



COUNTY OF SANTA BARBARA CALIFORNIA

MONTECITO PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU STREET
SANTA BARBARA, CALIFORNIA 93101-2058
PHONE: (805) 568-2000
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November 19, 2021

Ginger Anderson
Stantec
111 E. Victoria Street
Santa Barbara, CA 93101

MONTECITO PLANNING COMMISSION
HEARING OF NOVEMBER 17, 2021

RE: Miradero Lot Split; 19TPM-00000-00006

Hearing on the request of Gregg Crawford, Property Owner and Applicant, to consider Case No. 19TPM-00000-00006 for approval of a Tentative Parcel Map in compliance with County Code Chapter 21 to reconfigure two legal lots of 15.238 and 1.703 acres into three legal lots of 5.637, 5.341, and 5.962 acres, on property zoned 5-E-1; and to determine the project is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15315. The application involves Assessor Parcel No. 007-050-032, located at 809 Park Lane, in the Montecito area, First Supervisorial District. (Continued from 4/21/21, 6/16/21, and 9/15/21)

Dear Ms. Anderson:

At the Montecito Planning Commission hearing of November 17, 2021, Commissioner Keller moved, seconded by Commissioner Pulice and carried by a vote of 5 to 0:

1. Make the required findings for approval of the project specified in Attachment A of the staff report dated August 19, 2021, including CEQA findings.
2. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Section 15315, included as Attachment C of the staff memorandum dated November 9, 2021.
3. Approve the Tentative Parcel Map (19TPM-00000-00006) subject to the conditions included as Attachment B of the staff memorandum dated November 9, 2021, and as revised at the hearing of November 17, 2021 to modify the Conditional Offer to Dedicate to reflect that it would be triggered if any portion of the property is sold.

The attached findings and conditions reflect the Montecito Planning Commission's actions of November 17, 2021.

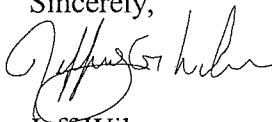
The action of the Montecito Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Montecito Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Montecito Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, November 29, 2021 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$709.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

A protest of mitigation fees imposed pursuant to Conditions 12 and 13 of Attachment B of this Action Letter may be filed pursuant to Government Code Section 66020(a). The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations, or other exactions to be imposed on a development project. The Applicant is hereby notified that the 90-day approval period in which the Applicant may protest has begun.

Sincerely,



Jeff Wilson

Secretary to the Montecito Planning Commission

cc: Case File: 19TPM-00000-00006
Montecito Planning Commission File
Montecito Association, P.O. Box 5278, Montecito, CA 93150
Applicant: Gregg Crawford, c/o John F. Warda, 327 Roosevelt Way, San Francisco, CA 94114
County Chief Appraiser
County Surveyor
Montecito Fire Protection District
Flood Control
Community Services Department
Das Williams, First District
Commissioner Keller
Commissioner Senauer
Commissioner Kupiec
Commissioner Pulice
Commissioner Miller
Brian Pettit, Deputy County Counsel
Travis Lee, Planner

**Attachments: Attachment A – Findings
Attachment B – Conditions of Approval**

JW/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Montecito Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315. Please see Attachment C, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1.1 TENTATIVE MAP FINDINGS

A. *The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:*

1. *Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.*

The Montecito Planning Commission finds that the proposed project does not require any easements across County streets and therefore, this finding is not cause for disapproval. Access is provided from Park Lane, a public road.

2. *Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street;*

The Montecito Planning Commission finds that adequate ingress and egress is provided for the proposed parcels from Park Lane and therefore this finding is not cause for disapproval. The Montecito Fire Protection District reviewed the project and stated that the project complies with their development standards [email correspondence with Battalion Chief Aaron Briner dated December 11, 2019]. None of the lots resulting from the parcel map will become landlocked.

3. *Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view;*

The Montecito Planning Commission finds that the subject property, consisting of two legal lots, is relatively flat with slopes of less than 20% and therefore the project will not create unsafe or unattractive grading cuts or fills and this finding is not cause

for disapproval.

4. ***Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors;***

The Montecito Planning Commission finds that no grading or construction work has occurred, nor is any proposed or required for any street or buildable area prior to recordation of the map, and therefore, this finding is not cause for disapproval.

5. ***Potential creation of hazard to life or property from floods, fire, or other catastrophe;***

The Montecito Planning Commission finds that the project will not create any hazard associated with flooding, fire, or other catastrophe and therefore, this finding is not cause for disapproval. The County Flood Control District and the Montecito Fire Protection District reviewed the subdivision and found that the proposed project meets their respective development standards [email correspondence with Battalion Chief Aaron Briner dated December 11, 2019 and Flood Control/Project Clean Water Condition Letter dated January 8, 2020].

