

Attachment 7:

Staff Memorandum dated October 11, 2006

ATTACHMENT 7
STAFF MEMORANDUM 10/11/2006
SANTA BARBARA COUNTY
PLANNING AND DEVELOPMENT

MEMORANDUM #3

TO: Planning Commission

FROM: John Zorovich (934-6297)
Development Review Division, North

DATE: October 11, 2006

RE: Northpoint Project; Case Number 98-DP-023; Revisions to Condition No.'s 13 and 25

I. Homeowner's Association Meetings

At the September 13th hearing, the Planning Commission directed the applicant to work with the existing Northpoint Homeowner's Association to seek a possible solution to the HOA annexation issue. The two parties met on October 2, 2006 and came up with a mutually acceptable resolution in the form of proposed new wording for condition of approval no. 13. The proposed replacement wording allows the applicant to either: 1) Annex into the existing HOA or, 2) enter into an agreement with the existing HOA that includes, without limitation, mutually acceptable provisions for:

- Temporary construction access across the Association's private roadway; and,
- Future control, management, and maintenance and repair of all shared common areas and amenities between Owner and the future project occupants and the Association.

Staff and County Counsel have reviewed the proposed replacement wording to Condition no.13 and believe it is an acceptable solution to the HOA annexation issue. Provided below is the proposed replacement wording to Condition no. 13 with minor clarifications provided by staff.

13. Prior to issuance of any Land Use Permits, Owner shall provide Planning & Development with evidence of a written signed agreement between Owner and Village of Northpoint Homeowners' Association ("Association) providing for annexation of the project into the existing Association, or, alternatively evidence of an agreement between Owner and the Association which shall include, without limitation, the following:
 - a. Mutually acceptable provisions for temporary construction access across Association's private roadway (portions of Northpoint Circle) to Owner's contractors and suppliers during construction of the project.
 - b. Mutually acceptable provisions for the future control, management, maintenance, and repair of all shared common areas and amenities between Owner and the future Project occupants and the Association, including, without limitation, the private roads and retention basin currently owned and maintained by the Association. There shall be no deviation from the above stated conditions without Planning & Development approval.

II. Suggested Revisions to Conditions of Approval #25.

25. Compliance with Departmental letters required as follows:
- a. Air Pollution Control District dated August 25, 2006.
 - b. Environmental Health Services dated July 31, 1992.
 - c. Fire Department dated September 12, 2006.
 - d. Flood Control dated October 10, 2006 ~~September 12, 2006.~~

ATTACHMENTS

- A. Revised Findings
- B. Revised Conditions of Approval
- C. Revised Flood Control District Letter dated October 10, 2006.

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

- 1.1** Finding that Section 15183, 15162 and 15164 of the State CEQA Guidelines applies to the Northpoint Unit III, Phase IV, 98-DP-023. CEQA Section 15162 and 15164 allow the use of an addendum to a previously prepared EIR unless subsequent changes are proposed in the project which will require important revisions of the previous EIR due to the involvement of new significant environmental impacts, or there are substantial changes with respect to the circumstances under which the project is undertaken, or new information becomes available. As discussed in Section 6.1 of the staff report and the addendum, there are no substantial changes to the proposed project and neither new significant environmental effects nor substantial increases in the severity of previously identified significant effects which would result from the proposed project. Moreover, the proposed reduction in bedrooms on several of the units, and the slight reduction in parking spaces, would not change the conclusions of the environmental documents. In addition, because there are no identified impacts peculiar to the project it is exempt pursuant to CEQA Guidelines section 15183.
- 1.2** The Planning Commission may find that the previous environmental documents 78-EIR-9 and 92-SD-2 and the Addendum for the Northpoint Village and Phase IV may be used to fulfill the environmental review requirements of Northpoint Unit III, Phase IV, 98-DP-023. No impacts previously found to be insignificant are now significant. The changes to the number of bedrooms and the increase in parking do not change the conclusions of the environmental documents. Taken together, the original environmental documents and the addendum fulfill the environmental review requirements of the current project and reflects the independent judgment of the Planning Commission. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a supplemental or subsequent EIR is not necessary.
- 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, in the Planning and Development, located at 123 E. 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 Development Plan Findings

Pursuant to Section 35-315.8 of Article III, a development plan application shall only be approved or conditionally approved if all of the following findings are made.

