the location shown on the Site Plan, a Lot Line Adjustment shall be approved and executed with a Record of Survey so that the cart barn is situated entirely within the applicant's property (not over the property line).
61. Golf course use shall occur only during daylight hours and shall terminate by dark. Night lighting for night use of the course is prohibited.

62. The clubhouse facilities shall be open to the public. The facilities shall not be leased or used for private banquets or receptions not associated with golf play. Food service is intended for golfers during daylight hours only. The grill shall close no later than 1/2 hour after sunset.
63. The conversion of any portion of this public golf course to private or restricted use requires additional discretionary review and approval.
64. DELETED.
65. The applicant shall prohibit any additional connections to their private reclaimed water line.
66. The on-site Antiquated Naples lots shall not be developed with single family residences.
67. No signs of any type are approved with this action unless otherwise specified. All signs require a separate CDP and BAR approval and shall comply with the Santa Barbara County Code Chapter 35 (Sign Regulations).
68. All final conditions of approval (Planning Commission or Board of Supervisors) shall be printed in their entirety on appropriate construction or building plans submitted to RMD or Building and Development Division of Public Works. For any subsequent development on any parcels created by the project, each set of plans accompanying a CDP shall contain these conditions.
69. Prior to CDP issuance, the applicant shall pay all applicable RMD permit processing fees in full.
70. Any change of use in the proposed building or use shall be subject to full environmental analysis and discretionary review by the Planning Commission.
71. All plans and programs shall be implemented as approved.
72. This Conditional Use Permit is not valid until a Coastal Development Permit for the development and/or use has been obtained. Failure to obtain said Coastal Development Permit shall render this Conditional Use Permit null and void. It is anticipated that two separate Coastal Development Permits will be issued: the first for demolition and abandonment of the existing facilities, and the second for the construction of the golf links and related improvements. Prior to the issuance of the Coastal Development Permit, all of the conditions for each separate activity listed in this Conditional Use Permit that are required to be satisfied for that activity prior to issuance of the Coastal Development Permit

must be satisfied. Upon issuance of the Coastal Development Permit, the Conditional Use Permit shall be valid. The effective date of this Permit shall be the date of expiration of the appeal period, or if appealed, the date of action by the Board of Supervisors.

73. If the Planning Commission determines at a Noticed Public Hearing, that the permittee is not in compliance with any permit conditions, pursuant to the provisions of Sec.35-181 of Article II of the Santa Barbara County Code, the Planning Commission is empowered, in addition to revoking the permit pursuant to said section, to amend, alter, delete, or add conditions to this permit.
74. Any use authorized by this CP shall immediately cease upon expiration or revocation of this CP. Any Coastal Development Permit issued pursuant to this CP shall expire upon expiration or revocation of the CP. CP renewals must be applied for prior to expiration of the CP.
75. The applicants acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the permittee of all conditions of this permit.
76. Within 2 years after the effective date of this permit, construction and/or the use shall commence. Construction or use cannot commence until a Coastal Development Permit has been issued.
77. All time limits may be extended by the Planning Commission for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Resource Management Department prior to the expiration date.
78. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attach, set aside, void, or annul, in whole or in part, the County's approval of the Conditional Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
79. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a

court of law, the entire project shall be reviewed by the Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.

III. This permit is issued pursuant to the provisions of Sections 35-132.8, 35-172.8, 35-169 of the Coastal Zoning Ordinance of the County of Santa Barbara and is subject to the foregoing conditions and limitations; and this permit is further governed by the following provisions:

1. If any of the conditions of the Conditional Use Permit are not complied with, the Planning Commission, after written notice to the permittee and a noticed public hearing, may revoke the Conditional Use Permit.
2. A Conditional Use Permit shall become null and void and automatically revoked if the use permitted by the Conditional Use Permit is discontinued for more than one year.
3. All time limits imposed may be extended by the Planning Commission one time for good cause shown, provided a written request, including a statement of reasons for the time limit extension request is filed with the Resource Management Department prior to the expiration date.

Albert J. McCurdy by *D. McEaster*

Albert J. McCurdy, Secretary,
Santa Barbara County Planning Commission

8/23/93

Date

☒ Case File: 91-CP-085
Permanent File
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California Coastal Commission, 89 South California Street, Suite 200, Ventura, CA 93001
Fire Department
Flood Control
Park Department
Public Works
APCD
Environmental Health Services
County Surveyor
County Counsel
Richard Corral, Planning Technician
Clerk of the Board (File #93-18,853)
Planners: S. Goggia/G. Wheeler/D. Meester/K. Drude

G:GROUP\PC_STAFF\WP\PC_CUP\91CP085.526

EXHIBIT NO. 10

APPLICATION NO.

4-STB-93-154-A2

Arco Golf Course

Page 1 of 4

GENERAL WETLANDS LOCATION MAP
(See Pages 2 through 4 of Exhibit)

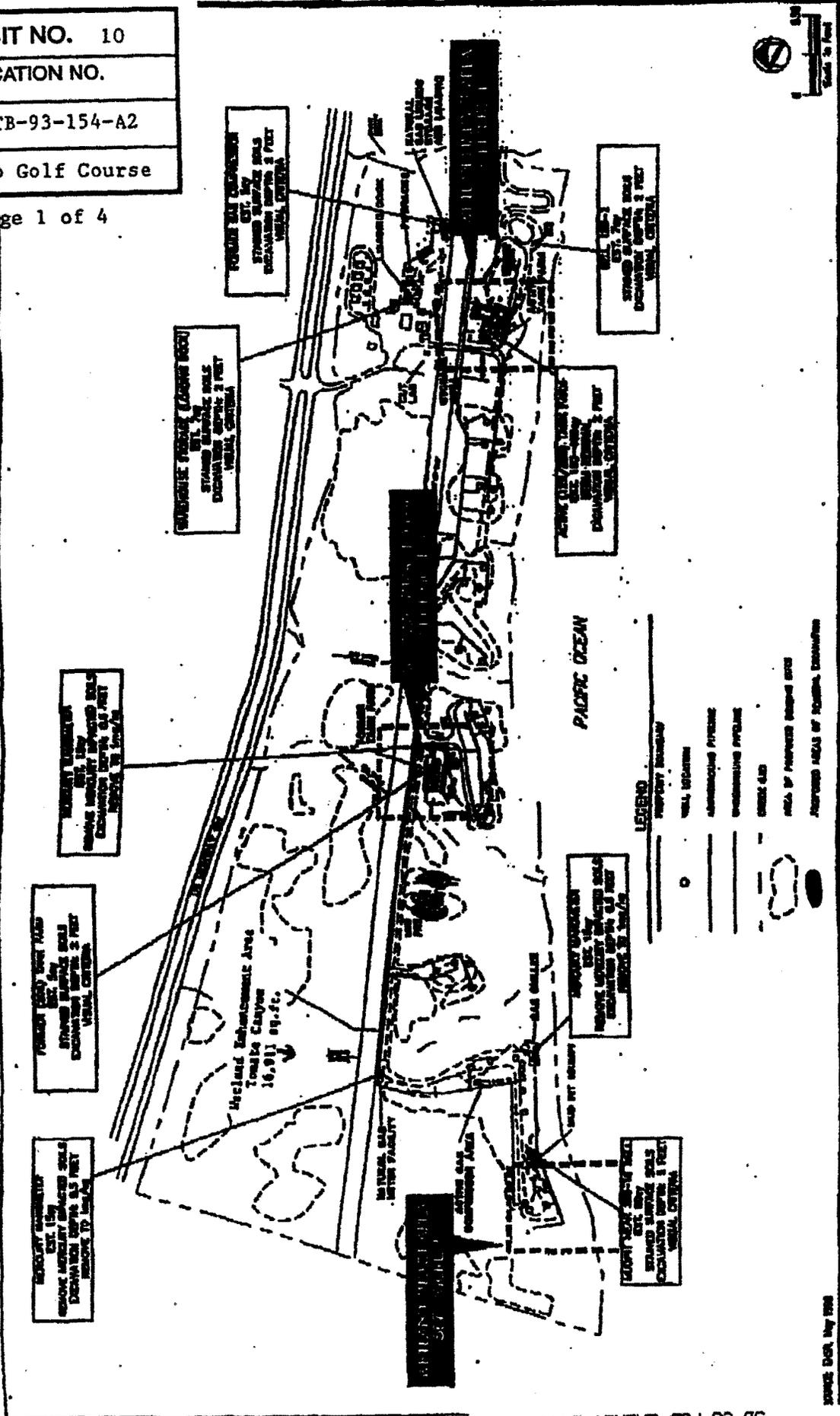
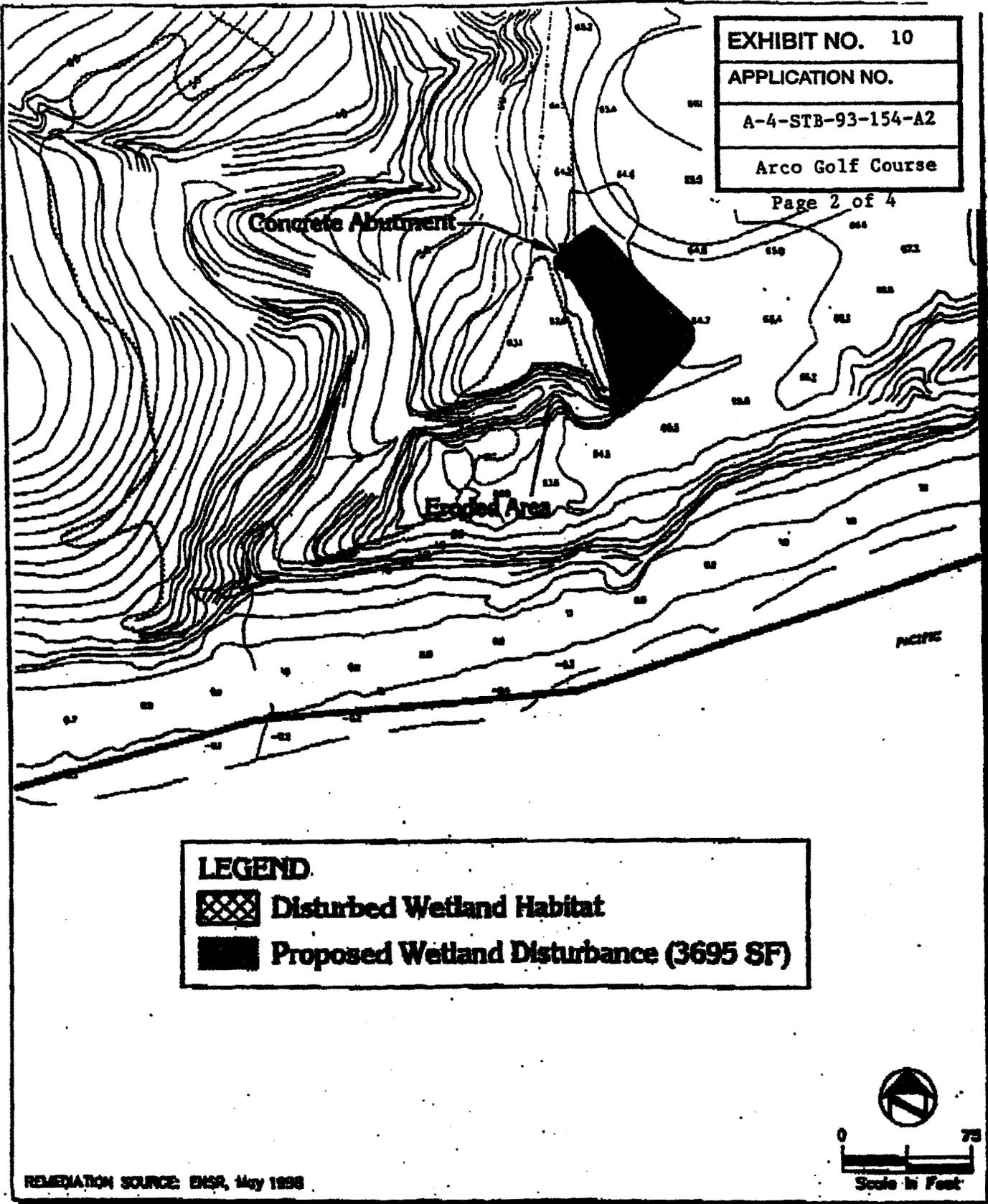


