



**LAND USE PERMIT NO.:** 16LUP-00000-00109

**Project Name:** MYERS TRUST - SECONDARY ACCESS & BRIDGE  
**Project Address:** 949 TORO CANYON RD, SANTA BARBARA, CA 93108  
**A.P.N.:** 155-020-004  
**Zone:** MT-TORO-100

The Board of Supervisors hereby approves this Land Use Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

**APPROVAL DATE:** 7/17/2018

**DATE OF PERMIT ISSUANCE:**

**PROJECT DESCRIPTION SUMMARY:** The project (Case No. 16LUP-00000-00109) is for permitting construction of a new bridge spanning Toro Canyon Creek supported by two concrete abutments, and for a partially constructed, 12-foot wide by approximately 450-foot long secondary access road through designated Environmentally Sensitive Habitat. The road will provide secondary access to existing residential development. Project includes removal of native vegetation including trees. Primary access would continue to be provided off of Toro Canyon Road via an access easement across 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021).

SEE ATTACHED DOCUMENTS TIED TO ACCELA, INCLUDING ATTACHMENT A: LAND USE PERMIT CONDITIONS OF APPROVAL INCLUDING DETAILED PROJECT DESCRIPTION. To receive additional information regarding this project and/or to view the application and/or plans, please contact Alex Tuttle at 123 East Anapamu Street, Santa Barbara, by email (Atuttle@co.santa-barbara.ca.us) or by phone ((805) 884-6844).

**PROJECT SPECIFIC CONDITIONS:** See Attachment "A"

**ASSOCIATED CASE NUMBERS:** 16APL-00000-00021; 18NGD-00000-00004

**PERMIT ISSUANCE:** This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

- 1. Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (CLUDC Chapter 35.106 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
- 2. Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
- 3. Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
- 4. Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
- 5. Other approvals.** Any other necessary approvals required prior to issuance of this Land Use Permit have been granted.

**PERMIT EXPIRATION AND EXTENSION:** This permit shall remain valid only as long as compliance with all applicable requirements of the CLUDC and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (CLUDC: Section 35.82.110).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (CLUDC: Section 35.82.110).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (CLUDC: Section 35.82.020).

**WORK PROHIBITED PRIOR TO PERMIT ISSUANCE:** No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

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**Print name** **Signature** **Date**

**Land Use Approval By:**

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**Chair, Board of Supervisors** **Date**

**PERMIT ISSUANCE:** The permit shall be issued and deemed effective on the date signed and indicated below.

**Planning and Development Department Issuance By:**

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**Planner** **Date**

No Project Specific Conditions

## ATTACHMENT 6

### LAND USE PERMIT FOR MYERS BRIDGE/SECONDARY ACCESS ROAD CASE NO. 16LUP-00000-00109

1. **Proj Des-01 Project Description.** This land use permit is based upon and limited to compliance with the project description, the plan sheets in Attachment 10 of the Board Agenda Letter for the July 17, 2018 hearing, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

*The applicant requests a Land Use Permit (LUP) approval (Case No. 16LUP-00000-00109) for a secondary access road, including a bridge across the East Branch of Toro Canyon Creek. The road was partially graded without permits and is currently approximately 10 feet wide by 450 feet long. The secondary access road is will be 12 feet wide with a stone lined gutter. A bridge will be constructed over Toro Canyon Creek approximately 200 feet upstream of the existing Arizona crossing for the property's primary access road at an elevation of approximately four and one-half feet above the 100-year flood elevation and over eight feet above the dry creek bottom. The bridge will be supported by two precast concrete abutments to be located outside of the creek banks and rated to carry 25 tons. Approximately 120 linear feet of the road will be paved with concrete due to the steepness of the grade. The rest of the road will be widened to 12 feet and the surface improved to meet Carpinteria/Summerland Fire Protection District (CSFPD) access requirements. The unpaved portion of the road is proposed to be compacted and then covered with water-permeable compacted shale. However, a final determination of surface requirements for the road is subject to approval by the Carpinteria-Summerland Fire Protection District following review of an engineered design showing the surface can accommodate a 25-ton vehicle. Without additional information confirming the compacted shale, no road base, pervious road surface can meet the 25-ton standard, it is assumed that the road may require installation/compaction of road base material and double chip seal in the non-paved areas. Carpinteria Summerland Fire Protection District has preliminarily approved the bridge portion of the project (Ed Foster, email dated 3/7/16). Four stone walls of approximately three feet in height will be constructed along edges of the road where there are exposed slopes and two firetruck hammerhead turnarounds are included – one at the junction with Toro Canyon Road and one at the northeast end of the road. Project plan sheet 7.6C identifies the four steps of bridge installation:*

- a) Excavation for building the two abutments with spoils being distributed over approximately 300 linear feet of the access road for leveling;*
- b) Form and pour concrete abutments pumped by hose from Toro Canyon Road;*
- c) Small crane lift of two approximately 60-foot-long beams from the east side of the creek onto the abutments; and*

*d) Installation of steel deck and concrete slab pour for bridge road.*

*Construction of the bridge will occur outside of the rainy season and no concrete will be poured if measurable rain (1/2" or greater with 50% or greater probability) is forecast within the next 72 hours. No soil or spoils will be allowed to stay in the creek and rocks and boulders will only be adjusted minimally, if necessary.*