6. ***Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;***

The Montecito Planning Commission finds that as described in Section 6.2 of the staff report dated August 19, 2021, incorporated herein by reference, the project conforms to the County's Comprehensive Plan including the Montecito Community Plan and therefore this finding is not cause for disapproval. The subdivision will not conflict with or impact the alignment or condition of any state highway.

7. ***Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1;***

The Montecito Planning Commission finds a majority of the parcels created will not have a depth to width ratio in excess of 3:1. Proposed Parcel 1 has a depth to width ratio of 2.23:1 and proposed Parcel 3 has a depth to width ratio of 2.07:1. Proposed Parcel 2 is a flag lot shape in order to provide access to the proposed parcel and will not meet this requirement. However, not including the driveway access portion yields a depth to width ratio of 1.77:1. Since the lot is an odd shape to provide access while avoiding Environmentally Sensitive Habitat (Coast Live Oak Woodland), the tentative parcel map may be approved given the circumstances.

8. ***Subdivision designs with lots backing up to watercourses.***

The Montecito Planning Commission finds the subdivision is not located adjacent to any watercourse, and therefore, this finding is not cause for disapproval.

- B. ***A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.***

The Montecito Planning Commission finds that as described in Section 6.2 and 6.3 of

this staff report dated August 19, 2021, incorporated herein by reference, the project conforms to the requirements of the Comprehensive Plan, including the provisions of the applicable zoning ordinance, the Montecito Land Use and Development Code, and the Montecito Community Plan and therefore this finding is not cause for disapproval. The project conforms to all requirements of the Chapter 21 Subdivision Regulations for a Tentative Parcel Map.

2.1.3 SUBDIVISION MAP ACT FINDINGS

A. *Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for Miradero Lot Split 19TPM-00000-00006:*

- 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.***

The Montecito Planning Commission finds that the design of the subdivision will provide for future passive or natural heating or cooling opportunities. The existing property (two legal lots) is currently developed and no development is proposed at this time. Given the size of the proposed parcels (5-acre minimum) and building envelopes (1.83 and 1.34 acres respectively), there is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site for future residential development.

- 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 §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.***

The Montecito Planning Commission finds the project is consistent with all applicable policies of the County's Comprehensive Plan, including the Montecito Community Plan, as discussed in Section 6.2 of the staff report dated August 19, 2021, herein incorporated by reference. Adequate ingress/egress and infrastructure services are available to serve all parcels. The parcel sizes are consistent with those of the surrounding area and any future development will be required to be compatible with neighboring land uses.

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

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

The Montecito Planning Commission finds the project is consistent with all applicable policies of the County Comprehensive Plan including the Montecito Community Plan, as described in Section 6.2 and 6.3 of the staff report dated August 19, 2021, herein incorporated by reference, and therefore, this finding is not cause for disapproval.

- b. *The design or improvement of the proposed subdivision is not consistent***

with applicable general and specific plans.

The Montecito Planning Commission finds that, as discussed in Sections 6.2 and 6.3 of the staff report, dated August 19, 2021 and incorporated herein by reference, the project as conditioned is consistent with all applicable policies of the Comprehensive Plan, including the Montecito Community Plan, and therefore, this finding is not cause for disapproval.

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

The Montecito Planning Commission finds that the site is physically suitable for the type of development proposed and therefore this finding is not cause for disapproval. No structural development is proposed as part of the TPM. The subdivided parcels are physically suitable for residential development. Future development will have adequate access from Park Lane either directly or via access easements. Future development will require approval from Montecito Water and Sanitary to provide public services, and the proposed parcels will be zoned E-1 which is a residential use compatible with the surrounding parcels. The property is zoned 5-E-1 and since the 16.9-acre property will be divided into lots of 5.62, 5.34, and 5.93 acres, the proposed parcels will exceed the minimum 5-acre parcel size requirement of the zone district. The property has an average slope of less than 15% and lacks constraints such as watercourses. 1.42 acres of Coast Live Oak Woodland exists as Environmentally Sensitive Habitat outside of the proposed building envelopes and along the outside edge of existing driveways and proposed driveway easements, and individual oak trees exist on the property but none are expected to be affected by this project.

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

The Montecito Planning Commission finds that the site is physically suitable for the proposed density of development and therefore this finding is not cause for disapproval. Although no residential development is proposed as part of the TPM, the subdivided parcels are adequate in size and shape to accommodate future development in compliance with the zoning requirements of the 5-E-1 zone district. Since the 16.9-acre property will be divided into lots of 5.62, 5.34, and 5.93 acres, the proposed parcels will exceed the minimum 5-acre parcel size requirement of the 5-E-1 zone district. Adequate public and private services will be available to serve future development.

e. 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.

