

2 May 2008

Chairman Salud Carbajal
& Honorable Board of Supervisors
105 East Anapamu Street
Santa Barbara, CA 93101



Subject: Board Meeting of May 6, 2008
08ORD-00000-00002
Montecito RMZ Development Plan Requirement Ordinance Amendment

Dear Chairman Carbajal & Honorable Board of Supervisors:

We appreciate the Board's continued consideration of the subject Ordinance Amendment and want to reiterate our request that the Board provide an exemption for parcels within the Oak Creek Canyon subdivision.

Please consider the following facts about the Oak Creek Canyon parcels when determining whether it is appropriate to subject these properties to further discretionary review:

1. The project has already been the subject of a discretionary review and public hearing process- once when the project was originally approved in 1993, and again by the Montecito Planning Commission in 2003 when a Recorded Map Modification (RMM) and Lot Line Adjustment (LLA) applications were reviewed and approved
2. The Oak Creek Canyon parcels were zoned 3-E-1, not RMZ, when the project was originally filed, analyzed and processed and a comprehensive analysis was conducted which assumed build-out of the parcels with a full compliment of residential uses which resulted in numerous project conditions of approval to guide future development of the parcels.
3. Extensive environmental analysis has already been completed for the project when it was originally approved and then more recently when the RMM and LLA were reviewed and approved.
4. The Montecito Planning Commission has already updated its review of Oak Creek Canyon approving the revised project in 2003 and adopting 97 project conditions, many of which regulate the development of the individual parcels. I have attached a list of these key conditions and have highlighted those that restrict and regulate lot grading, grading of slopes, access, retaining walls, landscaping, building heights, floor area, structural building colors and materials. Additionally, the entire site is subject to an already approved Oak Tree Mitigation and Monitoring Plan, Fire Management Plan and Recorded CC&Rs.

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Furthermore, all proposed structures in Oak Creek Canyon must be reviewed and approved by the Oak Creek Canyon HOA, and the Montecito Board of Architectural Review who are charged with the responsibility of ensuring that all design related requirements are satisfied. Finally, prior to issuance of a land use permit, County P&D staff must confirm that all proposed structures comply with applicable planning policies as well as the conditions of approval already established by the Montecito Planning Commission for this project (see #4 above).

The intent and purpose of requiring a Development Plan and MPC review for proposed improvements to parcels in the RMZ *has already been satisfied in the Oak Creek Canyon subdivision*. It is not equitable to require a second *discretionary* review for these properties when the County has already held public hearings, approved the project, and adopted specific conditions of approval and environmental mitigation measures to ensure that County planning policies and requirements are met when the lots are built-out. Therefore, we respectfully request that the Oak Creek Canyon subdivision be exempt from the provisions of the RMZ ordinance amendment.

Sincerely,
SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.


Suzanne Elledge
Principal Planner

Lots in Oak Creek Cyn have been subject to extensive environmental analysis and are regulated by detailed Conditions of Approval restricting their build-out. Consider the following:

- Oak Creek Cyn project was the subject of a certified Program EIR and Addendum (July 21, 1993) and subsequent Addendum (March 31, 2003)
- 97 Conditions of Approval (many are directed toward development requirements within the parcels- see highlighted conditions for specifics)
- Originally approved in 1993 then updated in 2003 when the recorded map was modified
- Development Envelopes delineated on recorded Tract Map (#2)
- Grading, terracing, padding, is restricted/specified in Conditions of Approval (#21, #37, #38, #39, #42, #44, #45, #50, #51, #52, #79)
- Storm water run-off requirements are specified in Conditions of Approval (#30, #32-#35, #41, #43)
- Retaining wall height and appearance is specified in Conditions of Approval (#46, #81)
- Structure height, floor area, colors, building materials, setbacks of certain structures/locations are specified in Conditions of Approval (#47, #48, #69, #70, #74, #80)
- Landscaping for each parcel is specified in Conditions of Approval (#15, #49, #68)
- Approved Fire Management Program
- Approved Tree Protection and Mitigation Plan
- Oak Woodland Restoration Planning and Permitting Services
- Approved CC&Rs
- Open Space Easement dedicated to County along Oak Creek
- New trail easement dedicated to the County

