



County of Santa Barbara Planning and Development

Dianne Black, Interim Director

Derek Johnson, Director Long Range Planning

August 20, 2009

Elings Park Foundation
Steen Hudson, Executive Director
1298 Las Positas Road
Santa Barbara, CA 93105

Dear Mr. Hudson:

It has recently come to the County Planning & Development Department's attention that there are violations to the Covenant Restricting Use for Elings South Park, 130.65 acres, Assessor Parcel Number 047-010-049 (Attached email from Paul Kuhn, dated July 24, 2009).

The Covenant Restricting Use came about ten years ago because the County awarded Las Positas Foundation a \$525,000 Coastal Resource Enhancement Fund (CREF) grant to help the Foundation purchase the property known as Elings South Park. CREF is a mitigation fee for significant impacts to coastal resources from major oil and gas projects offshore Santa Barbara County. CREF minimizes the residual adverse impacts by funding projects that enhance the affected coastal resources. The Board of Supervisors awarded Las Positas Foundation a CREF grant to protect and preserve the 130.65 acres, allowing the public to enjoy the ocean views and protect wildlife habitat onsite.

The Elings South Park Covenant Restricting Use states that the property shall be "confined and restricted" until January 1, 2029, with the following uses:

- Passive recreation, defined as "hiking trails, horseback riding, jogging, hang-gliding, operation of radio-operated airplanes, picnic grounds, park benches, restrooms, open public gathering in meadows, a road, and no more than 60 parking spaces cumulatively. Passive recreation shall not include activities such as ball fields, tennis courts, outdoor auditoriums, and other activities that require alteration of the natural land."
- Preservation of wildlife habitat.
- Continuation of agriculture use on 10 acres or convert 10 acres to passive recreational use.

The Covenant also states that the 130 acres "cannot be used for active recreation or other purposes without prior written approval of County Board of Supervisors."

Development Review
Building & Safety
Energy Administration
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Long Range Planning
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Santa Barbara, CA 93101
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Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
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Biking is the focus of the violations to the Covenant Restricting Use. From our recent site visits to Elings South Park, there are two distinct types of bike trails. One type is a trail that meanders along the property, very similar to a hiking trail. This type of trail makes up most of the bike trails at Elings South Park. The trail is approximately 2'- 4' wide and is not altered with jumps or ramps. This type of trail is used by hikers and bikers and appears to be used for the enjoyment of being in nature and enjoying the views that Elings South Park has to offer. These meandering-type bike trails are compatible with passive recreational uses listed in the Elings South Park Covenant Restricting Use, such as hiking and horse-back riding trails.

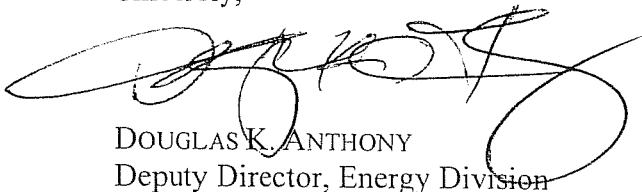
The other type of bike trail that is at Elings South Park is what is referred to as the bike track and pump track on Elings South Park. The bike track begins half-way down the south facing hillside and ends near the lower parking lot. Most of the bike track is wider with two bike trails side by side and is altered with jumps. The pump track, which is located near the lower parking lot, is altered with rolling bumps and curves. The Elings South Park Covenant Restricting Use states "Passive recreation shall not include activities such as ball fields, tennis courts, outdoor auditoriums, and other activities that require alteration of the natural land." Although the alterations of the natural land are considered minimal, the bike track and pump track are not considered passive recreational use and are in conflict with the Covenant Restricting Use.

In addition, the annual bike event is not considered passive recreational use either. Participants of the annual bike competition are using the bike tracks for racing, which is considered an active recreational use and is conflict with the Covenant of Restricting Use.

Please abate the violations by re-grading the bike track and pump track to its original grade and not conducting the annual bicycle competition event by October 30, 2009. As an alternative, you may seek written approval from the County Board of Supervisors for the uses in violation with the Covenant Restricting Use. Please correct the violations. Please respond in writing by September 30, 2009 should you disagree with the foregoing assessment of violation, describing in detail why.

If you have any questions, please contact me at 568-2046.

Sincerely,



DOUGLAS K. ANTHONY
Deputy Director, Energy Division

cc: Steve Amerikaner

g:group/energy/policy/cref/98/Contracts/Las Positas CRU Violation Letter