

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF FEBRUARY 27, 2008

RE: *Melliar-Smith/Moser Lot Line Adjustment and Rezone; 05LLA-00000-00009, 06RZN-00000-00008*

Hearing on the request of Michael Melliar-Smith and Louise Moser to consider the following:

- a) **06RZN-00000-00008** [application filed on November 1, 2006] to rezone both parcels from General Agriculture, 100-acre minimum lot area (100-AG) under Zoning Ordinance No. 661 to Agriculture II, 100-acre minimum lot area (AG-II-100) under the County Land Use and Development Code;
- b) **05LLA-00000-00009** [application filed on June 1, 2005] for a Lot Line Adjustment in compliance with Section 21-90 of County Code Chapter 21, to adjust the existing lot lines between Assessor's Parcel Numbers 081-040-047 and 081-040-049, to reconfigure into one lot of 20.00 acres and one lot of 44.20 acres, on property located in the 100-AG zone under Ordinance 661;

and to accept the Exemption pursuant to Section 15305(a) and 15061(b)3 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP Nos. 081-040-047 and 081-040-049, located at 2375 Refugio Road in the Goleta area, Third Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 27, 2008, Commissioner Jackson moved, seconded by Commissioner Brown and carried by a vote of 5-0 to recommend that the Board of Supervisors:

1. Adopt the required findings for the proposed Lot Line Adjustment, Case No. 05LLA-00000-00009, specified in Attachment A of the staff report, dated February 8, 2008, including the California Environmental Quality Act (CEQA) findings and adopt the Conditions for in Attachment E of the staff report, dated February 8, 2008, with the inclusion of the Standard Discovery Clause condition for archaeological resources;
2. Adopt the required findings for the proposed rezone, Case No. 06RZN-00000-00008, specified in Attachment B of the staff report, dated February 8, 2008, including the California Environmental Quality Act (CEQA) findings;
3. Accept the Notice of Exemption pursuant to Section 15305(a) of the "Guidelines for Implementation of California Environmental Quality Act," included as Attachment C of the staff

report, dated February 8, 2008, for the Lot Line Adjustment, and accept 80-EIR-3 as adequate Environmental Review for the rezone pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act.

4. Adopt a Rezone Ordinance for APN Nos. 081-040-047 and 081-040-049, amending the Inland Zoning Map, included as Attachment D of the staff report, dated February 8, 2008.

REVISIONS TO REZONE FINDINGS

Finding 1.0 is hereby amended:

1.0 CEQA FINDINGS

Find that the project is exempt from environmental review pursuant to the CEQA General Rule Section 15061(b)(3). Attachment C, Notice of Exemption, is hereby incorporated by reference. 80-EIR-3, the Environmental Impact Report for the Land Use, Circulation, and Environmental Resources Management Elements of the Comprehensive Plan, is adequate for the proposed rezone pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. Per CEQA Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless substantial changes are proposed which will require major revisions of the previous EIR or unless new information of substantial importance is discovered, which was not known when the previous EIR was certified. The Article III zoning ordinance, reformatted into the Land Use & Development Code, is the implementing ordinance of the land use designations specified in the Comprehensive Plan. The environmental impacts of the existing land use designations were examined in 80-EIR-3. The proposed rezone from Ordinance 661 to the Land Use & Development Code will not require a revision of 80-EIR-3 because no substantial changes are proposed and no new information has been discovered.

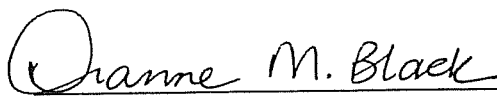
REVISIONS TO THE CONDITIONS OF APPROVAL

Condition 16 is added:

16. In the event archaeological remains are encountered during grading for future development, 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 applicant. Plan Requirements/Timing: This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Land Use Permits and shall spot check in the field.

