

Attachment B: 94LLA-00000-00001 Action Letter



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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August 23, 2007

REVISED LETTER*
(Supersedes letter dated August 14, 2007)

***REVISION:** Condition 2, section j, language was added to clarify saplings grown from seed obtained from watershed as the project site.

Mr. Pat Yochum
Penfield & Smith
101 East Victoria St.
Santa Barbara CA 93101

PLANNING COMMISSION
HEARING OF AUGUST 8, 2007

RE: Rancho San Fernando Rey Lot Line Adjustment, 94LLA-00000-00001

Hearing on the request of Mr. Pat Yochum, agent for the owner, Mr. Michael Cooney, Trustee, to consider Case No. 94LLA-00000-00001 [application filed on March 18, 1994] for approval of a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust lines between three lots of 3,047 acres to reconfigure into three lots of 3,047 acres on property located in the AG-II-100 zone; and to approve the Mitigated Negative Declaration No. 05NGD-00000-00027 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: biological resources, cultural resources, geologic processes, hazardous materials/risk of upset, and noise. The ND and all documents may be reviewed at the Planning and Development Department, 123 E. Anapamu St., Santa Barbara (or 624 W. Foster Rd., Santa Maria). The ND is also available for review at the Central Branch of the City of Santa Barbara Library, 40 E. Anapamu St., Santa Barbara. The application involves AP Nos. 145-160-069, 145-170-034, 145-190-001, and 145-190-002, located at 161 Paradise Road, in the Cachuma Lake area, Third Supervisorial District

Dear Mr. Yochum:

At the Planning Commission hearing of August 8, 2007, Commissioner Blough moved, seconded by Commissioner Brown and carried by a vote of 3-0 (Cooney recused/Smyser absent) to:

1. Adopt the required findings for the project specified in Attachment A of the staff report dated July 27, 2007, including CEQA findings;
2. Approve the Mitigated Negative Declaration, 05NGD-00000-00027, included as Attachment C of the staff report dated July 27, 2007, as revised at the hearing of August 8, 2007, and adopt the mitigation monitoring program contained in the conditions of approval; and

3. Approve the project subject to the conditions included as Attachment B of the staff report dated July 27, 2007, as revised at the hearing of August 8, 2007.

REVISIONS TO THE CONDITIONS OF APPROVAL

Condition 2j, language is ~~deleted~~ amended:

- j. Any oak trees which are removed and/or damaged (more than 20% of root zone disturbed) shall be replaced on a 10:1 basis with ~~three acorns from on-site Coast Live Oaks or Valley Oaks for each tree replaced~~ 1 gallon size saplings grown from seed obtained from the same watershed as the project site. The ~~acorn~~trees shall be planted prior to occupancy clearance and irrigated and maintained for three years. The ~~acorn~~trees 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.

Condition 7, is deleted as duplicative of Condition No. 5.

~~7. Archaeological Discovery Clause~~

~~In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.~~

~~**Plan Requirements/Timing:** This condition shall be printed on all building and grading plans. P&D staff will check plans prior to approval of Land Use Permits and will spot check in the field.~~

Conditions 8 through 27 are renumbered to read 7 through 26.

Condition 10, is amended:

10. Access Easement

The applicant shall record an agreement to grant a reservation of access easement for access over Proposed Lot 1 in favor of Proposed Lot 2. This agreement is to be recorded with the document that will be recorded to effectuate the lot line adjustment.

Condition 18, language is added:

18. The following language shall be included on the deeds arising from the Lot Line Adjustment, if applicable:

This deed arises from The Lot Line Adjustment 94LLA-00000-00001 and defines a single parcel within the meaning of California Civil Code Section 1093.

The document that will be recorded to effectuate the lot line adjustment shall include a statement that the document arises from a Lot Line Adjustment that is intended to identify a single legal parcel.