FIGURE 7

One Public Golf Course - Remediation Action Plan Wetland Permitting
Areas of Proposed Remedial Excavation



**Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Wetland Impacts for Proposed Concrete Abutment Removal & Erosion Control**

**FIGURE
2**

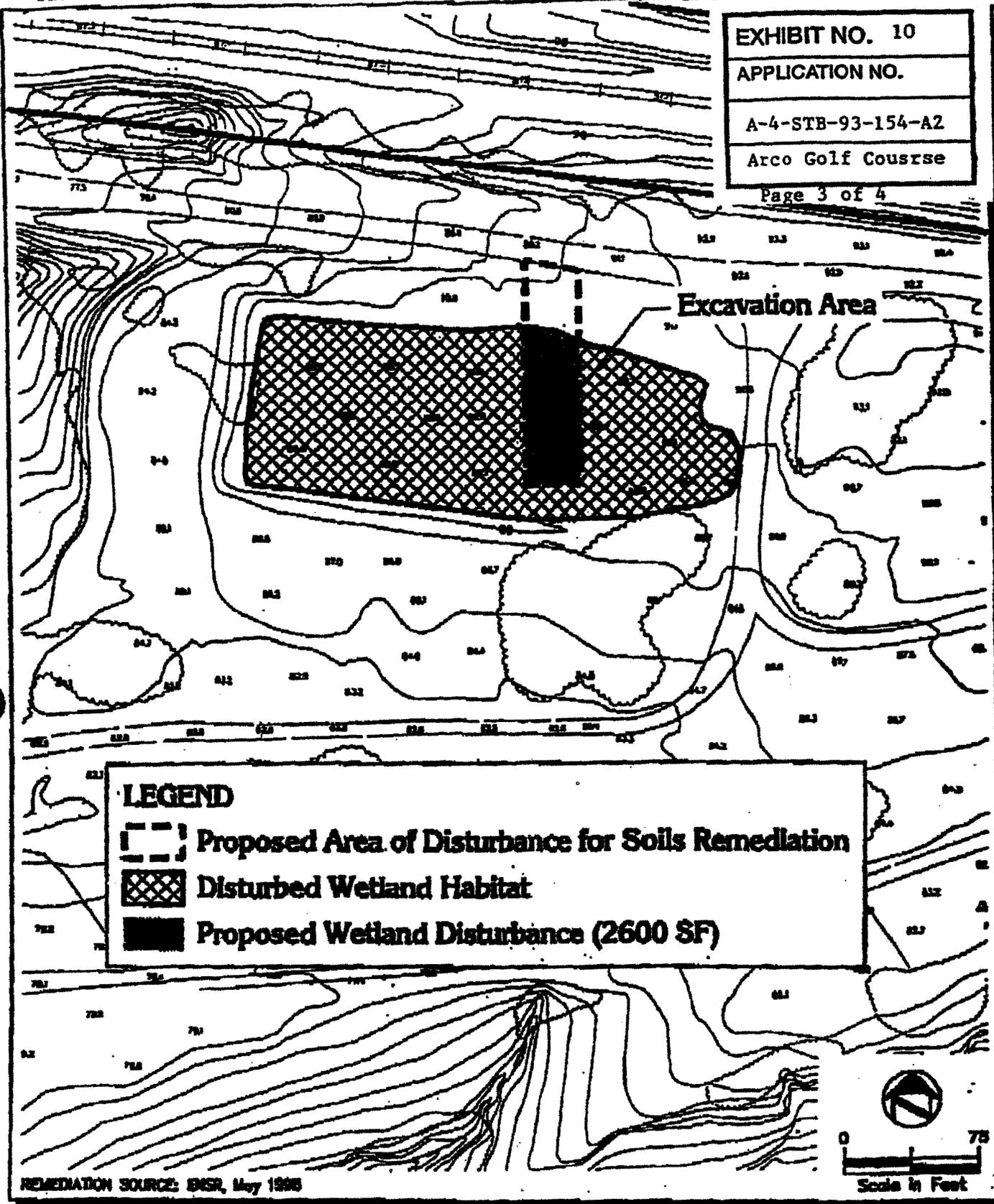
EXHIBIT NO. 10

APPLICATION NO.

A-4-STB-93-154-A2

Arco Golf Course

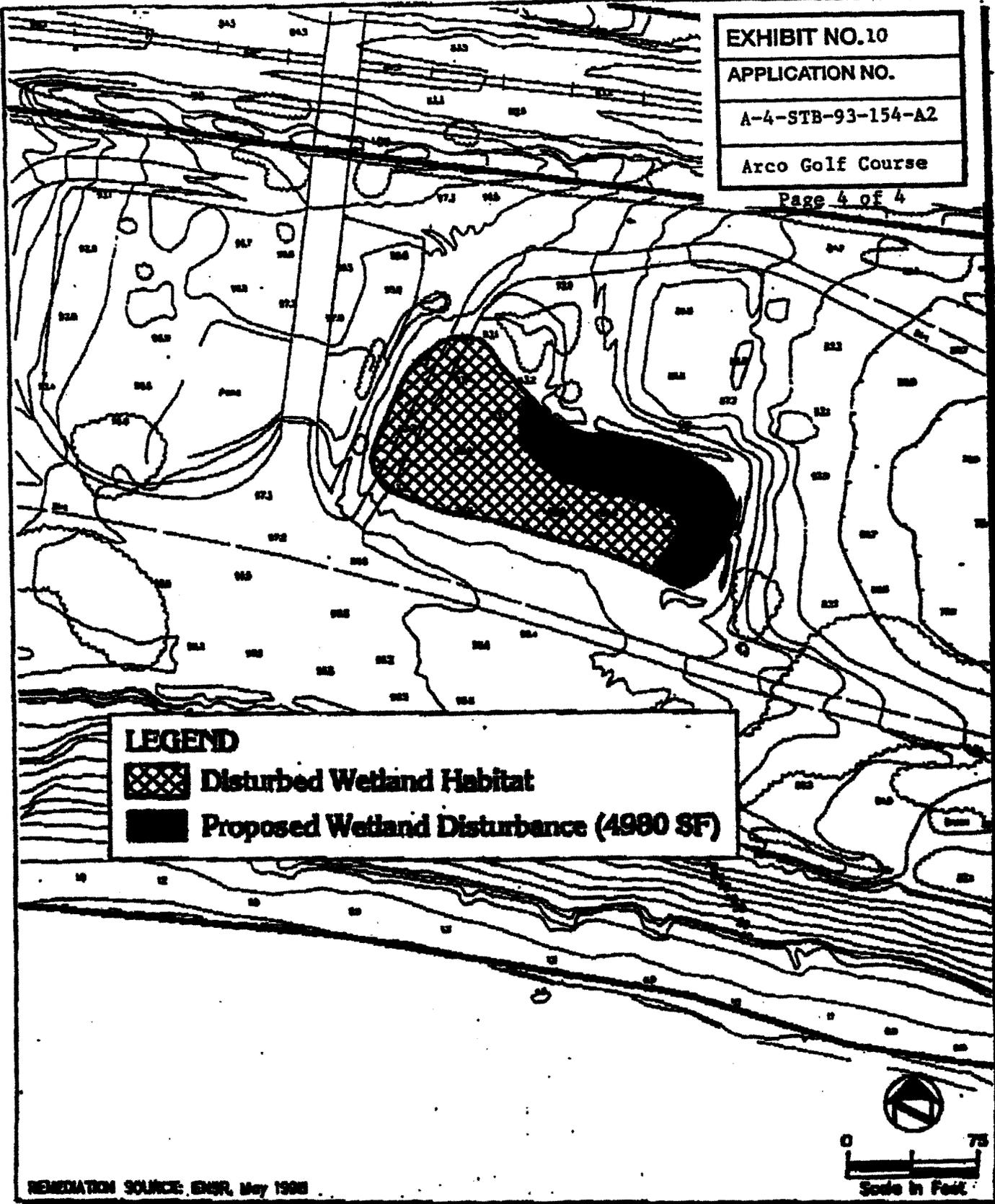
Page 3 of 4



Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Wetland Impacts for Proposed Soils Remediation at Former Tank Farm

FIGURE
3

EXHIBIT NO.10
APPLICATION NO.
A-4-STB-93-154-A2
Arco Golf Course
Page 4 of 4



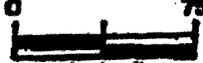
LEGEND

 **Disturbed Wetland Habitat**

 **Proposed Wetland Disturbance (4980 SF)**

REMEDIATION SOURCE: ENR, May 1998



 0 75

Scale in Feet

**Dos Pueblos Golf Course - Remediation Action Plan Wetland Permitting
Wetland Impacts for Proposed Soils Remediation at Active Tank Farm**

**FIGURE
4**

REG

EXHIBIT NO. 11

APPLICATION NO.