2.1.1 *That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.*

The proposed project was originally evaluated under TM 12,414 and 82-DP-3 at which time a finding was made that the project was adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed. In that the project involves the development of previously recorded parcels, a reduction in density is not feasible. Moreover, the site is presently located within a developed urban area of Orcutt. The site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of the proposed development as evidenced by the following:

- a. The shape of the site is fairly regular, and is not a concern to development. No special setback requirement or modifications to building size or shape are required.
- b. The site is adjacent to three roadways (Foster, Hummel and Union Valley Parkway) which provide access for the site. Two new internal roadways would be added to existing internal roadways for circulation within the Northpoint development.
- c. The topography in the area of Phase IV is relatively flat, due to rough grading of the site during earlier phases of Northpoint and would accommodate the proposed development without major changes in the relationship of existing grade elevations to abutting properties.
- d. The current development conforms to the previous Phase IV of the original Northpoint development, approved as 82-DP-03 and 92-DP-017. All other phases of development have been constructed and occupied.

2.1.2 *That adverse impacts are mitigated to the maximum extent feasible.*

Adverse impacts are mitigated to the maximum extent feasible as indicated in the environmental documents. All impacts have been mitigated to insignificance with the exception of the school impacts. The County is preempted by State law from requiring mitigation of this impact beyond the developer fees (per § 65995), and the school district fees can not be assessed because the school districts waived the fees and the Tract Map was recorded prior to the implementation of the fee program. Therefore, there is no feasible mitigation for the school impact and this finding can be made.

2.1.3. *That streets and highways are adequate and properly designed.*

The project is expected to generate 18 PHT and 188 ADT (0.56 PHT/hr.; 5.86 ADT/unit; ITE). The Foster Road segment between Bradley Road and S.R. 135 currently operates at 8,800 ADT which is above the policy capacity (5000 ADT), but well below the design capacity of 11,800 ADT. Since there are no sharp curves, poor sight distance, or inadequate

pavement structure, etc. (as described in the threshold manual), the project could exceed the policy capacity and not result in significant impact to the roadway. An alternate access route via Hummel and Union Valley Parkway is also available to bypass Foster Road during peak hours. Two new private internal roadways will be added to existing internal private roadways to allow access to the private driveways. Pursuant to the Supplemental Document, impacts to existing roadways would be considered less than significant.

2.1.4 *That there are adequate public services, including, but not limited to, fire protection, water supply, sewage disposal and police protection, to serve the project.*

The Golden State Water Company has issued a Can and Will Serve letter for the project. The district has determined that adequate water resources are available for the life of the project. Laguna County Sanitation District also has issued a Can and Will Serve letter for the project. Adequate capacity at the sewage treatment plant has been reserved for this project and others that have received the Can and Will Serve letter. With implementation of the County Fire Department's proposed conditions of approval, adequate services would be available. No additional services were deemed necessary for police protection.

2.1.5. *That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will not be incompatible with the surrounding areas.*

The project would not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and would be compatible with surrounding areas as evidenced by the following:

- a. The project would be served by all public utilities.
- b. Environmental impacts would be mitigated to the maximum extent feasible as discussed above.
- c. The 32 units would be separated from the adjacent single family development by a solid block wall. The wall would be a continuation of the wall that separates prior phases of Northpoint from single family homes to the east. The 32 units would be compatible with development to the north and west which are prior phases of the Northpoint development. The height, scale, colors and character of the existing Northpoint units have been used in Phase IV as well.