New Condition 27, is added:

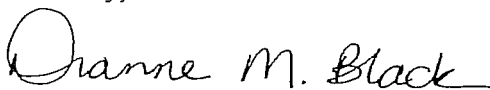
27. Mitigation Monitoring required: The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
- b. Contact P&D compliance staff at least two 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 approval of Land Use Permits\Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

The attached findings and conditions reflect the Planning Commission's actions of August 8, 2007.

Decisions of the Planning Commission may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within ten (10) calendar days of the date of the Planning Commission's decision. **The appeal period for this project ends on Monday, August 20, 2007 at 5:00 p.m.**

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 94LLA-00000-00001
Planning Commission File
Records Management
Address File: 161 Paradise Road
Owner/Applicant: Michael Cooney, Trustee, P.O. Box 5159, Santa Barbara, CA 93150
County Chief Appraiser
County Surveyor
Fire Department
Flood Control

Park Department
Public Works
Environmental Health Services
APCD
Supervisor Firestone, Third District
Commissioner Smyser, Third District
Mary Ann Slutzky, Deputy County Counsel
Brian Tetley, Planner

Attachments: **A. Findings**
 B. Conditions of Approval

DMB:cnm

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ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1 The County Planning Commission has considered the Mitigated Negative Declaration No. 05NGD-00000-00027 together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County Planning Commission, has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The County Planning Commission finds that through feasible conditions placed upon the project, the potentially significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Santa Barbara County Planning Commission, Ms. Dianne Black, Planning and Development, located at 123 East Anapamu Street, Santa Barbara, CA 93101.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 Lot Line Adjustment Findings

Pursuant to Chapter 21, Section 21-93, and the Land Use and Development Code, Section 35.30.110, a Lot Line Adjustment application shall only be approved provided the following Findings are made:

2.1.1 The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and the Land Use and Development Code.

As discussed in detail in the body of this staff report, no inconsistencies with either the Comprehensive Plan or the Land Use and Development Code have been identified. No new uses or increased numbers of developable parcels will result. Therefore, the Planning Commission finds that the Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and the Land Use and Development Code.

2.1.2 No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.

As a result of the proposed Lot Line Adjustment, all resultant lots will be greater in area than the minimum lot area of the zoning district. No nonconforming lots will be created. Therefore, the Planning Commission finds that no lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.

- 2.1.3 Except as provided in this Section, all lots resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with additional standards.**

As a result of the proposed Lot Line Adjustment, all resultant lots will be greater in area than the minimum lot area of the zoning district. No nonconforming lots will be created. Therefore, the Planning Commission finds that all lots resulting from the Lot Line Adjustment comply with the minimum lot size requirements of the applicable zone.

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

There is no existing violation of ordinance standards on the subject property. In addition, no violation of ordinance standards will result from approval of the proposed Lot Line Adjustment. Therefore, the Planning Commission finds that the Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more onerous.

- 2.1.5 The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of the Land Use and Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

Existing residential and agricultural structures are in compliance with all zoning and ordinance requirements. No known violations exist on the subject lots. Therefore, the Planning Commission finds that the affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of the Land Use and Development Code. This finding is not interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).

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

No existing utilities or infrastructure will need to be relocated to accommodate the proposed Lot Line Adjustment. Therefore, the Planning Commission finds that conditions to facilitate the relocation of existing utilities, infrastructure and easements are unnecessary.

- 2.1.7 In addition to the findings above, the approval of a Lot Line Adjustment proposed on agriculturally zoned lots that are subject to an Agricultural Preserve Contract in compliance with the County Agricultural Preserve Program Uniform Rules shall require that the Review Authority also make the following findings:**

2.1.7.1 The new contract or contracts will enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

The proposed adjusted lots are required to obtain replacement contracts prior to recordation by the County Surveyor as required by Condition No. 12. The enforceable time period will meet or exceed the established standard. Therefore, the Planning Commission finds that the new contracts will enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

2.1.7.2 There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

The proposed adjusted lots are required to obtain replacement contracts prior to recordation by the County Surveyor as required by Condition No. 12. The aggregate acreage of the land restricted by the new contract(s) will be equal to the aggregate acreage restricted by the rescinded contracts. Therefore, the Planning Commission finds that there is no net decrease in the amount of the acreage restricted.

