

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 2/7/02  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** 2/19/02  
**Placement:** Administrative  
**Estimate Time:** N/A  
**Continued Item:** yes  
**If Yes, date from:** 2/5/02

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**TO:** Board of Supervisors

**FROM:** Rita Bright, Secretary to the Planning Commission  
Planning and Development

**STAFF** Christopher Price, Planner, 568-3577  
**CONTACT:** Jackie Campbell, Supervising Planner, 568-2076

**SUBJECT:** Toms Lot Split Appeal, 01APL-00000-00021; Continuance from February 5, 2002

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## Recommendations:

Staff recommends that the Board take the following action:

1. Uphold the appeal (01APL-00000-00021)
2. Adopt the required findings for the project specified in Attachment A of this staff report, including the CEQA findings
3. Approve the Negative Declaration (01-ND-28) and adopt the mitigation monitoring program contained in the conditions of approval and;
4. Approve the proposed Lot Split (Case No. TPM 14,524) subject to revised conditions contained in Attachment B.

## Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

## Executive Summary and Discussion:

At the February 5, 2002 hearing, the Board of Supervisors conceptually approved the Toms Lot Split (TPM 14,524 and upheld the applicant's appeal of the Planning Commission's denial of the project (01APL-00000-00021). Your board directed staff to return with a revised set of project conditions as contained in Attachment B (Conditions 31-36). These conditions modify the proposed project and were agreed to by the applicant at the February 5, 2002 hearing.

**Mandates and Service Levels:**

Pursuant to Section 35-327.3 of the Article III Inland Zoning Ordinance, a decision of the Planning Commission may be appealed to the Board of Supervisors by the applicant or an aggrieved person. This section of Article III also requires that the appellant state specifically in the appeal wherein the decision by the Planning Commission is not in accord with the provisions and purposes of this Article or wherein it is claimed that there was an error or an abuse of discretion by the Zoning Administrator. In this case, the applicant has appealed the decision of the Planning Commission to deny Case No. TPM 14, 524 to the Board of Supervisors.

**Fiscal and Facilities Impacts:**

Pursuant to the Board of Supervisor's Resolution No. 96-323, some of the costs associated with processing this appeal are offset by the \$2,000.00 appeal fee paid for by the applicant/appellant.

**Special Instructions:**

Clerk of the Board shall complete noticing for the project in the Santa Barbara News-Press and shall complete the mailed notice of the project (mailing labels are attached) **at least 10 days prior to the hearing.**

Clerk of the Board shall forward a copy of the Minute Order to Planning & Development, attn: Hearing Support.

Planning & Development will prepare all final action letters and notify all interested parties of the Board of Supervisors' final action.

**Concurrence:** County Counsel

**Attachments:**

- A. Finding of Approval
- B. Revised Conditions of Approval

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA Findings**

- 1.1 The Board of Supervisors has considered the Negative Declaration (01-ND-028) together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Board of Supervisors, has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The Board of Supervisors finds that through feasible conditions placed upon the project, the significant impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors, located at 105 East Anapamu Street, Room 405, 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 Subdivision Map Act Findings (Vesting Tentative Parcel Map 14,524)**

According to the Subdivision Map Act, the Board of Supervisors must deny this Vesting Tentative Parcel Map (TPM 14,524) if the Board is either unable to make the requisite statutory findings for approval of the project or, in the alternative, makes any of the specified statutory findings that would require disapproval. For the reasons discussed below, the Board adopts each of the required statutory findings necessary to approve this vesting TPM:

- 2.1.1 *State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

Maintenance of existing native specimen trees, coupled with protection of vegetation by the proposed development envelope, would provide adequate canopy for on-site passive heating or cooling systems for all future residential development.

- 2.1.2 *State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision,*

*together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with (commencing with §65450) of Chapter 3 of Division 1.*

No specific plan applies to the project site. As discussed in section 6.2 of the Planning Commission staff report dated July 24, 2001 and discussed at the Board hearing on February 5, 2002, the proposed project would be consistent with all applicable policies of the County's Comprehensive Plan.