The project water demand is estimated at 14.68 AFY and would be supplied by the Montecito Water District. The private onsite wells would be used as a backup system in the case of an emergency and for fire suppression. Sewage disposal would be provided by the Montecito Sanitary District (MSD). As required by the MSD, the northern portion of Oak Creek Canyon Ranch will be annexed to the District prior to recordation of the Final Map. All utilities are to be placed underground, within the road corridor.

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 approved hearing exhibits and conditions of approval hereto. 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.

Original Conditions of Approval from TM 14,239 with Modifications

2.

The Development Envelopes shown on Lots 2 through 10 delineate the area within which the residence and all grading or ground disturbance associated with the residence, and any other permitted uses of the Resource Management (RES) Zone District shall be located. The Planning Commission has determined that a development envelope is necessary to identify the location and limit the area of all ground-disturbance activities and to protect on-site resources. Development envelopes shall be restricted to those areas shown on the hearing Exhibit marked B dated April 9, 2003. No development, earth disturbance, or construction equipment operation shall occur outside of these areas, except as authorized for implementation of the tract improvements on Lot 9 (described in Condition of Approval #1) or as may be approved within the 25-foot setback area for Lot 4 pursuant to Condition of Approval #82. Development envelope boundaries shall be staked in the field. Similar uses and structures not identified above may be precluded outside the development envelope as determined by the Director of P&D. Notwithstanding the above, development or construction activities required to protect the public health, safety and welfare of the community may be permitted outside of the development envelope subject to a determination by the Director of P&D.

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

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

6. mature trees (i.e. 35 feet or greater in height) along access roads will be limbed to 14 feet above ground level;
 7. herbaceous and shrub vegetation will be mowed a distance of 10 feet along the shoulder of fire access roads, but oak trees shall be avoided; and
 8. a minimum of four-foot shoulder clearance will be maintained along roadways.
- C. The Fire Protection Plan and project CC & R's shall state that regeneration of native trees and shrubs is permissible within the 70-foot mosaic clearing zone so long as the above criteria are satisfied. The purpose of this measure is to allow perpetuation of some native habitat value within this area.
- D. Vegetation alteration or removal beyond that specified by the MFPD shall be subject to additional review and approval by P&D.

Plan Requirements and Timing: A Fire Protection Plan shall be submitted to P&D and the MFPD for review and approval prior to approval of Land Use Permits for each residence.

MONITORING: A site inspection shall be conducted by P&D Permit Compliance and Fire Department personnel prior to occupancy clearance to verify conformance with the plan.

15. Individual landscaping plans shall utilize fire resistant native species near private residences. **Plan Requirements:** The applicant shall submit landscape plans to P&D and the MFPD for review and approval. This mitigation shall be incorporated into landscape plans for the future development. **Timing:** Prior to approval of Land Use Clearance for each residence the plans shall be submitted to P&D and the MFPD. The applicant shall install the landscaping in accordance with the approved plan prior to Occupancy Clearance.

MONITORING: Permit Compliance shall site inspect prior to occupancy to verify landscape installation.

16. A P&D approved biologist and geotechnical engineer shall monitor all access road grading and construction of road improvements and utility installation to ensure activities occur according to plan. **Plan Requirements and Timing:** The applicant shall provide funds for the monitors prior to the issuance of grading permits for the road. The County shall review reports.

MONITORING : Permit Compliance shall site inspect throughout the implementation and maintenance periods.

