

ATTACHMENT 2.1: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Vesting Tentative Parcel Map

Case No. 16TPM-00000-00001 / TPM 14,824

Date: November 19, 2019

I. PROJECT DESCRIPTION

- 1. Proj Des-01 Project Description.** This Vesting Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, 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 application is for a Vesting Tentative Parcel Map (16TPM-00000-00001/TPM 14,824) for approval under County Code Chapter 21 to subdivide the 5.95 gross acre project area into 4 parcels of 2.27 gross acres (proposed parcel 1), 0.79 gross acres (proposed parcel 2), 1.47 gross acres (proposed parcel 3), and 1.42 gross acres (proposed parcel 4). Water would be provided by the Golden State Water Company and sanitary services would be provided by the Laguna County Sanitation District. Access to the lots would be provided from Clark Avenue.

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.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

- 2. Mitigation WW-4** (*addresses Impact WW-2*): All new development shall pay the trunk and/or feeder line fees as appropriate for the project to the District to offset project contributions to cumulative impacts on sewer system maintenance in an amount determined by Laguna County Sanitation District, based on adopted fee schedule at the time of payment. Specific off-site improvements to increase pipeline capacity may also be required and shall be borne by the developer. **Timing:** Prior to map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit fees. **Monitoring:** Compliance shall be monitored by P&D and Laguna County Sanitation District.
- 3. Mitigation KS2-WW-2** (*addresses Impact KS2-WW-2 and KS2-WW-4*): Prior to map recordation or zoning clearance issuance, whichever occurs first, a Can-and-Will-Serve letter from the Laguna County Sanitation District shall be submitted by the applicant to County Planning and Development (P&D) which specifies that: (1) The wastewater of the LCS&D treatment plant will not cause District effluent to exceed Regional Board thresholds; (2) Adequate treatment and disposal capabilities exist to serve the project; and (3) Existing, or planned and funded, transmission lines have available capacity to serve the project. **Plan Requirements and Timing:** The Can and Will Serve Letter shall be provided prior to map

recordation or zoning clearance issuance, whichever occurs first. **Monitoring:** P&D shall review documentation.

- 4. Mitigation KS2-AQ-3** (*addresses Impact KS2-AQ-2 and KS2-AQ-3*): These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.
- a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - d. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
 - e. 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 offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
 - f. Prior to map recordation, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements: All requirements shall be shown on grading and building plans.
Timing: Requirements shall be shown on plans prior to Zoning Clearance issuance. This condition shall be adhered to throughout all grading and construction periods.

Monitoring: P&D shall ensure measures are on project plans. P&D Grading and Building inspectors shall inspect to ensure compliance onsite. P&D permit compliance monitoring staff shall respond to nuisance complaints.

III. PROJECT SPECIFIC CONDITIONS

- 5. Special Condition - Final Supplemental Water Contract.** Prior to map recordation or zoning clearance issuance, whichever occurs first, the Owner/Applicant shall submit a can and will serve letter and final contract from the City of Santa Maria indicating: 1) The Owner/Applicant has purchased a total of at least 12.79-acre feet of supplemental water, and 2) Compliance with OCP Policies WAT-O2, WAT-O5 and OCP Development standards WAT-O-2.1 and WAT-O-2.3. Such compliance must demonstrate that this project in conjunction with other projects that have received final Can and Will Serve Letters from, or made contractual arrangements with, Golden State Water Company does not exceed the Golden State Water Company safe yield purchased from the State Water Project and from the City of Santa Maria.
- 6. Special Condition - Public Multi-Use Trail.** The applicant shall record in favor of the County a 10-foot wide public multi-use trail easement as identified on the approved Vesting Tentative Parcel Map and Final Development Plan on the project site (APN129-280-001). The Owner/Applicant shall be responsible for the installation of the public multi-use trail, including signage, to standards and specifications of the Orcutt Community Plan (Orcutt Multiple Use Trails Plan and Trail Siting and Design Guidelines), and the Community Services Department (CSD) Parks Division. The developer shall be responsible for the maintenance of the trail for two years, at which time the County CSD Parks Division shall be responsible for the maintenance of the public trail. **Plan Requirements and Timing:** Prior to final map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit the proposed access easements to the CSD Parks Division, P&D, and the Surveyor's office for review and approval. The required easements shall be depicted on the Final Development Plan and recorded with the approved Vesting Tentative Parcel Map. Prior to Zoning Clearance issuance, the owner/applicant shall submit the public multi-use trail plans, including specific alignment and signage plans for review and approval by P&D and the HCD Parks Division. A performance security for the installation and maintenance of the multi-use trail shall be submitted to P&D. **Monitoring:** P&D permit compliance shall site inspect to verify the public multi-use trail has been installed per requirements.

IV. TENTATIVE PARCEL MAP CONDITIONS

- 7. Map-01 Maps-Info.** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.

- 8. Map-01a Maps-Future Lots.** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map. During any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
- 9. Map-01b Maps-Not Retroactive.** If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
- 10. Map-04 TPM, TM, LLA Submittals.** Prior to recordation of the Parcel Map, the Owner/Applicant shall submit a Parcel Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
- 11. Map-08 Water and Sewer Connections.** If, prior to the Board action to approve the recording of the Final Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
- 12. Map-10 Public Utility Easements.** Prior to recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the parcel map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
- 13. Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.
- 14. Map-14 Annexation.** The property subject to the tentative parcel map shall be annexed into the North County Lighting District, County Services Area 5, and the Orcutt Community Facilities District prior to recordation of the Final Map.
- 15. Special Condition – Road Naming.** The new roadway shall be named in accordance with Chapter 35.76, Road Naming and Address Numbering, of the Santa Barbara County Land

Use and Development Code prior to recordation of the Final Map or zoning clearance issuance, whichever occurs first.

V. COUNTY RULES AND REGULATIONS

16. Rules-19 Maps/LLA Revisions. If the unrecorded Tentative Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Map.

17. Rules-29 Other Dept Conditions. Compliance with Departmental/Division letters required as follows:

- a. Air Pollution Control District dated July 17, 2019;
- b. Environmental Health Services Division dated May 22, 2019;
- c. Fire Department dated November 5, 2018;
- d. Flood Control Water Agency dated September 1, 2016
- e. Public Works Department Project Clean Water dated May 21, 2019
- f. Community Services Department dated June 21, 2019;
- g. Public Works Transportation Division dated July 9, 2019.

18. Rules-30 Plans Requirements. The Owner/Applicant shall ensure all applicable final conditions of approval are 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.

19. 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. Pay fees prior to zoning clearance issuance as authorized by 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 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;

- c. Note the following on each page of grading and building plans “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to the Final Environmental Impact Report 95-EIR-01;
- 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.

20. 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.

21. Rules-36 Map/LLA Expiration. This tentative map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.

22. 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.