



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Board of Supervisors

FROM: Travis Seawards, Deputy Director, Development Review Division

STAFF CONTACT: Shannon Reese, Planner, email: sreese@countyofsb.org

DATE: May 10, 2022

HEARING DATE: May 10, 2022

RE: SB Clark, LLC Residential Subdivision (Key Site 3)
General Plan Amendment (13GPA-00000-00005), Rezone (13RZN-00000-00001), Vesting Tentative Tract Map (13TRM-00000-00001), Development Plan (13DVP-00000-00010), Road Naming (17RDN-00000-00005)

Should the Board of Supervisors decide to approve the Proposed Project, staff recommends the following actions:

Recommended Actions:

- a) Make the required findings for approval of the project, Case Nos. 13GPA-00000-00005, 13RZN-00000-00001, 13TRM-00000-00001, 13DVP-00000-00010 and 17RDN-00000-00005, as specified in Attachment A to the memo dated May 10, 2022, including CEQA findings.
- b) Certify the Subsequent Environmental Impact Report (14EIR-00000-00007) as modified by the SEIR Revision Letter dated September 1, 2020 (Attachment L to the staff report dated October 15, 2020) and the SEIR Revision Letter Memo dated November 2, 2020 (Attachment P to the memo dated November 3, 2020); and adopt the mitigation monitoring program contained in the conditions of approval for Case Nos. 13TRM-00000-00001, 13DVP-00000-00010 and 17RDN-00000-00005 (Attachments B.1 through B.4 to the memo dated May 10, 2022).
- c) Adopt the ordinance in Attachment S to the memo dated May 10, 2022, to amend the Orcutt Community Plan (OCP), as follows:

- 1) Amend the Comprehensive Plan and Orcutt Community Plan to change the Land Use Designation on the subject parcel from Residential Ranchette to Planned Development; and,
 - 2) Amend Orcutt Community Plan Policy KS3-1, Development Standards DevStdKS3-5, -6, -7, and -10, and the OCP PRT Map;
- d) Adopt the resolution recommending approve a rezone (13RZN- 00000-00001), changing the zone district on APN 129-151-026 from RR-10 to PRD (included as Attachment R to the memo dated May 10, 2022);
- e) Approve Case No. 13TRM-00000-00001 (as amended by the memo dated May 10, 2022, to clarify proposed primary access) subject to the conditions of approval included as Attachment B.1 of the memo dated May 10, 2022;
- f) Approve Case No. 13DVP-00000-00010 (as amended by the memo dated May 10, 2022, to clarify proposed primary access) subject to the conditions of approval included as Attachment B.2 of the memo dated May 10, 2022;
- g) Approve Case No. 17RDN-00000-00005 subject to the condition of approval included as Attachment B.3 of the memo dated May 10, 2022.

Attachments:

- A. Findings for Approval
- B. Conditions of Approval
 - B.1 Conditions of Approval for 13TRM-00000-00001
 - B.2 Conditions of Approval for 13DVP-00000-00010
 - B.3 Conditions of Approval for 17RDN-00000-00005
 - B.4 Departmental Condition Letters
- R. Rezone Ordinance
- S. General Plan Amendment Board Resolution

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

Findings pursuant to Public Resources Code Section 21081 and the California Environmental Quality Act (CEQA) Guidelines Sections 15090 and 15091:

1.1 PROPOSED PROJECT AND ALTERNATIVE 7

The project evaluated in the Final Subsequent EIR (SEIR) (14-EIR-07) involves a Vesting Tentative Tract Map, Comprehensive Plan Amendment, Rezone, and Development Plan entitlements to subdivide the existing parcel into 138 lots and develop 125 single-family residential units on the northern portion of the site. The property is identified as Assessor's Parcel Number (APN) 129-151-026. It is within the Orcutt Community Plan (OCP) area and is referred to as Key Site 3. These project elements are further described in the Final SEIR (14-EIR-07), specifically Section 2.5, *Project Characteristics*.

Based on feedback from the County of Santa Barbara Flood Control District and County Planning and Development staff, the project applicant proposed revisions to the original project consistent with Alternative 7 of the Final SEIR (refer to Section 1.10.7, *Alternative 7: Shifted Density Project Alternative*, herein), including reducing the development footprint and increasing project setbacks from Highway 101 and the gully in the northwestern corner of the property. The proposed project is referred to as a modified Alternative 7 herein because it proposes a reduction in the number of single-family dwellings from 125 to 119 that was not posed by Alternative 7 in the SEIR. A Revision Letter (Attachment L to the staff report dated October 15, 2020, incorporated herein by reference) and a Revision Letter Memo (Attachment P to the memo dated November 3, 2020, incorporated herein by reference) was prepared to update the Final Subsequent EIR (Attachment J to the staff report dated October 15, 2020, incorporated herein by reference) and reflect modifications to the project. Additional discussion of the Revision Letter and the modified Alternative 7 project is included in Finding 1.4, *Revision Letter Included With The Final Subsequent EIR*, incorporated herein by reference.

1.2 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Final SEIR (14-EIR-07), Final SEIR Revision Letter dated September 2020 and subsequent Revision Letter Memo dated November 3, 2020 (together referred to as 'Revision Letter' herein) were presented to the Board of Supervisors ('Board'). All voting members of the Board have reviewed and considered the information contained in the Final Subsequent EIR (14-EIR-07) and its appendices, including the Revision Letter, prior to approval of the modified Alternative 7 project. In addition, all voting members of the Board of Supervisors have reviewed and considered testimony and additional information presented at or prior

to the public hearing. The Final Subsequent EIR and Revision Letter reflect the independent judgment and analysis of the Board of Supervisors and are adequate for this proposal.

1.3 SUBSEQUENT ENVIRONMENTAL DOCUMENT APPROPRIATE (PER CEQA SECTION 15162)

The Board finds that the preparation of a SEIR was permitted under CEQA Section 15162 because the proposed project (modified Alternative 7) will result in one or more significant effects that were not discussed in the Orcutt Community Plan (OCP) Update Final EIR (95-EIR-01). As discussed in Section 6.1 of the Staff Report dated October 15, 2020, substantial changes occurred with respect to the circumstances under which the project is undertaken which would require major revisions to the OCP EIR. As a result, a Final Subsequent EIR has been prepared for the project to evaluate potentially significant impacts, identify mitigation measures to reduce impacts, and analyze alternatives to the proposed project that would avoid or substantially lessen significant impacts. Therefore, the Board of Supervisors finds that a Final SEIR is the appropriate environmental document for this project.

1.4 REVISION LETTER INCLUDED WITH FINAL SUBSEQUENT EIR

The Draft SEIR (SCH #2014061015) for the Orcutt Key Site 3 project was circulated for a 45-day public review period between January and March of 2015. County staff also conducted a public comment hearing regarding the Draft SEIR in February 2015. The Draft SEIR, in combination with comments received and responses to all written and verbal comments, comprise the Final SEIR (14-EIR-07). Based on feedback from the County of Santa Barbara Flood Control District and County Planning and Development staff, the project applicant proposed revisions to the project consistent with Alternative 7 of the Final SEIR (refer to Finding 1.10.7, *Alternative 7: Shifted Density Project Alternative*, incorporated herein by reference). The proposed project is referred to as a modified Alternative 7 herein because it proposes a reduction in the number of single-family dwellings from 125 to 119 that was not posed by Alternative 7 in the SEIR.