2.1.6. *That the project is in conformance with the applicable provisions of Article III and the Comprehensive Plan.*

Although development of the 32 units within the 3.4 acre gross portion would result in a density of 9.4 units/acre, given the entire project, approved as a single project and found consistent with the density, 219 units on 80 acres, total project density is below the maximum density of 3.3 units/acre allowed [219 units/80 acres = 2.74 units/acre]. Since Phase IV is a portion of the overall Northpoint development, the project is in compliance

with the density allowed by the DR-3.3 zone district. Based on provisions addressed in the Staff Report dated September 1, 2006, the project would be consistent with all Comprehensive Plan policies and Zoning Ordinance Article III. The project is consistent with the Circulation Element which was in effect at the time the project was deemed complete.

2.1.7. *That in rural designated areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The proposed project is located within a designated urban area of the township of Orcutt, as such, this finding does not apply.

2.1.8. *That the project will not conflict with any easements required for public access through, or public use of, a portion of the property.*

There are no known public access easements that would be affected by this project. The map, recording the parcels, acknowledged applicable easements for utility and infrastructure purposes to serve this project.



ATTACHMENT B: CONDITIONS OF APPROVAL (98-DP-023)

I. Project Description:

1. This final development plan [98-DP-023] is based upon and limited to compliance with the project description, Planning Commission Exhibit 1 (Final Development Plan including grading plan, landscape plans, floor plans and elevations) and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of P&D 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.

The project description is as follows:

Hearing on the request of Mr. Leo Evans, to consider Case number 98-DP-023 [application filed August 25, 1998] for approval of a Final Development Plan under the provisions of Article III of the DR 3.3 Zone District, to construct 32 (2, 3 and 4 bedroom) townhouse condominiums on previously recorded lots (TM12,414) and one common lot.

A total of four buildings (one 8 unit, one 6 unit, and two 9 unit) would make up the total proposed structures. The size of the units would range from 1,671 sq. ft. (2 bedrooms) to 1,810 sq. ft. (3 bedrooms) and all units would have an attached two car garage. The maximum height of the two story buildings would be 30.5 feet. The structures would cover 25.2% (35,220 sq. ft.) of the total 3.21 acre site.

The proposed population of the project would be approximately 137 residents. A total of 82 parking spaces would be provided for a ratio of 2.56 spaces per unit.

Open space and landscaping on the property would cover 40.7% of the site for a total of 57,026 sq. ft. Amenities (barbecues, benches, picnic tables) would be provided in the common areas.

Water and sewer services are to be provided by the Golden State Water Company and Laguna County Sanitation District (LCSD), respectively. Fire protection service for the site would be provided by Santa Barbara County, Station #22.

Public roadway access would come from Hummel Road, to two proposed private drives (24 ft. wide) that provide access to the residential driveways. Drainage for the site would be directed toward an existing retention basin. The project corresponds to Phase IV of the original Northpoint Village Development.

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

II. Mitigation Measures from Environmental Document

Air Quality:

2. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below.
 - a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
 - c) During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - d) All areas not proposed for immediate development (e.g. within two weeks) shall be seeded or treated with soil binders to prevent soil erosion or dust generation.
 - e) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
 - f) Trucks transporting soil, sand, cut or fill materials to or from the site shall be tarped from the point of origin.
 - g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

MONITORING: P&D shall ensure measures are on plans. P&D, Grading and Building shall spot check; Grading, Building shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

Noise:

3. Construction activity for site preparation shall be limited to the hours between 7 a.m. and 4 p.m. Monday through Friday. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting and drywall taping are not subject to these restrictions. Two signs stating these restrictions shall be provided by the applicant and posted on site at entrances. **Timing:** Signs shall be in place prior to LUP for grading and throughout construction activities.

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

4. Proposed construction methods and materials shall provide a noise reduction factor of not less than 20 dB(A) in all interior habitable living areas.