A-4-STB-93-154-A2

Arco Golf Course

CALIFORNIA COASTAL COMMISSION APPEAL INFORMATION SHEET

DEC

SOUTH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., 2ND FLOOR
 VENTURA, CA 93001
 (805) 641-0142

LOCAL COASTAL PROGRAM DEVELOPMENT PERMITS
 SOUTH CENTRAL

Page 1 of 34

Please read these instructions before completing the appeal application.

Commission Form D - Appeal from Coastal Permit Decision of Local Government.

Appeals to the Coastal Commission from local government decisions on coastal permit applications are limited to certain types of decisions. The information below outlines the limitations and also describes the requirements for filing appeals.

Time Frame for Filing an Appeal. An appeal must be filed by 5:00 P.M. of the 10th working day after a sufficient local government notice of final action on the permit application was received by the Commission. 14 Cal. Admin. Code Section 13110. (The local government is required to send a notice of final local action to the Commission within 7 calendar days of a final local action.) The appeal must be filed in the Commission district office having jurisdiction over the affected local government. The final date for filing an appeal is available from the local permit decision notices posted in the Commission's offices and may also be obtained by calling the local Commission district office.

Persons Eligible to Appeal. The applicant, any aggrieved person or any two members of the Commission may appeal. P.R.C. Section 30625. An "aggrieved person" is any person who, in person or through a representative, appeared at a public hearing of the local government in connection with the decision being appealed, or who, by other appropriate means prior to a hearing, informed the local government of the nature of his/her concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit. P.R.C. Section 30801.

Decisions Which May Be Appealed. (P.R.C. Section 30603)

- A. Within the appeals area, as shown on the Commission-adopted Post-LCP Certification Permit and Appeal Jurisdiction Map, any approval decision is appealable.
- B. In coastal counties only, an approval decision on a development that is not designated as the principal permitted use under the certified zoning ordinance, or zoning district map, is appealable.
- C. Any decision on a major works project or major energy facility is appealable.

Proper Grounds for an Appeal. (P.R.C. Section 30603)

A. For a development located between the sea and the first public road paralleling the sea or within 300 feet of the inland extend of any beach or the mean high tide line of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal are limited to one or more of the following allegations:

1. The development fails to provide adequate physical access to or along the shoreline or public or private commercial use or interferes with such uses.

(OVER)

DEC 12 1998

H6: 4/88

COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

2. The development fails to protect public views from any public road or from a recreational area to, and along, the coast.
 3. The development is not compatible with the established physical scale of the area.
 4. The development may significantly alter existing natural landforms.
 5. The development does not comply with shoreline erosion and geologic setback requirements.
- B. The grounds for appealing the decision on a project in any other location are limited to allegations that the development does not conform to the certified local coastal program.

Exhaustion of Local Appeals. Pursuant to 14 Cal. Admin. Code Section 13111 and 13573, the process of appealing a local decision to the Commission cannot begin until all possible appeals to local appellate bodies first have been made and have been exhausted; except that exhaustion of local appeals is not required if any of the following occur:

- A. The local government requires an appellant to appeal to more local appellate bodies than have been certified in the implementation section of the local coastal program, or designated in the LUP implementing procedures, as appellate bodies for permits in the coastal zone.
- B. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.
- C. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of Article 17 (LCP Implementation Regulations) of the California Administrative Code.
- D. The local government charges a fee for the filing or processing of appeals.

Appellant Notification of Appeals. Section III of the appeal application form is for the identification of persons interested in the project being appealed. An additional important step is that the appellant notify these persons and the local government of the appeal filing, within one week of the filing. Notification must be by mailing or delivering a copy of the completed appeal application form, including any attachments, to all interested parties, at the addresses provided to the local government. Failure to provide the required notification may be grounds for Commission dismissal of the appeal. 14 Cal. Admin. Code Section 13111(c).

Commission Review of an Appeal. If the Commission hears a coastal development permit on appeal, the Commission shall approve the permit if it finds that the proposed development is in conformity with the certified local coastal program (P.R.C. Section 30604(b)). Furthermore, every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (P.R.C. Section 30604(c)). In determining whether a proposed development is in conformity with the certified LCP, the Commission may consider aspects of the project other than those identified by the appellant in the appeal itself, and may ultimately change conditions of approval or deny a permit altogether.

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: _____

7. Local government's file number (if any): _____

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:

ARCO

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) NATHAN POST - SURFRIDER
739 CALLE DE LOS AMIGOS
SANTA BARBARA, CA 93105
- (2) BOB KEATS - GAVIOTA COAST CONSERVANCY
630 MIRAMONTE DRIVE
SANTA BARBARA, CA 93105
- (3) TOM PHILLIPS - SURFRIDER
442 RIBERA DR
SANTA BARBARA, CA 93111
- (4) KEITH ZANDONA - SURFRIDER
BOX 60021
SANTA BARBARA, CA 93160
- | | |
|---|---|
| <u>KEN PALLEY</u>
<u>567 PINTURA DR.</u>
<u>SANTA BARBARA, CA 93111</u> | <u>MARK MOREY</u>
<u>2010 A. MOORE</u>
<u>SANTA BARBARA, CA</u> |
|---|---|

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.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., 2ND FLOOR
VENTURA, CA 93001
(805) 641-0142

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT



Please Review Attached Appeal Information Sheet Prior To Completing This Form. DEC 18 1998

SECTION I. Appellant(s)

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Nathan Post, Bob Keats & Tom Phillips
739 CALLE DE LOS AMIGOS
SANTA BARBARA CA (805) 687-4465
Zip 93105 Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: COUNTY OF SANTA BARBARA

2. Brief description of development being appealed: 1.5 miles west of Winchester Canyon
on Highway 101 CAPN 079-180-05, -16, -18
and 079-200-04, -08

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

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: _____

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.)

PLEASE SEE ATTACHMENT 1

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.

Mathew V. Post
Signature of Appellant(s) or
Authorized Agent

Date December 16, 1998

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 _____

ARCO Appeal
Case No: 98-CDP-274
A.P.N.: 079-180-05, -16, -18 and 079-200-04, -08

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DEC 13 1998

ATTACHMENT 1

COUNTY OF SANTA BARBARA
SOUTH CENTRAL COAST DISTRICT

Dear Sir or Madam:

I am filing this appeal on behalf of myself and members of the Santa Barbara Chapter of the Surfrider Foundation and the Gaviota Coast Conservancy. It is our belief that the County CDP for the ARCO Dos Pueblos Golf Course, located 1.5 miles west of Winchester Canyon exit on Highway 101 is at odds with several goals and policies of the Coastal Act, and the Santa Barbara County Certified Local Coastal Plan

"The Coastal Act places as its highest priority the preservation and protection of natural resources including environmentally sensitive habitat areas (i.e., wetlands, dunes), and prime agricultural lands." SBLCP

Wetlands:

It is our belief that the discovery of wetlands has resulted in significant changes to this project. The golf course will have to be redesigned in order to avoid significant wetland areas. Soil remediation and golf course construction will require the removal of toxic soil. Disturbance of the toxic soils during the rainy season could result in the release of toxins into sensitive habitat areas. Wetland areas will require the development of 100-foot buffers. Wetland enhancement at Tomate Canyon could threaten a large, seasonal pond that is important to wildlife.

It is our belief that the discovery of significant New Wetlands constitutes new information, as well as a change in conditions since the project received its previous approval.

According to the Conditions of Approval, Attachment A, Condition number 70 states: "Any change of use in the proposed building or use shall be subject to full environmental analysis and discretionary review by the Planning Commission."

Because of the discovery of new wetlands a public hearing should have been held to determine the impacts to the new wetlands from soil remediation and the construction of the golf course.

As a result of these changes the ARCO permit should be denied. The County of Santa Barbara should then hold a public hearing on the remediation and golf course itself.

Access:

The Access Conditions for the ARCO Dos Pueblos golf course development are still inadequate because closure of Eagle Canyon during the pupping season will not adequately protect the seal rookery, nor will it provide legally required public access to the beach.

It will not adequately protect the seal rookery because at low tide the seal rookery can be accessed by walking or bicycling from Haskell's Beach, Santa Barbara Shores County Park, Coal Oil Point and Isle Vista.

With the new hotel being built at Haskell's Beach literally hundreds of visitors will have access to the seal rookery whether or not Eagle Canyon Creek is open or closed. The only way to provide adequate protection for the seal rookery is to have two monitors; one on the east side of the seal rookery, and one on the west side of the seal rookery. If two monitors are present then there will be no need to close the access to Eagle Canyon Creek.

Furthermore, given that Eagle Canyon access is two-thirds of a mile from the seal rookery, it is highly unlikely that anyone surfing at Eagle Canyon Creek will have any measurable impact on the seal rookery or the behavior of the seals.

Abuse of Discretion:

Since LAFCO approved the Goleta Water Districts Annexation of the ARCO property into the Goleta Water District, and this was done in violation of LAFCO's own policies discouraging urban sprawl, and promoting the preservation of rural lands, we believe that LAFCO has committed an Abuse of Discretion.

It is important to recognize that both the County Planning staff and later the Coastal Commission staff recommended denial of the project permits because the proposed use is inconsistent with LCP policies and standards relating to the preservation of agricultural and open space uses and would facilitate urban sprawl beyond the County's established urban limit line.

Goal II. Policy II.C. of the Santa Barbara County Local Coastal Plan states:

Santa Barbara County shall discourage the extension by the Local Agency Formation Commission of urban spheres of influence into productive agricultural lands designated Agriculture II (A-II) or Commercial Agriculture under the Comprehensive Plan.

Agricultural Element Goal I. Policy IA reads:

The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.

Santa Barbara LAFCO Commissioner Handbook, Policy Guidelines and Standards (rev. Dec. 13, 1996) ("LAFCO Handbook") at 2-3. The Commission also has several more specific policies directed at the preservation of open-space and agricultural uses, including the following.