17. Prior to issuance of grading permits for the road, the applicant shall contact the U.S. Army Corps of Engineers and California Department of Fish and Game (CDFG) to determine if permits (e.g. Federal 404 or State 1603) are needed for the road crossing. **Plan Requirements and Timing:** Prior to any grading or fill activity within the Oak Creek corridor, a copy of the permit(s) or letter stating that no permit is necessary shall

be submitted to P&D. PREVIOUSLY SATISFIED PRIOR TO RECORDATION OF TM 14,239.

MONITORING : Permit Compliance shall site inspect throughout the implementation and maintenance periods.

18. The applicant shall implement a revegetation/restoration plan for the sensitive riparian habitat area within the Open Space Easement 100 feet either side of the Oak Creek road crossing. The plan shall utilize native species typical of this habitat area. **Plan Requirements:** A revegetation or restoration plan, prepared by a P&D approved biologist, shall be submitted for review and approval by P&D. A performance security to ensure installation and maintenance shall be posted prior to issuance of Land Use Clearance for grading of the road. **Timing:** The plan shall be submitted prior to Land Use Clearance for the road and shall be implemented within one month of grading for the access road.

MONITORING : Permit Compliance shall site inspect throughout the implementation and maintenance periods. Permit Compliance signature is required for performance security release.

19. The applicant shall implement a revegetation/restoration plan for the slope area outside of the development envelope on Lot 9 subject to disturbance during construction of the concrete drainage swale. The plan shall utilize native species typical of this habitat area. **Plan Requirements:** A revegetation or restoration plan, prepared by a P&D approved biologist, shall be submitted for review and approval by P&D. **Timing:** The plan shall be submitted prior to approval of a revised Land Use Permit application for the tract improvements and shall be implemented within one month of associated grading activities.

MONITORING : Permit Compliance shall site inspect throughout the implementation and maintenance periods. Permit Compliance signature is required for performance security release.

20. To reduce erosion and secondary impacts to Oak Creek, placement of utilities shall be prohibited in the southern road shoulder. **Plan Requirements:** All utilities shall be placed within the roadbed or the northern road shoulder. Details of utility placement shall be detailed on all grading and drainage plans. **Timing:** The plan shall be submitted to P&D and Public Works for approval prior to the issuance of Land Use Clearance for grading of the road. PREVIOUSLY SATISFIED PRIOR TO RECORDATION OF TM 14,239.

MONITORING: Permit Compliance shall site inspect throughout grading and construction for compliance with the plan.

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All cut slopes necessary for road and driveway improvements shall be revegetated with native plants, typical of the chaparral/oak woodland habitats. A revegetation plan prepared by a P&D qualified biologist shall be submitted for approval by P&D. In the event that solid rock is exposed, the exposed cut slope shall be treated with Eonite or other product to weather the rock and allow it to blend in with the surrounding landforms. **Plan Requirements:** This requirement shall be noted on grading plans for

endowment of \$840.00 provided by the applicant would generate an income of \$50.00 per year which would be adequate to cover the costs of a yearly or every other year monitoring program. Annual reports on the progress of restoration program shall be submitted to P&D for review until such a time that the performance standards have been achieved.

25. Construction within 100 feet on either side of Oak Creek shall be restricted to the period from August 1 through October 31 (i.e. construction not allowed from November 1 through July 31). The purpose of this measure is to avoid the breeding season for sensitive wildlife species and period of highest streamflow. **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans and shall be reviewed and approved by P&D and Public Works prior to Land Use Clearance for access road grading and/or prior to approval of any other Land Use Permits that would allow development within 100 feet on either side of Oak Creek.

MONITORING : P&D shall ensure compliance onsite during construction.

26. Surface streamflow during installation of the drain culvert at Oak Creek shall not be interrupted. Sediment barriers shall be installed immediately downstream from the work area. These sediment barriers shall be periodically maintained by removing accumulated silt to ensure adequate performance. Additional soil stabilization measures shall be undertaken during and following construction to minimize the potential for streambank erosion. Installation of the culvert at the Oak Creek road crossing and repaving of the road over the culvert shall be restricted to the non-breeding season and low-flow months (August 1 through October 31). **Plan Requirements and Timing:** The above measure shall be noted on all grading and construction plans and shall be reviewed and approved by P&D and Public Works prior to Land Use Clearance for the road. PREVIOUSLY SATISFIED BY INSTALLATION OF THE BRIDGE UNDER 99-LUS-244 MO RV02.