The Montecito Planning Commission finds that the design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat and therefore this finding is not cause for disapproval. As discussed in Section 6.2 of the staff report dated August 19, 2021, and incorporated herein by reference, the project site supports 1.42 acres of Coast Live Oak Woodland and individual oak trees throughout the property. No development is currently proposed and the project is conditioned to ensure the Coast Live Oak Woodland and individual trees are protected from future residential development. All Coast Live Oak

Woodland exists beyond the proposed building envelope boundaries and the project is conditioned to prohibit development and non-native landscaping within 25 feet of the Coast Live Oak Woodland (Attachment B, Condition No. 6). The proposed project does not include structural development, tree removal, or native vegetation removal.

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

The Montecito Planning Commission finds that the creation of three new lots that meet the minimum parcel size requirements for the zone district to accommodate future residential development in a residential area is not likely to cause public health problems and therefore this finding is not cause for disapproval. All parcels will have adequate public services to serve future residential development, including water supply, sanitation, and fire access.

g. 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.

As discussed in Section 6.2 of this staff report dated August 19, 2021, and incorporated herein by reference, the Montecito Planning Commission finds that the existing Wiman and Old Pueblo trails allows the public access through proposed Parcels 2 and 3, and that no development is proposed that will conflict with continued use of these trails, which are located approximately 50 feet outside the proposed building envelopes at their closest point and away from proposed driveway access easements. Therefore, this finding is not cause for disapproval.

State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds 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, and if the legislative body finds that the land is subject to any of the following:

- h. A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.***
- i. An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).***
- j. An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.***
- k. A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.***

The Montecito Planning Commission finds the subdivision is zoned 5-E-1 and is not

designated for agricultural use and there are no Williamson Act contracts, or open space or agricultural conservation easements, encumbering the property, and therefore, this finding is not cause for disapproval.

4. ***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 Montecito Planning Commission finds that the proposed subdivision will not discharge waste into an existing community sewer system in violation of existing requirements and therefore, this finding is not cause for disapproval. The project is located within the Montecito Sanitary District boundary. The Montecito Sanitary District letter dated November 12, 2019 states that the District has no objection to the recording of this TPM if the 20-foot sewer easement within East Mountain Drive and proposed Lot 2 remain free of any structures, walls, trees, or anything deemed detrimental to the sewer main or access to it. Adequate sewage services are available to serve the proposed lots.

ATTACHMENT B: CONDITIONS OF APPROVAL

Project Description

- 1. Proj Des-01 Project Description:** This Tentative Parcel Map is based upon and limited to compliance with the project description, the approved plans, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

This project is a request for a Tentative Parcel Map to reconfigure two existing legal lots (15.238 and 1.703 acres respectively) and subdivide into three legal lots. No new structural development is proposed as part of this project. Building envelopes are proposed on Proposed Lots 2 and 3. The proposed lot sizes are as follows:

- o Proposed Parcel 1 will be 5.62 acres in size and retain the existing structural development;
- o Proposed Parcel 2 will be 5.34 acres with a building envelope of 1.83 acres (79,776 sf);
- o Proposed Parcel 3 will be 5.93 acres with a building envelope of 1.34 acres (58,493 sf).

Access will be provided from Park Lane. Proposed Parcel 2 and 3 will be accessed from Park Lane via proposed driveway easements through Parcel 1 following existing improved and unimproved driveways.

Portions of the Wiman Trail and Old Pueblo Trail occur on the property and would remain open for public use consistent with an existing Consent. As part of the proposed project, the applicant is proposing an Offer to Dedicate (OTD) for a public trail easement along the existing Wiman Trail and Old Pueblo Trail for pedestrian, bicycle, and equestrian use. The OTD could be accepted by the County under two circumstances: 1) the property is sold, or 2) the existing Consent to Use of Land is revoked. The proposed OTD is included herein by reference and would be recorded prior to or concurrently with the Parcel Map.

The property is currently served by the Montecito Water District, Montecito Sanitary District, and the Montecito Fire Protection District. The property consists of two lots totaling 16.9 acres zoned 5-E-1 and shown as Assessor's Parcel Number 007-050-032, located at 809 Park Lane in the Montecito Area, First Supervisorial District.

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.

2. **Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and 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 thereto. 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.

Conditions By Issue Area

3. **Bio-01 Tree Protection Without Tree Protection Plan:** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all oak trees.
 - a. Prior to the Issuance of a permit for grading or construction, all oak trees shall be fenced at least six feet beyond the dripline. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.
 - b. No tree removal or damage is authorized. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
 - c. To help ensure the long term survival of oak trees, no permanent irrigation systems are permitted within six feet of the dripline of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans.