1. *Districts providing urban services are encouraged to develop and implement plans and policies which will provide for well-planned, orderly and efficient urban development patterns, with consideration of preserving permanent open space lands within those urban patterns;*

2. *Development of existing vacant non-open space, and non-prime agricultural land within an agency's boundaries is encouraged prior to further annexation and development;*
3. *Proposals to annex undeveloped or agricultural parcels to districts providing urban services shall demonstrate that urban development will be contiguous with existing or proposed development, and proposals resulting in a leapfrog, noncontiguous urban pattern will be discouraged;*
4. *Proposals that would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the county general plan, shall be discouraged.*

LAFCO Handbook at 5-6

Each and every one of these policies makes it clear that LAFCO's overriding goal is the prevention of urban sprawl and the conservation of agricultural and open space uses through promotion of urban infill over district expansion and annexation.

Grading and Soil Remediation:

Grading and general disturbance of toxic soils should not be permitted in the rainy season. Due to the heightened potential for release of toxic materials into the environment and the likelihood of excessive erosion we feel that this type of activity is in violation of the Coastal Act and the Santa Barbara Local Coastal Plan. There is substantial evidence suggesting that severe erosion occurred at a number of construction site during the last rainy season. These include the Santa Barbara Shores Soil Remediation site, Glen Annie Golf Course, and Haskell's Beach. Testing for toxic soils at Haskell's Beach was inadequate and as a result the potential for toxic runoff was undoubtedly grossly underestimated. Two highly knowledgeable individuals have confirmed that the soil testing at Haskell's Beach was inadequate.

Coastal Act Policy 30240

- a.) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only areas dependent on such resources shall be allowed within such areas.*
- b.) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Coastal Act Policy 30231

The biological productivity and the quality of coastal water, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms

and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats and minimizing alteration of natural streams.

Santa Barbara County Coastal Plan Policies

2-11 All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat areas, shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff.

3-19 Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

9-11 Wastewater shall not be discharged into any wetlands without a permit from the Regional Quality Control Board finding that such discharge improves the quality of the receiving water.

9-14 New development adjacent to or in close proximity of wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants) noise, thermal pollution, or other disturbances.

9-36 When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed and constructed to minimize impacts.

9-41 All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

Conflict of Interest:

We are also concerned that the ARCO Dos Pueblos Soil Abandonment / Remediation Project disturbed Wetlands Revegetation/Enhancement Plan was put together by Dudek & Associates. It is our understanding the Dudek & Associates, and the ARCO Oil & Gas Company employs both Mr. Whitt Hollis and Ken Marshall. Hence, there appears to be a conflict of interest.

Cachuma Water Project:

Due to unresolved issues concerning the Cachuma Water Project it is possible that sufficient water supplies will not be available to provide water to this project.

Substantial Alteration of Land Forms:

ARCO plans call for over 155,000 cubic yards of cut and 155,000 yards of fill. That will create a cumulative alteration of land forms at the ARCO site of over 300,000 cubic yards. This represents a substantial alteration of land forms.

Nathan Post
739 Calle De Los Amigos
Santa Barbara, CA 93105

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DEC 28 1998

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast Area
89 S. California Street, 2nd Floor
Ventura, CA 93001

Dear Sir or Madam:

My fellow appellants and I would like to amend our appeal to the Coastal Commission regarding the Dos Pueblos Golf Links project, Case No: 98-CDP-274; A.P.N.: 079-180-05, -16, -18 and 079-200-04, -08, to include the following.

The Dos Pueblos Golf Course project violates several Coastal Act and Santa Barbara Local Coastal Plan policies.

1. **Agriculture:** Policy 8-2 of the Santa Barbara County Certified Local Coastal Plan states: "If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversions shall not be in conflict with contiguous agricultural operations in that area, and shall be consistent with section 30241 and 30242 of the Coastal Act."

Section 35-69.1 of the Santa Barbara County Local Coastal Program Zoning Ordinance states that: The purpose of the Agricultural II district is to establish agricultural land use for large prime and non-prime agricultural land in the rural areas of the County (minimum 40 to 320 acre lots) and to preserve prime and non-prime soils for long-term agricultural use.

Section 35-64.1 of the certified Zoning Ordinance states:

"If a lot is zoned for agricultural use and is located in a rural area not contiguous with the urban-rural boundary, rezoning to a non-agricultural zone district shall not be permitted unless such conversion of the entire lot would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in

conflict with contiguous agricultural operations in the area, and shall be consistent with PRC Sections 30241 and 30242 of the Coastal Act.”

Section 35-69.4 addresses uses permitted in AG-II zoned land with Major Conditional Use Permits

Low-intensity recreational development such as hiking trails, public riding stables, recreational camps, campgrounds, retreats, and guest ranches provided that such development:

- a. Is in character with the rural setting.
- b. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
- c. Does not include commercial facilities open to the general public who are not using the recreational facility, and
- d. Does not require an expansion of urban services, which will increase pressure for conversion of the affected agricultural lands.

Coastal Act: Section 31050 of the Coastal Act declares the importance of coastal agricultural lands as a state resource. Section 31051 states that agricultural lands located within the coastal zone shall be protected from intrusion of non-agricultural use. Coastal Act Section 30222 provides that agricultural and coastal dependent uses shall have priority over commercial recreation developments. Section 30241 directs that the maximum amount of prime agricultural lands shall be maintained by establishment of urban/rural boundary lines to protect against piecemeal and incremental conversion to urban uses. Sections 30241 and 30242 specifically restrict conversion of agricultural lands. Section 30242 states that agricultural lands shall not be converted unless continued or renewed agricultural use is not feasible, or unless such conversion will preserve prime soils or concentrate development pursuant to Section 30250. Conversion shall not adversely impact adjacent agricultural uses. Section 30250 requires that new development shall be located within, contiguous with, or in close proximity to existing development and in areas with adequate public services.

Comment: The proposed development is inconsistent because it will convert the entire 200-acre agriculturally designated site to a non-agricultural use. As such it will interfere with agricultural production on the site. The project will require an extension of urban services into an agricultural area. The Goleta Water District will supply potable and non-potable water to the project. With over 60,000 golfers utilizing the site each year, sewage disposal will be a major concern. The proposed development is an intensive form of recreation, not the low-intensity development contemplated in the ordinance. The conversion will not provide a priority use under the Coastal Act, as golf courses are not considered coastal dependent recreation. The development will conflict

with adjacent agricultural operations. ARCO's project is inconsistent with Sections 30241 and 30242 of the Coastal Act, which require preservation of prime agricultural lands.

2. **Public Access:** The County's Coastal LUP includes several policies, which require adequate provision of public access, including Coastal LUP Policy 7-1 (requiring the protection and defense of the public's constitutionally guaranteed rights of access to and along the shoreline). Policy 7-2 (vertical access required for all development between the first public road and the ocean). Policy 7-3 (lateral easements required for public access along the shoreline). Policy 7-5 (priority for coastal dependent and related recreational activities). Policy 7-6 (priority for recreational uses that do not require extensive alteration of the natural environment). Policy 7-13 (development of recreational facilities along the Gaviota Coast between Ellwood and Gaviota shall be compatible with the rural character of the area). Policy 7-18 (requiring expanded opportunities for access in the Gaviota Coast planning area), Policy 7-19 (discouragement of intensive recreational use near Naples Reef), Policy 7-28 (visitor-serving commercial recreational development should be located within urban areas), Policy 7-29 (visitor-serving commercial recreational development in rural areas should be limited to low intensity uses, i.e., campgrounds).

The Coastal Act requires that the public's right to access public beaches be protected. Section 30604 (b) requires consistency with the certified Local Coastal Plan. Section 30604 (c) requires that any development located between the first public road and the sea for the shoreline of any body of water located within the Coastal Zone must conform with the public access and recreational policies of Chapter 3 of the Coastal Act. The access opportunities afforded by the project site include the current and historic use of the vertical and lateral trails at the western and eastern end of the parcel. Several trails can be seen to criss-cross the proposed golf link property. These trails have been utilized by literally thousands of surfers for over 30 years. Up until 1993, ARCO and previous owners have never seriously objected to surfers using the site's many trails to access the beaches below the bluffs. Hundreds of surfers can attest to that fact. Indeed, several surfers have related how on site oil company personnel have historically waved them on through the site to surf spots below the bluffs, and why not, they were just surfers out to have a good time. The 1993 Surfer's Guide to Southern California demonstrates the public's long-term use of routes across the parcel to access surfing areas. In our view, a prescriptive right has been established. It is apparent that planned access routes through the property are designed to effectively deny access to the beaches below the site. ARCO intends to deny access to Eagle Canyon during the winter pupping season. ARCO also intends to deny access to beaches east of

Tomate Canyon. By closing down access to Eagle Canyon, and preventing access east of Tomate Canyon, ARCO has effectively denied access to roughly two-thirds of the beach fronting the ARCO site during the winter surfing season. Since seals tend to congregate at Tomate Canyon, there is no point in closing off beaches far removed from the seal rookery. ARCO's plan would deny Surfers access to Rockpile, Deadman's and Driftwood, surfing spots located East of the rookery. Each of these beaches represents a significant winter surfing site.

The Local Coastal Plan calls for protection of marine mammal rookeries (Policy 9-24 and 9-25) The seal colony at the mouth of Tomate Canyon is not protected from errant golf balls, toxic runoff or noise emanating from the hundreds of golfers expected to be utilizing the bluffs overhead. Seals are exceptionally wary, and easily frightened. They are known to abandon their pups on the beach if confronted by noise, or visual disturbances. With golfers teeing off, their voices will inevitably echo throughout Tomate Canyon. It is difficult to imagine that 60,000 golfers a year will not disturb the rookery. The Harbor Seal Rookery at Tomate Canyon is only one of a handful of rookeries remaining in Southern California. Several seal pups have died at the rookery located in Carpinteria due to the presence of humans and animals. I have never heard of a seal dying as a result of a surfer.

Comment: ARCO's proposed development is inconsistent with Santa Barbara County's LUP access policies because the project will eliminate historic established vertical and lateral access trails through the project site. New proposed access sites are neither safe nor adequate, and are not supported by adequate parking. The proposed lateral access route is located parallel to and south of the railroad tracks and is inconsistent with the County's Master Plan coastal trail alignment. One of the two proposed vertical access routes may be closed to public use. The western vertical access is over one mile from any parking.