A Revision Letter (including the Revision Letter Memo dated November 3, 2020) was prepared to update the Final SEIR to reflect the changes related to modifications to the project. The Revision Letter also provides additional analysis of the environmental impacts that were evaluated qualitatively for Alternative 7 in the Final SEIR. Although no new impacts were identified in the Revision Letter, the Revision Letter includes a new mitigation measure, Mitigation Measure AES-2, which is intended to meet the County's General Plan requirements and to address impacts discussed qualitatively for Alternative 7 in the Final SEIR. Specifically, Mitigation Measure AES-2 requires development of a landscape plan for the buffer zone between onsite residential development and U.S. 101 (refer to Finding 1.7.1, *Project-Specific Aesthetics/Visual Resources Impacts*, incorporated herein by reference). The project revision to include a 200-foot buffer along the eastern side of the project site substantially reduces the change in visual character of the site as viewed from U.S. 101. This

change, in combination with the application of Mitigation Measure AES-2 to require a new landscaping buffer, reduces impacts to visual character below County significance thresholds, eliminating the project-specific significant and unavoidable (Class I) impact to visual character identified in the Final SEIR. Additionally, as is discussed in the Final SEIR Revision Letter (Attachment L to the staff report dated October 15, 2020, incorporated herein by reference), project specific impacts to air quality health risk are reduced to a less than significant level by proposed project revisions outlined in Section 4.1 of the staff report dated October 15, 2020, incorporated herein by reference. Therefore, both project-specific and cumulative regional air quality impacts associated with the modified Alternative 7 project will be less than significant with implementation of required mitigation measures described in the Final SEIR and Revision Letter. Additionally, the project applicant, SB Clark, LLC, and the property owner of the eastern portion of Key Site 2, Maredand, LLC, have tentatively renegotiated the access easement over the eastern portion of Key Site 2 to improve site circulation and accommodate future development of Key Site 2, as is discussed in Attachment P to the Planning Commission memo dated November 3, 2022. The applicant endeavors to obtain a remediated access easement over Key Site 2 in a location comparable to that shown in Attachment P to the Planning Commission memo dated November 3, 2022. In the event that the applicant is unable to obtain and record a renegotiated access easement prior to issuance of a Zoning Clearance for grading, the applicant would utilize their existing access easement over Key Site 2 as shown in Attachment C to the Planning Commission staff report dated October 25, 2020.

Based on local and cumulative analysis conducted in the OCP EIR and Orcutt Key Site 3 Project Final SEIR, as well as the analysis contained in LFR's Key Site 2 Sensitive Species and Habitat Assessment (2006), the Phase I Archaeological Survey for the Orcutt Community Plan (1995), and the Phase I Archaeological Resources Report for Key Site 2 (2005), the relocated road would not result in additional or new environmental impacts than those identified in the existing analysis contained in the OCP EIR, Final SEIR, and the SEIR Revision Letter dated September, 2020.

The Board finds that, based on revisions to the Final SEIR, impacts resulting from implementation of the modified Alternative 7 project will not otherwise result in a change in the levels of impact identified in the existing analysis contained in the Final SEIR. As such, the revisions to that analysis, as well as the requirements of Mitigation Measure AES-2, are incorporated into the SEIR by the Revision Letter, dated September 2020, and may be used to fulfill the environmental review requirements for the modified Alternative 7 project. The information contained therein does not require recirculation pursuant to CEQA Guidelines Section 15088.5.

1.5 FULL DISCLOSURE

The Board finds and certifies that the Final Subsequent Environmental Impact Report (14-EIR-07) prepared subsequent to the OCP Update EIR (95-EIR-01), and as revised in the Revision Letter dated September 2020 and Revision Letter Memo dated November 3, 2020, described in Finding 1.4 (*Revision Letter Included With The Final SEIR*) herein, constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA in accordance with CEQA Section 15162. The Board further finds and certifies that the Final SEIR has been completed in compliance with CEQA.

1.6 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

1.7 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The Final SEIR (14-EIR-07), SEIR Revision Letter dated September 2020, and Revision Letter Memo dated November 3, 2020, for the Orcutt Key Site 3 project, incorporated herein by reference, identify four environmental impacts that cannot be fully mitigated and are therefore considered unavoidable (Class I). These impact areas are the effects of cumulative development on the visual character of the Orcutt area, effects of cumulative development on biological resources (including effects on sensitive habitats and associated with habitat loss), and the effects of cumulative development on wastewater and solid waste services and facilities. The Board finds that, to the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of the Class I impacts identified by the Final SEIR (14-EIR-07), feasible changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect to the maximum extent feasible, as discussed below.

1.7.1 Cumulative Aesthetics/Visual Resources Impacts. The Board finds that no additional mitigation measures are available that will reduce this cumulative Class I significant and unavoidable cumulative impacts to visual character of the Orcutt area to a less than significant level. Potential cumulative impacts to aesthetics/visual resources resulting from the modified Alternative 7 project are greater than those analyzed in the Orcutt Community Plan (OCP) EIR. The proposed residential development of the northern mesa area will alter the predominantly rural aesthetic character of the project site, which serves as a prominent “Gateway Parcel” to the community of Orcutt. Mitigation measures to reduce this impact include the development of architectural and landscape guidelines (MM AES-1(a)), which incorporate the guidance from applicable OCP Development Standards and include clear

criteria and requirements to guide the design, layout, and landscaping of project residential development. In addition, MM AES-1(b) includes measures to require the removal of any graffiti on walls in the project site within 72 hours. Mitigation Measures AES-1(a) and AES-1(b) slightly reduce cumulative impacts to the visual character of the area by requiring the development and implementation of architectural and landscape guidelines, as well as implementation of graffiti cleanup and prevention measures for the project. However, cumulative impacts related to the change in visual character remain significant and unavoidable (Class I) impacts.

1.7.2 Cumulative Biological Resources Impacts. The Board finds that no additional mitigation measures are available that reduce Class I significant and unavoidable cumulative impacts to biological resources to a less than significant level. The OCP EIR found that the planned development of the Orcutt Community Plan area will result in significant and unavoidable (Class I) cumulative impacts to biological resources. Mitigation Measures BIO-1(a) through BIO-1(d), BIO-2(a) through BIO-2(d), BIO-3(a) through BIO-3(e), BIO-4(a) and BIO-4(b), BIO-5(a) through BIO-5(d), and BIO-6(a) through BIO-6(f) included in the SEIR reduce project-specific impacts to biological resources. These mitigation measures require the development of a sensitive habitat restoration plan, open space management plan, lighting, and landscaping plans, agency consultation and coordination, outlet structure usage, designated construction equipment storage areas, development restrictions, fencing, construction best management practices, invasive weed prevention, special status plant and animal surveys, avoidance, and minimization, nesting bird surveys, and development of a Worker Environmental Awareness Program. However, cumulative impacts related to the biological resources remain significant and unavoidable (Class I) impacts.

1.7.3 Cumulative Wastewater Impacts. The Board finds that, beyond the required payment of development impact mitigation fees for potential project-specific impacts to sewer demand and infrastructure needs, no mitigation measures are available that reduce this Class I cumulative impact to a less than significant level. The modified Alternative 7 project will have an average wastewater demand of 0.028 MGD, which is approximately 10% of the projected Orcutt area residential demand, and approximately 4% of the projected total demand.

1.7.4 Cumulative Solid Waste Impacts. The Board finds that no mitigation measures are available that will reduce this Class I significant and unavoidable cumulative impact to solid waste generation to a less than significant level. The modified Alternative 7 project exceeds the 40 ton/year cumulative County threshold for solid waste. As a result, the modified Alternative 7 project will result in significant and unavoidable (Class I) impacts to solid waste generation, and this contribution to solid waste will be cumulatively considerable.