TIMING: This condition shall be printed on project plans submitted for Land Use Permit approval and shall be recorded with the final map, and installed prior to Grading or Building Permit issuance.

MONITORING: P&D compliance monitoring staff shall review plans and confirm fence installation. Compliance staff shall conduct site inspections to ensure compliance during grading and construction.
4. **Bio-07 Habitat Setback:** All development and non-native landscaping will be prohibited within a 25-foot setback from the edge of mapped Coast Live Oak Woodland as depicted on Tentative Parcel Map 14,845. No grading or other site

preparation activities shall be allowed within 6 feet of the oak woodland. Only native landscaping compatible with the native oak woodland shall be permitted within this buffer area. In the event that the existing access driveways are required to be widened to meet Montecito Fire Protection District requirements, they shall be widened on the inside edge such that there is no further encroachment into the coast live oak woodland than what currently exists.

PLAN REQUIREMENTS: The habitat area and required buffers shall be shown on all plans submitted for future residential development. The buffer area shall be staked or fenced in the field during construction to ensure the habitat area is protected during construction.

TIMING: P&D shall confirm compliance with this condition prior to Land Use Permit approval for future residential development.

MONITORING: P&D compliance monitoring staff shall perform site inspections throughout the construction phase and the Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved plans prior to Final Building Inspection Clearance.

5. **CulRes-07 Cultural Resource Monitor:** The Owner/Applicant shall have all earth disturbances including scarification and placement of fill within 100 feet of the newly discovered cultural resources on Parcel 3 monitored by a P&D approved archaeologist and a Native American consultant in compliance with the provisions of the County Archaeological Guidelines.

TIMING: Prior to Issuance of a Land Use Permit for development, the Owner/Applicant shall submit for P&D review and approval, a contract or Letter of Commitment between the Owner/Applicant and the archaeologist, consisting of a project description and scope of work, and once approved, shall execute the contract.

MONITORING: The Owner/Applicant shall provide P&D compliance monitoring staff with the name and contact information for the assigned onsite monitor(s) prior to grading/building permit issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and Native American consultant and P&D grading inspectors shall spot check field work.

6. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant. **PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans. **MONITORING:** P&D permit processing planner shall check plans prior to Issuance of grading or building permits and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

Permit Specific Conditions

7. **Map-01 Maps-Info:** Prior to recordation of the tentative map and subject to P&D approval as to form and content, the Owner/Applicant shall include all of the mitigation measures, conditions, agreements and specific plans associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Parcel Map. All applicable conditions and mitigation measures of the project shall be printed on grading and/or building plans and shall be graphically illustrated where feasible.
8. **Map-01a Maps-Future Lots:** Any lot created by the recordation of this Tentative Map is subject to the conditions of this Tentative Map during any future grading or construction activities and during any subsequent development on any lot created by the recordation of this Tentative Map, each set of plans accompanying any permit for development shall contain the conditions of this Tentative Map.
9. **Map-01b Maps-Not Retroactive:** If Land Use Permits are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
10. **Map-04 TPM, TM, LLA Submittals:** Prior to recordation of the Final Map, the Owner/Applicant shall submit a Final Map prepared by a licensed land surveyor or Registered Civil Engineer to the County Surveyor. The Map shall conform to all approved exhibits, the project description and conditions of approval as well as all applicable Chapter 21-Land Division requirements, as well as applicable project components required as part of recorded project conditions.
11. **Map-09 Access Easement:** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve an access easement over Lot 1 in favor of Lot 2 and an access easement over Lot 1 in favor of Lot 3 at the time of conveyance of either parcel. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.

County Rules and Regulation

12. **DIMF-24e DIMF Fees-Parks:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. TIMING: Parks DIMFs shall be paid to the County Parks Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
13. **DIMF-24g DIMF Fees-Transportation:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by

adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 14. Rules-01 Effective Date-Not Appealable to CCC:** This Tentative Parcel Map shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [MLUDC §35.472.020].
- 15. Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 16. Rules-06 Recorded Map Required:** Tentative Map 14,845 shall be recorded prior to Approval of any permits for development, including grading.
- 17. Rules-19 Maps/LLA Revisions:** If the unrecorded Tentative Parcel Map is proposed to be revised, including revisions to the conditions of approval, the revisions shall be approved in the same manner as the originally approved Tentative Parcel Map.
- 18. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
 1. Parks Department dated July 22, 2021;
 2. Montecito Water District dated January 9, 2020;
 3. Montecito Sanitary District dated November 12, 2019
 4. Flood Control and Project Clean Water dated January 8, 2020.
- 19. Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 20. Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
- 21. Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If

the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.