*2.1.3 State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map/Tract Map:*

*2.1.3.1 The proposed map is not consistent with applicable general and specific plans as specified in §66451.*

No specific plan applies to the project site. As discussed in section 6.2 of the Planning Commission staff report dated July 24, 2001 and discussed at the Board hearing on February 5, 2002, the proposed project would be consistent with all applicable policies of the County's Comprehensive Plan.

*2.1.3.2 The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

No specific plan applies to the project site. As discussed in section 6.2 of the Planning Commission staff report dated July 24, 2001 and discussed at the Board hearing on February 5, 2002, the proposed project would be consistent with all applicable policies of the County's Comprehensive Plan.

*2.1.3.3 The site is not physically suitable for the type of development proposed.*

The project site is typically hilly and steep although areas proposed for future development are relatively flat and suitable for residential structures. To minimize impacts to geologic, biological, and visual resources, all future development proposed on Parcel 2 (e.g., residences, accessory structures, grading, landscaping, and hardscaping), would be limited to the designated development envelope. That envelope is located at least six feet outside the dripline of all native specimen trees (except for existing driveways, in compliance with proposed Condition 7). In addition, the project has been conditioned to require a tree protection and replacement program to protect trees in the event of accidental damage or removal during grading or construction (Condition 8). Proposed Parcel 1 is already developed with primary and accessory structures. Therefore, the proposed project site would be suitable for the proposed development.

*2.1.3.4 The site is not physically suited for the proposed density of development.*

The site is zoned RR-10, a zone district that permits one single-family residence and certain accessory structures on a lot of at least ten acres. The proposed project would result in a total of two parcels and the potential for one additional single-family residence and accessory structures. Both of the proposed parcels would meet or exceed the ten-acre minimum required parcel size. In addition, the site has been determined to have adequate septic capability, slope stability, and access, and the project has been

conditioned to avoid all sensitive biological resources. The proposed project site is therefore physically suited for the proposed density of development.

*2.1.3.5 The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

To minimize potential impacts to biological resources from any future development, the applicant has designated a development envelope on Parcel 2. The development envelope has been specifically designed to avoid existing native oak trees, except for existing driveways. The project has been conditioned to require a tree protection and replacement program to protect trees in the event of accidental damage or removal during grading and construction. Moreover, vegetation clearing for fire protection has been reduced to 30 feet from the otherwise required 100 feet.

To avoid downstream impacts to habitat, the project has also been conditioned to require erosion control measures during construction and the designation and use of equipment washoff areas. As a result, the proposed project would not cause substantial environmental damage or substantially injure fish or wildlife or their habitat.

*2.1.3.6 The design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed lot split and potential buildout of residential development is not expected to result in either the use of substantial quantities of hazardous materials or any activities that would cause significant health or safety impacts. Environmental Health Services has concluded that the site conditions on proposed Parcel 2 can satisfactorily accommodate a new private septic system meeting EHS and RWQCB standards to service a single family dwelling. Therefore, the proposed project is not likely to result in any serious public health problems.

*2.1.3.7 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Toro Canyon is a public easement which bisects the existing parcel. However, this easement would not be affected by the proposed subdivision. The existing parcel is also encumbered with private utility easements as well as with various private easements for ingress and egress and landscaping that have been granted to adjacent property owners.

*2.1.4 State Government Code §66474.4. The legislative body of a county shall deny approval of a tentative map or parcel map if it finds that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 and that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.*

The parcel is not subject to a Williamson Act contract.

*2.1.5 State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.*

The proposed subdivision would utilize a private septic system and would not discharge waste into an existing community sewer system.

**ATTACHMENT B: CONDITIONS OF APPROVAL**  
**Vesting TPM 14,524**

This Vesting Tentative Parcel Map 14,524 is based upon and limited to compliance with the project description, Hearing Exhibit 1 dated February 19, 2002 and the conditions of approval set forth below. 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.

**I. Project Description**

The applicant, Lorraine Toms, has requested a Vesting Tentative Parcel Map to subdivide a 20.09 acre parcel into two parcels of 10.09 acres (proposed parcel 1) and 10.0 acres (proposed parcel 2). The existing parcel, APN 155-240-05, is located at 925 Toro Canyon Road, northeast of Summerland in the southern foothills of the Santa Ynez Mountains in an unincorporated area of southern Santa Barbara County.