*Project earth disturbance involves approximately 9,000 square feet of improved road. Cut and fill estimates for the bridge abutments and paved area of the road near the bridge will involve approximately 76 cubic yards of cut and approximately 48 cubic yards of fill. Grading amounts associated with the prior unpermitted grading are estimated to be less than 500 cubic yards, but a more precise estimate is not available.*

*The unpermitted road construction activities resulted in an unknown amount of damage/removal of native trees and vegetation. In addition, while many trees burned during the Thomas Fire will survive, other native trees were trimmed and/or removed by fire personnel during fire control efforts. One sycamore tree is specifically identified for removal and the arborist report (K. Knight) identifies impacts to the critical root zones of numerous trees from road/bridge construction.*

*Development is limited to the secondary access road. No additional structures, extension of utilities or lighting are proposed or included as part of this permit. In addition, no expansion of agriculture is included, evaluated, or approved as part of the project and any expansion would require a Conditional Use Permit.*

*The parcel will continue to be served by the Montecito Water District and a private well, a private septic system, and the Carpinteria/Summerland Fire Protection District. Primary access will continue to be provided off of Toro Canyon Road via an access easement that includes an Arizona crossing. The primary access road also serves two parcels to the south, commonly known as 925 Toro Canyon Road (APN 155-240-020) and 930 Toro Canyon Road (APN 155-240-021). The property is a 36.68-acre parcel zoned MT-TORO-100 and shown as Assessor's Parcel Number 155-020-004, located at 949 Toro Canyon Road in the Toro Canyon Plan Area, First Supervisorial District.*

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.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **CONDITIONS FROM MND (18NGD-00000-00004) MITIGATION MEASURES**

3. **Aest-10 Lighting (Mitigation Measures MM 1).** No lighting is approved as part of this permit. However, if lighting along the road is proposed in the future, the lighting shall receive review and final approval by the Board of Architectural Review (BAR) to ensure any exterior night lighting installed along the road is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the road itself and to minimize any spill-over beyond the road surface. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **PLAN REQUIREMENTS:** The Owner/Applicant shall include lighting details for BAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures and note regarding lighting restricted to the road surface. **TIMING:** No lighting is approved or will be installed as part of this permit. Any future lighting will be subject to timing of a future permit request (e.g., revised or new LUP). **MONITORING:** P&D (and BAR if applicable) shall review any future request for road lighting for compliance with this measure prior to approval. P&D Permit Compliance staff shall inspect the secondary access road upon completion to ensure that no lighting is included.

4. **Bio-01a/Special - Tree and Habitat Protection Plan-Site Plan Component (MM 2).**

The Owner/Applicant shall submit a Tree and Habitat Protection Plan (THPP) prepared by a P&D-approved biologist and designed to protect and preserve onsite trees and habitat along in the Environmentally Sensitive Habitat (ESH) area along the proposed secondary road. The plan shall include the following site plan components:

The Owner/Applicant shall comply with and depict the following on the THPP exhibit and Grading and Building Plans<sup>1</sup>.

- a. All trees proposed for removal to accommodate the new accessory road and bridge shall be depicted on the site plan, consistent with the approved project plans.
- b. Unless identified on approved plans for removal, all trees shall be preserved. No grading or trenching shall take place within the area within six feet of the dripline of any of these trees or, if not feasible, as far from the dripline as possible.
- c. Depict approved access road, bridge components, irrigation lines for restoration plantings, and any other related infrastructure. Irrigation lines shall be located outside the area within six feet of the dripline of all protected trees unless authorized by P&D. If irrigation lines are located within tree driplines, they shall be laid at grade and/or buried with a pervious cover.
- d. Depict equipment storage (including construction materials, equipment, fill soil or rocks) and construction staging, parking, and wash-out areas adjacent to buildings at 949 Toro Canyon Road.
- e. Depict the type & location of protective fencing (see below) or other barriers to be in place to protect trees in protection areas during construction, as described in Condition No. 5a.
- f. Depict the location of all tree wells or retaining walls. These shall be located outside the area within six feet of the driplines of all protected trees unless authorized by P&D.

**PLAN REQUIREMENTS:** The Owner/Applicant shall: (1) Submit the THPP; (2) Include all applicable components in Tree Replacement Plan and Restoration and Fuel Modification Plan; (3) include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. **TIMING:** The Owner/Applicant shall comply with this measure prior to issuance of a Land Use Permit. Plan components shall be included on all plans prior to the issuance of grading permits. The Owner/Applicant shall install tree protection measures onsite prior to issuance of grading permits and pre-construction meeting.

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<sup>1</sup> Many of the requirements identified in this mitigation measure are derived from applicant submitted reports (KR&EC, K. Knight).

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees identified for protection were not damaged or removed, or if damage or removal occurred, that correction is completed as required by the THPP and “Unexpected Damage” Condition No. 6 prior to Final Building Inspection Clearance.