2.1.7.3 At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

The proposed adjusted lots are required to obtain individual contracts prior to recordation by the County Surveyor as required by Condition No. 12. The aggregate acreage of the land restricted by the new contract(s) will be equal to the aggregate acreage restricted by the rescinded contracts. Therefore, the Planning Commission finds that at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.

2.1.7.4 After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.

The proposed Lot Line Adjustment will create one parcel of 2,836.8 acres (Proposed Lot 3), and two parcels of approximately 100 acres (Proposed Parcels 1 and 2). As part of the Lot Line Adjustment process and the related, but separate, Voluntary Merger process, several legally valid but undersize parcels will be reconfigured into three parcels that all meet the lot area requirements of the AG-II-100 Zone. In addition to the ranching operations on the subject property, successful vineyards and orchards have been cultivated on Proposed Parcels 1 and 2. Therefore, the Planning Commission finds that, after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.

2.1.7.5 The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

The proposed Lot Line Adjustment will create one parcel of 2,836.8 acres (Proposed Lot 3), and two parcels of approximately 100 acres (Proposed Parcels 1 and 2). As part of the Lot Line Adjustment process and the related, but separate, Voluntary Merger process, several legally valid but undersize parcels will be reconfigured into three parcels that all meet the lot area requirements of the AG-II-100 Zone. This proposed consolidation will avoid future potential ownership changes or increased development potential of residential uses. In addition, each lot resulting from the lot line adjustment will qualify for an individual agricultural preserve contract. Therefore, the Planning Commission finds that the lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

2.1.7.6 The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

The proposed Lot Line Adjustment will create one parcel of 2,836.8 acres (Proposed Lot 3), and two parcels of approximately 100 acres (Proposed Parcels 1 and 2). As part of the Lot Line Adjustment process and the related, but separate, Voluntary Merger process, several legally valid but undersize parcels will be reconfigured into three parcels that all meet the lot area requirements of the AG-II-100 Zone. This proposed consolidation will avoid future potential ownership changes or increased development potential of residential uses. Therefore, the Planning Commission finds that the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

2.1.7.7 The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

The proposed Lot Line Adjustment will create one parcel of 2,836.8 acres (Proposed Lot 3), and two parcels of approximately 100 acres (Proposed Parcels 1 and 2). As part of the Lot Line Adjustment process and the related, but separate, Voluntary Merger process, several legally valid but undersize parcels will be reconfigured into three parcels that all meet the lot area requirements of the AG-II-100 Zone. No increase in the number of developable lots will result from the proposed Lot Line Adjustment since there are two potentially developable lots currently (Parcels C and E), and two potentially developable lots proposed (Proposed Lots 2 and 3). Therefore, the Planning Commission finds that the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

ATTACHMENT B: CONDITIONS OF APPROVAL

Rancho San Fernando Rey Lot Line Adjustment
No. 94LLA-00000-00001
APNs 145-170-034, 145-190-001, -002

1. PROJECT DESCRIPTION

This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits 1 and 2, dated November 1995 and July 18, 2007 respectively, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the Director of Planning for conformity with this approval. Deviations may require modification to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

1. The project description is as follows:

A request by Mr. Patrick Yochum of Penfield & Smith, representing Mr. Michael Cooney, trustee, to consider case no. 94LLA-00000-00001 [application filed March 18, 1994] for a lot line adjustment between three (3) legal parcels, zoned AG-II-100 under the Land Use and Development Code, under the provisions of Chapter 21. The application involves Assessor's Parcel Numbers 145-160-069, 145-170-034, 145-190-001, and 145-190-002, known as Rancho San Fernando Rey, located at 161 Paradise Road, Third Supervisorial District.