MONITORING: Construction plans shall be reviewed by the Building and Safety Division of Public Works to determine that proposed construction methods and materials shall provide a noise reduction factor of not less than 20 dB(A) in all interior habitable areas.

Water Resources:

5. Landscaping with low water-use, drought tolerant plants, shall comprise at least 75% of all new landscaping and lawn areas shall be minimized. Drought tolerant natives and/or Mediterranean type landscape screening, with sufficient trees as determined by Planning and Development staff, shall be included in the landscape plan and planted on the site. The vegetation shall be staggered and shall be situated to blend with natural habitats and to screen the effects of grading and paving. The applicant shall submit three copies of a final landscape plan for all 32 units to P&D for review and stamped approval prior to issuance of a land use permit for residential construction. Performance security shall be posted with the County, for plant installation, water-conserving irrigation, and 3-year maintenance prior to issuance of a land use permit for residential construction. However, if the development is phased, the applicant shall post sureties for the balance of the units prior to issuance of building permits. The surety shall guarantee compliance with the provisions below:
 - a. Installation of landscaping, irrigation, timers, walls, fencing and amenities in accordance with the approved landscape plan prior to occupancy clearance; and
 - b. Two performance securities shall be provided by the applicant prior to land use clearance for residential construction, one equal to the value of installation and/or replacement of all items listed in section a. above (labor and materials) and one equal to the value of maintenance of the items listed in section a. for three years. These amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or a modification to the plan. The installation security shall be released upon satisfactory installation of all items in section a. If plants and irrigation (and/or any items listed in section a. above) have

been established and maintained, P&D may release the maintenance security 3 years after installation. If applicant fails to either install or maintain according to plan, P&D may collect security and complete work on property.

MONITORING: P&D shall review and approve landscape plans. Bonds shall be reviewed by P&D and approved as to form by County Counsel, if necessary. Prior to occupancy, landscaping and irrigation shall be installed and inspected by P&D compliance staff. P&D shall inspect plantings prior to release of both installation and maintenance sureties.

6. Prior to issuance of Land Use Permit for residential construction, the applicant shall provide evidence that an avigation easement has been recorded over each lot in Phase IV.

MONITORING: P&D Compliance staff shall verify that the document has been recorded before any permits for structures are issued by this department.

III. Project Specific Conditions

7. **Grading/Erosion Control.** A grading and erosion control plan, which minimizes erosion/sedimentation, shall be implemented, including the following:
 - a. Graded areas shall be re-vegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If necessary, as determined by Planning and Development (P&D), irrigation shall be provided.
 - b. Until construction of individual homes, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the P&D Grading Division and Air Pollution Control District.
 - c. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
 - d. Temporary storage of construction equipment shall be limited to 100 by 100 foot areas located on-site.
 - e. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a P&D Building & Safety approved erosion control plan is in place and all measures therein are in effect.
 - f. Irrigation shall be controlled so that over watering does not occur. An irrigation schedule shall be reviewed and approved by P&D prior to land use clearance for grading.

Plan Requirements: The grading and erosion control plan shall be submitted for review and approved by P&D and the Flood Control District prior to approval of the first land use permits for the project. This condition shall be noted on grading plans. Applicants for development shall notify P&D Permit Compliance prior to commencement of grading.