5. **Bio-01b - Special Tree and Habitat Protection Plan – Construction Component.** The Owner / Applicant shall submit a Tree and Habitat Protection Plan (THPP) prepared by a P&D-approved arborist and/or biologist and designed to protect and preserve native trees and habitat along the proposed secondary access road, including the bridge. The Owner Applicant shall comply with and specify the following as notes on the THPP and Grading and Building Plans:
- a) Fencing of all trees to be protected at least six feet outside the dripline with chain-link (or other material satisfactory to P&D) fencing at least 3 feet high, staked to prevent any collapse, and with signs identifying the protection area “Tree Protection Zone – No Entry,” placed in 15-foot intervals on the fencing. Signs should be in both English and Spanish. Other native vegetation, including but not limited to state, federal and locally listed species, shall be protected from grading/construction activities and equipment with fencing to the maximum extent feasible.
  - b) Fencing/staking/signage shall be maintained throughout all grading and construction activities.
  - c) No permanent irrigation is permitted within 6 feet of the dripline of any protected tree unless specifically authorized on the approved plans or by the P&D approved biological monitor.
  - d) The following shall be completed only by hand and under the direction of a P&D approved arborist/biologist:
    - i. Any trenching required within the dripline or critical root zone of any specimen tree or that would directly impact state, federal or locally listed plant species.
    - ii. Cleanly cutting any roots of one inch in diameter or greater of trees or large shrubs encountered during grading or construction.
    - iii. Tree removal and trimming or vegetation removal involving state, federal or locally listed plant species.
  - e) Special equipment: If the use of hand tools is deemed infeasible by P&D, P&D may authorize work with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees or special status plant species, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff and under the direction of a P&D approved biologist.

- f) Grading shall be designed to avoid ponding and ensure proper drainage within driplines of native trees. P&D shall review plans for conformance prior to issuance of LUP and grading permits and in the field.
- g) Landscaping within the designated ESH area, including along the road, bridge and driveway entrance shall be restricted to compatible native species and shall not involve removal of native species.
- h) Staging, parking, and wash-out areas shall be identified along the existing primary access road near the onsite buildings.
- i) No underground utilities are proposed or permitted. However, any new underground drains or irrigation lines shall be routed outside the tree protection zone. If lines must transverse the protection area, they shall lie on top of an existing traveled surface or, if necessary, buried at grade with a pervious cover.
- j) Additional tree pruning required for clearance during construction must be performed under the presence and supervision of a Certified Arborist and not by construction personnel.
- k) If injury should occur to any tree during construction, it should be evaluated as soon as possible by a Certified Arborist so that appropriate treatments can be applied and a determination made regarding need for replacement as part of the Restoration and Fuel Modification Plan. Also refer to "Unexpected Damage" Condition No. 6.
- l) If any state, federal or locally listed plants are injured during construction, they shall be evaluated as soon as possible by P&D approved biologist, who shall also contact (and document contact with) applicable state/federal agencies for input, so appropriate mitigation (e.g., replacement as part of the Restoration and Fuel Modification Plan) can be determined.
- m) Any tree roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a sharp saw.
- n) For any protected tree with roots severed by construction, the uncovered cut root surfaces should be watered daily or as necessary to avoid them drying them out until they are recovered with the original soil removed during any excavations.
- o) No construction materials, equipment, excavated debris or soil shall be piled or dumped (even temporarily) within the canopy of any native trees or over state, federal or locally listed plant species. Temporary storage/parking of construction materials, equipment and vehicles (e.g., during lunch breaks) shall be limited to within the proposed roadway width, if not located in the staging area(s) near the existing residence.
- p) No loose soil, debris or vegetation shall be allowed to cover the trunk or the root collar (i.e. the part of the oak where the trunk begins to flare out at the base of the tree) of native trees/shrubs, or over state, federal or locally listed plant species. If this occurs, the debris, soil, or vegetation must be excavated and removed by hand to original grade.



- q) The stone gutters, walls and abutments should not touch the trunk of any tree, and shall be placed one foot or more away from the trunk. If this placement cannot be accommodated, the affected tree shall be assumed to be damaged and replacement required (added) as part of the Restoration and Fuel Modification Plan.
- r) A consulting arborist shall be on site to review vertical and ground clearances of protected trees during the transportation and installation of the bridge components to ensure maximum protection of native trees.
- s) A retaining wall shall be added on the northeast side of the road at base of trees 8 and 9 (arborist review of retaining wall shall be submitted with grading plans).
- t) Realign rip rap northwest of tree 11 to avoid impact.
- u) Stop installation of rip rap 20' north of tree 18 trunk, instead of 10' on the plans.
- v) Add a 3' retaining wall around the base of trees 23 and 24.
- w) Shift road alignment 2' southeast away from trunk of trees 32, 33, and 34.
- x) Shift road alignment 3' west away from trunk of trees 37, 39, and 41.
- y) Shift road alignment 4' northwest from trunk of tree 44.

**PLAN REQUIREMENTS:** The Owner/Applicant shall: (1) submit the THPP; (2) Include all applicable components in Tree Replacement Plan and Restoration and Fuel Modification Plan; (3) include as notes or depictions all plan components listed above, graphically depicting all those related to earth movement, construction, and temporarily and/or permanently installed protection measures. **TIMING:** The Owner/Applicant shall comply with this measure prior to LUP issuance. Plan components shall be included on all plans prior to the issuance of grading permits. The Owner/Applicant shall install tree and habitat protection measures onsite prior to issuance of grading/building permits and pre-construction meeting. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that trees and state, federal and locally listed plant species identified for protection were not damaged or removed or, if damage or removal occurred, that correction is completed as required by the THPP prior to Final Building Inspection Clearance.