The subject property encompasses five (5) legal parcels, referred to as parcels A through E. Three of the parcels were created through Certificate of Compliance Numbers 93-034098 (Parcel A containing 11.4 acres), 93-034097 (Parcel B containing 158.7 acres), and 95-029749 (Parcel E containing 2,875.0 acres). In addition, there are two smaller parcels (Parcels C containing 1.5 acres and D containing 0.3 acres) which are legal parcels on the basis of the recording date of June 12, 1941, and separate descriptions as contained in Book 524, Page 104 of Official Records.

Parcels B, C and D, in their entirety, are currently undergoing a Voluntary Merger process through application (04-VM-11, application filed September 7, 2004) with the Surveyor's Office, resulting in a reconfigured legal Parcel B. Parcels A and E are not a part of the Voluntary Merger process.

Upon completion of the Voluntary Merger process, the proposed Lot Line Adjustment would reconfigure Parcels A, E, and reconfigured Parcel B as follows:

- Proposed Lot 1, consisting of 103.1 acres would be created through a reconfiguration of: Parcel A in its entirety; a portion of Parcel E; and a portion of reconfigured Parcel B.
- Proposed Lot 2, consisting of 107.0 acres, would be created through a reconfiguration of: a portion of Parcel E; and a portion of reconfigured Parcel B.
- Proposed Lot 3, consisting of 2,836.8 acres, would be created through a reconfiguration of a portion of Parcel E.

The subject property is enrolled in the Williamson Act Program under Agricultural Preserve Contract 69-AP-007. Proposed Lot 2 would contain 15 acres of viognier vineyard; Proposed Lot 1 would contain a small fruit orchard and closed pasture areas.

Existing development on the subject property, consisting of a 2,000 square foot (s.f.) single family residence, a 1,000 s.f. accessory structure, swimming pool, and 900 s.f. barn, is entirely

located on Parcel B. As a result of the LLA, all of this development would remain within Proposed Lot 1. Proposed Lots 2 and 3 currently contain no structural development.

A 14-acre development envelope is proposed on the 107-acre Proposed Lot 2 to accommodate future residential development and delimit the scope of environmental review. However, due to County-adopted Uniform Rules that apply to residential development within properties under Williamson Act contract, residential development is restricted to a maximum two-acre residential site. This residential site is not fixed, and the future location of this site within the 14-acre development envelope will be determined when future Land Use Permit applications are submitted for a main residence. Residential development of the 2,836.8 acre Proposed Lot 3 would be located in an appropriate location identified through a subsequent Land Use Permit process, if desired.

Access to Proposed Lots 1, 2, and 3 would be via Paradise Road in a manner that is unchanged from existing access to the subject property. An access ingress/egress easement would be recorded over Proposed Lot 1 in favor of Proposed Lot 2 upon change of ownership. Proposed Lot 3 would continue to be accessed through the ranch headquarters on Paradise Road.

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 hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATION MEASURES FROM 05NGD-00000-00027

2. Oak Tree Protection and Replacement Program

All oak trees shall be preserved to the maximum extent feasible. An oak tree protection and replacement program, prepared by a P&D -approved arborist/biologist shall be implemented. The program shall include but not be limited to the following components:

- A. Program elements to be graphically depicted on final grading and building plans:
 - a. The location and extent of dripline for all trees and the type and location of any fencing.
 - b. Development envelopes shall be designated on all parcels located outside the driplines of all oak trees. Except for water well placement and pipelines, all ground disturbances including grading for buildings, accessways, easements, subsurface grading, and sewage disposal shall be prohibited outside development envelopes.
 - c. Equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas.
 - d. Paving shall be pervious material (i.e., gravel, brick without mortar) where access roads or driveways encroach within 25 feet of an oak tree's dripline.