1.8 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL

The Final SEIR (14-EIR-07), SEIR Revision Letter dated September 2020, and Revision Letter Memo dated November 3, 2020, incorporated herein by reference, identify several subject areas for which the modified Alternative 7 project is considered to cause or contribute to significant but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the Final SEIR and Revision Letter, feasible changes or alterations have been required in, or incorporated into, the modified Alternative 7 project which avoid or substantially lessen the significant environmental effect, as discussed below:

- 1.8.1 Aesthetics/Visual Resources.** The Board finds that proposed mitigation and project revisions included in the Revision Letter to describe the modified Alternative 7 project are adequate to reduce project-specific visual resource impacts to a less than significant level. As discussed in the Revision Letter dated September 2020, potentially significant impacts to aesthetics/visual resources could result from the increased density and building heights required to accommodate 119 residential units onsite in a reduced development envelope. Implementation of Mitigation Measure AES-2 within the 200-foot buffer along the U.S. 101 corridor will soften views of the site from U.S. 101 further reducing potential impacts to the visual character of the project site as compared to the original project evaluated in the Final SEIR. This mitigation measure requires the applicant to develop a County-approved landscape plan for the buffer zone between onsite residential development and U.S. Hwy 101 prior to final map recordation. The landscape plan will include predominately drought tolerant native and/or naturalized species that screen development on the site from surrounding land uses and U.S. Hwy 101. As with the original project, there will still be a conflict with the general scale and character of surrounding development to the north and west. Cumulative impacts will remain significant and unavoidable (Class I) as discussed in Finding 1.7.1 herein.
- 1.8.2 Biological Resources.** The Board finds that proposed mitigation is adequate to reduce project-specific impacts to biological resources to a less than significant level. Potentially significant impacts to biological resources resulting from construction and development activities (including construction of the clear span bridge over Orcutt Creek for secondary access) could result in the direct loss of sensitive habitats, including riparian vegetation and associated impacts to Orcutt Creek. Development of the modified Alternative 7 project could also result in impacts to wildlife movement through said loss of habitat and disruption of wildlife corridors. Impacts to wildlife movement have the potential to occur due to the disturbance of habitat by domestic animals, and increased levels of noise, light, and human presence. The modified Alternative 7 project also has the potential to significantly impact sensitive plant and animal species. Mitigation to reduce these impacts is identified in the SEIR as Mitigation Measures BIO-1(a) through BIO-1(d), BIO-2(a) through BIO-2(d), BIO-3(a) through BIO-3(e), BIO-4(a) and BIO-4(b), BIO-5(a) through BIO-5(d), and BIO-6(a) through BIO-6(f).

These measures reduce project-specific impacts to biological resources by requiring development of a sensitive habitat restoration plan, open space management plan, lighting, and landscaping plans. Additionally, the measures reduce project-specific impacts by including requirements for agency consultation and coordination, outlet structure usage, designated construction equipment storage areas, development restrictions, fencing, construction best management practices, invasive weed prevention, special status plant and animal surveys, habitat avoidance, nesting bird surveys, and development of a Worker Environmental Awareness Program. This project-specific mitigation reduces project-related impacts to biological resources to less than significant. Cumulative impacts will remain significant and unavoidable (Class I) as discussed in Finding 1.7.2 herein.

1.8.3 Cultural Resources. The Board finds that proposed mitigation is adequate to reduce project-specific impacts to cultural resources to a less than significant level. Potentially significant impacts to cultural resources could result from grading and construction activities in close proximity to known historical and archaeological resources on the project site. Mitigation to reduce this impact requires avoidance of development within 25 feet of the boundaries of two archaeological sites (MM CR-1(a) and (b)). If avoidance cannot be achieved, the owner/applicant shall have a P&D approved archaeologist conduct the work recommended in the 2006 Heritage Discoveries report as described in Table 4.4-1 of the SEIR (MM CR-1(c)). P&D shall approve work plans and ensure that a curation agreement is in place prior to the start of fieldwork. P&D shall ensure that archaeological reports have been received prior to issuance of zoning clearance for grading. Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development that could destroy or damage archaeological or cultural sites shall be prohibited. Signs shall be posted on the property to discourage these types of activities (MM CR-1(d)). Due to the cultural sensitivity of the project site, previously unidentified, subsurface historical, archeological, or paleontological resources may be unearthed during development of the modified Alternative 7 project. Mitigation measure CR-1(d) requires the owner/application to have all initial earth disturbances throughout the project site monitored by a P&D approved archaeologist in compliance with the provisions of the County’s Cultural Resources Guidelines. In the event cultural remains are encountered during grading, construction, landscaping or other construction related activity, the owner/applicant and/or their agents, representatives or contractors shall stop or re-direct work immediately (MM CR-2(a)). This project-specific mitigation reduces project-related impacts to cultural resources to less than significant.

1.8.4 Fire Protection. The Board finds that the proposed mitigation is adequate to reduce project-specific and cumulative impacts to fire protection to a less than significant level. The modified Alternative 7 project will add 119 new residential units within the high fire hazard area. To address the risk to residential development within this area, mitigation measure FP-1(a) requires the owner/applicant to prepare fire/vegetation management plans in accordance with County Fire Department requirements. The vegetation management plan will describe all actions that will be taken to reduce wildfire risks to structures in the high fire

hazard areas. In addition, MM FP-1(b) requires residential development to abide by specific construction standards such as one-hour rated exterior fire walls for structures along the perimeter or exposed to internal open space areas, non-wood Class A roofs, solid core front doors, non-combustible garage doors, and power lines installed underground. This project specific mitigation reduces project-related impacts to fire protection to less than significant. Cumulative impacts to wildfire hazards are also less than significant.

1.8.5 Geological Processes. The Board finds that the proposed mitigation is adequate to reduce project-specific impacts to geological processes to a less than significant level. Grading activities associated with the modified Alternative 7 project could result in substantial erosion or loss of topsoil. Mitigation measure G-4 (Reduction of Soil Erosion from Cut Slopes) includes measures to minimize impacts related to soil erosion. These measures are as follows: 1) compacted fill slopes are not to exceed a 2:1 (horizontal to vertical) slope, and any proposed constructed fill slope exceeding 10 feet shall be evaluated by a qualified geotechnical engineer; 2) slopes shall be vegetated with groundcover, shrubs, and trees which possess deep, dense root structure and require a minimum of irrigation; 3) any imported soil will be non-expansive; 4) all cut areas shall be over excavated such that a minimum of 3 feet in building in the Northern Mesa Area (northern third of the property); 5) a program of over-excavation, scarification, moisture conditioning, and compaction of the soils in the building and surface improvement areas is required to provide more uniform soil moisture and density, and to provide appropriate pavement and foundation support; 6) during or soon after the rainy season when on-site soils may be susceptible to temporarily high soil moisture conditions, the contractor and construction schedule should allow adequate time during grading for aerating and drying the soil to near optimum moisture content prior to compaction; 7) voids created by the removal of materials or utilities, and extending below the recommended over-excavation depth, should be immediately called to the attention of the soils engineer; 8) no fill should be placed unless the soils engineer has observed the underlying soil. This project specific mitigation reduces project-related impacts to geological processes to less than significant. Cumulative impacts are also less than significant.