3. **Recreation:** The project is inconsistent with the County's coastal recreation policies because the project will not provide priority recreational uses that are coastal dependent or related. In addition, the development would create a high-intensity commercial recreational use that would alter the natural and rural character of the area.
4. **Conditional-Use Permit Requirements:** CZO Section 35-172.5 allows for issuance of Major Conditional Use Permits in any zone district, but only if certain finds can be made as set forth in Section 35-172.8.
 - a. CZO Section 35-172.8(4) requires that a CUP shall be approved only if there are adequate public services, including water supply. Please see enclosed article regarding the Cachuma Project.

- b. CZO Section 35-172.8(5) states that a CUP shall be approved only if the development project will not be incompatible with the surrounding area. A golf course facility would not be compatible with the surrounding rural area.
- c. CZO Section 35-172.8(6) states that a CUP shall be approved only if the project is in conformance with the applicable provisions and policies of the Coastal Zoning Ordinance and the Coastal Land Use Plan. This project is inconsistent with several policies of the County's Coastal Land Use Plan and Coastal Zoning ordinance.
- d. CZO Section 35-172.8(7) states that a CUP shall be approved in designated rural areas only if the project is compatible with and subordinate to the scenic and the rural character of the area. ARCO's proposed development would destroy existing public access and would render future access infeasible, inconvenient, and unsafe.
- e. CZO Section 35-172.8(9) states that a CUP may be approved only if the proposed use is not inconsistent with the intent of the applicable zone district. In this case the zone district is AG II. The AG II zone district is intended to preserve agricultural lands and to avoid conversion to non-agricultural uses. This project converts the entire site to a non-agricultural use.

5. Environmentally Sensitive Habitat Area Overlay (3.9.4): The following criteria were used in determining which habitats in the County's coastal zone warranted the Habitat Area overlay designation:

- a. Areas with outstanding educational values that should be protected for scientific research and educational uses now and in the future, i.e., Naples Reef.

Coastal Act Policy 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Comment: "Naples Reef is an intertidal and subtidal area six miles west of Goleta extending approximately a mile out to sea. According to biologists, this reef contains the largest number and highest diversity of intertidal organisms within the County. The reef is

believed to have the greatest diversity of algae anywhere along the South Coast. Invertebrate zoologists collecting specimens at Naples Reef have observed uncommon organisms. The ARCO golf course project will utilize a number of insecticides, fungicides, herbicides and rodenticides. According to the EIR for the ARCO project, "Delivery of pesticides and nitrates to the canyons, and to the Pacific Ocean is the most important potential water quality impact from the project." Delivery of pesticides to the local marine environment via the canyons has the potential to inflict toxic effects on the rare and unique life forms that populate Naples Reef. Of particular concern is the use of a class of insecticides called "organophosphates". Organophosphates are known to cause severe environmental damage. The federal government is about to launch a comprehensive study of organophosphates. One of the organophosphate class pesticides the ARCO golf course project intends to use is Chlorpyrifos. Chlorpyrifos is toxic to fish, birds and other wildlife. It has been noted that shrimp and crabs may be killed at application rates recommended on the label. Chlorpyrifos is persistent in soil with a half-life up to 279 days. Chlorpyrifos kills and damages living beings in part by blocking cholinesterase, an enzyme found in nervous tissue, the brain and in the blood.

Note: Please see Coastal Commission Staff Report/Appeal no.: A-4-93-154, dated 12/30/93

Sincerely,
Nathan Post

Nathan Post

ALIFORNIA COASTAL COMMISSION

4TH CENTRAL COAST AREA
 SOUTH CALIFORNIA ST., 2ND FLOOR
 SANTA BARBARA, CA 93001
 (805) 641-0142



Filed: 9/30/93
 Staff: MHC
 Staff Report: 12/30/93
 Continued From: 11/17/93
 Hearing Date: 1/13/94
 Commission Action:

STAFF REPORT: REGULAR CALENDER APPEAL

LOCAL GOVERNMENT: County of Santa Barbara

DECISION: Approval with Conditions

APPEAL NO.: A-4-93-154

APPLICANT: ARCO Oil and Gas Company **AGENT:** R.W. Hollis, Jr.

PROJECT LOCATION: Naples Area, Ten Miles West of Goleta, Route 1, Box 275, Goleta

PROJECT DESCRIPTION: Public 18-hole and 9-hole golf course and appurtenant facilities

APPELLANTS: Bob Keats, Keith Zandona, Nathan Post

SUBSTANTIVE FILE DOCUMENTS: Conditional Use Permit 91-CP-085; Final Environmental Impact Report for ARCO Dos Pueblos Golf Links Project, March 1993 (92-EIR); Santa Barbara County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, deny the proposed recreational development on the grounds that the project is inconsistent with the following provisions of the County of Santa Barbara's certified Local Coastal Program: complete conversion of an agriculturally designated and zoned parcel to a recreational use; inadequate protection of existing public coastal access; and, failure to implement additional access opportunities to appropriately mitigate the proposed development.

The County's action to approve a public golf course would result in the complete conversion of the subject parcel, and would therefore interfere with agricultural production on the site in a manner inconsistent with the requirements of the County's LCP Zoning Ordinance. The County's access requirements are contingent upon acceptance of an offer-to-dedicate and the provision of an on-site guard for which there are no effective implementation provisions.

STAFF NOTE

This appeal was filed on September 17, 1993. The appeal was opened and continued at the October 13, 1993 Commission hearing to allow adequate time to review the file materials and prepare a staff report and recommendation regarding the question of whether any substantial issues are raised by the appeal. Substantial Issue was determined by the Commission at its November 1993 meeting. This de novo public hearing was continued to the next available Commission meeting.

I. APPEAL HEARING PROCEDURES

Section 30604 (b) and (c) of the Coastal Act and California Administrative Code Section 13115 provide the standard of review for projects which have been appealed and found to have substantial issue. Section 30604 (b) requires consistency with the certified Local Coastal Program (LCP), while Section 30604 (c) requires that any development located between the first public road and the sea or the shoreline of any body of water located within the Coastal Zone must conform with the public access and recreational policies of Chapter 3 of the Coastal Act.

III. STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, adopt the following resolution:

The Commission hereby denies a permit for the proposed development on the grounds that the development would not be in conformity with the certified Local Coastal Program and the access and recreational policies of the Coastal Act, and will have a significant adverse impact on the environment within the meaning of the California Environmental Quality Act.

Motion

I a move that the Commission approve the project A-4-93-154 as submitted by the applicant and as approved by the County of Santa Barbara.

Staff recommends a NO vote on the motion. A majority of Commissioners present is required to pass the motion.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Location and Description

The project would be located on a 202 acre bluff-top site on the Gaviota Coast approximately 10 miles west of the community of Goleta. The project consists of an 18-hole public golf course encompassing a 72.4 acre portion of the site. In addition to the 18-hole public course, the project also includes a 9-hole course located on the eastern end of the property, encompassing approximately 8.7 acres of the project site. The 18-hole course would have a

concrete cart path servicing the entire course. An existing service road located south of the railroad right-of way bisecting the property, and six short bridges would provide access throughout the parcel. (Exhibits 1-7)

The two golf courses would be supported by the following appurtenant facilities: driving range (420,000 square feet), club house, including pro shop and grill, administrative offices and meeting rooms and restrooms (9,290 square feet), a cart barn (8,012 square feet), maintenance building (7,974 square feet), service building (800 square feet), turf farm (130,000 square feet), half-way house, including snack bar (700 square feet), a 275 car parking area (300,000 square feet), and several restrooms and shelters along the course routes. The maximum height of any building is 22 feet above finished grade. The layout of the golf courses would require crossing the Southern Pacific Railroad right-of-way three times; this would be accomplished using an existing wooden bridge, and two new tunnel crossings. All structural developments would be set back a minimum of 55 feet from the bluff edge, and non-structural development (greens, fairways, tee-boxs), a minimum of 30 feet from the bluff edge. The entire parcel would be fenced to control access to and from the property.

The project includes a landscaping plan (in addition to installation of turf) which involves the removal of most non-native species of trees and the replanting with native species. All facilities are set back the required 100 feet distance from environmentally sensitive habitats, including the one stream on the west side of the property (Eagle Creek) and the one drainage on the west side of the property (Tomate Canyon), and an artificially created vernal pool. (Exhibit 3)

The project would require 154,470 cubic yards of cut and and fill, over approximately 57% of the site; the cut and fill is to be balanced on site. The maximum elevation changes would occur near hole number seven and would increase the existing elevation from 50 to 75 feet; this elevational change is the result of filling in an erosional feature on the southern side of the Southern Pacific Railroad line to accommodate the fairway for hole number seven.

Water service to the project would be provided by reclaimed waste water through the Goleta Water District which has developed a waste water reclamation program to service customers in the Goleta/Gaviota Planning areas. The water supply system also includes a four acre-foot water storage/balancing lake for irrigation purposes located at the extreme southeastern portion of the site.

Construction of the golf facilities would involve abandonment of the existing oil and gas production facilities which are located principally on the south (ocean) side of the Southern Pacific Railroad line that laterally bisects the project site. The removal of these energy facilities will be addressed in a separate locally issued Coastal Development Permit.

The golf facilities will be operated as a public facility from 350 to 360 days per year, and are expected to accommodate 50,000 to 60,000 rounds of golf per year on the 18-hole course, and 20,000 rounds on the 9-hole course. The

County has required that conversion of any portion of the golf facilities to private or restricted use would entail additional discretionary review and approval. Approximately 32 full-time equivalent employees will be required for golf course operation and maintenance. (Exhibit 9)

B. Project Site History

The project site has been used for a variety of purposes over the last 75 years, including dry-farming, limited cattle grazing, and most recently oil and gas production. The oil and gas facilities have been principally sited on the south half of the project site, i.e., south of the Southern Pacific Railroad lines. (Since the cessation of the oil and gas production operations several years ago, a limited amount of cattle grazing has been resumed on a seasonal basis on the property, principally as a grass/weed control measure.) The property has also been used in the past and continues to be used today by the general public to gain access to the adjacent public beaches, and in particular a number of surfing sites located at the west end of the property known as "Naples Reef" and "Naples Beach". Vertical access to the adjacent pocket beaches is limited to two major natural drainages (Eagle Creek and Tomate Canyon) situated on the east and west ends of the project site respectively.