MONITORING: P&D shall ensure compliance onsite during construction.

27. The applicant shall include in CC&R's or record on a separate informational sheet with the map effectuated with the Recorded Map Modification a copy of the State Department of Agriculture pamphlet, *Living Among the Oaks*.

28. No alteration to stream channels or banks on Lots 4, 5, and 9 shall be permitted until the Department of Fish and Game has been contacted to determine if the drainages fall under its jurisdiction. The applicants for these lots shall contact the California Department of Fish and Game to determine if permits (e.g. State 1603) are needed. **Plan Requirements and Timing:** Prior to approval of any Land Use Permits, a copy of the permit(s) or letter stating that no permit is necessary shall be submitted to P&D.

29. Prior to approval of Land Use Permits for grading on Lots 4, 5, and 9, the applicant shall obtain a U.S. Army Corps of Engineers 404 permit for any grading or fill activity within the Oak Creek corridor or other drainage corridor. **Plan Requirements and Timing:** A copy of the 404 permit or waiver shall be submitted to P&D prior to approval of Land Use Permits.

30.

Best available erosion and sediment control measures shall be implemented during grading and construction for each lot. Best available erosion and sediment control measures may include but are not limited to use of sediment basins, gravel bags, silt fences, geo-bags or gravel and geotextile fabric berms, erosion control blankets, coir rolls, jute net, and straw bales. Storm drain inlets shall be protected from sediment-laden waters by use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps. Sediment control measures shall be maintained for the duration of the grading period and until graded areas have been stabilized by structures, long-term erosion control measures or landscaping. Construction entrances and exits shall be stabilized using gravel beds, rumble plates, or other measures to prevent sediment from being tracked onto adjacent roadways. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. **Plan Requirements:** An erosion and sediment control plan shall be submitted to and approved by P&D and the Flood Control District prior to approval of Land Use Permits for each lot. The plan shall be designed to address erosion and sediment control during all phases of development of the site. **Timing:** The plan shall be implemented prior to the commencement of grading/construction.

MONITORING: P&D staff shall perform site inspections throughout the construction phase.

31.

No creek/drainage bottom shall be disturbed or altered by installation of any drain or outlet structure unless approved by P&D and the Flood Control District. Undisturbed natural rocks imbedded in the stream bank shall be utilized as a base to tie in rip-rap if available. The outlet shall be designed to end at the edge of the creek bank rather than entering the stream channel. **Plan Requirements:** Applicant shall submit outlet design and final plans to P&D and the Flood Control District prior to approval of Land Use Permits. **Timing:** Outlet structures to be installed during site grading.

MONITORING: P&D staff shall ensure that final plans show acceptable outlet structures and shall monitor during construction.

32.

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.

MONITORING: 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).

33.

A Homeowners' Association shall be responsible for the long-term maintenance of the water quality conditions of approval numbers 30, 32, 34, 35. **Plan Requirements and Timing:** The proposed maintenance responsibilities and schedule shall be included in the CC&Rs. The CC&Rs shall be submitted for review by P&D, County Counsel, the Flood Control District, and the Water Agency prior to approval of Land Use Permits. Annual records of the maintenance activities shall be maintained by the HOA/landowner and submitted to P&D upon request.

MONITORING: P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the Homeowners Association.

34.

To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather. Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to approval of Land Use Permits.

MONITORING: P&D shall site inspect, as needed during construction.

35.

Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to approval of Land Use Permits.

MONITORING P&D shall site inspect prior to the commencement of, and as needed during all, grading and construction activities.

36.

The 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. **Plan Requirements and Timing:** Prior to approval of Land Use Permits the 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. A copy of the SWPPP must be maintained on the project site during grading and construction activities.