The parcel is surrounded by residential and agricultural use: property zoned RR-10 (Residential Ranchette, 10-acre minimum lot size) on the south and west, property zoned 40-E-1-0 (Single-Family Residential, 40-acre minimum lot size) on the north, and property zoned Ag-II-40 (Agriculture II, 40-acre minimum lot size) to the east. More than 75 percent of the site has slopes of 30 percent or greater; the balance of the site has slopes of between 20 and 30 percent.

The existing parcel is currently developed with a two-story, 850-square foot, single-family residence (partially constructed); a shed; and a 900-square foot Residential Second unit. All of those structures are located on proposed Parcel 1. Proposed Parcel 2 is currently undeveloped, with the exception of a graded access road and two recently-drilled drywells. The applicant does not propose any new structural development at this time as part of the proposed subdivision, although a proposed development envelope and building envelope on proposed Parcel 1 has been depicted to facilitate environmental review of the project.

The single-family residence and residential second unit are each connected to Toro Canyon Road by individual 16-foot wide concrete driveways. A separate 16-foot wide concrete and compacted aggregate rock driveway runs from Toro Canyon Road along an east-west axis to the proposed development envelope on proposed Parcel 2; it currently provides ingress and egress for an adjacent parcel north of proposed Parcel 2. Because this driveway runs through proposed Parcel 1, the applicant has proposed encumbering Parcel 1 with an access easement in favor of Parcel 2.

The property receives its potable water from the Montecito Water District, but is served by a private septic system that services both the main residence and second unit. The applicant does not propose to alter the water or septic service as part of the lot split. Any new development on proposed Parcel Two would be served by one of the drywells located onsite.

## II. Mitigation Measures from Environmental Document [from Proposed Final Mitigated Negative Declaration 01-ND-28]

1. The design, scale and character of the project architecture shall be compatible with vicinity development. **Plan Requirement and Timing:** The applicant shall submit architectural drawings of the project for review and approval by the Board of Architectural Review prior to approval of Land Use Permits. Grading plans shall be submitted to P&D concurrent with or prior to Board of Architectural Review plan filing. **Monitoring:** Prior to approval of an LUP for any structure, Planning and Development shall review all architectural plans for compliance with BAR conditions and approved drawings. Permit Compliance shall inspect project architecture upon completion to insure that structures were built in accordance with those plans and conditions.
2. Future structures shall not exceed a height of 16 feet above finish grade. Height would be based on the standard County formula, which allows for averaging of heights around the structure. Additionally, fill pads shall not exceed six feet in height and shall minimize the alteration of natural landforms. **Plan Requirement:** This measure shall be included on building plans. **Timing:** Plans shall be submitted prior to approval of Land Use Permits. **Monitoring:** Building and Safety shall check height of building(s) during frame/inspection approval.
3. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. **Plan Requirement:** Materials shall be denoted on building plans. **Timing:** Structures shall be painted prior to occupancy clearance. **Monitoring:** P&D shall inspect prior to occupancy clearance.
4. Understories and retaining walls shall not exceed six feet in height and shall be in tones compatible with surrounding terrain, shall minimize alteration of natural landforms, and shall use textured materials or construction methods that create a textured effect. Native vegetation to screen retaining walls shall be planted. **Plan Requirement:** The applicant shall submit retaining wall plans and vegetation screening plans to P&D for review and approval. **Timing:** Plans shall be submitted prior to approval of Land Use Permits; vegetation shall be installed prior to occupancy clearance. **Monitoring:** P&D shall check plans and ensure installation prior to occupancy clearance.
5. 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. Applicant shall develop a Lighting Plan incorporating these requirements and provisions for dimming lights after 10:00 p.m. **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 and the BAR. **Monitoring:** P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of an LUP 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.
6. If the construction site is graded and left undeveloped for over four weeks, the applicants shall employ the following methods immediately to inhibit dust generation: (a) seeding and watering to revegetate graded areas; (b) spreading of soil binders; and/or any other methods deemed appropriate by Planning



and Development. **Plan Requirements:** These requirements shall be noted on all plans. **Timing:** Plans are required prior to approval of Land Use Permits. **Monitoring:** Grading Inspector shall perform periodic site inspections.

7. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site, 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 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.
  - c) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

**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 shall ensure compliance on-site. APCD inspectors shall respond to nuisance complaints.