Sincerely,



Dianne M. Black
Secretary Planning Commission

cc: ✓ Case File: 05LLA-00000-00009, 06RZN-00000-00008
Planning Commission File
Records Management
Dianne M. Black, Director Development Review

Owner: P. Michael Melliar-Smith & Louise Moser, PO Box 13963, Santa Barbara, CA 93107
Surveyor: L&P Consultants, 3 West Carrillo Street, Ste 205, Santa Barbara, CA 93101
David Allen, Deputy County Counsel
Selena Buoni, Planner

Attachments: **Attachment A – Findings for 05LLA-00000-00009**
 Attachment B – Findings for 06RZN-00000-00008
 Attachment E – Conditions of Approval for 05LLA-00000-00009

DMB/jao

G:\GROUP\PERMITTING\Case Files\LLA\05 cases\05LLA-00000-00009 MelliarSmith\Planning Commission\02-27-08actltr.doc

ATTACHMENT A: LOT LINE ADJUSTMENT FINDINGS

1.0 CEQA FINDINGS

Find that the project is exempt from environmental review pursuant to CEQA Guidelines Section 15305(a). Attachment C, Notice of Exemption, is hereby incorporated by reference.

2.0 ADMINISTRATIVE FINDINGS

2.1 LOT LINE ADJUSTMENT FINDINGS. In order to approve the request for a Lot Line Adjustment, the Planning Commission shall make all of the following findings pursuant to Chapter 21 of the County Code, *Subdivision Regulations*, Sec. 21-93, and Chapter 35 of the County Code, County Land Use & Development Code, Section 35.30.110. A Lot Line Adjustment application shall only be approved provided the following findings are made:

2.1.01 *The Lot Line Adjustment is in conformity with all applicable provisions of the Comprehensive Plan and this Development Code.*

As discussed in Sections 6.2 and 6.3 of this Staff Report, the proposed project is consistent with all applicable policies of the County Comprehensive Plan and with all requirements of the County Land Use & Development Code. Therefore, this finding can be made.

2.1.02 *No lot involved in the Lot Line Adjustment that conforms to the minimum lot size of the applicable zone shall become nonconforming as to lot size as a result of the Lot Line Adjustment.*

No parcel that conforms to the minimum parcel size would become non-conforming as a result of this lot line adjustment. The required minimum parcel size in the AG-II-100 zone district is 100 acres. Neither existing Parcel A nor Parcel B currently meets this requirement, at 44.20 acres and 20.0 acres, respectively. However, the reconfigured Parcels 1 and 2 do not become more non-conforming, at 20.0 and 44.20 acres, respectively. Therefore, this finding can be made.

2.1.03 *Except as provided herein, all parcels resulting from the Lot Line Adjustment shall comply with the minimum lot size requirements of the applicable zone. A Lot Line Adjustment may be approved that results in one or more lots that are nonconforming as to size, provided that it complies with Subsections B.3.a or B.3.b below:*

a) The Lot Line Adjustment satisfies all of the following requirements: 1) Four or fewer existing lots are involved in the adjustment; and, 2) The Lot Line Adjustment shall not result in increased subdivision potential for any affected lot; and 3) The Lot Line Adjustment will not result in a greater number of residential developable lots than existed prior to the adjustment...

At 44.20 acres and 20.0 acres in size, both existing Parcels A and B are non-conforming as to size. The proposed Lot Line Adjustment would create two differently shaped parcels, but they would have the same sizes as the original parcels. Parcel 1 would be 20.0 acres, and Parcel 2 would be 44.20 acres. The Lot Line Adjustment would not result in increased subdivision potential for either reconfigured parcel, since both parcels would be less than

the required size for the AG-II-100 zone district. Additionally, no new parcels would be created as part of the Lot Line Adjustment. Therefore, this finding can be made.

2.1.04 *The Lot Line Adjustment will not increase any violation of lot width, setback, lot coverage, parking or other similar requirement of the applicable zone, or make an existing violation more onerous.*

The Lot Line Adjustment would not result in a violation of parcel width, setback, lot coverage, parking, or other requirement of the AG-II-100 zone district, or the County Land Use & Development Code. As there are no existing violations on either site, the Lot Line Adjustment does not have the potential to make any existing violations more onerous. Therefore, this finding can be made.