MONITORING P&D shall review the documentation prior to approval of Land Use Permits. P&D shall site inspect during construction for compliance with the SWPPP.

Geology

37.

All grading, terracing, padding, or cut and fill shall be shaped and rounded to simulate natural appearing contours. Fill slopes shall be limited to a maximum of two horizontal to one vertical, and cut slopes shall be limited to a maximum of one and one-half horizontal to one vertical, except as otherwise approved by P&D in conformance with the grading ordinance. No grading shall be permitted outside the Development Envelopes and access road shown on the map effectuated with the Recorded Map

Modification, except as may be approved for Lot 9 tract improvements described in Condition of Approval #1. All grading for the access road shall be monitored by a geotechnical engineer and funded by the applicant. **Plan Requirements:** A grading and drainage plan shall be submitted for review and approval by P&D and the Flood Control District. **Timing:** The plan shall be submitted prior to approval of Land Use Permits for grading of the access road and prior to approval of Land Use Clearance for each residence. The applicant and/or land owner shall notify Permit Compliance prior to commencement of grading. Components of the grading plan shall be implemented prior to final sign-off for the road and/or tract grading and prior to the commencement of construction on each lot.

MONITORING: Permit Compliance shall ensure compliance with plan. Grading inspectors and the onsite geotechnical engineer shall monitor technical aspects of the grading activities.

38.

All existing and proposed cut and fill slopes shall provide stability against both superficial and mass slope failures. Appropriate soil analysis to substantiate soil stability in a saturated condition shall be provided in a soils report to be approved by P&D and Public Works. **Plan Requirements:** The report shall be submitted for review and approved by P&D and Public Works. **Timing:** The report shall be submitted prior to approval of Land Use Clearance for grading of the access road and each lot. The applicant and/or land owner shall notify Permit Compliance prior to commencement of grading. Components of the grading plan arising from the soils report shall be implemented prior to final sign-off for the road and prior to the commencement of construction on each lot.

MONITORING: Permit Compliance shall ensure compliance with the report. Grading inspectors and the onsite geotechnical engineer shall monitor technical aspects of the grading activities.

39.

Slope planting and irrigation systems shall be established and installed on all slopes within one month of the completion of grading. Planting materials shall be used to stabilize drainage culverts and driveways to the maximum extent possible. All plantings must be deep rooted and drought tolerant, and provide for surface solid erosion control during the rainy season (November 1 through April 1). Whenever possible, native plants shall be incorporated into the landscape plan. Geotextile binding fabrics shall be used if necessary to hold irrigation systems. **Plan Requirements:** A revegetation plan shall be submitted for review and approval by P&D. **Timing:** Revegetation plans shall be submitted for P&D review and approval prior to approval of Land Use Clearance for grading of the road and each lot. The applicant/landowner shall notify Permit Compliance prior to commencement of grading. Components of the revegetation plan shall be implemented prior to occupancy clearance for each residence.

MONITORING: Permit Compliance will photo document revegetation and ensure compliance with plan. Grading inspectors and onsite geotechnical engineer shall monitor technical aspects of the grading activities.

40.

Two performance securities shall be provided by the applicant prior to effectuating the Recorded Map Modification, one equal to the value of installation of all items listed in

section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three years of maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved plans may require a substantial conformity determination or a modification to the plan. Each installation security shall be released individually, upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security two years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

(a) Installation of:

1. the landscaping/erosion control for the road system,
2. the revegetation/restoration plan for the sensitive riparian habitat area within the Open Space Easement 100 feet either side of the Oak Creek road crossing,
3. the tree protection and replacement program,
4. the oak woodland restoration plan,
5. the southern perimeter landscaping which shall be installed prior to recordation of the map,
6. Plantings associated with the revegetation/restoration plan outside the development envelope on Lot 9 in all areas of slope disturbance related to the installation of the concrete drainage swale

MONITORING: P&D shall inspect for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

41.