1.8.6 Greenhouse Gas Emissions (GHG). The Board finds that the proposed mitigation is adequate to reduce project-specific impacts to GHG to a less than significant level. The modified Alternative 7 project will generate short-term as well as long-term GHG. The modified Alternative 7 project exceeds the 4.9 MT CO₂e/SP/year threshold, and incrementally contributes to climate change. However, these emissions do not hinder or delay achievement of state GHG reduction targets established by AB 32. In addition, MM GHG-1 (GHG Reduction Plan) requires the owner/applicant to develop a project GHG Reduction Plan that reduces annual GHG emissions from the project by a minimum of 81.2 MT CO₂e (0.24 MT CO₂e per person per year) over the operational life of the project. The plan will be implemented on site by the project owner/applicant and may include, but is not be limited to, the following components: 1) alternative fuel vehicles; 2) energy conservation policies;

3) energy efficient equipment, appliances, heating and cooling; 4) energy efficient lighting; 5) green building and roofs; 6) water conservation and recycling; 7) renewable energy production; 8) trip reduction; and 9) carbon sequestration. Alternatively, if GHG emissions cannot be reduced through compliance with a Climate Action Plan, other County GHG reduction plan, or project GHG Reduction Plan, purchase of carbon offsets to reduce GHG emissions below threshold levels would be required. This project-specific mitigation reduces project-related impacts to GHG to less than significant. Cumulative impacts are less than significant.

1.8.7 Land Use. The BOS finds that the proposed mitigation is adequate to reduce project-specific impacts to land use to a less than significant level. The modified Alternative 7 project will result in a change in the character of the site and the scale of development on the site. This will present potential quality of life compatibility issues. MM AES-1, which requires the development of and adherence to architectural and landscape guidelines, will reduce land use impacts to a less than significant level. Cumulative impacts are less than significant.

1.8.8 Noise. The Board finds that the proposed mitigation is adequate to reduce project-specific and cumulative impacts to noise to a less than significant level. Project construction could intermittently generate high noise levels on and adjacent to the project site. Project construction will take place adjacent to existing residences, thereby potentially exposing sensitive receptors to noise levels exceeding County thresholds temporarily. Mitigation measures N-1 (a) through N-1 (c), and N-2 (b), which require construction timing limitations, notification of temporary construction noise for adjacent property owners, noise attenuation techniques for stationary construction equipment, and construction techniques to reduce interior noise levels in new residential units, are necessary to reduce potentially significant impacts to less than significant.

1.8.9 Transportation and Circulation. The Board finds that the proposed mitigation is adequate to reduce project-specific and cumulative impacts to Transportation and Circulation to a less than significant level. Operation of the project will result in the addition of 878 average daily trips (82 P.M. peak hour trips) to the study area roadways and intersections. The addition of project traffic will degrade the Level of Service (LOS) at the Clark Avenue/U.S. 101 southbound ramp intersection under P.M. peak hour conditions. Under cumulative plus project conditions, project development will generate additional traffic that will further degrade the LOS at the Clark Avenue/U.S. 101 southbound and northbound ramps intersections under P.M. peak hour conditions. Mitigation measures T-1 and T-2, which specify roadway improvements and the payment of transportation fees to the County to offset project contributions to cumulative Orcutt Transportation Improvement Plan (OTIP) identified impacts on traffic and circulation, will reduce these potentially significant impacts to less than significant. Cumulative impacts will also be reduced to a less than significant level through proposed mitigation.

1.8.10 Water Resources/Flooding. The Board finds that the mitigation is adequate to reduce project-specific impacts to Water Resources/Flooding to a less than significant level. Construction activities associated with the modified Alternative 7 project will disturb more than one acre of land and could degrade water quality through increased rates of erosion and sedimentation. The project involves the addition of impervious surfaces on the currently undeveloped Key Site 3 property. These impervious surfaces will alter existing drainage patterns and increase storm water runoff, which could potentially increase flooding and degrade water quality, respectively. Mitigation to reduce these impacts to a less than significant level include the implementation of a Storm Water Pollution Prevention Plan (SWPPP) and submittal of proof or exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issue by the California Regional Water Quality Control Board. Mitigation also includes the designation of wash-out area(s) during construction (MMs WR-1(a,b)). MM WR-2(a) requires the inclusion of Low Impact Development (LID) measures within the project's Storm Water Quality Management Plan and design to further reduce flooding and water quality impacts. MM WR-2(b) requires the development to incorporate and maintain operational erosion control measures into final grading and drainage plans. This project-specific mitigation reduces project-related impacts to Water Resources/Flooding to less than significant. Cumulative impacts are less than significant.

1.9 FINDINGS FOR LESS THAN SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

The Final SEIR (14-EIR-07) and Revision Letter (including the Revision Letter Memo dated November 3, 2020) identify several subject areas for which the modified Alternative 7 project is considered to cause adverse but not significant environmental impacts (Class III). The County Board of Supervisors has concluded that the following effects are adverse but not significant:

- **Aesthetics/Visual Resources** – scenic views, light and glare, cumulative impacts to scenic views, cumulative impacts associated with light and glare
- **Air Quality** – temporary increases in localized air pollutant emissions, increases in operational air pollutant emissions, consistency with the SBCAPCD 2010 Clean Air Plan, cumulative impacts to air quality
- **Cultural Resources** – cumulative impacts to cultural resources
- **Fire Protection** – reduction in level of fire protection services, compliance with local fire protection standards and fire flow requirements
- **Geologic Processes** – hazards associated with groundshaking, slope stability, and soil settlement; cumulative impacts to geologic resources

- **Greenhouse Gas Emissions** – cumulative impacts associated with greenhouse gas emissions
- **Land Use** – consistency with applicable policies and standards, cumulative impacts to land use
- **Noise** – roadway noise, cumulative impacts to noise
- **Public Services and Facilities** – public school capacity, water supply/groundwater resources, project-specific impacts to wastewater treatment services and facilities, cumulative impacts to water supply
- **Water Resources/Flooding** – FEMA-designated 100-year flood zone, cumulative impacts to hydrology and water quality, cumulative impacts associated with flooding

For identified Class III impacts to Public Services and Facilities, the Final SEIR (14-EIR-07) identifies recommended (though not required) mitigation measures that include outdoor water conservation measures on landscape and irrigation plans, indoor water conservation measures on applicable plans, as well as implementation of all such measures upon modified Alternative 7 project development. County staff has implemented these recommended measures as part of the Conditions of Approval for the project.

1.10 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES OR MITIGATION MEASURES ARE NOT FEASIBLE

The Final SEIR (14-EIR-07) prepared for the project analyzed seven alternatives to the project evaluated in 14-EIR-07 as methods of reducing or eliminating potentially significant environmental impacts. The alternatives evaluated included four alternatives that were previously analyzed in the OCP EIR (95-EIR-01) for future development of the Orcutt Key Site 3 property, and three new alternatives to the currently proposed Orcutt Key Site 3 development project. The Board of Supervisors finds that the following alternatives are infeasible for the reasons stated in Findings 1.10.1 through 1.10.9.