- e. Drainage plans shall be designed so that oak tree trunk areas are properly drained to avoid ponding. These plans shall be subject to review and approval by P&D or a P&D qualified biologist/arborist.
 - f. All underground utilities shall be placed in development envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.
- B. Program elements to be printed as conditions on final grading and building plans:
- a. With the exception of improvements to the existing driveway, no grading or development shall occur within the driplines of oak trees that occur in the construction area.
 - b. All oak trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D throughout all grading and construction activities. The fencing shall be installed five feet outside the dripline of each oak tree, and shall be staked every six feet.
 - c. No construction equipment shall be parked, stored or operated within six feet of any oak tree dripline.
 - d. With the exception of improvements to the existing driveway, no fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of all oak trees.
 - e. Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a P&D approved arborist/biologist.
 - f. Any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand.
 - g. No permanent irrigation shall occur within the dripline of any existing oak tree.
 - h. Any construction activity required within three feet of an oak tree's dripline shall be done with hand tools.
 - i. Only designated trees shall be removed.
 - j. Any oak trees which are removed and/or damaged (more than 20% of root zone disturbed) shall be replaced on a 10:1 basis with 1 gallon size saplings grown from seed obtained from the same watershed as the project site. The trees shall be planted prior to occupancy clearance and irrigated and maintained for three years. The trees 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.

Plan Requirements: Prior to recordation of the document that will be recorded to effectuate the lot line adjustment, the applicant shall submit a tree protection and replacement plan. The conditions of the tree protection and replacement plan shall be designated on all future grading and building plans prior to approval of Land Use Permits. All aspects of the plan shall be implemented as approved. **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 review and approve tree protection and replacement plan. Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures.

3. **Habitat Easement**

A habitat easement for the Least Bells Vireo habitat protection reviewed and approved by P&D and County Counsel shall be dedicated along a 200 foot wide corridor, 100 feet each side of Hampton Creek and Kelly Creek on Lots 1 and 2 as illustrated in Exhibit 2, prior to recordation of the document that will be recorded to effectuate the lot line adjustment. The easement, along with a metes and bounds description denoting the easement boundaries, shall be reviewed and approved by P&D and recorded with the document that will be recorded to effectuate the lot line adjustment. The easement shall also be recorded on the property title and signed by all trust deed holders. An endowment to provide for long-term monitoring shall be provided. The easement shall include the following restrictions:

- a) Buildings, structures, roads, fences, parking areas, or other improvements shall be prohibited within the habitat easement, with the exception of the existing dirt agricultural road and livestock fencing at Hampton Creek and Kelly Creek at Paradise Road.
- b) No ground disturbance shall be allowed within the habitat easement except as provided in (a).
- c) Cultivation and irrigation shall be prohibited within the boundaries of the habitat easement.

Plan Requirements and Timing: Prior to recordation of the document that will be recorded to effectuate the lot line adjustment an offer to dedicate shall be submitted for review and approval by P&D and County Counsel, shall be docketed with the Board of Supervisors and the endowment shall be established.

MONITORING: The habitat easement shall be monitored through site inspections and photo documentation by Permit Compliance staff annually.

4. **Lot 3 Archaeological Study**

Prior to development on Lot 3, the development envelope shall be subject to a Phase 1 archaeological survey pursuant to County Archaeological Guidelines and if required, Phase 2 and Phase 3 studies shall be performed if significant resources are encountered and potential impacts are unavoidable. All work shall be funded by the applicant.

Plan Requirements/Timing: The Phase 1 study shall be submitted prior to issuance of the Land Use Permit for the building site on Lot 3. Phase 2 and 3 studies, if required, shall be performed prior to issuance of the grading permit and/or building permits. All work required by the Phase 2 and 3 studies shall also be completed prior to issuance of the grading and/or building permit.

MONITORING: P&D shall receive and review study prior to issuance of the Land Use Permit.

5. **Archaeological Discovery**

In the event archaeological remains are encountered during grading, work shall be stopped immediately or redirected until a P&D qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to Phase 2 investigations of the County Archaeological Guidelines. If remains are found to be significant, they shall be subject to a Phase 3 mitigation program consistent with County Archaeological Guidelines and funded by the applicant.

Plan Requirements/Timing: This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to approval of Land Use Permit and shall spot check in the field.

6. **Steep Slopes Limitation**

The future area of development on Lot 3 shall be limited to areas of less than 20% slopes. **Plan Requirements and Timing:** This requirement shall be printed on all grading and building plans.