Timing: Components of grading plans shall be implemented prior to occupancy clearance. **Monitoring:** Permit Compliance will photo document re-vegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

8. **Drainage Control.** Drainage shall be consistent with approved drainage plans. Runoff from roof drains and gutter downspouts shall be collected and conveyed to the street or nearest catch basin. **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Land Use Permit for site grading by the applicant to P&D and the Flood Control District for review and approval. The plan shall include the location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline. The components of the drainage plan shall be implemented as part of the project site grading. Grading inspectors shall monitor technical aspects of grading activities.
9. **Grading in dry season:** The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion. P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.
10. **Seismic Standards.** Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone IV. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building and Safety Division. Building inspectors shall site inspect prior to occupancy clearance.
11. **Archaeological/Cultural Resources Discovery.** In the event that archaeological or palaeontological remains or historical artifacts are uncovered during grading, work shall be stopped immediately or redirected until a County-qualified archaeologist and, as applicable, a Native American representative or historian, are retained by the applicant to evaluate the find pursuant to the County Archeological Guidelines. If a cultural resources site is found, Orcutt Community Plan 95-EIR-01 Mitigation Measures ARCH-1 through ARCH-9 shall apply. **Plan Requirements and Timing:** The developer shall fund all mitigation of resource impacts. This measure shall be printed on all grading and building plans. This measure shall be in effect throughout grading and building.
12. A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on landscaping plans. **Timing:** Trash storage area shall be installed prior to occupancy.

13. Prior to issuance of any Land Use Permits, Owner shall provide Planning & Development with evidence of a written signed agreement between Owner and Village of Northpoint Homeowners' Association ("Association) providing for annexation of the project into the existing Association, or, alternatively evidence of an agreement between Owner and the Association which shall include, without limitation, the following:
 - a. Mutually acceptable provisions for temporary construction access across Association's private roadway (portions of Northpoint Circle) to Owner's contractors and suppliers during construction of the project.
 - b. Mutually acceptable provisions for the future control, management, maintenance, and repair of all shared common areas and amenities between Owner and the future Project occupants and the Association, including, without limitation, the private roads and retention basin currently owned and maintained by the Association. There shall be no deviation from the above stated conditions without Planning & Development approval.
14. Project grading shall not exceed the limits shown on the preliminary grading and drainage plan. Staff may determine substantial conformity if the final grading plan shows grading volumes that exceed original estimates. **Plan Requirements:** The requirement shall be printed on the grading and construction plan. P&D to review and approve final grading and drainage plans. Grading/Building Inspectors shall monitor technical aspects of the grading activities.
15. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance. P&D shall review receipts prior to occupancy clearance.
16. **Washout Area:** During construction, washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands. Areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate a washout area, acceptable to P&D, and this area shall be shown on the construction and/or grading and building plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Land Use Permits. The washout area(s) shall be in place and maintained throughout construction. P&D staff shall check plans prior to approval of Land Use Permits and compliance staff shall site inspect throughout the construction period to ensure proper use and maintenance of the washout area(s).
17. Electrical utilities shall be installed underground.

18. Consistent with the project description and to provide consistency with Orcutt Community Plan Fiscal Policy FSCL-O-2 and Development Standards DevStd FSCL-O-2.2 (new development is required to pay its fair share of the cost of operation and maintenance of public facilities), DevStd FLD-O-4.2(regional retention basins), DevStd OS-O-7.3 (recreation facilities, landscape medians, open space, trails), and DevStd LIB-O-1.4 (library), and to provide revenue for operations and maintenance of such regional public facilities shown in the Orcutt Community Plan Public Infrastructure Finance Program, prior to land use clearance the permittee shall complete annexation to the existing Community Facilities District unless the Board of Supervisors determines there is an alternative funding mechanism.
19. Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be hooded to direct light downward onto the subject parcel and prevent spill-over onto adjacent parcels. **Plan Requirements:** 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. **Timing:** P&D shall review a Lighting Plan for compliance with this measure prior to approval of a Land Use Permit for structures. Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

IV. Standard Conditions

20. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, the first house in the development has been completed or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant time extensions in accordance with the provisions of Article III.
21. No permits for development, including grading, shall be issued except in conformance with an approved final development plan. The size, shape, arrangement, use, and location of buildings, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved final development plan marked Planning Commission Exhibits A-F, dated September 13, 2006. Substantial conformity shall be determined by the Director of P&D.
22. If the applicant requests a time extension for this project, the project 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. Mitigation fees shall be those in effect at the time of approval of a LUP.