6. **Bio-01c Tree and Habitat Protection Plan (THPP) -Unexpected Damage and Mitigation.** The Restoration and Fuel Modification Plan requires posting of a financial surety acceptable to the County for installation and maintenance of the plantings in the Restoration and Fuel Modification Plan. The Restoration and Fuel Modification Plan also includes contingency funds, in part to cover the cost of installing and maintaining additional trees/plants in the event additional trees or state, federal or locally listed plant species are removed or damaged during the construction period. In the event of unexpected damage or removal, the biological monitor shall coordinate installation and maintenance of replacement plantings as part of the Restoration and Fuel Modification Plan to mitigate this impact. The required additional mitigation, including implementation of additional protection measures (e.g., additional fencing) and replacement plantings, as well as timing for implementation shall be approved by P&D. If additional performance securities are necessary due to insufficient contingency funds remaining for the Restoration and Fuel Modification Plan, additional financial securities shall be required for installation and maintenance of replacement trees. If necessary P&D shall issue a *stop-work* order to address review and implementation of proposed additional mitigation. Damaged trees shall be mitigated at a 10:1 ratio. If it becomes necessary to remove a tree not planned for removal, if feasible, the tree shall be boxed and replanted. If a P&D approved arborist certifies that it is not feasible to replant the tree, it shall be replaced on a 10:1 basis with trees with 5-gallon or larger size saplings grown from locally obtained seed, unless an alternative ratio/size down to 3:1 is determined by P&D to result in an improved Restoration and Fuel Modification Plan (e.g., lower ratio combined with more extensive efforts at long-term removal of non-native species from the riparian corridor and planting of additional creek bank stabilizing riparian species to replace non-native species). Replacement plantings shall be required consistent with the criteria in the approved Restoration and Fuel Modification Plan.

**PLAN REQUIREMENTS AND TIMING:** These requirements shall be incorporated into the THPP (and noted as applicable on plans) prior to issuance of grading permits. The owner shall implement additional mitigation (additional protection measures, replanting, replacement plantings, additional performance/maintenance securities, etc.) as determined necessary by P&D prior to Final Building Inspection Clearance. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that if damage or removal occurred, that correction is completed as required by the THPP prior to Final Building Inspection Clearance.

7. **Bio-03a Onsite Biologist.** The Owner/Applicant shall designate a P&D-approved biologist to be onsite throughout all grading and construction activities. Duties include the responsibility to ensure all aspects of the approved Tree and Habitat Protection/ Replacement Plan and Restoration and Fuel Modification Plan are carried out. The approved biologist shall keep daily notes, which shall be made available to P&D upon request and shall provide a letter to P&D prior to final inspection identifying project compliance (or noncompliance) with biological resources conditions. **MONITORING:** The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved biologist prior to commencement of construction / pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.
8. **Bio-08 Fish and Wildlife.** No alteration to stream channels or banks shall be permitted (no Land Use Permit shall be issued) until the Owner/Applicant demonstrates receipt of all authorizations from the California Department of Fish and Wildlife and/or federal agencies, including but not limited to Army Corp of Engineers, for any planned alteration to stream channels or banks associated with the proposed secondary access road and bridge over the East Fork of Toro Canyon Creek.
9. **Bio-9a Threatened and Endangered Species Approvals:** The permittee shall obtain all necessary approvals from the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS), including an Incidental Take Permit and/or Habitat Conservation Plan, if required, prior to LUP issuance. **TIMING** Permittee shall provide to P&D copies of approvals (or documentation that no permit/approvals needed) obtained from CDFW, USFWS and/or NMFS prior to issuance of LUP. **MONITORING:** Permittee shall provide to P&D copies of approvals from CDFW, FWS and/or NMFS. P&D staff shall confirm receipt of any necessary approvals prior to issuance of LUP.

10. **Bio-10 Storm Water BMPs.** To minimize pollutants impacting downstream waterbodies or habitat, the road design shall minimize degradation of storm water quality. Best Management Practices (BMPs) such as planted areas (consistent with Restoration and Fuel Modification Plan, particularly with regard to species and no ponding under oak trees) for infiltration (vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Stormwater Quality Association) or other approved method shall be installed to intercept and remove pollutants prior to discharging to Toro Canyon Creek. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. A maintenance program shall be specified in an inspection and maintenance plan and include maintenance inspections at least once a year. Long term maintenance shall be the responsibility of the landowner. The plans and a description of long-term maintenance requirements (maintenance description shown as notes on plans) shall be submitted to P&D and Public Works, Water Resources Division staff, for review prior to issuance of Land Use Permits. BMP maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once a year and retain proof of inspections. **PLAN REQUIREMENTS:** The BMPs shall be described and detailed on the site, grading and drainage and restoration/fuel modification/landscape plans, and depicted graphically. The location and type of BMP shall be shown on the site, building and grading plans.