2.1.05 *The affected lots are in compliance with all laws, rules and regulations pertaining to zoning uses, setbacks and any other applicable provisions of this Development Code, or the Lot Line Adjustment has been conditioned to require compliance with these rules and regulations, and any zoning violation fees imposed in compliance with the applicable law have been paid. This finding shall not be interpreted to impose new requirements on legal nonconforming uses and structures under the requirements of Chapter 35.101 (Nonconforming Uses, Structures, and Lots).*

The subject properties are currently in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks, and all other applicable provisions of the County Land Use & Development Code and Chapter 21. Therefore, this finding can be made.

2.1.06 *Conditions have been imposed to facilitate the relocation of existing utilities, infrastructure and easements.*

The Lot Line Adjustment will not require relocation of any utilities, infrastructure, or easements. Therefore, this finding can be made.

ATTACHMENT B: REZONE FINDINGS

2.0 CEQA FINDINGS

Find that 80-EIR-3, the Environmental Impact Report for the Land Use, Circulation, and Environmental Resources Management Elements of the Comprehensive Plan, is adequate for the proposed rezone pursuant to Section 15162 of the State Guidelines for Implementation of the California Environmental Quality Act. Per CEQA Section 15162, when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless substantial changes are proposed which will require major revisions of the previous EIR or unless new information of substantial importance is discovered, which was not known when the previous EIR was certified. The Article III zoning ordinance, reformatted into the Land Use & Development Code, is the implementing ordinance of the land use designations specified in the Comprehensive Plan. The environmental impacts of the existing land use designations were examined in 80-EIR-3. The proposed rezone from Ordinance 661 to the Land Use & Development Code will not require a revision of 80-EIR-3 because no substantial changes are proposed and no new information has been discovered.

3.0 ADMINISTRATIVE FINDINGS

3.1 REZONE FINDINGS

3.1.1 The request is in the interests of the general community welfare.

The purpose of the proposed rezone is to bring the subject parcel into conformance with the County Land Use & Development Code (LUDC). The rezone would not change the fundamental intent of the current zone district. The subject parcel is currently zoned for agricultural use and would remain zoned for agricultural use. All types of agriculture allowed under the current zoning district (100-AG) would be allowed under the proposed zoning district (AG-II-100). Rezoning the parcel would also facilitate permitting for new agricultural or other types of development. Therefore, the project is in the interest of the general community welfare.

3.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

State law requires zoning ordinances to be consistent with the comprehensive plan. The subject parcel is designated Agriculture II, 100-acre minimum lot area (A-II-100) under the County Comprehensive Plan. The request would rezone the subject parcel from the antiquated 100-AG zoning district under Ordinance 661 to the modern AG-II-100 zoning district under the LUDC. The AG-II-100 zoning district is consistent with the objectives, policies and general land uses in the A-II-100 plan designation. Therefore, the proposed rezone is consistent with this finding.

3.1.3 The request is consistent with good zoning and planning practices.

The subject parcel is currently zoned under Ordinance 661. In 1983, the County replaced Ordinance 661 with Article III, which was replaced with the County Land Use & Development Code in 2007. However, the subject parcel and numerous other parcels in rural areas are still subject to the outdated Ordinance 661.

The request would replace the existing antiquated zoning in Ordinance 661 with the modern zoning in the LUDC. This will help implement a uniform and up-to-date zoning ordinance

throughout the inland area. The benefits of the proposed rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays. In addition, the property owner would enjoy full use of the parcel consistent with similar parcels in other areas of the county that are already subject to the LUDC. Therefore, the proposed rezone is consistent with this finding.

ATTACHMENT E: LOT LINE ADJUSTMENT CONDITIONS OF APPROVAL

1. This Lot Line Adjustment is based upon and limited to compliance with the project description, the hearing exhibit marked Exhibit #1, dated February 27, 2008, and 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.