The subject parcel was originally given a Coastal Dependent Industry (M-CD) land use and zoning designation in the Santa Barbara County LCP, which was certified in 1982. This designation was largely based upon the existing oil and gas facilities on the site. In 1991, however, the site was redesignated and re-zoned Agriculture II (AG-II) at the County's request as part of major Amendment 3-90 which consolidated oil and gas facilities sites within the South Coast Consolidation Planning Area. This redesignation and re-zone to Agriculture was based on the the proposal to abandon the existing oil and gas facilities, and on the presence of prime and non-prime agricultural lands (as defined in the California Coastal Act Section 30113) on the project site. Additional factors supporting an agricultural land-use and zoning designation for the site were the past agricultural uses of the site, the rural, predominantly agricultural land-uses of the surrounding parcels on the Gaviota Coast, and the County's desire to limit intensive recreational use of the site.

At the time the Commission considered Amendment 3-90, the ARCO representatives indicated to the Commission that it was their intention to develop the site once its oil and gas operations had ceased as a golf course, and expressed an interest in having the property designated Recreation (REC) to accommodate such a use. The EIR for the re-zone had recommended a split Recreation/Agriculture re-zone for the subject parcel. The County, however, did not support the Recreational designation at that time because of the wide range of recreational uses allowed under a Recreational designation, and the potentially greater impacts (e.g., traffic, etc.) which would be generated by a high intensity recreational use such as a recreational vehicle park, under the County's single existing LCP Land Use Plan Recreational designation.

At the time the Commission re-zoned the subject parcel from M-DC to Agriculture, the County also indicated that it was not their intent to preclude some future non-agricultural use of the site. Specifically, the

County indicated that an evaluation of a future non-agricultural project "should be based on its own merits at the time of proposal and if it required a re-zone should go along with that project." (See Exhibit 13.) At the time the Commission considered Amendment 3-90, no specific proposal for a golf course had been developed that would allow either the County or the Commission to evaluate the specific relative impacts of a golf course versus agricultural uses, or other recreational uses. The record of the Commission's public hearing on Amendment 3-90 clearly indicates that the Commission was not acting on the question of the final appropriate zoning of the parcel and, in fact, reveals that the Commission anticipated that the question of re-zoning the AG-II designation would return for its consideration a later date, potentially as an LCP Amendment. (Exhibit 13, page 10-11.)

In certifying the Agricultural land-use and zoning designation for the property the Commission acknowledged the intent of ARCO to develop a golf facility on the site, and specifically indicated that its action to redesignate the land as Agriculture was not meant to preclude the ultimate use of the site for a golf facility, even if the such use requires a change in the land use and zone designation from Agriculture to Recreation. The Commission indicated that a land use and re-zone designation to Recreation should be based in part on the nature of the specific recreational proposal for the site. In considering the current golf course proposal, the County did not consider a land use or re-zone designation to Recreation, but instead made findings on a Conditional Use Permit to support the complete conversion of the site to a Recreational use, based on LCP Policy 8-2. However, Policy 8-2 (with specific references to PRC 30241 and 30242) is intended to provide policy guidance for the conversion from an Agricultural to a non-Agricultural land use and zone designation and use. (See text of Policy 8-2, and related zoning ordinance Section 35-64 on page 8 of this staff report.)

As noted below, the recreational proposal which effectively converts the entire subject parcel to a non-agricultural use, absent a Recreational land use and zone designation, is inconsistent with the uses specifically provided for in the County's LCP Agricultural land use and zone designation.

C. Local Government Action

In August 17, 1993, the County Board of Supervisors issued a Conditional Use Permit (#93-CP-085) for an 18 and 9 hole golf course and appurtenant facilities as described above. The Conditional Use Permit contained a number of Special Conditions. Those relating to the issues raised in this appeal include: (a) a Biological Enhancement Plan to address specific environmental resources on the site (e.g., Harbor seals, Monarch Butterfly, vernal pools, and riparian tree species); (b) Restricted Access Implementation Plan for the protection of a Harbor seal haul-out site adjacent to the project site; (c) an Access Plan that requires offers-to-dedicate both lateral and vertical access trails and initial trail improvements; (d) a Landscaping Plan to replace loss of existing trees; and (e) an Integrated Pest Management Plan to control the use of pesticides:

The result of the County's Conditional Use Permit is to effectively convert the entire parcel, from Agriculture to Recreation, but without subjecting the

conversion to the Commission's review through the LCP amendment process. An LCP amendment review would entail a different standard (i.e., consistency with relevant Coastal Act policies), and a broader analysis of the effects of a non-agricultural use on the subject parcel (which is situated in a predominantly rural/agricultural area beyond the urban rural boundary established in the County's certified LCP) than would a review under the Coastal Development Permit appeal process (i.e., consistency with relevant LCP provisions).

D. Coastal Agriculture

1. Inconsistency with the Local Coastal Plan

The proposed project site is situated on the Gaviota Coast, extending approximately 20 miles etc of the community of Goleta, which is comprised primarily of a series of large agriculturally zoned parcels, with several isolated sites designated for coastal dependent industry. There are also several small residential developments which existed prior to the preparation of the County's Local Coastal Program.

The County's certified LCP provides the following description of agricultural activities along the Gaviota Coast:

The latter activities [i.e., cattle grazing and large scale ranch operations] typify agriculture in the rest of the County's coastal zone from Gaviota to the San Luis Obispo County line . . .

The ranches and large scale grazing operations typical of the rural area from Ellwood to Gaviota, the Hollister and Bixby Ranches, and North Coast are shown as Agriculture II.

Since agriculture in this area is mostly non-prime, i.e., cattle grazing and forage crops, large acreages are required to be economically viable, and 100-acre minimum are specified for most areas under present zoning. . . . On the basis of economic viability and resource constraints, both the 100-acre and 10-acre minimums are inadequate for non-prime agricultural lands. Yet, on the Gaviota Coast between Ellwood and El Capitan, the vast majority of parcels are less than 100 acres in size and existing agriculture is a mixture of prime and non-prime pursuits. A 100-acre minimum therefore, continues to be the most appropriate minimum parcel size for agriculturally designated lands in this area.

The 202 acre project site is currently designated and zoned Agriculture (AG-II) in the County of Santa Barbara's LCP. Approximately 61 acres of the total 202 acre site are designated as prime agricultural lands as defined in the County's LCP (based upon the definition contained in PRC Section 30213); the remaining acreage is non-prime agricultural lands. The entire parcel is located beyond the urban/rural boundary established in the County's LCP which is located several miles to the east. (Exhibit 1a)

The project, consists of an 18-hole and 9-hole golf course and appurtenant facilities. Because of the layout of the course and facilities, the proposed

project would effectively occupy the entire site, leaving no significant contiguous portions unaffected by the proposed non-agricultural development. The majority of the prime and non-prime agricultural soils would be buried by the proposed grading and filling of the site to accommodate the two golf courses and driving range. As a result, the proposed project would effectively preclude any economically viable agricultural use of the parcel concurrently with the operation of the golf course and thus result in a conflict with the AG-II zoning of the LCP which stipulates that low intensity recreational use of AG-II designated lands "not interfere with agricultural production on or adjacent to the lot on which it is located.". Further, given the relatively low-yield, but viable nature of the mixture of prime and non-prime soils on the project site, the considerable cost of removing the proposed golf course and facilities and reconvertng the site for agricultural uses would, for all practical purposes, preclude its reconversion to an agricultural use once it had been developed for the proposed non-agricultural uses.

Thus, the effect of the proposed golf courses and appurtenant facilities as approved through the County's Conditional Use Permit process would be to permanently convert the entire project site (202 acres) to a non-agricultural use without the required analysis and re-zoning of the parcel from an agricultural designation.

The Santa Barbara County LCP designates this site, as well as most of the Gaviota Coast, for large parcel agricultural uses (Agriculture-II). the County's LCP protects the continued viability of these agricultural lands by limiting the allowed land uses to those most compatible with the primary agricultural use and by restricting the conversion of agricultural lands to other uses. As discussed in the following paragraphs, the proposed golf course development is inconsistent with the County's policy to restrict agricultural conversions and does not meet the criteria for non-agricultural uses located in the Agriculture-II (AG-II) Zone District.

Section 35-69.1 of the Santa Barbara County Local Coastal Program Zoning Ordinance provides that:

The purpose of the Agricultural II district is to establish agricultural land use for large prime and non-prime agricultural land in the rural areas of the County (minimum 40 to 320 acres lots) and to preserve prime and non-prime soils for long-term agricultural use. (emphasis added)

The goal of preserving prime and non-prime soils for long term agricultural use is significantly furthered by the very restrictive criteria for converting land designated for agricultural use to a different land use. The standard outlined in Policy B-2 generally mirrors the Coastal Act requirements of Section 30241 and 30242 as follows:

If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to a non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act. e.g., coastal dependent industry, recreation and access, or protection of

an environmentally sensitive habitats. Such conversion should not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

This policy is implemented by Section 35-64.1 of the certified Zoning Ordinance which includes the criteria of the LUP policy and also requires that the land be re-zoned:

If a lot is zoned for agricultural use and is located in a rural area not contiguous with the urban-rural boundary, rezoning to a non-agricultural zone district shall be permitted unless such conversion of the entire lot would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with PRC sections 30241 and 30242 of the Coastal Act.

As discussed above, the proposed project will convert approximately 202 acres of prime and non-prime agricultural land to a non-coastal dependent recreational use. Given the capital investment in the course, club house, and other facilities, it is not reasonable to assume that the site will eventually be returned to an agricultural use. Therefore, in order for the project to be found consistent with Section 35-64.1 and LUP Policy 8-2 of the certified LCP, it must meet the criteria for conversion outlined in that portion of the Zoning Ordinance.

In approving the current golf facilities proposal, however, the County chose not to re-zone the site Recreation pursuant to these specific LCP requirements to accommodate the recreational uses. The County chose rather to make conclusory findings that the use of agricultural designated land for a non-agricultural purpose was consistent with the County LCP because the prime agricultural soils would not be destroyed, or lost, or rendered unsuitable for agricultural purposes, but would be retained on site, presumably for some future agricultural purpose. No significant evidence was offered to support this assertion.

Significantly, the County did not address the conflict of the proposed use, given the Agriculture II designation, with the specific limits placed on the use of agricultural-designated lands in the Coastal Zoning Ordinance, or the standards and limits stipulated for the conversion through zoning of agriculturally designated lands. Nor did the County address the implications of allowing the complete conversion of an Agriculturally designated parcel to a non-agricultural use on the adjacent agriculturally designated lands.