**TIMING:** The plans and maintenance program shall be submitted to P&D for approval prior to issuance of Land Use Permit. **MONITORING:** P&D compliance monitoring staff shall site inspect for installation prior to Final Inspection Clearance. The landowner shall make annual maintenance records available for review by P&D upon request.
11. **Bio-11 Fencing for Animal Passage.** In the event the road is fenced in the future, the minimum distance for any fencing along the roadway, from ground level to the fence's first rung shall be 18 inches to allow for wildlife passage, given the riparian corridor's importance as a wildlife corridor. Barbed-wire fencing shall not be installed along the roadway. **PLAN REQUIREMENTS AND TIMING:** The condition shall be noted on project plans and any fencing shall be depicted on plans. **MONITORING:** P&D can monitor at any future time.

12. **Bio-12 Habitat Restoration/Fuel Modification.** The Owner/Applicant shall submit for P&D approval a Final riparian area Restoration and Fuel Modification Plan prepared by a P&D-approved biologist and designed to offset project impacts to the riparian Environmentally Sensitive Habitat from construction of a permanent secondary access road and bridge within designated ESH area along the East Branch of Toro Canyon Creek by restoring and enhancing riparian oak woodland habitat along the creek. The plan shall include initial removal of invasive species within the riparian corridor, long-term maintenance to control the spread of invasive species, and restoration and enhancement of riparian oak woodland, including trees, shrubs and understory along the Toro Canyon Creek riparian corridor. For the purposes of the habitat Restoration and Fuel Modification Plan, the area impacted by the project, including the unpermitted work that has already occurred shall be considered the secondary roadway disturbance area length and width. This includes 10 feet on either side of the road to offset the direct removal of vegetation from grading/construction, long-term vegetation fuel management within 10 feet of both sides of the road, disturbance to 20% or greater of the critical root zone (CRZ) of over 30 coast live oak and California sycamore trees (K Knight arborist report shows 32 trees with 20% or greater impact to CRZ to be updated based on final grading plans), increased potential for spread of non-native invasive plant species along disturbed areas within the ESH area, and changes to drainage patterns and increased erosion which may impact long-term health of native vegetation in the riparian corridor along the road. The maintenance and monitoring period shall be for a five-year period or until 80% native cover is achieved whichever is greater. The conceptual restoration plan identifies new plantings to offset direct and indirect impacts resulting from the project as well as reduction of non-native invasive cover (below 10 percent). The conceptual plan must be revised consistent with the requirements of the required biological mitigation measures and approved by P&D prior to issuance of Land Use Permit.

The monitoring methods described in section 6.2 of the Restoration and Fuel Modification Plan (as revised in the final plan) shall be implemented in the identified restoration areas only, in order to determine if the project is on track for meeting performance criteria. Along with achievement of the goals and objectives stated in conceptual DK&EC Section 4.0 (and as revised in the final approved version of the plan), achievement of the performance criteria will be described in the annual reports and will be expected to be met by the end of the five- year period of maintenance and monitoring.

The performance standards for the restoration areas, as required by CDFW and P&D in the final version of the plan, shall include: 1) Invasive herbaceous non-native cover shall not exceed 5 percent throughout restoration areas; 2) All plantings shall have a minimum of 80 percent survival, by species, the first year and 100 percent survival thereafter; 3) Prior to a determination regarding success of the Restoration and Fuel Modification Plan, the restoration area shall be entirely without supplemental irrigation for a minimum of three years; 4) All plants installed must survive and grow without supplemental irrigation for three years; 5) Vegetative cover and diversity of each layer (forb/grass, shrub, and tree) shall be similar to the reference site by the end of the five-year period. If performance criteria are not achieved, then replacement planting will be implemented and monitored for up to five years after planting or according to CDFW requirements, whichever is greater.

The Restoration and Fuel Modification Plan shall include the following components:

- a) Non-native species including but not limited to cape ivy, pampas grass, fennel, periwinkle, and castor bean, shall be removed from the creek, however, removal of native species in the creek shall be prohibited, unless identified in the approved project plans.
- b) Restoration plantings shall be with compatible riparian species such as deerweed (*Acmispon glaber*), mugwort (*Artemisia douglasiana*), toyon (*Heteromeles arbutifolia*), coyote- mint (*Monardella villosa*), phacelias (*Phacelia* sp.), and elderberry (*Sambucus nigra*), at a density such that native cover dominates the areas where non-native plants were removed.
- c) To the maximum extent practical, as determined by P&D, native trees with impacts of 20% or greater to their CRZ shall be replaced at a 10:1 ratio. Standard native tree replacement rates are 10, 5-gallon sized saplings to replace 1 mature tree. This replacement tree size and numbers may not be feasibly accommodated onsite within the riparian corridor. Therefore, the Restoration and Fuel Modification Plan shall also emphasize goals of invasive species removal and planting of lower growing riparian species along the creek banks, which have special value in the post-fire/debris flow riparian vegetation establishment environment. (P&D may retain biologist with expertise to assist P&D in review of the final Restoration and Fuel Modification Plan, at applicant's expense).
- d) Trash and debris will be removed from the restoration area.
- e) Restoration plantings shall be planted in locations that do not conflict with required fuel management requirements (e.g., specific vegetation restrictions within 10' of each side of the secondary access road).