All project runoff waters from areas such as the access road, roofs, driveways, patios, etc., shall be captured and conducted via an impervious drainage system to an appropriate roadway or the flowline of an adjacent gully. **Plan Requirements and Timing:** The entire grading and/or culvert system for the road shall be approved by P&D, the Flood Control District, and Public Works prior to recordation of the final map. A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning, shall be submitted by the applicant to P&D, Public Works, and the Flood Control District prior to approval of Land Use Clearance for each lot.

42.

Fill slopes shall be recompact and larger boulders removed prior to grading to reduce the potential for rock falls on the project site. Unstable cobbles or boulders exposed on the cut slopes shall be removed and placed in non-hazardous (low slope angle) areas. The determination of which boulders shall be removed shall be made by a Registered

Geologist, Certified Engineering geologist, and/or soils engineer with approval of P&D.
Plan Requirements: This requirement shall be noted on all grading and building plans.

MONITORING: Permit Compliance shall site inspect during grading.

43.

Protective structures to keep soil from entering the creek during road grading (i.e. stacked straw bales backed by steel posts, or other structures approved by P&D) shall be installed prior to commencement of access road grading. Similar protective structures shall be identified by a Registered Geologist, Certified Engineering Geologist, and/or soils engineer for placement in appropriate areas during grading on all lots. **Plan Requirements:** Structures shall be graphically depicted on all access road and lot grading plans. **Timing:** All structures shall be in place prior to the approval of Land Use Clearance for grading of the access road and lot grading.

MONITORING: Permit Compliance shall site inspect during grading.

44.

The applicant shall limit excavation and grading to the dry season of the year (i.e. April 1 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.

MONITORING: 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.

Aesthetics

45.

All grading, terracing, padding, or cut and fill shall be shaped and rounded to simulate natural appearing contours. Fill slopes for residential structures on downslope areas shall be limited to 10 feet in height at the highest point as measured vertically from existing grade. Fill slopes approximately 25 feet in height as measured from the elevation of the toe of the slope to the elevation of the top of the slope may be allowed if determined necessary by P&D to provide feasible access to Lots 4 and 5. Fill slopes shall be a maximum of two horizontal to one vertical and cut slopes shall be limited to a maximum of one and one-half horizontal to one vertical, except as otherwise approved by P&D in conformance with the grading ordinance. Pursuant to the Montecito Hillside District (Article IV, Section 35-432.B), all residential development including grading shall be consistent with the development standards contained in Section IV.C (Hillside Development Standards) of the Montecito Architectural Guidelines and Development Standards. **Plan Requirements:** A grading and drainage plan shall be submitted to and approved by P&D and the Flood Control District. **Timing:** The plan shall be submitted to P&D and the Flood Control District prior to Land Use Clearance for tract improvements and/or prior to approval of Land Use Clearance for grading on individual lots. The plan shall be implemented prior to the commencement of construction.

MONITORING: Grading inspectors shall monitor grading activities and ensure compliance with this requirement.

46. Understories and retaining walls shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native groundcovers that would grow over from above or would grow from the base and cover the retaining wall shall be planted. **Plan Requirements:** The applicant shall submit retaining wall plans and vegetation screening plans to P&D and the BAR for review and approval. **Timing:** Plans shall be submitted prior to approval of Land Use Clearance for the access road and each residence; vegetation shall be installed prior to Occupancy Clearance.

MONITORING: P&D shall check plans and ensure installation prior to occupancy clearance.

47. The design, scale, and character of architecture of all residences and ancillary structures shall be compatible with the existing residence on Lot 1. Special attention shall be focused on design of future structures in order to minimize use of large, vertical faces. **Plan Requirements and Timing:** The applicant shall submit architectural drawings for review and approval by P&D and the BAR prior to approval of Land Use Clearance for each residence. Grading plans shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: Building and Safety shall site inspect to ensure construction according to plan.