The project description is as follows:

The project is to adjust the lot lines between two legal, non-conforming parcels as to size, situated off of West Camino Cielo Road and west of Refugio Road. Existing Parcel A (APN 081-040-049) is 44.20 acres in size. Existing Parcel B (APN 081-040-047) is 20.00 acres in size. Parcel B is currently developed with a single family dwelling, a driveway, a private water well, and a private septic system. Parcel A is undeveloped, but a private water well and test wells and borings for a septic system have been installed in order to make the required findings for the Lot Line Adjustment.

If approved, the Lot Line Adjustment will result in two lots of approximately the same sizes as the existing lots. Proposed Lot 1 will be 20.0 gross acres (19.29 net acres), and proposed Lot 2 will be 44.20 gross acres (43.31 net acres). The existing single-family residence and appurtenant development will be located on Lot 1. Lot 2 will be vacant, with a private water well and dry wells.

Development envelopes are located on each reconfigured lot. The configurations of the development envelopes have been reviewed by P&D staff to ensure that each is located in an area that avoids or minimizes impacts to the native vegetation onsite, and avoids steep slopes. The development envelope on proposed Lot 1 would be approximately 1.0 acre in size and would contain the existing residence. The development envelope on proposed Lot 2 would be approximately 0.70 acres in size.

The application involves Assessor's Parcel Nos. 081-040-047 and 081-040-049 located at 2375 Refugio Road in the Goleta area, Third Supervisorial District.

2. The Planning Commission has determined a development envelope is necessary to identify the location and limit the area of all ground-disturbance activities, except required vegetation removal as part of the Fire Protection Plan, and to protect on-site resources. **Project Applicability:** Development envelopes shall be restricted to those areas shown on Exhibit 1, dated February 27, 2008, to avoid impacts to steep slopes and native vegetation. No development or earth disturbance shall occur outside of these areas, except for that required for the installation and maintenance of water wells, septic dry wells, driveways, and any retaining walls necessary to construct the driveways as approved by Planning & Development (P&D). Construction equipment operation shall be confined to the approved development envelopes. Development envelope boundaries shall be staked in the field. 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 recorded on the final map. This condition shall be recorded with the lot line adjustment 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 the start of grading or structural development.

MONITORING: During plan check, the planner shall ensure that all restricted ground disturbance, grading, and construction is confined to approved envelopes and in approved areas as noted above. Staking shall be checked during pre-construction meeting. P&D grading inspectors and 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.

3. Two copies of the document that will be recorded to effectuate the Lot Line Adjustment and any 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 clearance for recordation to the County Surveyor.
4. Prior to recordation of the lot line adjustment and subject to P&D 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 lot line adjustment. 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. For any subsequent development on any parcels created by the project, each set of plans accompanying a Land Use Permit shall contain these conditions.
5. The lot line adjustment 05LLA-00000-0009 shall expire three years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act, Government Code §66452.6.
6. The following language shall be included on the deeds arising from the lot line adjustment:

This deed arises from the lot line adjustment 05LLA-00000-00009 and defines a single parcel within the meaning of California Civil Code §1093. Any document used to record the lot line adjustment shall include a statement that the document arises from a lot line adjustment that is intended to identify two legal parcels.
7. Prior to Filing of a Record of Survey or other documents used to record the Lot Line Adjustment, the applicant shall pay all applicable P&D permit processing fees in full.
8. A notice of the Lot Line Adjustment shall be recorded with the deed of each property to be adjusted. Said notice shall include the following:
 1. Legal description for each adjusted parcel, and
 2. Statement of the findings and conditions approving the Lot Line Adjustment.
9. Recordation of the Lot Line Adjustment and approval of future Land Use Permits shall be in compliance with the following Departmental Letter:
 - a. Santa Barbara County Fire Department letter dated July 7, 2005 and updated on January 16, 2008

10. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain Land Use and Building Permits from Planning and Development. These permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Zoning Administrator. 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.
11. The applicant shall hire a P&D-qualified biologist to evaluate all proposed native tree and vegetation removals within 25 feet of potential ground disturbances, including disturbances during construction for the storage of construction materials and disturbances required by the County Fire Department as part of the Fire Protection Plan. The biologist report shall present biologically favorable options for access roads, utilities, drainage and structure placement taking into account native tree and shrub species, age, and health with preservation emphasized. All development and potential ground disturbances shall be designed to avoid the maximum number of natives possible.
Plan Requirements and Timing: Prior to approval of Land Use Permits the applicant shall submit the above report to P&D for review and approval. Recommendations in the report shall be incorporated into the project prior to approval of Land Use Permits.

MONITORING: P&D shall check all plans for incorporation of recommendations and shall site inspect as appropriate.

12. In order to protect existing native vegetation, specifically, Refugio Manzanita (*Arctostaphylos refugioensis*), and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree and manzanita protection and replacement plan. No ground disturbance including grading for buildings, accessways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree or Refugio Manzanita unless specifically authorized by the approved tree and Manzanita protection and replacement plan. The tree and manzanita protection and replacement plan shall include the following:
 - a. An exhibit showing the location, diameter and critical root zone of all native [and specimen] trees and Refugio Manzanitas located onsite.
 - b. Fencing of all trees to be protected at or outside of the critical root zone, and protective fencing for onsite Refugio Manzanitas. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating “tree and Manzanita protection area” at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree and Manzanita protection exhibit, shall be installed prior to land use permit issuance and shall remain in place throughout all grading and construction activities.
 - c. The tree and Manzanita protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree, or impact the root zone of onsite Refugio Manzanitas. All encroachment is subject to review and approval by P&D.
 - d. Construction equipment staging and storage areas shall be located outside of the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.

- e. All proposed utility corridors and irrigation lines shall be shown on the tree and Manzanita protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shall be shown on the tree and Manzanita protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all protected trees and Refugio Manzanitas unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
- i. No permanent irrigation shall occur within the critical root zone of any native [or specimen] tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- j. Only trees designated for removal on the approved tree and Manzanita protection plan shall be removed.
- k. Any protected trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone) shall be replaced on a 10:1 (15:1 for blue oak trees) basis with 1 gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to certificate of occupancy and irrigated and maintained until established (five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.
- l. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 (15:1 for blue oak trees) 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 a Land Use Permit, the applicant shall submit grading plans, building plans and the tree and Manzanita protection and replacement plan to P&D for

review and approval. All aspects of the plan shall be implemented as approved. Prior to issuance of Land Use Permits, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D to guarantee tree and Refugio Manzanita replacement. **Timing:** 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: P&D shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree and Manzanita protection and replacement measures. Release of performance security requires P&D staff signature.

13. Excavation work within or adjacent to sensitive habitats including native trees and the Refugio Manzanita (*Arctostaphylos refugioensis*) shall be avoided to the maximum extent feasible. Where excavation must be performed within sensitive areas (as determined by P&D), it shall be performed with hand tools only. If the use of hand tools is deemed infeasible by P&D, excavation work may be authorized by P&D to be completed with rubber-tired construction equipment weighing five tons or less. If significant large rocks are present, or if spoil placement will impact surrounding trees, then a small tracked excavator (i.e., 215 or smaller track hoe) may be used as determined by P&D staff. **Plan requirements:** The above measure shall be noted on all grading and construction plans.

MONITORING: P&D shall ensure compliance on site during construction.

14. 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 attack, set aside, void, or annul, in whole or in part, the County's approval of the Lot Line Adjustment 05LLA-00000-00009. 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.
15. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for in section 66499.37, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the Zoning Administrator and no approval shall be issued unless substitute feasible mitigation conditions/measures are imposed.
16. In the event archaeological remains are encountered during grading for future development, 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 applicant. **Plan Requirements/Timing:** This condition shall be printed on all building and grading plans.