- f) The Restoration and Fuel Modification Plan shall include a planting plan for proposed drainage outlet(s) into natural drainage(s). The plan shall include compatible, native, fast growing, vining plants that will quickly cover the outlet structure, and thrive in a rocky environment.
- g) Species shall be from locally obtained plants and seed stock.
- h) The new plantings shall be irrigated with drip irrigation on a timer, and shall be weaned off of irrigation over a period of two to three years.
- i) During all grading and construction work, the creek area shall be fenced with fencing, staked a minimum of every six feet or as necessary to keep fencing from collapsing.
- j) All restoration plantings shall be protected from predation by wildlife (e.g., gopher, deer) and domestic animals and from human interference during the maintenance period.
- k) A summary table shall be added for impacts to ESH, EHS buffer, and jurisdictional areas.
- l) Mitigation ratios, including but not limited to the CDFW 5:1 restoration ratio and areas of proposed restoration shall be included.
- m) Frequency of maintenance actions shall be added to Section 6.1 and the Table 3 summary.
- n) A map shall be included showing the proposed restoration area(s) and fuel management zone(s).
- o) Methods of fuel management shall be described.

**PLAN REQUIREMENTS AND TIMING:** The Restoration and Fuel Modification Plan shall be submitted and approved by P&D prior to issuance of Land Use Permits. Restoration plantings shall be located within the ESH riparian corridor. Appropriate plantings found acceptable (as part of the Plan) to Carpinteria Summerland Fire Protection District shall be planted within the 10' fuel modification zones on either side of the road to reduce erosion and sedimentation, particularly during peak storm runoff events. In addition, Flood Control District shall review the Restoration and Fuel Modification Plan as required by DevStd FLD-TC-4.1. The Owner/Applicant shall post a performance security to ensure restoration implementation/ installation prior to Final Inspection Clearance and maintenance for a minimum of five-years. The Owner shall maintain the drainage outlets. The above measures regarding excavation work shall be included on project plans.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required components of the approved plan(s) are in place as required prior to Final Inspection Clearance. The Owner/Applicant shall demonstrate restoration plantings shall be maintained for a minimum of five (5) years and free of irrigation for a minimum of two (2) years before P&D release of the maintenance security. P&D compliance monitoring staff signature is required to release the installation and maintenance securities.

13. **Bio-15 Outlet Structures.** Outlet structures for energy dissipation shall minimize disturbance to the natural drainage and avoid the use of unnatural materials, such as concrete, grouted rock, and asphalt rubble. Where hard bank materials must be used, natural rock, gabions, crib wall or other more natural means of energy dissipation shall be preferred. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D and Flood Control. **PLAN REQUIREMENTS:** Plans shall be submitted for review and approval by P&D and Flood Control. **TIMING:** Plans shall be submitted prior to issuance of Land Use Permits for grading. Structures shall be installed during grading operations. **MONITORING:** P&D compliance monitoring staff and/or Building & Safety inspectors shall ensure construction according to plan.
14. **Bio-20 Equipment Storage-Construction.** The Owner/Applicant shall designate one or more staging areas along the primary access road near the existing residence for construction worker and equipment parking, material storage, and maintenance/wash-out areas. This is designed to contain spills, facilitate cleanup and proper disposal, prevent contamination from discharging into the ESH area, and avoid impacting root zones and other damage to native vegetation. The staging areas shall be located outside of the root zones of native trees and shall not otherwise result in removal or covering of native vegetation. **PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all Land Use Permit and Grading/Building plans. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.



15. **Bio-20a Special - Pollution/Equipment Washout-Construction.** The project grading and LUP plans shall identify one or more washout areas for the washing of concrete trucks, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or associated environmentally sensitive habitat. Note that polluted water and materials shall be contained in these areas and removed from the site on a daily basis, unless P&D approves less frequent timing that is still determined to be effective. The areas shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. If this distance is not feasible, subject to P&D review and approval, a closer wash-out area may be approved if the applicant identifies sufficient features to ensure a closer wash-out area would be effective in containing polluted water/materials. No debris, soil, silt, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil, or other petroleum products or any other substances which could be hazardous to aquatic life shall be allowed to contaminate the soil and/or enter into or placed where it may be washed by rainfall or run off into waters of the State. If any of these materials are placed within or where they may enter the creek, by Permittee or any party working under contract or with permission of Permittee, the material shall be removed immediately. When work is complete, any excess materials or debris shall be removed from the work area. **PLAN REQUIREMENTS:** The above requirements/restrictions shall be noted on the grading and LUP plans and the Owner/Applicant shall designate the P&D approved location on all Land Use Permit and Grading plans. Signage shall be included in a prominent location on the protective fencing, noting these restrictions. **TIMING:** The Owner/Applicant shall install the area prior to commencement of construction. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
  
16. **BIO-Sp1 - Wildlife Surveys.** The Owner/Applicant shall have a qualified wildlife biologist conduct a pre-construction survey of the Project Area and 50-foot buffer area no earlier than two (2) weeks prior to any rock removal, clearing, grubbing, dewatering, and filling operations, to confirm the presence/absence of Coast Range newts, California red-legged frogs, southwestern pond turtles, and two-striped garter snakes. Any sensitive species found within the area shall be moved to a safe location with suitable habitat at least 100 feet upstream or downstream of the Project Area, consistent with and subject to any state or federal agency requirements/approvals. **PLAN REQUIREMENTS and TIMING:** The Owner/Applicant shall submit survey(s) and identification of buffer areas, if determined necessary (on plans and marked in field) for P&D review and approval prior to Grading Permit issuance as well as related state or federal agency requirements. Any required flagging/fencing shall remain in place until applicable construction activities are complete. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