48. Natural building materials and colors compatible with the surrounding terrain (earthtones and non-reflective paints and finishes that blend in with the surrounding vegetation, soils, and rock outcroppings) shall be used on exterior surfaces of all structures, including fences. Materials subject to glare and/or rapid deterioration shall not be permitted. **Plan Requirements and Timing:** Building materials shall be identified on building plans and color samples shall be submitted to P&D and the BAR for review and approval prior to approval of Land Use Clearance for each residence. Structures shall be painted prior to Occupancy Clearance.

MONITORING: P&D shall site inspect prior to Occupancy Clearance.

49. Development on lots shall include individual landscape plans intended to provide plantings of an arrangement, size, number, and type that would adequately screen all future development and would assist in softening and blending future construction into the surrounding natural environment. Drought-tolerant native and Mediterranean species are encouraged. Special attention shall be paid to landscaping the southerly elevations of the residential structures, the access road and associated structural elements, and retaining walls. Landscape plans shall include tree screening along the southern perimeter of each residence. Landscaping shall be compatible with the character of the surroundings and the architectural style of the proposed structures. **Plan Requirements:** Landscape plans shall be reviewed and approved by P&D and the BAR to assure that sufficient screening is provided. **Timing:** Prior to approval of Land Use Clearance for each residence, the applicant shall submit three (3) copies of a final landscape and water-conserving irrigation plan and conceptual renderings of southerly

elevations at the time of landscape installation and at one, five, and ten years after installation to the BAR and P&D for review and approval. Prior to approval of Land Use Permits, the applicant/owner shall enter into an agreement with the County to provide security if determined necessary install required landscaping and water-conserving irrigation systems and maintain the required landscaping for the life of the project. Landscaping and irrigation shall be installed prior to Occupancy Clearance.

MONITORING: Permit Compliance staff shall check plans and ensure installation prior to occupancy clearance. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.

Air Quality

50.

Dust generated by the development activities shall be retained onsite 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. 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 shall 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.
- c. 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.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

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 inspectors shall spot check; Grading and Building inspectors shall ensure compliance onsite. Air Pollution Control District (APCD) inspectors shall respond to nuisance complaints.

51.

After clearing, grading, earth moving, or excavation is complete, if the construction site is left undeveloped for over three weeks, the entire area of disturbed soil shall be treated to prevent wind pick up of the soil. This may be accomplished by:

- a. Seeding and watering to revegetate graded areas.
- b. Spreading soil binders.
- c. Other methods deemed appropriate by County APCD or P&D.

If grading activities are discontinued for over six weeks, the applicant shall contact both Permit Compliance staff and the Grading Inspector to site inspect revegetation/soil binding. **Plan Requirements:** These requirements shall be noted on all grading and building plans. **Timing:** Plans are required prior to approval of Land Use Clearance.

MONITORING: P&D and the Grading Inspector shall perform periodic site inspections.

52.

The contractor shall designate a person 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. **Plan Requirements:** The name and telephone number of such persons shall be provided to the APCD prior to approval of Land Use Clearance for grading. **Timing:** The dust monitor shall be designated prior to approval of Land Use Clearance for grading of the access road and Land Use Clearance for grading of each residence.

MONITORING: P&D shall site inspect throughout grading for the access road and residences.

Fire Hazards

53. The following buyer notification shall be recorded on a separate information sheet with the final map:

IMPORTANT: BUYER NOTIFICATION

This property is located in a rural area, in an area of extreme fire danger.

MONITORING: P&D shall review and approve information sheet prior to recordation of the tract map. PREVIOUSLY SATISFIED PRIOR TO RECORDATION OF TM 14,239.

54.

The following fire prevention methods shall be used for all future structures:

- a. Building materials for all structures including fences shall be constructed of fire resistant materials.
- b. P&D Building & Safety Class A or B roofing (i.e., non-combustible tile or asphalt composite shakes) shall be required for all future on-site structures.
- c. Spark arresters shall be required for wood burning fireplaces.
- d. Private decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timber.

66. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.
67. 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 Tract Map. 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.
68. A southern perimeter landscaping plan for lots 4 and 5, intended to shield future residences from offsite viewing areas shall be reviewed and approved by P&D and installed prior to recordation of the map. PREVIOUSLY SATISFIED PRIOR TO RECORDATION OF TM 14,239.
69. For residential structures, guest houses, and/or artist studios proposed on fill slopes greater than three feet in height on lots 3, 4, 5, 6, 7, and 9, such structures shall be set back from the top of any southern perimeter fill slope to soften the massing of the southern face of the structures. Second story elements for these lots shall be set back from the southern face of the first story. The Montecito Board of Architectural Review shall review and approve plans for consistency with the intent of this condition.
70. Residential structures (including garage areas) on lots 3, 4, 5, and 6 shall be a maximum of 5,800 net square feet in size.
71. All excess cut resulting from the road improvement shall be deposited within the Development Envelopes located on Lots 3, 8, 9 and 10, subject to the Tree Protection and Replacement Program required in Condition of Approval #22.
72. Interior fire suppression sprinklers shall be required for all residential structures.
73. ADVISORY: The applicant shall diligently pursue an additional emergency access located at the property's east boundary.
74. Guest houses and/or artist studios on all lots shall be limited in height to a maximum of 16 feet. As of April 9, 2003, accessory structures are not currently permitted in the Resource Management (RES) Zone District.
75. Appropriate documentation with the following language changing the use of the former road alignment to eliminate roadway and/or vehicular purposes or uses shall be recorded and such changes submitted to the Department of Real Estate.

"The foregoing notwithstanding, that portion of the above-mentioned easement area described in Exhibit "A" hereto shall be limited to the following purposes: ingress

and egress limited to hiking, pedestrian, and equestrian purposes, landscaping, drainage, public and private utilities, and purposes incidental thereto, but shall not include roadway or vehicular purposes or uses.”

Plan Requirements and Timing: A copy of the recorded documents shall be submitted to P&D prior to sign-off on tract improvements.

76. An application for the First Amendment to CC&Rs shall be submitted to the Department of Real Estate for review and approval prior to P&D sign-off on tract improvements.
77. The First Amendment to CC&Rs shall be recorded upon notification of the Department of Real Estate (DRE) decision that no amendment to the Subdivision Public Report is required or upon amendment approval by the DRE. A copy of the recorded amendment shall be forwarded to P&D prior to P&D sign-off on tract improvements.

PROJECT SPECIFIC CONDITIONS (02RMM-00000-00010) (ALL NEW CONDITIONS)

78. Compliance with Departmental letters required as follows:

- a. Flood Control dated March 26, 2003
- b. Park Department dated April 2, 2003

79. Finished grade of future building pads shall not exceed elevations indicated on approved final grading plans. **Plan Requirements and Timing:** Prior to inspection of foundation forms by the Building and Safety Division inspectors, the applicant shall submit verification from a licensed surveyor that the finished grade of the pad conforms to the elevation indicated on the final grading plan.

MONITORING: P&D staff shall verify compliance with this requirement prior to pre-concrete foundation inspections by Building and Safety inspectors.

80. To verify compliance with the 16-foot average height limitation required by the Hillside Development Standards and the Ridgeline and Hillside Development Guidelines, building heights indicated on final building plans as measured from finished grade, shall be verified. **Plan Requirements and Timing:** The applicant shall have heights verified by a licensed surveyor prior to the final roof inspection by Building and Safety inspectors. Said survey shall be reviewed and approved by P&D prior to the final roof inspection by Building and Safety inspectors.

MONITORING: P&D staff shall ensure compliance with this requirement.

81. Retaining walls shall not exceed eight (8) feet (as measured from the natural grade at the lower side of the wall) unless such height restriction would preclude reasonable development. Further, justification shall be provided for exceeding the height limitation and every effort shall be made to minimize total height.