- 1.10.1 Alternative 1: Key Site 3 Project Evaluated in OCP EIR.** The Board finds that this alternative is rejected as infeasible because it is not capable of achieving most of the project objectives and does not reduce the significant and unavoidable impacts of the SEIR-evaluated project. The development of the Key Site 3 property as evaluated in the OCP EIR included the following land use designations: Planned Development 3.3 units/acre (PD 3.3) on approximately 50 acres in the northern portion of the site; and Planned Development 0.5 units/acre (PD 0.5) on the remaining area (noted as approximately 96 acres). This alternative would proportionately reduce regional impacts in the areas of groundwater demand, traffic/circulation, air quality and greenhouse gas emissions, schools, fire protection, solid waste, and wastewater treatment. However, because this alternative involves development in the central portion of the site (between the mesa and Orcutt Creek), it would have greater impacts on visual resources, biological resources, geological resources (i.e., grading) and

flooding. It would also offer less to the public in terms of passive and active open space. For these reasons, the Key Site 3 Project Evaluated in OCP EIR is rejected as infeasible.

1.10.2 Alternative 2: OCP EIR No Project Alternative (OCP EIR Alternative #1). The Board finds that the OCP EIR “No Project” alternative is infeasible and is therefore rejected. With the OCP EIR “No Project” alternative, the existing land use designation and zoning in place at the time of the OCP EIR’s preparation in 1995 would be retained. Regional impacts associated with groundwater demand, traffic/circulation, air quality, schools, and solid waste would be reduced to a less than significant level under this alternative. Impacts associated with increased demand for sewer service would also be reduced to a less than significant level due to the fact that the units would likely utilize private septic systems with ample acreage to handle such septic use. The extent of flooding impacts would remain significant but mitigable, but the impact severity would decrease substantially because only a few units would be located in areas of potential flooding. Impacts to the site’s visual/aesthetic resources would remain significant and unavoidable, in part because the lack of an Open Space Overlay would allow development in the southern hills area south of Orcutt Creek; impacts would primarily be associated with the clearing of firebreaks and site grading in the southern portions of the site. Geological impacts would be significant and unavoidable due to the inability to cluster development to avoid soil erosion and slope stability issues in the southernmost portions of the site; additionally, there would be a need for a substantially increased amount of grading for access roads and building pads in this area. Impacts to biological resources would increase substantially and would remain significant and unavoidable due to the placement of units within sensitive biological areas south of Orcutt Creek and additional clearing of vegetation. This alternative would also increase impacts associated with Fire Protection to a significant and unavoidable level due to the risk of fire hazards and limited emergency access in the southern portion of the site.

1.10.3 Alternative 3: Low Buildout Alternative (OCP EIR Alternative #2). The Board finds that the OCP Low Build-Out Project alternative is infeasible and is therefore rejected. This alternative is similar to that of the project evaluated in the OCP EIR, with the exception of a lower density (Planned Development 0.2 units/acre, or one unit per 5 acres) being applied to the southernmost 96.49 acres, instead of the 0.5 units/acre density. The reduction in residential development potential under this alternative would proportionately decrease the extent of regional impacts associated with groundwater demand, traffic/circulation, air quality and greenhouse gas emissions, schools, fire protection, solid waste, and wastewater treatment. Impacts to visual/aesthetic resources on the site would also decrease slightly, but would remain significant because of the change in visual character for reasons similar to those listed in Finding 1.10.2 herein. Impacts to wildlife would remain significant and unavoidable, but the severity of the impact would decrease slightly due to the lower number of units constructed near the riparian corridor of Orcutt Creek. However, the impacts would be more severe compared to the project evaluated in the SEIR in the areas of biological resources

visual resources, flooding, geological resources, and fire protection. This alternative would also offer no public open space or active parks within the project for use by residents.

1.10.4 Alternative 4: High Buildout Alternative (OCP EIR Alternative #3). The Board finds that the High Build-out Alternative is infeasible and is therefore rejected. This alternative applied Small Lot Planned Development (SLP) 7.0 units/acre zoning over an area of approximately 63.5 acres north of Orcutt Creek, and would allow the construction of up to 444 residential units. This zoning would allow for the clustering of units outside of constrained and sensitive areas, but would preclude the construction of multiple-family units. Access would be provided in the same manner as the project evaluated in the SEIR. The Open Space Overlay, Class I bikepath, hiking trails, and rest area would be identical to those proposed in the OCP EIR-evaluated Key Site 3 project. This alternative would represent a significant increase in the units relative to the OCP EIR-evaluated project, and relative to the project evaluated in the SEIR. As a result, the OCP EIR concluded that regional impacts associated with groundwater demand, traffic/circulation, air quality and greenhouse gas emissions, schools, fire protection, solid waste, and wastewater treatment would increase significantly. Significant and unavoidable impacts to wildlife would increase due to higher unit density near the riparian corridor of Orcutt Creek. The extent of flooding impacts would also increase as a result of higher density in the central portion of the site, although impacts would remain potentially significant but mitigable. Visual impacts would also increase compared to the project evaluated in the SEIR.

1.10.5 Alternative 5: Revised No Project Alternative. The Board finds that the Revised No Project alternative is infeasible and is therefore rejected. This alternative assumes that development would be limited to the already-approved MR-O project (160 units on 8 acres in the central portion of the northern mesa), potentially surrounded by three 10-acre single-family rural residential lots consistent with the existing RR-10 zoning. The OCP Open Space Overlay would apply and would prevent any development from occurring within a 75-foot strip along the site's eastern boundary or on the southern two-thirds of the site, but there would be no dedication of open space to the public. As with the project evaluated in the SEIR, primary site access would be via a frontage road that connects to Clark Avenue, and secondary site access would be provided via a roadway connecting to either Oakbrook Lane or Chancellor Street near the southwest corner of the mesa.

This alternative is considered environmentally superior overall, since any future development proposed for this site would be expected to adhere to the land use designation and zoning within the Orcutt Community Plan, as well as any pertinent development standards. This alternative avoids several impacts that were noted as significant and unavoidable for the project evaluated in the SEIR including visual character, scenic resources, cumulative visual resources, cumulative wastewater, and cumulative solid waste impacts. This alternative could also avoid development of detention basins and a bridge near Orcutt Creek. However, this alternative would not dedicate public open space nor satisfy most of

the project objectives to develop the site consistent with the Orcutt Community Plan’s designation of the property as one of 43 key sites identified for future development. The OCP EIR accounted for up to 212 residential units on the site to in order to meet the housing needs of the Orcutt community. This alternative would also not develop the site in a manner that meets the intent of the Orcutt Community Plan by preserving the majority of the site as public open space.

1.10.6 Alternative 6: Reduced Project Alternative. The Board finds that, based on the CEQA requirement to not reduce the number of proposed housing units for impact reduction if the identified impacts can be otherwise reduced to a less than significant level, the Reduced Project Alternative is not considered to be a feasible alternative to the project evaluated in the SEIR and is therefore rejected. This alternative would eliminate development within 200 feet of the Highway 101 right-of-way. This shifts development beyond the 65 dBA noise contour line, thereby eliminating the need for sound walls to reduce exterior noise levels to less than significant levels. As compared to the project design evaluated in the SEIR, all lots on the east side of ‘Road A’ (Outrider Road) would be eliminated, as would the easterly seven lots north of the MR-O area. This would reduce the project by 51 lots (from the originally proposed 125 lots to 74 lots) and would reduce the development “footprint” by 4.16 acres (from 32.6 acres to 28.4 acres). This alternative would avoid one of the identified significant and unavoidable impacts of the project, and would reduce two of the identified significant but mitigable impacts to a less than significant level. This alternative would still provide benefits such as a mix of new housing types, MR-O screening, and the dedication of public open space and trails. However, the use of mitigation measures to reduce exposure to health risks would still be required to further reduce impacts related to vehicle emissions. Alternative 6 is environmentally superior overall since it would not present any new significant impacts that were determined to be less than significant in the analysis of the proposed project, nor would it increase the severity of impacts identified for the proposed project.