17. **Bio-Sp2 Nesting Surveys.** If construction is proposed to occur during the breeding season (February 1<sup>st</sup> and September 1<sup>st</sup>), a focused survey for nesting birds shall first be conducted by a qualified avian biologist, no earlier than three days prior to the beginning of project related activities. The survey shall occur within the area to be disturbed and shall extend outward 500 feet or up to the property boundary. If any occupied bird nests or cavity roosts are found, the P&D approved biologist shall determine the need to delay grading and construction activities and/or the need for a revised work plan to avoid harassment of the nesting birds, including establishment of an appropriate avoidance buffer zone that considers the bird species, nest location, nest height, existing pre-construction level of disturbance in the vicinity of the nest, and proposed construction activities. A buffer ranging in size from 100 for nesting passerine species to 500 feet for nesting raptors shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary, unless a smaller biologist-recommended buffer is considered adequate based on the factors listed above (as approved by P&D). All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. All buffers shall be marked using high-visibility flagging or fencing acceptable to P&D, and, unless approved by the qualified biologist, no construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails. **PLAN REQUIREMENTS and TIMING:** The Owner/Applicant shall submit survey(s) and identification of buffer areas, if determined necessary (on plans and marked in field) for P&D review and approval prior to Grading Permit issuance. Any required flagging/fencing shall remain in place until applicable construction activities are complete. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

18. **BIO-Sp3 - Rare Plant Surveys.** Prior to initiation of grading or vegetation clearing, the Owner/Applicant shall have a qualified botanist conduct a pre-construction rare plant survey within the blooming period of the following listed or special status plant species: Catalina mariposa lily, Late Flowered mariposa lily, Palmer's mariposa lily, Small-flowered morning glory, Umbrella larkspur, Ojai fritillary, Santa Barbara honeysuckle, White-veined monardella, South coast branching phacelia, Nuttall's scrub oak, and Sonoran maiden fern. If any rare plants are found they shall be avoided if feasible. If not possible to avoid, the rare plants will be salvaged if feasible and/or seeds/plant cuttings collected to use in plant propagation and incorporated into the project habitat restoration. Feasibility of avoidance and salvage shall be determined by P&D in consultation with California Department of Fish & Wildlife and United States Fish and Wildlife Service, as applicable. Also see Condition Nos. 9, 31, and 32. The number of plants propagated should be at least double the number of individuals impacted. **PLAN REQUIREMENTS and TIMING:** The Owner/Applicant shall submit survey(s) and identification of buffer areas, if determined necessary (on plans and marked in field) for P&D review and approval prior to Grading Permit Issuance. Any required flagging/fencing shall remain in place until applicable construction activities are complete. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
19. **BIO-Sp4- Weather Limitations.** Project grading and construction activities shall be limited to the dry periods of the year, April 15 to November 1 and when no measurable rain (1/2 inch or greater) with 50% or greater probability is forecast within 72 hours. If measurable rain with 50% or greater probability is predicted within 72 hours of construction, protective measures to prevent erosion/sedimentation/flooding shall be implemented/maintained. Work conducted during rain events shall be limited to activities associated with implementation of measures to prevent erosion/sedimentation/flooding. Restoration activities may occur during the rainy season, although activities should be compatible with rain events. Therefore, planting may be acceptable during rain events, but should not involve activities that would increase erosion within the riparian corridor or transport of sediment to runoff waters. This requirement, including examples of acceptable activities during rain events, shall be addressed in the Restoration and Fuel Modification Plan. **MONITORING:** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

20. **Geo-2 Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Ch. 14 <http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to land use permit issuance. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout construction phase.
21. **DevRestrict Sp-1.** No structural development shall be permitted along the proposed secondary access road and the secondary access road shall not be used as a primary access to proposed future development elsewhere on the project site. **PLAN REQUIREMENTS AND TIMING:** This restriction shall be identified on all plans for the secondary access road as well as on plans associated with any future permit requests (e.g., discretionary permits, land use permits, grading/building permits). **MONITORING:** During plan check, the P&D permit processing planner shall confirm that development and access is consistent with this condition. P&D building inspectors and compliance monitoring staff shall ensure that development and access is consistent with this condition.

22. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. Construction equipment maintenance shall be limited to the same hours. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein. **PLAN REQUIREMENTS:** The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.
23. **WatConv-01 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:
- a. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
  - b. Any concrete, asphalt, or seal coat shall only be applied during dry weather.
  - c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
  - d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

- e. The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities pursuant to Restoration and Fuel Modification Plan identified in Section 4.4 Biological Resources. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. The Owner/Applicant shall re-vegetate graded areas within immediately following completion of grading. If soils are exposed for more than 30 days, Owner/Applicant shall ensure implementation of erosion control measures to minimize erosion and sedimentation from areas subject to vegetation removal from grading. (WatConv-03 Erosion and Sediment Control Revegetation)

**PLAN REQUIREMENTS:** The Owner/Applicant shall ensure all above grading/construction site measures are printed as notes on plans. **TIMING:** Implementation of stabilizing measures shall immediately follow completion of grading. **MONITORING:** The Owner/Applicant shall demonstrate compliance with these measures to P&D.