8. Construction on proposed Parcel 2 shall be restricted to the proposed Development Envelope showing on the Vesting Tentative Parcel Map (Planning Commission Exhibit #1) in order to avoid impacts to native oaks and other specimen trees and chaparral habitat. No construction, earth disturbance or construction equipment shall occur or operate outside of this area. Subsurface structures including septic systems and utilities and accessways including roads, driveways and utilities shall not be placed outside the envelopes. Envelope boundaries shall be staked in the field. **Plan Requirements:** Development envelopes shall be shown on all grading and building plans. This condition shall be noted on all final plans to describe the activities disallowed outside the approved envelopes. **Timing:** Envelopes shall be staked prior to start of grading or structural development. **Monitoring:** During plan check, the planner shall ensure that all construction is to occur within approved envelopes. Staking shall be checked during pre-construction meeting. P&D grading inspectors and planners shall inspect and photo document during all construction phases to ensure development is confined to construction envelopes and that staking remains in place during site grading and construction.
9. A tree protection and replacement program shall be prepared by a P&D-approved arborist or biologist to protect native California trees from removal and/or damage. The plan shall be prepared and submitted at such time, and in the event of, any future building or grading. The program shall include but not be limited to the following elements, which apply to all future building or grading on the project parcels and are to be depicted on any future building or grading plans:
  - a) Plans shall depict the location and extent of driplines for all native California trees. Where trees exist in a closed canopy, plans may depict the edge of the canopy if the species composition within the canopy is stated on the map.

- b) During all grading and construction activities, all coast live oak, or other native California trees within 25 feet of proposed ground disturbances shall be temporarily fenced with chain-link or other material satisfactory to P&D. The fencing shall be installed six feet outside the dripline of each native tree and shall be staked every six feet.
- c) No construction equipment shall be parked, stored or operated within six feet of any native tree dripline.
- d) No fill soil, rocks, or construction materials shall be stored or placed within six feet of the dripline of all native trees
- e) No permanent irrigation shall occur within the dripline of any existing coast live oak or Nuttall's scrub oak tree.
- f) Any unanticipated damage that occurs to native trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by Planning & Development (P&D). This mitigation may include (but is not limited to) posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation.

**Plan Requirements:** Prior to approval of Land Use Permits, the applicant shall submit a copy of the grading and/or building plans to P&D for review and approval. All aspects of the plan shall be implemented as approved. **Timing:** The above requirements shall be included on a separate information sheet to be recorded concurrently with the parcel map. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities. **Monitoring:** Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

- 10. Prior to any building or grading on site, a grading and erosion control plan shall be prepared to minimize erosion from any grading and construction activities. The plan shall include the following:
  - a) Erosion control measures shall be implemented to prevent erosion and siltation of Toro Canyon Creek and other downslope habitats. Mechanisms such as temporary berms, silt fencing, straw bales, sediment basins, and spot grading shall be used in combination with one another during all grading and site construction activities.
  - b) Excavation and grading shall be limited to the dry season of the year (i.e., April 15 to November 1) unless otherwise approved by Planning and Development.
  - c) Graded areas shall be revegetated within four weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

**Plan Requirements:** An erosion control plan shall be submitted to and approved by P&D, Grading Division prior to approval of Land Use Permits. **Timing:** The plan shall be implemented prior to the commencement of grading/construction. **Monitoring:** P&D and Grading staff shall perform site inspections throughout the construction phase to insure compliance with the plan.

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

mitigation program consistent with County Archaeological Guidelines and funded by the applicants.

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

**Monitoring:** P&D shall check plans prior to approval of Coastal Development Permits and shall spot check in the field.

12. The Carpinteria-Summerland Fire Protection District has reviewed the project plans and has determined that fire safety for the project requires imposition of a number of project conditions prior to final recordation of the proposed parcel map. They include:
  - a) Clearance and maintenance of a 30-foot wide firebreak between the proposed development envelope and the northern property line of proposed Parcel 2 to provide clearance between combustible growth and any structures.
  - b) Clearance of brush and vegetation ten feet from both edges of all existing and proposed driveways.
  - c) Installation of sprinklers in all structures.
  - d) Visible street address posted on driveways and structures.
  - e) The existing driveway on proposed parcel two shall be paved with an acceptable all-weather surface.