MONITORING: P&D shall review development plans for Lot 3 prior to issuance of Land Use Permits, and shall field check.

7. **Erosion Control**

Grading-control, erosion-control, and drainage-control measures designed to minimize erosion shall be implemented throughout grading on Lots 2 and 3, including the following:

- a. Grading shall be limited to the dry season (April 15 - November 1) unless otherwise authorized by Planning and Development based on approved erosion-control measures.
- b. Graded areas shall be revegetated within four weeks of grading activities to minimize slope failure and erosion potential.
- c. Grading on steeper slopes shall be designed to minimize surface water runoff.

Plan Requirements and Timing: Grading and erosion-control measures shall be shown on grading and building plans, and approved by Planning and Development/Grading Division prior to issuance of Land Use Permits.

MONITORING: P&D shall review plans prior to issuance of Land Use Permits, and shall field check.

8. **Buyer Notification**

The following buyer notification shall be recorded on a separate information sheet with the document that will be recorded to effectuate the lot line adjustment for this lot line adjustment:

IMPORTANT: BUYER NOTIFICATION

This property is located adjacent to property which historically and is currently being used for agriculture. The Board of Supervisors has determined that it is in the public interest to protect agricultural lands and operations within the County of Santa Barbara and to specifically

protect these lands for exclusive agricultural use. Through enactment on an ordinance adding Section 3-23, Article V to Chapter 3 of the County Code, any inconvenience or discomfort from properly conducted agricultural operations, including noise, odors, dust, and chemicals, will not be deemed a nuisance.

Plan Requirements: This wording shall appear on the document that will be recorded to effectuate the lot line adjustment and reviewed and approved by P&D prior to recordation.
Timing: The document that will be recorded to effectuate the lot line adjustment shall not be recorded until this wording is included.

MONITORING: P&D to review the document that will be recorded to effectuate the lot line adjustment prior to recordation.

9. **Construction Hours**

Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (i.e. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, are not subject to these restrictions. **Plan Requirements:** One sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Sign shall be in place prior to land use clearance and throughout grading and construction activities.

MONITORING: Building Inspectors and Permit Compliance shall spot check and respond to complaints.

III. **PROJECT SPECIFIC CONDITIONS**

10. **Access Easement**

The applicant shall record an agreement to grant a reservation of easement for access over Proposed Lot 1 in favor of Proposed Lot 2. This agreement is to be recorded with the document that will be recorded to effectuate the lot line adjustment.

11. **Replacement Agricultural Preserve Contract**

The applicant shall simultaneously apply for non-renewal of Agricultural Preserve Contract No. 69-AP-07 and replacement contracts prior to clearance for recordation of the document that will be recorded to effectuate the lot line adjustment to reflect changed parcel configurations. The applications would not be processed until recordation of the document that will be recorded to effectuate the lot line adjustment.

12. **Voluntary Merger**

The applicant shall complete Voluntary Merger 04-VM-011 (application filed September 7, 2004) of Parcels B, C and D, in their entirety, resulting in a reconfigured legal Parcel B, prior to or concurrently with recordation of the document that will be recorded to effectuate the lot line adjustment.

13. **Underground Utilities**

All new utility connections shall be placed underground (and along driveways as to not disturb additional areas).

14. **Night Lighting**

Any exterior night lighting installed on the project site shall be of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **Plan Requirements/Timing:** The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D prior to Land Use Permit approval.

IV. **LOT LINE ADJUSTMENT CONDITIONS**

15. 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.
16. The Lot Line Adjustment 94LLA-00000-00001 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.
17. The following language shall be included on the deeds arising from the Lot Line Adjustment, if applicable:

This deed arises from The Lot Line Adjustment 94LLA-00000-00001 and defines a single parcel within the meaning of California Civil Code Section 1093.

The document that will be recorded to effectuate the lot line adjustment shall include a statement that the document arises from a Lot Line Adjustment that is intended to identify a single legal parcel.