24. **WatConv-07 SWPPP.** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board. **TIMING:** Prior to issuance of a Land Use Permit. The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities. **MONITORING:** P&D permit processing planner shall review the documentation prior to issuance of the Land Use Permit. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

## **PROJECT SPECIFIC CONDITIONS**

25. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
- a) Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c) During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - d) Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - e) When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - f) Order increased watering as necessary to prevent transport of dust off-site.
  - g) Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
  - h) If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a) Assure all dust control requirements are complied with including those covering weekends and holidays.
- b) Order increased watering as necessary to prevent transport of dust offsite.
- c) Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to first grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and restoration plantings are successfully installed. **MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

26. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to issuance of land use permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
  
27. **Tel-14 Road Encroachment Permit.** The Owner/Applicant shall obtain a road encroachment permit from the Roads Division (Public Works) prior to issuance of land use permit.
  
28. **Home Occupation:** The owner/applicant shall obtain a Home Occupation permit prior to issuance of the Land Use Permit for the secondary access road/bridge or demonstrate to the satisfaction of Planning and Development that any and all uses of the property as a place of business comply with provisions of the County Land Use and Development Code. **PLAN REQUIREMENTS AND TIMING:** The Home Occupation permit shall be obtained, or applicant shall provide proof that no Home Occupation permit is required to the satisfaction of Planning and Development prior to Land Use Permit issuance. **MONITORING:** Planning and Development shall confirm that any necessary home occupation permit is in place prior to Land Use Permit issuance. Compliance monitoring staff shall verify in the field compliance with this condition prior to Final Building Inspection Clearance and respond to complaints.



29. **Bridge:** Prior to issuance of land use permit, the bridge design shall be reviewed by Flood Control District for compliance with applicable standards (e.g., minimum freeboard, abutments outside of creek channel, etc.). Based on Flood Control District review of the most recent plans (received via email 6/21/18), the final plans must include the following:
- a) A topography map with the surveyor's stamp and signature on it.
  - b) Structural drawings with engineer's stamp and signature.
  - c) The east/west cross section B-B on sheet 7.6 appears to have the bridge abutments well within the creek, inconsistent with the project description and applicable standards for the location of bridge abutments. Provide a wider cross-sectional view of the creek spanning from just east of Toro Canyon Road to the 3-foot stone wall located on the east bank of the creek.
  - d) Provide units of measurement for all X and Y axis's on cross-section views.
  - e) Sheet 7.3 (A6) shall be updated to correctly identify Top of Bank and to distinguish Top of Bank from the 100 year Flood Zone.
  - f) The bridge shall be placed with the abutments/support outside of the "Top of Bank," which roughly corresponds to the "Top of Upper Bank" delineated on sheet 7.3.
  - g) The Flood Control District is not requiring a Hydrologic & Hydraulic Study for this bridge. However, if a calculated value water surface elevation is included, as shown on Sheet 7.3, please submit a formally updated H&H study that is fully legible with all supporting data. A licensed engineer's stamp and signature are also required. (The project documents identify a 2016 letter from Michael Gerenser, P.E, which references a 1995 hydraulic evaluation from Michael Avakian).

**PLAN REQUIREMENTS AND TIMING:** Applicant shall provide applicable data and plans for the bridge to Flood Control and Carpinteria-Summerland Fire Protection District for review and approval prior to land use permit issuance and to Building and Safety prior to grading permit. **MONITORING:** Planning and Development shall confirm Flood Control and Carpinteria-Summerland Fire Protection District concurrence on bridge plans prior to land use permit issuance and Building and Safety shall confirm bridge plans meet requirements prior to grading permit. Compliance with approved plans for the bridge shall be confirmed by Building Inspector prior to Final Building Inspection Clearance.

30. **Bio-09 Fish and Wildlife Jurisdiction Advisory.** The project site is within the range of California red-legged frog (*Rana Draytonii*), a species listed as Threatened by the U.S. Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Wildlife. Based upon a report prepared by Kisner Restoration and Ecological Consulting, dated January 2018, it has been determined that the probability for California red-legged frog occurrence on the site is low. The issuance of this permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the federal or California Endangered Species Act or any other law. The permit-holder shall contact the necessary jurisdictional agencies to ascertain his or her level of risk under the federal and California Endangered Species Act in implementing the project herein permitted.
31. **Indemnity for Violation of the Endangered Species Act:** The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorneys fees), judgments or liabilities, against the County or its agents, offices or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 USC Sec. 1531 et seq.; Cal. Fish and Game Code Sec. 2050 et sec.). This County land use permit does not authorize, approved or otherwise support a “take” of any listed species as defined under the federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the federal and/or California Endangered Species Act.

## COUNTY RULES AND REGULATIONS

32. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all necessary planning and building clearances/permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

33. **Rules-31 Mitigation Monitoring Required.** The Owner/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 Owner/Applicant shall:
- 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) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to land use permit issuance, as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include 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 Owner/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. Monthly invoices shall be paid by the due date noted on the invoice;
  - c) Note the following on each page of grading and building plans “This project is subject Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, including those conditions stemming from mitigation measures in the Negative Declaration, 18NGD-00000-00004;
  - d) Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
34. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

35. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or 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 project. In the event that the County fails promptly to notify the Owner / 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.
36. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.