**Plan Requirements:** Prior to map recordation, the applicant shall meet with the Carpinteria-Summerland Fire Protection District to review conformance with each of the above conditions. **Timing:** All road maintenance and improvements and all vegetation clearance shall occur prior to approval of a Land Use Permit for any residence or other structure. **Monitoring:** Planning and Development staff will ensure that the Carpinteria-Summerland Fire Protection District has approved all such site improvements prior to approval of an LUP.
13. Individual landscaping plans shall utilize fire resistant native species. **Plan Requirements:** Prior to approval of Land Use Permits, the applicant shall submit landscape plans to P&D and the CSFPD for review and approval. This mitigation shall be incorporated into landscape plans for future development. **Timing:** The applicant shall install the landscaping consistent with the approved plan prior to occupancy clearance. **Monitoring:** Permit Compliance shall site inspect to verify landscape installation and once each year to monitor landscape maintenance during the maintenance period.
14. Building materials for all new structures including residences, fences and accessory structures shall be constructed of fire resistant materials.
  - a) 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.
  - b) Spark arresters shall be required for wood burning fireplaces.
  - c) Private decks and structural overhangs proposed for all new structures shall be constructed with fire retardant materials or heavy timber.

**Plan Requirements:** Where appropriate, the fire prevention measures shall be graphically depicted on grading and building plans. **Timing:** Measures shall be installed prior to occupancy clearance. **Monitoring:** P&D building inspectors shall site inspect during construction.
15. Prior to any development on proposed Parcel 2, the applicant shall provide an adequate number of fire hydrants as determined by the Carpinteria-Summerland Fire Protection District. **Plan Requirements:** Prior to approval of Land Use Permits, the applicant shall meet with the CSFPD to review placement of additional fire hydrants throughout the site. **Timing:** Hydrants shall be installed prior to occupancy clearance. **Monitoring:** CSFPD shall ensure compliance prior to occupancy clearance.

16. Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone 4.  
**Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building and Safety Division. **Monitoring:** Building inspectors shall site inspect prior to occupancy clearance.
17. Prior to the approval of any Land Use Permit, a detailed geological and/or soils engineering study shall be prepared to determine structural design criteria and to refine the recommended location of all proposed structures. **Plan Requirements and Timing:** The study shall address all issues identified and recommendations made in the Engineering Geology Report prepared for this proposed subdivision by Adam Simmons and Associates dated November 1999; the study shall be in a form satisfactory to the Building and Safety Division of Planning and Development. It shall be submitted for review and approval prior to approval of any LUP. **Monitoring:** Permit Compliance and Building & Safety shall insure compliance with the plan.
18. 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 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 County grading ordinance. No grading shall be permitted outside the designated development envelope and driveway corridor shown on the final. A revised preliminary grading and drainage plan consistent with these requirements shall be submitted prior to approval of any Land Use Permit. **Plan Requirements and Timing:** The grading and drainage plan shall be reviewed and approved by P&D prior to approval of any Land Use Permit. **Monitoring:** P&D shall site inspect during grading.
19. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions. **Plan Requirements:** A sign stating these restrictions shall be provided by the applicant and posted on site. **Timing:** The sign shall be in place prior to the beginning of and throughout grading and construction activities. Violations may result in suspension of permits. **Monitoring:** Building Inspectors and Permit Compliance shall spot check and respond to complaints.
20. During construction, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources. An area designated for washing functions shall be identified. **Plan Requirements:** The applicant shall designate a wash off area, acceptable to P&D, on the construction plans. **Timing:** The wash off area shall be designated on all plans prior to approval of Land Use Permits. The washoff area shall be in place 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.

21. Site development plans for Parcel 2 shall incorporate into the site design one or more features to minimize the impacts of increased impervious surfaces and to help preserve the natural ability of the site to capture and infiltrate stormwater. Those features may include such techniques as dry wells for roof drainage or other roof downspout infiltration systems; modular paving, unit pavers on sand or other porous pavement for driveways, patios or parking areas; multiple-purpose detention systems; cisterns; and grass or other vegetated swales. **Plan Requirements:** The measures to be incorporated shall be shown on future building and grading plans to be submitted and approved by P&D prior to approval of Land Use Permits. **Timing:** The measures shall be implemented before occupancy clearance. **Monitoring:** Permit Compliance shall inspect the site to insure compliance.