Such a procedure, in addition to its adverse threats to agricultural production on the subject parcel, has the potential to effectively undermine the protection of other AG-II designated lands throughout Santa Barbara County's coastal zone. In particular, allowing for the implementation of the County's LCP in this manner could put at risk the 20-mile stretch of lands (between 5,000 to 7,000 acres) along the Gaviota coast currently designated for agricultural purposes.

Without putting the subject parcel through the analysis required by the County's LCP Land Use Plan agricultural conversion Policy 8-2, and the related LCP Zoning Section 35-64, it is not possible to assure that the conversion of the parcel from agricultural to non-agricultural uses would be consistent with the County LCP agricultural protection policies.

Further, it is not possible for the Commission to amend the LCP Zoning designation on the proposed project site as part of its action on the present appeal. In addition, it should be noted that a conditional approval of the proposed project by the Commission which is predicated on the certification of a future LCP amendment to change the current agricultural to a non-agricultural zone designation without a separate analysis and public hearing has the potential to prejudice both the County's and the Commission's independent review of such an LCP zoning change.

In summary, the Commission finds that the proposed golf course development represents a conversion of agricultural land to a non-agricultural use. Based on past observations of golf course development, the capital costs for development of this course, and the extensive soil disturbance proposed on site, it is highly unlikely that the golf course, once constructed, will revert to an agricultural use in the foreseeable future. As a final comment, even if the finding for future reversion could be supported, the LCP does not provide a lesser standard for the "temporary" conversion of agricultural land than for a more "permanent" one. For these reasons, the Commission finds that the proposed project is not consistent with the policies and ordinances of the certified LCP.

The Santa Barbara County LCP also protects agricultural land by limiting the types of land uses permitted in the AG-II district. A review of the relevant ordinances indicates that while low intensity recreational uses are permitted, they must meet specific performance criteria to ensure that they will be compatible with the primary agricultural use - both on site and on adjacent properties. An analysis of the section of the code that provides for these recreational uses clearly indicates that they were contemplated to be subordinate to agricultural activity and calculated to be located off any productive soils.

Specifically, Section 35-69.4 addresses the uses permitted in AG-II zoned lands with Major Conditional Use Permits:

Low-intensity recreational development such as hiking trails public riding stables, recreational camps, campgrounds, retreats, and guest branches, provided that such development:

- a. is in character with the rural setting,
- b. does not interfere with agricultural production on or adjacent to the lot on which it is located,
- c. does not include commercial facilities open to the general public who are not using the recreational facility, and

d. does not require an expansion of urban services which will increase pressure for conversion of the affected agricultural lands.

In contrast, the proposed golf course development dominates virtually the entire 202 acre site. Clearly, the requirement of 35-69.4(b) to not interfere with agricultural production on the site is not met by the project because once developed, there will be no potential for an agricultural use of the land. Likewise, the project is inconsistent with 35-69.4(d) which precludes the expansion of urban services. This project will require an estimated 3 mile extension of an eight inch water line from Goleta to serve the project.

In conclusion, the intensive, site-encompassing golf course development is clearly not the low intensity guest ranch or riding stable contemplated in the ordinance as a non-agricultural use that could easily be sited on a non-productive corner of one of these large parcels and thus neither interfere with the primary use nor convert agricultural lands. As such, the project is inconsistent with the requirements of Section 35-69.4.

Finally, Section 35-172.5 of the County's LCP provides for a variety of institutional, public service and recreational uses that may be permitted in any zone district subject to a use permit.

The following uses may be permitted in any district that they are not otherwise permitted, with a Major Conditional Use Permit:

- a. Airstrip - temporary
- b. Animals, use of property for animals different in kind or greater in number than otherwise permitted in this Article
- c. Cemetery
- d. Church
- e. Drive-through facilities for a use otherwise permitted in the zone district subject to the provisions of Sec. 35-172.11
- f. Educational facilities, including nursery schools and day nurseries
- g. Electrical substations subject to the district requirements of the Public Utilities District, Sec. 35.88
- h. Electrical transmission lines, except in areas with the View Corridor Overlay subject to the provisions of Sec. 35-172.11
- i. Eleemosynary and philanthropic institutions (except when human beings are housed under restraint)
- j. Extraction, processing, storage, bottling, selling and shipping of natural waters.
- k. Fairgrounds
- l. Golf courses and driving ranges
- m. Helistops
- n. Master television antennae system subject to the provisions of Sec. 35-172.11
- o. Mining, extraction and quarrying of natural resources, except gas, oil and other hydrocarbons subject to the provisions of Sec. 35-177 (Reclamation Plans)
- p. Polo fields and playing fields for outdoor sports
- q. Rodeo

- r. Sea walls, revetments, groins and other shoreline structures subject to the provisions of Sec. 35-172.11
- s. Stable, commercial (including riding and boarding)

Most zoning ordinances contain a section like this to maximize opportunities for siting these types of uses. The fact that they are allowed for consideration as a use in all zone districts does not, however, mean that they are exempt from the requirements of the particular zone district in which a project proponent may wish to locate a development, or that all of the uses are appropriate in all zone districts. As an example, a cemetery may be a completely compatible use in a rural residential area on a large parcel of land, but would not be appropriate on a half-city block site in a downtown area.

In this case, while it is acknowledged that golf courses, as well as many other land uses are allowed in all zone districts, including the AG-II district, it is not an appropriate use on this site because the proposed project, as indicated in the preceding paragraphs, simply cannot meet the requirements of the current underlying zone district as set forth in the certified LCP.

The inconsistency between the proposed project and the existing AG-II LCP Land Use Plan and Zone designation on the site can only be addressed through certification of a re-zone of the parcel to a recreational use pursuant to the County's certified LCP Land Use Plan and Zoning provisions dealing with conversion of agricultural land and the related Coastal Act policies. Such a re-zone, however, need not be limited to the provisions for recreational land uses found in the LCP Land Use Plan related Zoning designations, but could entail new or revised Land Use Plan and Zoning designations which reflect the special issues raised by certain recreational uses such as golf courses in rural or urban areas.

Thus, while the County, as noted above, did not support the Recreational designation in 1990 because of the wide range of recreational uses allowed under that designation, and the potentially greater impacts (such as traffic) which would be generated by a high intensity recreational use such as a recreational vehicle park, the County now has the ability to appropriately tailor a Recreational designation(s) for a range of situations. The record of deliberations on this parcel appear to point to the need to develop more specific Recreational Zone Districts similar to the existing multiple Agricultural, Commercial, and Residential Zone Districts in the current County LCP.

Based upon the above findings the Commission therefore finds that the proposed project is inconsistent with the agricultural provisions of the County's certified LCP.

E. Access

1. Inconsistency with the Local Coastal Plan

The proposed project has been conditioned to provide lateral access across the length of the property along the south side of the Southern Pacific Railroad

line, and vertical access to the beach at the west end of the property, adjacent to Eagle Canyon Creek and an unnamed gully to the west of Tomate Canyon. An offer to dedicate lateral access along the beach between the toe of the bluff and the mean high-tide line is also required. A lateral trail through the length of the project site and south of the Southern Pacific Railroad line would be offered-for-dedication. Portions of the trail system would be rough-graded by the applicant, while others would remain unimproved until such time as the offers-to-dedicate are accepted and the access opened to the public. Fifteen parking spaces within the facilities parking lot are to be dedicated to public access; this lot would be situated at the extreme east end of the project site, approximately 1/2 miles from the "Naples Beach" and "Naples Reef" surf sites. (See Exhibit 11, page 7.)

The terms of the County's Conditional Use Permit require that the applicant offers-to-dedicate to the County these easements under terms acceptable to the County. None of the accessways are to be opened for public use until the offers have been accepted and the County has assumed responsibility for maintaining the trail facilities; further, the vertical trails to the beach are not to be opened until it can be assured that trail users will not enter into the Harbor Seal haul-out area to the west of the vertical access on the western end of the property. To accomplish this requirement, it is proposed that a guard(s) be retained to monitor and police beach users.

No specific mechanism for providing the guards, however, is identified or proposed. Further, no provisions are included to assure interim protection of the historic and existing beach access made through the project site. (See a discussion of this use on pages 13 and 14 of this staff report.)

Under the County's permit, the use of the trails are to be further restricted by the terms of a to-be-developed "Restricted Access Implementation Plan". This plan would, at a minimum, limit use of the access point at Eagle Canyon and the unnamed vertical access on the western end of the property during the seal pupping/breeding season (February 1, May 31) and would require that a two year monitoring study be conducted to determine the effects of providing beach access to the Harbor seals; as a result of this monitoring study other restrictions on access may also be imposed.

Finally, the terms of the County's access conditions provides that the "vertical access trails shall be permanently closed if it is determined by RMD [Santa Barbara County Resources Management Department], Fish and Game, or the National Marine Fisheries Service that the program is not effective in protecting the seals as planned or if the agency/entity responsible for implementation of the plan terminates their responsibility and no other agency/entity accepts responsibility." (emphasis added)

These access provisions do not protect or provide public beach access in a manner consistent with the County's certified Local Coastal Program. The County LCP contains several specific policies and zoning provisions providing for the protection of existing access opportunities and the provision of access in connection with new shoreline developments:

Policy 7-1 stipulates that:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline. At a minimum, County actions shall include:

- a) Initiating legal action to acquire easements to beaches and access corridors for which prescriptive rights exist consistent with the availability of staff and funds.
- b) Accepting offers of dedication which will increase opportunities for public access and recreation consistent with the County ability to assume liability and maintenance costs.
- c) Actively seeking other public or private agencies to accept offers of dedications, having them assume liability and maintenance responsibilities, and allowing such agencies to initiate legal action to pursue beach access.

Policy 7-2 stipulates that:

For all development* between the first public road and the ocean granting of an easement to allow vertical access to the mean high tide line shall be mandatory unless:

- a) Another more suitable public access corridor is available or proposed by the land use plan within a reasonable distance of the site measured along the shoreline, or
- b) Access at the site would result in unmitigatable adverse impacts on areas designed as "Habitat Areas by the land use plan, or
- c) Findings are made, consistent with Section 30212 of the Act, that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected, or
- d) The parcel is too narrow to allow for an adequate vertical access corridor without adversely affecting the privacy of the property owner. In no case, however, shall development interfere with the public's right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed.