MONITORING: P&D shall check plans prior to issuance of Land Use Permits and shall spot check in the field.

Memorandum



Date: January 16, 2008

To: Selena Buoni
Planning & Development
Santa Barbara

From: Glenn Fidler, Inspector
Fire Department

Subject: APN: 081-040-047/049; Case #: 05LLA-00009
Site: 2375 Refugio Road, Gaviota
Project Description: Lot Line Adjustment

*This Memorandum Supersedes the Previous Memorandum Dated July 7, 2005
Changes to Stored Water, Propane, Knox Box*

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

**PRIOR TO MAP RECORDATION
THE FOLLOWING CONDITIONS MUST BE MET**

1. All access ways (public or private) shall be installed and made serviceable. Roadway/driveway plans shall be submitted to the fire department for approval.

Access to this project shall conform to Santa Barbara County Private Road and Driveway Standard #1. Dead end access roads shall terminate with a fire department approved turnaround.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.

Driveway shall have a minimum width of 12 feet. Driveways serving one residential dwelling are required to have a minimum width of 12 feet. Driveways serving two residential dwellings are required to have a minimum width of 16 feet. Driveways serving three to nine residential dwellings are required to have a minimum width of 20 feet. If any future development is planned for this parcel or will be served by this driveway, the applicant is encouraged to coordinate these standards into their plans and with other interested parties.

No portion of the driveway shall have a grade that exceeds 12 percent. Any portion of the driveway with a grade exceeding 10 percent shall be paved.

GENERAL NOTICE

2. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit (HMU) at 686-8170 if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU.

PRIOR TO ERECTION OF COMBUSTIBLE BUILDING MATERIALS THE FOLLOWING CONDITIONS MUST BE MET

3. Because the proposed project is located within the mapped boundaries of the High Fire Hazard Zone of Santa Barbara County, a Vegetation Management Plan is required. Refer to Santa Barbara County Fire Department Development Standard #6.

Special provisions of the Building Code will apply. These provisions will influence both the design of the project and the type of building materials that may be utilized. Please refer to the Santa Barbara County Building and Safety Division for details.

Note: Owners of property located within a designated "Very High Fire Hazard Severity Zone" are required by state law (Public Resources Code, Section 4291) to create a firebreak of 100 feet (or to the property line, whichever is nearer) around any structures on their property. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any dwelling or structure.

4. Plans for a stored water fire protection system shall be submitted and approved by the fire department. After plans have been approved, the stored water system shall be installed and made serviceable prior to erection of combustible building materials.
5. A Knox entry system shall be installed at the existing gate which accesses the property immediately off of Refugio Road. Plans shall be submitted to the fire department for approval prior to installation.

PRIOR TO OCCUPANCY CLEARANCE
THE FOLLOWING CONDITIONS MUST BE MET

6. Propane tanks shall be installed per Article 82 of the California Fire Code.
7. Building address numbers must be a minimum height of three (3) inches and a color contrasting to the background color. The address number shall be elevated at least three (3) feet from the ground for clear visibility and easy directional identification. The numbers shall be visible from the access road when traveling in either direction. If the driveway is over 150 feet in length or the building is obstructed from view at the access road, numbers shall be posted at any driveway and road intersections as is necessary.
8. Santa Barbara County Fire Department fire sprinkler system requirements shall be met. Fire sprinkler system plans shall be approved prior to installation. Location of any fire department connection shall be determined by the fire department.
9. Payment of development impact fees is required. The fees shall be computed on each new building, including non-habitable spaces.

Fees will be calculated as follows:

Mitigation Fee at \$.10 per square foot

These conditions apply to the project as currently described. Future changes, including but not limited to further division, change of occupancy, intensification of use, or increase in hazard classification, may require additional mitigation to comply with applicable development standards in effect at the time of change.

As always, if you have any questions or require further information please call 681-5500.

GF:reb



c: Price & Associates, 3200 Serena Ave., Carpinteria, CA 93013
APN/Chron