

## ATTACHMENT 3: CONDITIONS OF APPROVAL

### **I. Project Description:**

1. This final development plan [98-DP-023] is based upon and limited to compliance with the project description, Planning Commission Exhibit 1 (Final Development Plan including grading plan, landscape plans, floor plans and elevations) and conditions of approval set forth below. Any deviations from the project description or the conditions must be reviewed and approved by the Director of P&D for conformity with this approval. Deviations may require modification 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:

**Hearing on the request of Mr. Leo Evans, to consider Case number 98-DP-023 [application filed August 25, 1998] for approval of a Final Development Plan under the provisions of Article III of the DR 3.3 Zone District, to construct 32 (2, 3 and 4 bedroom) townhouse condominiums on previously recorded lots (TM12,414) and one common lot.**

**A total of four buildings (one 8 unit, one 6 unit, and two 9 unit) would make up the total proposed structures. The size of the units would range from 1,671 sq. ft. (2 bedrooms) to 1,810 sq. ft. (3 bedrooms) and all units would have an attached two car garage. The maximum height of the two story buildings would be 30.5 feet. The structures would cover 25.2% (35,220 sq. ft.) of the total 3.21 acre site.**

**The proposed population of the project would be approximately 137 residents. A total of 82 parking spaces would be provided for a ratio of 2.56 spaces per unit.**

**Open space and landscaping on the property would cover 40.7% of the site for a total of 57,026 sq. ft. Amenities (barbecues, benches, picnic tables) would be provided in the common areas.**

**Water and sewer services are to be provided by the Golden State Water Company and Laguna County Sanitation District (LCSD), respectively. Fire protection service for the site would be provided by Santa Barbara County, Station #22.**

**Public roadway access would come from Hummel Road, to two proposed private drives (24 ft. wide) that provide access to the residential driveways. Drainage for the site would be directed toward an existing retention basin. The project corresponds to Phase IV of the original Northpoint Village Development.**

**The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the conditions of approval hereto. All plans submitted for review and approval shall be implemented as approved.**

## II. Mitigation Measures from Environmental Document

### Air Quality:

2. Dust generated by the development activities shall be retained on site and kept to a minimum by following the dust control measures listed below.
  - a) During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b) After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.
  - c) 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.
  - d) All areas not proposed for immediate development (e.g. within two weeks) shall be seeded or treated with soil binders to prevent soil erosion or dust generation.
  - e) Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
  - f) Trucks transporting soil, sand, cut or fill materials to or from the site shall be tarped from the point of origin.
  - g) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary, to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

**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 onsite. APCD inspectors shall respond to nuisance complaints

### Noise:

3. **Construction Hours.** The Owner /Applicant, all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. **Plan Requirements:** The applicant shall provide and post two signs stating these restrictions at construction site entries. **Timing:** Signs shall be posted prior to commencement of construction and maintained throughout construction. **Monitoring:** The applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints
4. Proposed construction methods and materials shall provide a noise reduction factor of not less than 20 dB (A) in all interior habitable living areas.

**MONITORING:** Construction plans shall be reviewed by the Building and Safety Division to determine that proposed construction methods and materials shall provide a noise reduction factor of not less than 20 dB(A) in all interior habitable areas.

### **Water Resources:**

5. Landscaping with low water-use, drought tolerant plants, shall comprise at least 75% of all new landscaping and lawn areas shall be minimized. Drought tolerant natives and/or Mediterranean type landscape screening, with sufficient trees as determined by Planning and Development staff, shall be included in the landscape plan and planted on the site. The vegetation shall be staggered and shall be situated to blend with natural habitats and to screen the effects of grading and paving. The applicant shall submit three copies of a final landscape plan for all 32 units to P&D for review and stamped approval prior to issuance of a Zoning Clearance for residential construction. Performance security shall be posted with the County, for plant installation, water-conserving irrigation, and 3-year maintenance prior to issuance of a land use permit for residential construction. However, if the development is phased, the applicant shall post sureties for the balance of the units prior to issuance of building permits. The surety shall guarantee compliance with the provisions below:
  - a. Installation of landscaping, irrigation, timers, walls, fencing and amenities in accordance with the approved landscape plan prior to occupancy clearance; and
  - b. Two performance securities shall be provided by the applicant prior to land use clearance for residential construction, one equal to the value of installation and/or replacement of all items listed in section a. above (labor and materials) and one equal to the value of maintenance of the items listed in section a. for three years. These amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or a modification to the plan. The installation security shall be released upon satisfactory installation of all items in section a. If plants and irrigation (and/or any items listed in section a. above) have been established and maintained, P&D may release the maintenance security 3 years after installation. If applicant fails to either install or maintain according to plan, P&D may collect security and complete work on property.