The County may also require the applicant to improve the access corridor and provide bike racks, signs, parking, etc.

Policy 7-3 stipulates, in part, that:

For all new development* between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory. In coastal areas, where the bluffs exceed five feet in height, all beach seaward of the base of the bluff shall be dedicated.

*Policies 7-2 and 7-3 shall not apply to development excluded from the public access requirements of the Coastal Act by PRC Section 30212 or to development incidental to an existing use on the site.

Policy 7-25 stipulates that:

Easements for [coastal] trails shall be required as a condition of project approval for that portion of the trail crossing the parcel upon which the project is proposed.

Section 3 5-63 of the County's LCP Zoning Ordinance stipulates that:

Easements for trails shown on the Santa Barbara County Comprehensive Plan Parks, Recreation Trails (non-motorized) maps, shall be required as a condition of project approval for that portion of the trail crossing the lot upon which the project is proposed.

The proposed project was approved with a number of access provisions, including offers-to-dedicate lateral access along the base of the coastal bluffs and along the ocean side of the Southern Pacific Railroad line, two vertical accessways at the eastern and western end of the property, and fifteen parking spaces dedicated to beach access and trail users.

The proposed access provisions do not conform with the County's specific access provisions which require the granting of both vertical and lateral easements to assure public access.

Significantly, during the review of the proposed project the County declined to specifically accept the offer-to-dedicate as part of its action approving the project and the access provisions. The County currently has 63 outstanding offers to dedicate which have yet to be accepted. The draft "Santa Barbara County Coastal Access Implementation Plan" (1990) notes that "Though the County has made steady progress during the past ten to fifteen years in accepting access offers, over 57% of the offers remain to be accepted . . . at this pace of acceptance, the County may begin to lose many of these offers since many of the offers will expire in the next 10 to 15 years".

Because there is no assurance that the County will accept the offers-to-dedicate the proposed vertical and lateral access and trails easements as set forth in the County's approval of the project, there is no guarantee that the access requirements of the County's permit will actually be met. Under Policy 7-2, however, the County does have the authority to require the granting of an easement which would provide vertical access to public trust lands. The County could also require that the project sponsor take the responsibility for the improvements, maintenance and management of the access systems on this site, such as was required in Coastal Development Permit #3-84-226 for the Spanish Bay Golf Course permit approved by the Commission in 1986.

Without a well defined program to secure access and implement the access plan, the public would be permanently excluded access to the beaches adjacent to the project site, as well as the proposed trail system along several miles of the Gaviota Coast. As presently approved through the County's Conditional Use Permit, the proposed project lacks the essential components of an effective public access program.

As noted above, the access provisions are burdened with a number of caveats; these include the County's willingness to accept the offers-to-dedicate and assume responsibility for providing a guard(s) to regulate the use of the vertical accessways to protect the Harbor seal haul out area near the west end of the property adjacent to Tomate Canyon. Further, the use of the vertical accessways may be permanently closed under the terms of the County's permit if the proposed "Restricted Accessway Plan" does not effectively protect the Harbor Seal haul out area, or if no party is available to implement the "Restricted Accessway Plan". Significantly, the decision to close the vertical accessway may be made independently either by the County, the California Department of Fish and Game, or the National Marine Fisheries. No provision is made for public review of this decision. Further, the Coastal Development Permit for this project could be substantively modified (by effectively deleting the vertical access condition) without an opportunity to appeal the decision to the Commission through the normal appeal process.

The County's access provisions also provide for an offer-to-dedicate a coastal trail easement to run along the south side of the Southern Pacific Railroad line from the eastern end of the property to the western property boundary. This trail easement is intended to form part of a county-wide coastal trail that links County and State parks. The proposed trail alignment would require that the trail continue along on the south side of the Southern Pacific Railroad line on the adjacent parcel to the west. Such an alignment would require a major bridge to cross the Dos Pueblos Canyon located approximately 1 mile to the west, and therefore add substantially to the cost of implementing the coastal trail.

Although the draft "Santa Barbara County Comprehensive Access Plan" indicates a continuous westward trail, the County's access planning efforts have not established the preferred alignment of the Santa Barbara County coastal trail west of the subject parcel. Commission staff understands that the final plan may recommend that the trail continue along the north side of the Southern Pacific Railroad line, perhaps adjacent to the U.S. 101 right-of-way, in order to obviate the need to construct a bridge over the mouth of Dos Pueblos Canyon. Ultimately, the proposed trail alignment identified in the County's approval, therefore may not effectively implement the requirements of Policy 7-25 regarding the provision of a coastal trail.

Based upon the above findings, the Commission finds that the project is not consistent with and adequate to carry out the access provisions of the County's certified LCP.

2. Inconsistency with Coastal Act

The Coastal Act contains several specific policies intended to protect the public's right to access public beaches, and to provide for new access when it is necessary and consistent with other Coastal Act policies. Specific to this appeal case, Section 30604 (b) requires consistency with the certified Local Coastal Program (LCP), while Section 30604 (c) requires that any development located between the first public road and the sea for the shoreline of any body of water located within the Coastal Zone must conform with the public access and recreational policies of Chapter 3 of the Coastal Act.

Of particular relevance in this case is PRC Section 30210 which stipulates that:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

PRC Section 30211, further stipulates that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

PRC Section 30212 also stipulates, in part that:

Dedicated accessway shall not be required to be opened to the public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Without assurance that the proposals contained in the County's access conditions will be implemented, the existing access opportunities on this parcel could be permanently lost. It should also be noted that neither the County nor the Commission is limited to securing access where appropriate and consistent with Coastal Act requirements through offers-to-dedicate. Easements and access improvements may also be required to provide or protect public access to public beaches.

The access opportunities afforded by the project site include the current and historic use of the vertical and lateral trails at the western and eastern end of the subject parcel. Although there appears to be evidence of use of the trails by hikers to traverse the site from adjoining parcels and to gain access to public beaches, the most frequent current and historic users of the trails to the beach are assumed to be surfers. The primary destination points appear to be to the two surfing sites known as "Naples Reef" and "Naples Beach". The appellants to this project provided copies of the 1963 Surfers Guide to Southern California as evidence of the public's longterm use of routes across the parcel to access these surfing areas. (Exhibits 8 and 12.)

Further, trails across the parcel are visible in the aerial photos taken in April of 1986 and March of 1987 and on file in the Commission's Ventura office. The use of these surfing destinations also was observed by County staff during site visits conducted as part of the County's review of the project. This historic and current use of the site to gain access to the adjoining beaches is also evidenced by the existence of worn trails to the beaches observed by the Commission staff during its analysis of the appeal. The County's administrative record for this project also includes testimony on the part of the the appellants of the use of the property to gain access to the beaches along this section of the coast.

Whether this use constitutes a prescriptive right is beyond the purview of the Commission to establish. However, the Commission has an obligation to prevent interference with the public's right of access to the sea where acquired through use. The access provisions of the County's approval recognize the importance of the historic access to the beach made from the subject parcel, but do not assure that this fundamental access will be preserved.

Further, the location of the fifteen dedicated public parking spaces at the far east end of the project site, over 1/2 mile from the most frequently used surfing sites (i.e., "Naples Beach" and "Naples Reef"), with no provision for parking near the west end of the project site, effectively reduces the accessibility of the vertical access route adjacent to Tomate Canyon. Currently, surfers walk approximately 1,600 feet from the most commonly used off-road parking sites to the Naples surfing areas. The access plan approved by the County, if implemented, would more than double the length of the route to the beach to approximately 3,600 feet, making access to the beaches much more difficult, particularly for individuals carrying surfboards or other equipment.

Finally, the proposed project would be completely fenced. As a result, absent a fully implemented access plan, public access to the adjacent historically-accessed beaches would be prevented. In addition, the operation of a golf course over the entire parcel creates new safety hazards and effectively closes all of the access routes presently uses, as well as those used in the past. Significantly, when the Commission considered the Spanish Bay Golf Course - also located adjacent to the shoreline - it found that the golfing activity was inherently in conflict with beach users and those seeking access through the site to the beach. Portions of the golf course were as a result re-designed to provide reasonable, safe separation between the beach users and the golf patrons. Trails adjacent and through the course were carefully sited to minimize the potential use conflicts. The Commission was particularly concerned about reducing the conflicts to protect beach users from errant golf balls and to reduce the potential for further exclusion of beach and trail users because of liability issues.

These inconsistencies with the existing access provisions of the County's certified LCP Land Use Plan and Zoning Ordinance can be addressed by providing for the protection of existing public access and for appropriate additional public access through:

- (a) implementation of the proposed access plan,
- (b) providing for appropriate parking opportunities,
- (c) providing implementable lateral access connections to contiguous parcels, and,
- (d) and providing a mechanism for evaluating the potential effects of the access program on environmentally sensitive habitats which specifically requires the identification of alternative means of protecting such habitats in addition to elimination of access, and provides that the evaluation of identified impacts and related response is subject to the

discretionary review of the County, and ultimately to review by the Commission through the Coastal Development appeal process.

Based upon the above findings, the Commission finds that the project is inconsistent with and inadequate to carry out the access provisions of the California Coastal Act.

VII. SUMMARY

In summary, the evidence in the administrative records demonstrates that the project is inconsistent with the specific provisions of the County's LCP dealing with the use of agriculturally designated lands for non-agricultural purposes and with the provision of public access. The project is also inconsistent with the access provisions of the California Coastal Act.

The inconsistency with the existing AG-II LCP land use and zone designation on the site can only be addressed through certification of a re-zone of the parcel to a recreational use pursuant to the County's certified LCP Land Use Plan and Zoning Ordinance dealing with conversion of agricultural lands and the related Coastal Act policies.

The inconsistency with the existing access provisions of the County's certified LCP Land Use Plan and Zoning Ordinance can be addressed by providing for the protection of existing public access and providing for appropriate additional public access through (a) implementation of the proposed access plan, (b) providing for appropriate parking opportunities, (c) providing implementable lateral access connections to contiguous parcels, (d) and providing a mechanism for evaluating the potential effects of the access program on environmentally sensitive habitats which specifically requires the identification of alternative means of protecting such habitats in addition to elimination of access, and provides that the evaluation of identified impacts and related response is subject to the discretionary review of the County, and ultimately to review by the Commission through the Coastal Development appeal process.

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