Public Resources Code Section 21159.26, and CEQA Guidelines Section 15041(c) state that, with respect to housing projects, a lead agency shall not reduce the proposed number of housing units as a mitigation measure or alternative to lessen a particular significant environmental effect if another feasible mitigation measure or alternative would provide a comparable reduction in the environmental effect. Implementation of the Reduced Project Alternative would not eliminate the proposed project’s significant and unavoidable (Class I) impacts, and mitigation measures/conditions of approval have been identified to reduce other project-related impacts to a less than significant level without reducing the proposed number of housing units as analyzed in this alternative.

1.10.7 Alternative 7: Shifted Density Project Alternative. The Board finds that the Shifted Density Project alternative is not rejected. Based on comments received during the public review period for the Draft SEIR, the project applicant revised the project to be consistent with Alternative 7. The proposed project is referred to as a modified Alternative 7 herein.

1.10.8 Proposed Project Evaluated in the Final Subsequent EIR. The Board finds that the project evaluated in the Final SEIR is infeasible and therefore rejected. The SEIR-evaluated project’s potential impacts and required mitigation measures are discussed in Finding 1.5, *Findings that Certain Unavoidable Impacts are Mitigated to the Maximum Extent Feasible*, and Finding 1.6, *Findings that Certain Impacts are Mitigated to Insignificance by Conditions of Approval*, herein. The project evaluated in the Final SEIR would satisfy the project objectives. However, based on feedback from the County of Santa Barbara Flood Control District and County Planning and Development staff, the applicant revised the project to be consistent with Alternative 7 of the Final SEIR. As a result of these revisions, the modified Alternative 7 project has been found to more fully satisfy the project objectives with reduced or similar impacts. The modified Alternative 7 project would still provide residential units on the site with density appropriate with the surrounding neighborhood and previously approved zoning; develop the site in a manner that is responsive to the Orcutt Community Plan; and assist the County, region, and the Orcutt area, to better meet future housing needs.

1.10.9 Alternative Locations. The Board finds that an alternative project site location for the project is infeasible. Pursuant to CEQA Guidelines Section 15126.6 (f)(2), an alternative project location need only be considered for inclusion in the SEIR if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. There are no similarly-sized properties in the Orcutt Area designated for build-out that could accommodate the proposed scale of development. In addition, comparable sites in the vicinity are not readily available to the project applicant, and the applicant cannot reasonably acquire, control, or otherwise have access to the alternative location. Furthermore, even if an alternative location could meet most of the project objectives, the construction and operation of this project at an alternative location would not satisfy the CEQA Guidelines objective of avoiding or substantially lessening the proposed project’s significant cumulative impacts related to solid waste, which is primarily a product of the size of the project and not its specific location. No alternative locations were identified that would avoid or substantially lessen significant (Class I) impacts of the proposed project.

1.11 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final SEIR (14-EIR-07), SEIR Revision Letter dated September 2020, and Revision Letter Memo dated November 3, 2020, for the Orcutt Key Site 3 project, incorporated herein by reference, identify four environmental impacts that cannot be fully mitigated and are therefore considered unavoidable (Class I). These impact areas are the effects of cumulative development on the visual character of the Orcutt area, effects of cumulative development on biological resources (including effects on sensitive habitats and associated with habitat loss), and the effects of cumulative development on wastewater and solid waste services and facilities.

The Board therefore makes the following Statement of Overriding Considerations, which warrants approval of the project notwithstanding that some identified effects on the environment are not fully mitigated, as is discussed in Finding 1.7 herein. With respect to each of the environmental effects of the project listed in Finding 1.7, the Board of Supervisors finds that the stated overriding benefits of the project outweigh the significant effects on the environment and that there is no feasible way to further lessen or avoid the significant effects. Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092 and 15093, any remaining significant effects on the environmental are acceptable due to these overriding considerations:

1. The project provides for future construction of 119 residential units, which will help meet the housing needs of the community of Orcutt and the County as a whole. The project also provides 113.5 acres of open space, including public multi-use and hiking trails that will provide a recreational benefit to the community of Orcutt.
2. The project applicant will pay in-lieu affordable housing fees, which will help meet the affordable housing needs of the County.
3. The project will increase property tax revenues to the County.
4. The project is of a type and density similar to existing urban uses in the immediate community.
5. The project carries out the Board of Supervisors' goal stated in the Orcutt Community Plan to provide housing while protecting open space on Key Site 3.
6. The project furthers the County's intent to reduce pressure to expand development in other areas currently not designated for residential use, thereby reducing the need for urban sprawl.
7. The project preserves the majority of the site as open space, which will protect the natural environment and provide a long-term recreational amenity for project and area residents.

1.12 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The Final SEIR includes a mitigation monitoring and reporting program designed to ensure compliance with adopted mitigation measures during project implementation, including specifications for each adopted mitigation measure that identify the action required and the monitoring that must occur; as discussed in Finding 1.4, the Revision Letter dated September 2020 includes an additional mitigation measure (MM AES-2) that is incorporated into the mitigation monitoring and reporting program. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the reporting and monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

2.1 GENERAL PLAN AMENDMENT

In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Comprehensive Plan, Development Code (LUDC), or Zoning Map, the review authority shall first make all of the following findings as applicable:

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

The Board finds that the request is in the interests of the general community welfare. As discussed in the staff report dated October 15, 2020, incorporated herein by reference, and the memo dated November 3, 2020, incorporated herein by reference, the proposed amendment to the Orcutt Community Plan (OCP) changes the land use designation on the subject parcel from Residential Ranchette to Planned Development (PD), and includes amendments to the OCP Key Site 3 development standards and Figure 14 (OCP PRT Map).

These modifications to the OCP and Zoning Map will allow the subject parcel to be developed with 119 single-family residences, with parks, trails, and other supporting improvements. Approval of the project will carry out the Board of Supervisors' stated goal for Key Site 3 to provide housing that meets the needs of the community while preserving the majority of the site for open space, thereby protecting the natural environment and providing long-term recreational amenities. In addition to providing 119 market rate housing units, the project will also comply with County Inclusionary Housing requirements by contributing to the community's housing needs by paying affordable housing in-lieu Fees.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code.

The Board finds that the request is consistent with the Comprehensive Plan (including the OCP), the requirements of the State planning and zoning laws, and the LUDC. As discussed in Section 6.2 of the Planning Commission staff report dated October 15, 2020 and incorporated herein, and the memo dated November 3, 2020, incorporated herein by reference, the proposed project, as conditioned, will be consistent with all Comprehensive Plan and OCP policies and development standards upon approval of the proposed general plan amendment. Additionally, as discussed in Section 6.3 of the Planning Commission staff report dated October 15, 2020, the proposed rezone incorporated in text amendments to the OCP is supported by existing OCP policy, and will change the RR-10 zoning on the subject parcel to PRD in compliance with Chapter 35.104 of the County LUDC.

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

The Board finds that the request is consistent with good zoning and planning practices. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference, amending the land use designation and zoning of the Residential Ranchette portion of the project site to PD/PRD will allow for development of 119 clustered single-family residences in the mesa area. This area was designated in the OCP as being appropriate for higher density development because of its level topography, lack of sensitive habitat, and proximity to an existing higher-density residential development (Sunny Hills Mobile Home Park). Additionally, the development includes provisions for parks, open space, public trails, impact mitigation fees, and other supporting improvements. Consistent with good zoning and planning practices, approval of the project will carry out the Board of Supervisors' stated goal for Key Site 3 to provide housing that meets the needs of the public while also preserving the majority of the site in open space, protecting the natural environment, and providing long-term public recreational amenities.