**MONITORING:** P&D shall review and approve landscape plans. Bonds shall be reviewed by P&D and approved as to form by County Counsel, if necessary. Prior to occupancy, landscaping and irrigation shall be installed and inspected by P&D compliance staff. P&D shall inspect plantings prior to release of both installation and maintenance sureties.

6. Prior to Zoning Clearance for residential construction, the applicant shall provide evidence that an avigation easement has been recorded over each lot in Phase IV.

**MONITORING:** P&D Compliance staff shall verify that the document has been recorded before any permits for structures are issued by this department.

### **III. Project Specific Conditions**

7. **Erosion and Sediment Control Plan.** Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until regraded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The applicant shall submit an Erosion and Sediment Control Plan (ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite.

The Erosion and Sediment control plan shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 ([www.countysb.org/goverment/county ordinance code](http://www.countysb.org/goverment/county_ordinance_code) Chapter 14 14-9 and 14-29 – refer to Erosion and Sediment Control Plan Requirements.) **Plan Requirements:** The grading and erosion and sediment control plan(s) shall be submitted for review and approved by P&D prior to approval of Land Use Permits. The plan shall be designed to address erosion and sediment control during all phases of development of the site until all disturbed areas are permanently stabilized. **Timing:** The plan shall be implemented prior to the commencement of and throughout grading/construction.

8. **Drainage Control.** Drainage shall be consistent with approved drainage plans. Runoff from roof drains and gutter downspouts shall be collected and conveyed to the street or nearest catch basin. **Plan Requirements and Timing:** A drainage plan which incorporates the above and includes a maintenance and inspection program to ensure proper functioning shall be submitted prior to approval of Land Use Permit for site grading by the applicant to P&D and the Flood Control District for review and approval. The plan shall include the location(s) of all proposed pipelines, the entire length of all proposed pipelines, trees located within fifteen feet of the pipeline, pipe diameters, and locations where the pipe(s) would surface in the creek, and amount of water that would flow from each pipeline. The components of the drainage plan shall be implemented as part of the project site grading. Grading inspectors shall monitor technical aspects of grading activities.
9. **Grading in dry season:** The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a Building & Safety approved erosion and sediment control plan is in place and all measures therein are in effect. All exposed graded surfaces shall be reseeded with ground cover vegetation to minimize erosion. **Plan Requirements:** This requirement shall be noted on all grading and building plans. **Timing:** Graded surfaces shall be reseeded within 4 weeks of grading completion, with the exception of surfaces graded for the placement of structures. These surfaces shall be reseeded if construction of structures does not commence within 4 weeks of grading completion. P&D shall site inspect during grading to monitor dust generation and 4 weeks after grading to verify reseeded and to verify the construction has commenced in areas graded for placement of structures.
10. **Seismic Standards.** Structures shall be designed to earthquake standards of the Uniform Building Code Seismic Zone IV. **Plan Requirements and Timing:** Prior to plan check, the applicant shall submit building plans indicating standards to the satisfaction of Building and Safety Division. Building inspectors shall site inspect prior to occupancy clearance.
11. **Archaeological/Cultural Resources Discovery.** In the event that archaeological or palaeontological remains or historical artifacts are uncovered during grading, work shall be stopped immediately or redirected until a County-qualified archaeologist and, as applicable, a Native American representative or historian, are retained by the applicant to evaluate the find pursuant to the County Archeological Guidelines. If a cultural resources site is found, Orcutt Community Plan 95-EIR-01 Mitigation Measures ARCH-1 through ARCH-9 shall apply. **Plan Requirements and Timing:** The developer shall fund all mitigation of resource impacts. This measure shall be printed on all grading and building plans. This measure shall be in effect throughout grading and building.

