

ATTACHMENT E: LOT LINE ADJUSTMENT CONDITIONS OF APPROVAL

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit #1, dated February 27, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project description is as follows:

The project is to adjust the lot lines between two legal, non-conforming parcels as to size, situated off of West Camino Cielo Road and west of Refugio Road. Existing Parcel A (APN 081-040-049) is 44.20 acres in size. Existing Parcel B (APN 081-040-047) is 20.00 acres in size. Parcel B is currently developed with a single family dwelling, a driveway, a private water well, and a private septic system. Parcel A is undeveloped, but a private water well and test wells and borings for a septic system have been installed in order to make the required findings for the Lot Line Adjustment.

If approved, the Lot Line Adjustment will result in two lots of approximately the same sizes as the existing lots. Proposed Lot 1 will be 20.0 gross acres (19.29 net acres), and proposed Lot 2 will be 44.20 gross acres (43.31 net acres). The existing single-family residence and appurtenant development will be located on Lot 1. Lot 2 will be vacant, with a private water well and dry wells.

Development envelopes are located on each reconfigured lot. The configurations of the development envelopes have been reviewed by P&D staff to ensure that each is located in an area that avoids or minimizes impacts to the native vegetation onsite, and avoids steep slopes. The development envelope on proposed Lot 1 would be approximately 1.0 acre in size and would contain the existing residence. The development envelope on proposed Lot 2 would be approximately 0.70 acres in size.

The application involves Assessor's Parcel Nos. 081-040-047 and 081-040-049 located at 2375 Refugio Road in the Goleta area, Third Supervisorial District.

2. The Planning Commission has determined a development envelope is necessary to identify the location and limit the area of all ground-disturbance activities, except required vegetation removal as part of the Fire Protection Plan, and to protect on-site resources. **Project Applicability:** Development envelopes shall be restricted to those areas shown on Exhibit I, dated February 27, 2008, to avoid impacts to steep slopes and native vegetation. No development or earth disturbance shall occur outside of these areas, except for that required for the installation and maintenance of water wells, septic dry wells, driveways, and any retaining walls necessary to construct the driveways as approved by Planning & Development

(P&D). Construction equipment operation shall be confined to the approved development envelopes. Development envelope boundaries shall be staked in the field. Notwithstanding the above, development or construction activities required to protect the public health, safety and welfare of the community may be permitted outside of the development envelope subject to a determination by the Director of P&D.

Plan Requirements: Development envelope locations shall be described by metes and bounds and recorded on the final map. This condition shall be recorded with the lot line adjustment and shown with the development envelope on all grading and construction plans submitted for land use clearance. **Timing:** Development envelopes shall be staked prior to the start of grading or structural development.

MONITORING: During plan check, the planner shall ensure that all restricted ground disturbance, grading, and construction is confined to approved envelopes and in approved areas as noted above. Staking shall be checked during pre-construction meeting. P&D grading inspectors and planners shall inspect and photo document during all grading and construction phases to ensure development is confined to development envelopes and that staking remains in place during site grading and construction.

3. Two copies of the document that will be recorded to effectuate the Lot Line Adjustment and any required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue clearance for recordation to the County Surveyor.
4. Prior to recordation of the lot line adjustment and subject to P&D approval as to form and content, the applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet to be recorded with the lot line adjustment. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
5. The lot line adjustment 05LLA-00000-00009 shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
6. The following language shall be included on the deeds arising from the lot line adjustment:

This deed arises from the lot line adjustment 05LLA-00000-00009 and defines a single parcel within the meaning of California Civil Code §1093. Any document used to record the lot line adjustment shall include a statement that the document arises from a lot line adjustment that is intended to identify two legal parcels.
7. Prior to Filing of a Record of Survey or other documents used to record the Lot Line Adjustment, the applicant shall pay all applicable P&D permit processing fees in full.

8. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
 1. Legal description for each adjusted parcel, and
 2. Statement of the findings and conditions approving the Lot Line Adjustment.
9. Recordation of the Lot Line Adjustment and approval of future Land Use Permits shall be in compliance with the following Departmental Letter:
 - a. Santa Barbara County Fire Department letter dated July 7, 2005 and updated on January 16, 2008
10. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain Land Use and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Zoning Administrator. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
11. The applicant shall hire a P&D-qualified biologist to evaluate all proposed native tree and vegetation removals within 25 feet of potential ground disturbances, including disturbances during construction for the storage of construction materials and disturbances required by the County Fire Department as part of the Fire Protection Plan. The biologist report shall present biologically favorable options for access roads, utilities, drainage and structure placement taking into account native tree and shrub species, age, and health with preservation emphasized. All development and potential ground disturbances shall be designed to avoid the maximum number of natives possible. **Plan Requirements and Timing:** Prior to approval of Land Use Permits the applicant shall submit the above report to P&D for review and approval. Recommendations in the report shall be incorporated into the project prior to approval of Land Use Permits.
MONITORING: P&D shall check all plans for incorporation of recommendations and shall site inspect as appropriate.
12. In order to protect existing native vegetation, specifically, Refugio Manzanita (*Arctostaphylos refugioensis*), and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree and manzanita protection and replacement plan. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree or Refugio Manzanita unless specifically authorized by the approved tree and Manzanita protection and replacement plan. The tree and manzanita protection and replacement plan shall include the following:

- a. An exhibit showing the location, diameter and critical root zone of all native [and specimen] trees and Refugio Manzanitas located onsite.
- b. Fencing of all trees to be protected at or outside of the critical root zone, and protective fencing for onsite Refugio Manzanitas. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating "tree and Manzanita protection area" at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree and Manzanita protection exhibit, shall be installed prior to land use permit issuance and shall remain in place throughout all grading and construction activities.
- c. The tree and Manzanita protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree, or impact the root zone of onsite Refugio Manzanitas. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be located outside of the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree and Manzanita protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shall be shown on the tree and Manzanita protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all protected trees and Refugio Manzanitas unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.

- i. No permanent irrigation shall occur within the critical root zone of any native [or specimen] tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- j. Only trees designated for removal on the approved tree and Manzanita protection plan shall be removed.
- k. Any protected trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone) shall be replaced on a 10:1 (15:1 for blue oak trees) basis with 1 gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to certificate of occupancy and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
- l. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for blue oak trees) ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

Plan Requirements: Prior to approval of a Land Use Permit, the applicant shall submit grading plans, building plans and the tree and Manzanita protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to issuance of Land Use Permits, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D to guarantee tree and Refugio Manzanita replacement. **Timing:** Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

MONITORING: P&D shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree and Manzanita protection and replacement measures. Release of performance security requires P&D staff signature.

13. Excavation work within or adjacent to sensitive habitats including native trees and the Refugio Manzanita (*Arctostaphylos refugioensis*) shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D 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 P&D staff. **Plan requirements:** The above measure shall be noted on all grading and construction plans.

MONITORING: P&D shall ensure compliance on site during construction.

14. 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 attack, set aside, void, or annul, in whole or in part, the County's approval of the Lot Line Adjustment 05LLA-00000-00009. 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.

15. 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 Zoning Administrator and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.

Memorandum

Date: January 16, 2008

To: Selena Buoni
Planning & Development
Santa Barbara

From: Glenn Fidler, Inspector
Fire Department

Subject: APN: 081-040-047/049; Case #: 05LLA-00009
Site: 2375 Refugio Road, Gaviota
Project Description: Lot Line Adjustment



*This Memorandum Supersedes the Previous Memorandum Dated July 7, 2005
Changes to Stored Water, Propane, Knox Box*

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

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

1. All access ways (public or private) shall be installed and made serviceable. Roadway/driveway plans shall be submitted to the fire department for approval.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Driveway shall have a minimum width of 12 feet. Driveways serving one residential dwelling are required to have a minimum width of 12 feet. Driveways serving two residential dwellings are required to have a minimum width of 16 feet. Driveways serving three to nine residential dwellings are required to have a minimum width of 20 feet. If any future development is planned for this parcel or will be served by this driveway, the applicant is encouraged to coordinate these standards into their plans and with other interested parties.

No portion of the driveway shall have a grade that exceeds 12 percent. Any portion of the driveway with a grade exceeding 10 percent shall be paved.

GENERAL NOTICE

2. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

3. Because the proposed project is located within the mapped boundaries of the High Fire Hazard Zone of Santa Barbara County, a Vegetation Management Plan is required. Refer to Santa Barbara County Fire Department Development Standard #6.

Special provisions of the Building Code will apply. These provisions will influence both the design of the project and the type of building materials that may be utilized. Please refer to the Santa Barbara County Building and Safety Division for details.

Note: Owners of property located within a designated "Very High Fire Hazard Severity Zone" are required by state law (Public Resources Code, Section 4291) to create a firebreak of 100 feet (or to the property line, whichever is nearer) around any structures on their property. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any dwelling or structure.

4. Plans for a stored water fire protection system shall be submitted and approved by the fire department. After plans have been approved, the stored water system shall be installed and made serviceable prior to erection of combustible building materials.
5. A Knox entry system shall be installed at the existing gate which accesses the property immediately off of Refugio Road. Plans shall be submitted to the fire department for approval prior to installation.

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

6. Propane tanks shall be installed per Article 82 of the California Fire Code.
7. Building address numbers must be a minimum height of three (3) inches and a color contrasting to the background color. The address number shall be elevated at least three (3) feet from the ground for clear visibility and easy directional identification. The numbers shall be visible from the access road when traveling in either direction. If the driveway is over 150 feet in length or the building is obstructed from view at the access road, numbers shall be posted at any driveway and road intersections as is necessary.
8. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot

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

As always, if you have any questions or require further information please call 681-5500.

GF:reb



c: Price & Associates, 3200 Serena Ave., Carpinteria, CA 93013
APN/Chron