V. County Rules and Regulations:

23. **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 (zoning clearance) from the Planning and Development Department for all 32 units. Land use clearance for the 32 units shall not be phased even if development is phased. A Land Use Permit expires one year from issuance and a time extension must be sought by the applicant prior to expiration of the LUP. The Land Use Permit (zoning clearance) is required by ordinance and is necessary to ensure implementation of the conditions required by the Planning Commission. Before a Land Use Permit (zoning clearance) 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 in the Planning and Development Department.
24. Prior to issuance of a Land Use Permit, the owner shall sign and record an agreement to comply with the project description and all conditions of approval. The forms are available at the P&D office.
25. Compliance with Departmental letters required as follows:
 - a. Air Pollution Control District dated August 25, 2006.
 - b. Environmental Health Services dated July 31, 1992.
 - c. Fire Department dated September 12, 2006.
 - d. Flood Control dated October 10, 2006.
 - e. Roads Division (Public Works) dated July 22, 1992.
 - f. Park Department dated October 21, 1998 (No conditions).
 - g. Santa Maria Public Airport District dated June 24, 1992.

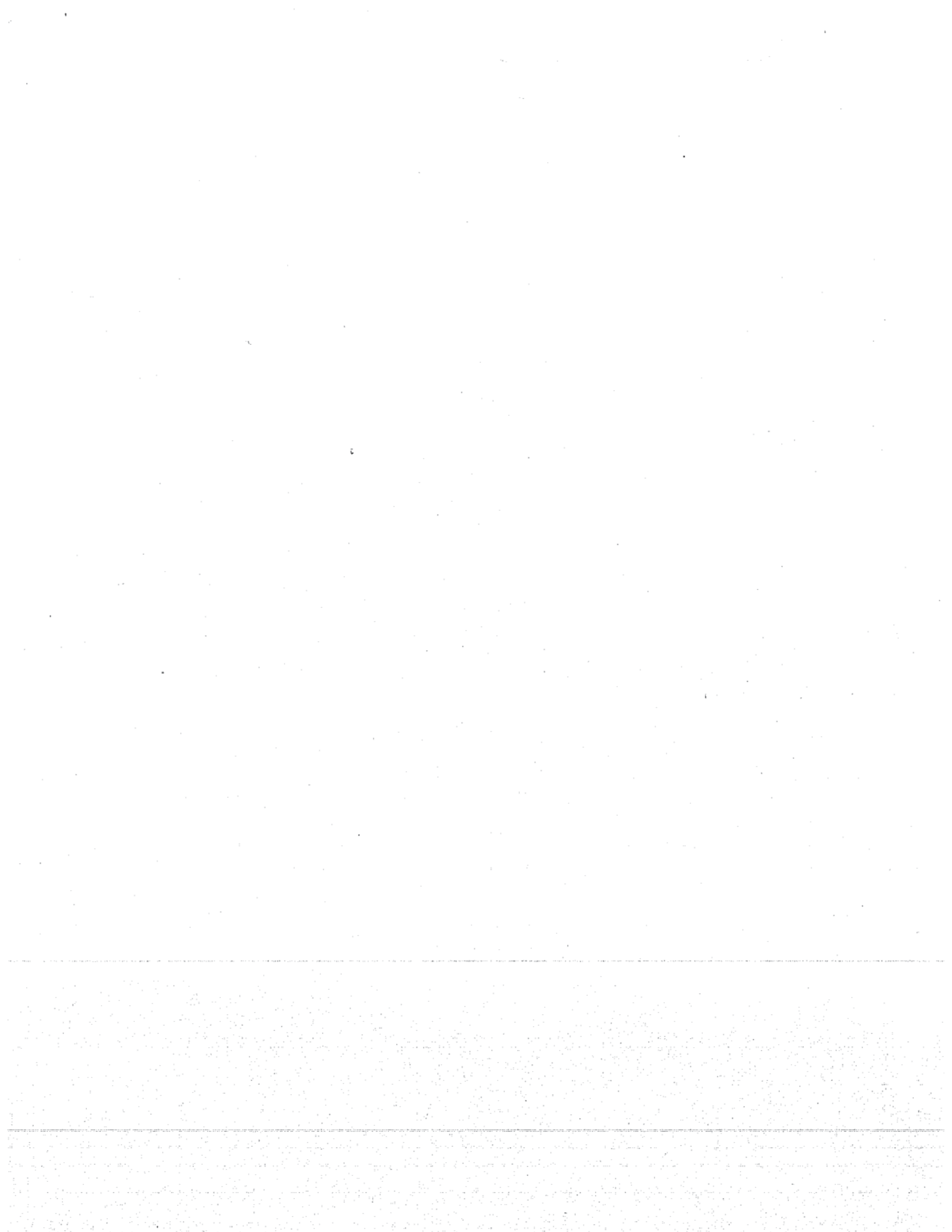
Plan Requirements:

26. **Print & illustrate conditions on plans:** All applicable final conditions of approval Planning Commission shall be printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

Fees Required:

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, and other agency personnel and with key construction personnel.
- c. Pay fees prior to approval of Land Use 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.
28. **Fees Required:** Prior to recordation of the map, the applicant shall pay all applicable P&D permit processing fees in full.
29. All applicable Orcutt Community Plan fees shall be paid prior to Land Use Clearance.
30. **Indemnity and Separation Clauses:** Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attach, set aside, void, or annul, in whole or in part, the County's approval of the final development plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
31. **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 in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Planning Commission and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
32. Title to the Open Space shall be held by a non-profit association of property owners in the subdivision, or to any other individual or entity upon such reasonable times and conditions as the Planning Commission may prescribe, subject to the rights to the develop such property to any other use than Open Space or non-commercial recreation uses shall be conveyed to the County of Santa Barbara.



RECEIVED
OCT 10 2006
S.B. COUNTY
PLANNING & DEVELOPMENT



FILE COPY

Santa Barbara County Public Works Department
Flood Control & Water Agency
October 10, 2006

Planning Commission
County of Santa Barbara
123 E. Anapamu Street
Santa Barbara, CA 93101

**Re: 98-DP-023; Northpoint Village Unit III, Phase IV
APN: 107-560-001 through -033/Orcutt**

Note: This letter supersedes our previous letters dated August 29, 2006 & September 12, 2006

Dear Commissioners:

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

1. Prior to issuance of Land Use Clearance, the applicant shall comply with the Flood Control Standard Conditions of Approval.
2. Prior to issuance of Land Use Clearance, the applicant shall submit drainage plans to the District for review & approval. Said plans shall convey drainage to the existing Northpoint retardation basin.
3. Prior to issuance of Land Use Clearance, the applicant shall form a new Homeowner's Association (HOA) and record CC&R's that provide for maintenance of the private drainage improvements required for the development. Said new HOA shall be liable to the existing Northpoint HOA for repairs and maintenance of the existing Northpoint retardation basin, consistent with the required agreement between the applicant and the existing Northpoint HOA.
4. All drainage improvements required as part of the above conditions shall be constructed in accordance with approved plans and certified by a Registered Civil Engineer prior to issuance of occupancy clearance.
5. The applicant will be required to pay the current plan check fee deposit at the time the plans are submitted for District review and approval.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale W. Weber".

Dale W. Weber, P.E.
Development Engineer

cc: John Zorovich, Planner, Planning & Development
Leo Evans, 2248 Glacier Lane, Santa Maria, CA 93445
Dennis Bethel & Assoc., 2450 Professional Parkway, Suite 210, Santa Maria, CA 93455
Mike Zimmer, Building & Safety

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