### III. Project Specific Conditions

23. The applicant shall comply with all conditions in the following department or agency letters:
- Air Pollution Control District, dated June 15, 1999;
  - Carpinteria-Summerland Fire Protection District, dated May 23, 2001;
  - Montecito Water District, dated July 22, 1999;
  - Santa Barbara County Flood Control, dated July 24, 2001;
  - Santa Barbara County Parks Department, dated July 25, 2001;
  - Environmental Health Services, dated July 25, 2001
  - Public Works, Roads Division, dated July 24, 2001.
24. Electrical utilities to any new structural development on Parcel 1 or Parcel 2 shall be installed underground.
25. The developer shall be responsible for repairing any damage to the private driveway access to proposed parcel 2 and the adjoining parcel to the north resulting from future construction activities on the project site to the pre-construction physical condition of the roadway. **Plan Requirements and Timing:** This condition shall be printed on all grading, site and building plans associated with future development. The applicant shall use video or digital tape to record the physical condition of the roadway both before and following construction and following any repairs made to the roadway. **Monitoring:** P&D shall receive visual confirmation of the physical condition of the roadway pre and post construction and following any repairs made. P&D shall receive confirmation of construction techniques used to repair roadway.

### IV. Vesting Tentative Parcel Map Conditions

26. Prior to recordation of the vesting tentative map and subject to Planning and Development approval as to form and content, the 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 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. If Land Use Permits are obtained prior to recordation, Vesting Tentative Parcel Map conditions will not apply retroactively to the previously issued Land Use Permit. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.

27. If the proposed map is revised from the approved tentative map, or if changes to conditions are sought, approval shall be in the same manner as for the originally approved tentative map.
28. Three copies of the map to finalize the tentative map and required review fees in effect at the time shall be submitted to Planning and Development (P&D) for compliance review of P&D conditions before P&D will issue final map clearance to the County Surveyor. The map shall show statistics for net lot area (gross area less any public road right of way) and any open space.
29. Prior to recordation, public utility easements shall be provided at the locations and of widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the final map accompanied by a letter from each utility and water and sewer district serving the property stating that the easements shown thereon are acceptable (Chapter 21, Sec. 21- 30; Ord. No. 2199, Sec. 13).
30. The Vesting Tentative Parcel Map shall expire three years after approval or conditional approval by the final decisionmaker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
31. ***Except for the Environmentally Sensitive Habitat policies, the project shall meet or exceed all of the setback requirements for Toro Canyon Creek contained in the Toro Canyon Plan.***
32. ***Future development shall be limited to a primary residence, garage, and accessory structures customarily incidental to these uses. Other plumbed structures such as cabanas, guesthouses, artist studios, and attached or detached residential second units shall be prohibited.***
33. ***All structures shall not exceed a height of 16 feet measured from finished grade of the lot covered by the building, using contours shown on the Vesting Tentative Parcel Map. Extensive grading to increase the height of the finished grade shall be prohibited.***
34. ***The combined total square footage of the single family dwelling and garage shall not exceed 3,500 square feet.***
35. ***The revised site map, depicting a development envelope, building envelope, and conceptual building footprint plans dated January 30, 2002, shall be recorded with the Vesting Tentative Parcel Map..***
36. ***Acceptance of each of these conditions shall be binding to the owner and all successors in interest.***

## **V. County Rules and Regulations**

37. 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, of permit issuance, the applicant shall obtain a Land Use and Building Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, 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 from Planning and Development.

38. All applicable final conditions of approval 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.
39. The applicant shall ensure that the project complies with all approved plans and all project conditions including those that must be monitored after the project is built and occupied. To accomplish this the applicant agrees to:
  - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities.
  - b. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting with the owner, compliance staff, other agency personnel and with key construction personnel.
  - c. Pay fees prior to approval of Land Use Permits 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.
40. Prior to Recordation, the applicant shall pay all applicable P&D permit processing fees in full.
41. The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Vesting Tentative Parcel 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.
42. 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.