2.1.4 The request is deemed to be in the public interest.

The Board finds that the Comprehensive Plan Amendment is in the public interest, as is discussed in the staff report dated October 15, 2020 and incorporated herein by reference, the memo dated November 3, 2020, incorporated herein by reference, and for the following reasons:

1. The project provides for future construction of 119 residential units, which will help meet the housing needs of the community of Orcutt and the County

as a whole. The project also provides 113.5 acres of open space, including public multi-use and hiking trails that will provide a recreational benefit to the community of Orcutt.

2. The project has been designed to be compatible with adjacent neighborhoods and is consistent with surrounding zoning and land used densities.
3. The project applicant will pay in lieu affordable housing fees, which will help meet the affordable housing needs of the County.
4. The project will increase sales and property tax revenues to the County.
5. The project carries out the Board of Supervisors’ goal stated in the Orcutt Community Plan to provide housing while protecting open space on Key Site 3.
6. The project preserves the majority of the site as open space, which will protect the natural environment and provide a long-term recreational amenity for project residents, and the public.
7. The project furthers the County’s intent to reduce pressure to expand development in other areas currently not designated for residential use, thereby reducing the need for urban sprawl.

2.2 REZONE FINDINGS

In compliance with Section 35.104.060 of the County LUDC, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map, the review authority shall first make all of the following findings:

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

The Board finds that the request is in the interests of the general community welfare. As discussed in Finding 2.1.1 herein, and incorporated by reference, rezoning the Residential Ranchette portion of the subject parcel from RR-10 to Planned Residential Development (PRD) will allow a portion of the project site to be developed with 119 clustered single-family residences, parks, public trails, and other supporting improvements. Approval of the subject rezone will carry out the Board of Supervisor’s goal for Key Site 3 to provide housing that meets the needs of the public while preserving the majority of the site for open space, thereby protecting the natural environment and providing long-term recreational amenities. In addition to

providing 119 market rate housing units, the project will also comply with County Inclusionary Housing requirements by contributing to the community’s housing needs by paying affordable housing in-lieu Fees.

2.2.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.

The Board finds that the request is consistent with the Comprehensive Plan (including the OCP), the requirements of the State planning and zoning laws, and the LUDC. As discussed in Section 6.2 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference, the proposed rezone will be consistent with all Comprehensive Plan and OCP policies and development standards upon. Additionally, as discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated October 15, 2020, the proposed rezone is supported by existing OCP policy, and will change the RR-10 zoning on the subject parcel to PRD in compliance with OCP Policy KS3-2 and Chapter 35.104 of the County LUDC.

Upon approval of the proposed Comprehensive Plan Amendment to the Orcutt Community Plan (OCP) Land Use Designations Map to change the land use designation and associated zoning on the Residential Ranchette portion of the subject parcel to Planned Development, the proposed rezone will be consistent with this finding.

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

The Board finds that the request is consistent with good zoning and planning practices. As discussed in Findings 2.1.1 and 2.1.3 herein, and incorporated by reference, rezoning the subject parcel from RR-10 to PRD will allow the project site to be developed with 119 clustered single-family residences in the mesa area. This area was designated in the OCP as being appropriate for higher density development because of its level topography, lack of sensitive habitat, and proximity to an existing higher-density residential development (Sunny Hills Mobile Home Park). Additionally, the development includes provisions for parks, open space, public trails, impact mitigation fees, and other supporting improvements. Consistent with good zoning and planning practices, approval of the project will carry out the Board of Supervisors’ stated goal for Key Site 3 to provide housing that meets the needs of the public while also preserving the majority of the site in open space, protecting the natural environment, and providing long-term public recreational amenities.

2.2.4 Additional findings required for sites zoned Planned Residential Development (PRD).

In compliance with Subsection 35.104.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Rezone to the PRD zone, the review authority shall first make all of the following findings:

a. That the property is of the type and character which is appropriate for a planned residential development in compliance with the specific purpose and intent stated within Subsection 35.23.020.G (Planned Residential Development). Subsection 35.23.020.G states that the PRD zone ensures the comprehensively planned development of large acreage within Urban Areas as designated on the Comprehensive Plan maps that are intended primarily for residential use. The intent of this zone is to:

- 1) Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic, and cultural resources of a site;**
- 2) Encourage clustering of structures to preserve a maximum amount of open space;**
- 3) Allow for a diversity of housing types; and**
- 4) Provide recreational opportunities for use by both the residents of the site and the public.**

The Board finds that the property is of type and character which is appropriate for a planned residential development in compliance with the specific purpose and intent stated within Subsection 35.23.020.G (Planned Residential Development). As discussed in the staff report dated October 15, 2020, and incorporated herein by reference, the 138.6-acre project site is located within the Urban Area of the Orcutt Community Planning area. The Comprehensive Plan Amendment and Rezone for the proposed project will change the Land Use Designation of Residential Ranchette with corresponding RR-10 zoning to Planned Development with corresponding zoning of Planned Residential Development (PRD-119). The Rezone and related Vesting Tentative Tract Map will allow for the development of 119 single-family units with a small lot, detached cluster home product on the northern mesa portion of the site. This will allow approximately 113.5 acres (82 percent) of the site to be preserved as open space including the upper mesa bluff area, Orcutt Creek, private parks and trails, public multi-use trails, landscaped basins, and natural and restored habitat on hillsides and along the creek.

As discussed in Section 6.2 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference, the clustered project will avoid impacts to and preserve significant habitat, public views, and known cultural resources. Clustering of homes in the northern mesa area will also maximize the amount of open space and will be consistent with the OCP. Both public and private open space will be preserved, providing recreational opportunities for use by both residents of the site and the public. The rezone to PRD on the project site will allow for a diversity of housing types in this area by increasing density adjacent to an existing higher density development (Sunny Hills Mobile Home Park), and by providing flexibility in lot size and configuration (Section 6.3 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference).

b. That the property is within an Urban area as designated on the Comprehensive Plan maps.

The Board finds that the property is within an Urban area as designated on the Comprehensive Plan maps. The subject parcel is located within the urban boundary in the southeastern section of the Orcutt Community Plan Area.

c. That the overall estimated population density which will result upon full development of the property under the PRD zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.

The Board finds that the overall estimated population density at full development of the property under the PRD zone in accordance with the Preliminary or Final Development Plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas. Full buildout of the Orcutt Key Site 3 property will accommodate 279 dwelling units, including the 119 units proposed in this project and the 160 MR-O units previously approved as part of the Focused Housing Program. This is in comparison to the more intensive PD/PRD-125 redesignation/rezone anticipated and provided for in the OCP, which accommodates 285 units in combination with the approved 160 MR-O units.

The proposed density will exceed that of the existing surrounding residential development, particularly in comparison to the larger lot residential

development along Oakbrook Lane and Chancellor Street; this contrast was anticipated and analyzed in the OCP and the OCP EIR. Although all future development on the project site will have to satisfy OCP gateway policies, the proposed density and proximity to lower density areas could present potential neighborhood quality of life incompatibilities, as was anticipated in the OCP EIR. SEIR Mitigation Measures N-2(a), N-2(b), AES-1, and AES-2, in addition to the implementation of OCP development standards related to long-term compatibility conflicts (Section 6.2 of the Planning Commission staff report, dated October 15, 2020, and incorporated herein by reference) will reduce these potential project-specific impacts to a less than significant level. Therefore, the project would not have a detrimental effect upon surrounding areas.