12. **Trash Storage Area.** A trash storage area shall be installed which is architecturally compatible with the project design. The storage area shall be enclosed with a solid wall of sufficient height to screen the area and shall include a solid gate. All trash bins shall be covered. The trash storage area shall be maintained in good repair. **Plan Requirement:** Location and design of trash storage area shall be denoted on project plans. **Timing:** Trash storage area shall be installed prior to Final Building Inspection Clearance.
13. Prior to Zoning Clearance for the Development Plan, the applicant shall form a Homeowner's Association and record CC&R's that provide for shared maintenance responsibilities by parcels 107-560-001 through 107-560-032 for the private open space area (APN 107-560-033) appurtenant landscaping, subject to approvals from Flood Control, P&D and County Counsel. The CC&R's shall also include by reference responsibilities for all parcels to maintain property in compliance with all conditions of approval for the project. The Homeowner's Association shall pay the existing Northpoint HOA for its share of the repair and maintenance to Northpoint Circle and Parkview North (existing access roads) and the existing Northpoint retention basin used by Phases I-IV; the pro rata share shall be 23% of any such repairs and maintenance.
14. Project grading shall not exceed the limits shown on the preliminary grading and drainage plan. Staff may determine substantial conformity if the final grading plan shows grading volumes that exceed original estimates. **Plan Requirements:** The requirement shall be printed on the grading and construction plan. P&D to review and approve final grading and drainage plans. Grading/Building Inspectors shall monitor technical aspects of the grading activities.
15. Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal (e.g., concrete asphalt). During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. **Plan Requirements:** This requirement shall be printed on the grading and construction plan. Permittee shall provide P&D with receipts for recycled materials or for separate bins. **Timing:** Materials shall be recycled as necessary throughout construction. All materials shall be recycled prior to occupancy clearance. P&D shall review receipts prior to occupancy clearance.
16. **Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site bi-monthly. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources. **Plan Requirements:** The applicant shall designate the P&D approved location on all Land Use and Grading and Building permits.
17. Electrical utilities shall be installed underground.
18. **Orcutt Community Facilities District.** Consistent with the project description and to provide consistency with Orcutt Community Plan Fiscal Policy FSCL-O-2 and Development Standards DevStd FSCL-O-2.2 (new development is required to pay its fair

share of the cost of operation and maintenance of public facilities), DevStd FLD-O-4.2(regional retention basins), DevStd OS-O-7.3 (recreation facilities, landscape medians, open space, trails), and DevStd LIB-O-1.4 (library), and to provide revenue for operations and maintenance of such regional public facilities shown in the Orcutt Community Plan Public Infrastructure Finance Program, prior to land use clearance for grading the permittee shall complete annexation to the existing Community Facilities District unless the Board of Supervisors determines there is an alternative funding mechanism.

19. **Lighting.** The applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m. **Plan Requirements:** The applicant shall develop a Lighting Plan for Permit Compliance staff approval incorporating these requirements and showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture. **Timing:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.

#### IV. Standard Conditions

20. **Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations..
21. **DP Conformance.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit 1, dated July 14, 2010.
22. If the applicant requests a time extension for this project, the project 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. Mitigation fees shall be those in effect at the time of Zoning Clearance approval.

#### V. County Rules and Regulations:

23. **Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. 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.
24. **Acceptance of Conditions.** The 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 applicant.
25. Compliance with Departmental letters required as follows:
  - a. Air Pollution Control District dated August 25, 2006.

- b. Environmental Health Services dated July 31, 1992.
- c. Fire Department dated September 12, 2006.
- d. Flood Control dated October 10, 2006 subject to the revisions made by the Planning Commission to item no. 3 at the October 11, 2006 hearing as follows:  
Repairs and maintenance of the existing Northpoint retardation basin shall be consistent with the required agreement between the applicant and the existing Northpoint HOA.
- e. Roads Division (Public Works) dated July 22, 1992
- f. Park Department dated October 21, 1998 (no conditions).
- g. Santa Maria Airport District dated June 24, 1992.

26. **Plans Requirements.** The 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.
27. **Mitigation Monitoring Required.** The applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the applicant shall:
- 1. 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;
  - 2. Pay fees prior to approval of Land Use Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the 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;
  - 3. Note the following on each page of grading and building plans “This project is subject to Mitigation Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and Mitigation Measures from the Environmental Impact Report 78-EIR-9;
  - 4. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
28. **Fees Required:** Prior to recordation of the map, the applicant shall pay all applicable P&D permit processing fees in full.
29. All applicable Orcutt Community Plan fees shall be paid prior to Zoning Clearance.
30. **Indemnity and Separation.** The 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 the Final Development Plan. 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 .

31. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other 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 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 review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.
32. Title to the Open Space shall be held by a non-profit association of property owners in the subdivision, or to any other individual or entity upon such reasonable times and conditions as the Planning Commission may prescribe, subject to the rights to the develop such property to any other use than Open Space or non-commercial recreation uses shall be conveyed to the County of Santa Barbara.
33. **Contractor and Subcontractor Notification.** The applicant shall ensure that potential contractors are aware of County requirements. Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.