18. 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:
- a. Legal description for each adjusted parcel; and
 - b. Statement of the findings and conditions approving the Lot Line Adjustment

V. **OTHER DEPARTMENT REQUIREMENTS**

19. Compliance is required with Departmental letters as follows:
- a. Environmental Health Services letter dated July 17, 2007
 - b. Fire Department memorandum dated May 7, 2007
 - c. Flood Control memorandum dated May 2, 2007

VI. **COUNTY RULES, REGULATIONS AND LEGAL REQUIREMENTS**

20. **Additional Permits Required:** 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 a Land Use Permit and Building Permit from the Planning and Development Department. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the County Planning

Commission. Before any Permit will be issued by the Planning and Development Department, 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 at the Planning and Development Department office.

21. **Signed Agreement to Comply Required:** Prior to approval of Land Use Permits for the project, the owner shall sign and record an agreement to comply with the Project Description and all Conditions of Approval.
22. **Print and illustrate conditions on plans:** All conditions of approval contained herein shall be printed in their entirety on plans submitted to the Planning and Development Department and reflected in graphic illustrations where appropriate.
23. **Fees Required:** Prior to the issuance of Land Use Permits, the applicant shall pay all applicable permit processing fees in full.
24. **Change of Use:** Any new or changed use on the site shall be subject to appropriate review by the County, including building code compliance and environmental review if applicable.
25. **Indemnity and Separation Clauses:** The applicant 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 this Development Plan. In the event that the County fails to promptly 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.
26. **Legal Challenge:** 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 within the time period provided for by law, 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 again by the County and substitute conditions may be imposed.
27. **Mitigation Monitoring required:** 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 P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
 - b. Contact P&D compliance staff at least two 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 approval of Land Use Permits\Coastal Development Permits as authorized under ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not

limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

PUBLIC Health

DEPARTMENT

Environmental Health Services

2125 S. Centerpointe Pkwy., #333 • Santa Maria, CA 93455-1340
805/346-8460 • FAX 805/346-8485

Ellen Schwinn, MD, MPH Director
Michelle Mikolajczyk, Deputy Director
Rick Hornsted, EHS Director

TO: Brian Tetley, Planner
Planning & Development Department
Development Review Division

FROM: Paul E. Jenzen
Environmental Health Services

DATE: July 17, 2007

SUBJECT: Case No. 94-LLA-007

RECEIVED

JUL 19 2007

S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT

Lake Cachuma Area

Applicant: Mr. Michael Cooney, Trustee
P.O. Box 5159
Santa Barbara, CA. 93150

Property Location: Assessor's Parcel No. 145-160-069, 145-170-034, 145-190-001, 002, zoned 100-AG, located approximately one mile northeast of Highway 154 and Paradise Road.

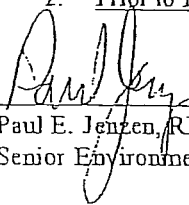
94-LLA-007 represents a request to reconfigure three legal parcels into one lot of 103.1-acres, one lot of 107.0-acres and one lot of 2,836.8-acres. All the existing development would be contained within the proposed lot one.

Domestic water supply is proposed to be provided by a private water system. The existing water system is proposed to be modified to include service to lot one. This would require a multiple-parcel water system for any development on proposed lot one.

Sewage disposal is proposed to be provided by on-site wastewater treatment systems. Proposed lot one is already developed and proposed lots two and three are large with few constraints. Wastewater testing for proposed lots two and three can wait until they are developed.

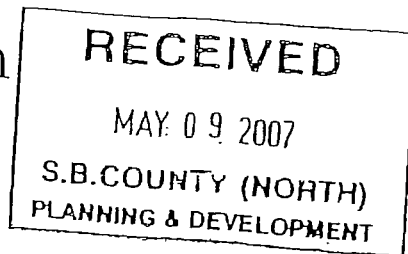
Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Recordation, an application for a Multiple Parcel Water System Permit with detailed engineering plans and specifications for the proposed domestic water supply system to serve the proposed project shall be approved by Environmental Health Services.
2. Prior to Recordation, the applicant shall submit a copy of the final map to Environmental Health Services.


Paul E. Jenzen, REHS
Senior Environmental Health Specialist

cc: Applicant
Agent, Pat Yokum, Penfield & Smith
Office of the County Surveyor
Jeff Thomas, Planning & Development Building Div, Buellton
Norman Fujimoto, Environmental Health Services

Memorandum



Date: May 7, 2007

To: Brian Tetley
Planning & Development
Santa Maria

From: Dwight Pepin, Captain
Fire Department

A handwritten signature in dark ink, appearing to be "D. Pepin".

Subject: APN: 145-160-069/145-170-034/145-190-001/145-190-002
Case #: 05NGD-00027
Site: Paradise Road, Santa Ynez
Project Description: Lot Line Adjustment

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. Submit plans to the fire department that include a complete driveway/access plan showing the following:
 - Width of driveway/access way
 - Percent of slope (including a profile section view)
 - Type of paving or surface material to be used
 - Turnouts (if required)
 - Turnaround (if required)
 - Structural section view showing how the driveway/access will be constructed

All plans must be drawn to scale and shall call out all dimensions and turning radii requirements. Please refer to the attached copies of the Santa Barbara County Fire Department Development Standard #1 and the Engineering Design Standards for Santa Barbara County, Page 8-4.

PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET

2. Building address numbers shall be posted in conformance with fire department standards.

THE FOLLOWING CONDITIONS ARE ADVISORY ONLY AT THIS TIME AND SHOULD BE CONSIDERED IF FURTHER DEVELOPMENT IS PROPOSED FOR THIS PARCEL IN THE FUTURE:

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

1. All access ways (public or private) shall be installed and made serviceable. Roadway plans, acceptable to the fire department, shall be submitted for approval prior to any work being undertaken.

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.

Any portion of the driveway exceeding 10 percent in slope shall be paved.

2. Santa Barbara County Fire Department High Fire Hazard Area Requirements must be met.

3. Plans for a stored water fire protection system shall be submitted and approved by the fire department. Water storage shall be above the amount required for domestic usage and shall be reserved for fire protection purposes exclusively.

PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET

4. When access ways are gated, a fire department approved locking system shall be installed.
5. 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.
6. 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 for structures with fire sprinkler systems
Mitigation Fee at \$.20 per square foot for structures without fire sprinkler systems

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.

DP:reb

c: Patrick Yochum, Penfield & Smith, 111 E. Victoria Street, Santa Barbara, CA 93101
APN/Chron



Santa Barbara County Public Works Department
Flood Control & Water Agency

May 2, 2007

Planning Commission
County of Santa Barbara
Planning & Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Reference: 94LLA-00000-00001; Rancho Fernando Rey LLA
APN: 145-160-069, 145-170-034, 145-190-001 & -002/Santa Ynez Valley

Dear Commissioners:

This District recommends that approval of the above referenced project be subject to the following conditions.

1. Prior to filing a record of survey or other documents used to record the lot line adjustment, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. An informational sheet or other recordable document shall be recorded concurrently with the Lot Line Adjustment which indicates the following:
 - a. The limits of the 100-year Floodplain/Floodway of the Santa Ynez River as shown on the current FEMA Flood Insurance Rate Map (FIRM);
 - b. New construction, substantial improvement and other proposed new development shall have finish floors elevated a minimum of 2 feet above the 100-year base flood elevation (BFE) of Santa Ynez River;
 - c. The District Approved Top of Bank of the Santa Ynez River and a minimum 200 foot development setback.
3. The applicant will be required to pay the current plan check fee deposit at the time the Lot Line Adjustment documents are submitted to the District for review and approval.

Sincerely,

Dale W. Weber, P.E.
Development Engineer

cc:

Brian J. Jolley, Planner

Michael Cooney, P.O. Box 5159, Santa Barbara, CA 93150
Penfield & Smith, 101 East Victoria Street, Santa Barbara, CA 93101

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MAY 04 2007

S.B. COUNTY (NORTH)
PLANNING & DEVELOPMENT