As discussed in Section 6.2 of the Planning Commission staff report, dated October 15, 2020, and incorporated herein by reference, adequate public and private services are available to serve the proposed project. Laguna County Sanitation District (LCSD) has provided a Service Availability Letter and would provide sewage disposal, and Golden State Water Company would provide water. A supplemental water agreement for the purchase of 200-acre feet of water has been executed with the City of Santa Maria in compliance with Orcutt Community Plan Policy WAT-O-2. Additionally, the applicant has provide service availability letters from utilities, such as SoCalGas and PG&E.

The project is conditioned (Condition Nos. 77 through 81, Attachment B.2 to the Board of Supervisors memo dated May 10, 2022, incorporated herein by reference) to pay applicable development impact mitigation fees, as well as in-lieu fees for affordable housing. Therefore, the project would pay its “fair share” of public infrastructure costs.

- d. The proposed development as shown on the Preliminary or Final Development Plan will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code.**

The Board finds that the proposed development as shown on the Final Development Plan (and as conditioned in Attachments B.1 through B.3 in the Planning Commission staff report dated October 15, 2020, and incorporated herein by reference, and as updated by the memo dated November 3, 2020, incorporated herein by reference,) will be in conformance with the applicable policies of the Comprehensive Plan and this Development Code upon approval of the proposed Rezone and General Plan Amendment.

The proposed project will rezone the project site to Planned Residential Development, 119 units (PRD-119). Therefore, full buildout of the Orcutt Key Site 3 property will accommodate a total of 279 dwelling units, including the 119 units proposed in the project and 160 units approved as part of the Focused Housing Program.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference, and the memo dated November 3, 2020, incorporated herein by reference, the proposed Development Plan, as conditioned, is consistent with applicable policies and development standards in the Comprehensive Plan (including the OCP) and the LUDC. Policies and development standards include those related to land use, provision of services, residential buildout, hillside protection, watershed protection, geology, flood hazards, cultural resource sites, open space, visual resources, fire protection, as well as policies and development standards in the OCP specific to KS 3 buildout.

2.3 DEVELOPMENT PLAN FINDINGS

A. Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings:

2.3.1 The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.

The Board finds that the site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed. The subject parcel is located south of Clark Avenue and is bordered by U.S. 101 to the east. The Sunny Hills Mobile Home Park borders the site to the north; agricultural uses border the site to the east and southeast across U.S. 101; low-density, rural ranchettes border the site to the west; and the undeveloped Solomon Hills and grazing land border the site to the south. As discussed in the staff report dated October 15, 2020, and incorporated herein by reference, the proposed clustered development is consistent with the OCP, which states that the northern mesa portion of the site is most suitable for higher density development due to its level terrain and proximity to the medium density mobile home park north of the site. Further, the development would be located around 160 approved MR-O units, and would provide a density buffer and landscaping between existing residential

development offsite and the high-density units allowed for by the Focused Housing Program onsite.

The proposed project will preserve the southern two-thirds (approximately 113.5 acres) of the site as open space, which will generally maintain existing views of agricultural uses and rolling hillsides from the perspective of drivers along U.S. 101. Proposed residential development on the northern mesa area would abide by NBAR-reviewed architectural guidelines that incorporate styles, colors, and scale compatible with the character of surrounding development. The project will also be required to comply with design components discussed in OCP DevStd KS3-14 and KS3-15, ensuring that the design and visual character of KS 3 development will be compatible with the surrounding area. The clustered home lots adjacent to the mobile home park, U.S. Highway 101, and the western perimeter of the mesa will be limited to a single-story in height, thus locating two-story development on the interior of the development footprint. Additionally, MMs AES-1(a) and AES-1(b) will serve to ensure the visual compatibility of proposed buildings and landscaping with surrounding development by requiring the development and implementation of Architectural and Landscape Guidelines for the project as well as controlling potential graffiti on proposed sound walls. Project Design Guidelines will be reviewed and approved by the County Planning and Development Department and the Board of Architectural Review prior to final map recordation.

2.3.2 Adverse impacts will be mitigated to the maximum extent feasible.

The Board finds that the adverse impacts will be mitigated to the maximum extent feasible for the revised project as set forth in the Final SEIR (14-EIR-07), the Revision Letter dated September 2020, and Revision Letter Memo dated November 3, 2020. The Final SEIR (14-EIR-07), Revision Letter dated September 2020, and Revision Letter Memo dated November 3, 2020, identify significant impacts that can be mitigated to less than significant levels with the mitigation measures incorporated into the conditions of approval (Attachments B.1 and B.2, incorporated herein by reference). These impacts include: hazardous air pollutant emissions from Highway 101; loss of sensitive habitat, potential impacts to Orcutt Creek; wildlife corridors; vegetation removal; special status plants; special status animals; known cultural resources; unknown cultural resources; paleontological resources; wildland fire hazards; cumulative wildland fire hazards; soil erosion; operational greenhouse gas emissions; quality of life; construction noise impacts; roadway noise exposure; operational/intersection level of service impacts; cumulative traffic impacts; construction water quality; and drainage. For each of these Class II impacts identified by the Final SEIR and Revision Letter (including the Revision Letter Memo dated November 3, 2020), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant

environmental effect, as discussed in Findings 1.8.1 through 1.8.10, incorporated herein by reference.

The Final SEIR (14-EIR-07) and Revision Letter identify environmental impacts that cannot be fully mitigated and are therefore considered unavoidable (Class I), as is discussed in Finding 1.7, *Findings that Certain Unavoidable Impacts Are Mitigated To The Maximum Extent Feasible*, herein. These impact areas are the effects of cumulative development on the visual character of the Orcutt area, effects of cumulative development on biological resources (including effects on sensitive habitats and associated with habitat loss), and the effects of cumulative development on wastewater and solid waste services and facilities.

To the extent the impact remains significant and unavoidable, these impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein (Finding 1.11, *Statement of Overriding Considerations*, incorporated herein by reference). For Class I impacts identified by the Final SEIR (14-EIR-07), feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen significant environmental effects to the maximum extent feasible; refer to Finding 1.7, *Findings that Certain Unavoidable Impacts Are Mitigated To The Maximum Extent Feasible*, herein, for additional discussion in support of this finding.

2.3.3 Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Board finds that streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. Primary access to the project site will be provided via a new public road off of Clark Avenue and through Key Site 2 to the north of the project site. The applicant endeavors to obtain a remediated access easement over Key Site 2 in a location comparable to that shown in Attachment P to the Planning Commission memo dated November 3, 2022. In the event that the applicant is unable to obtain and record a renegotiated access easement prior to issuance of a Zoning Clearance for grading, the applicant would utilize their existing access easement over Key Site 2 as shown in Attachment C to the Planning Commission staff report dated October 25, 2020. As discussed in the Planning Commission staff report dated October 25, 2020, With respect to primary access, the existing easement alignment from the frontage road (Clark Avenue) through Key Site 2 is adequate and aligns with the depicted in OCP Figure KS2-1 (Instrument No. 2017-0026154). As discussed the memo dated November 3, 2020, incorporated herein by reference, tentatively renegotiated the access easement over

the eastern portion of Key Site 2 to improve site circulation and accommodate future development of Key Site 2. Either alignment is adequate to provide access to the site.

In addition, a secondary access road to the site will be linked to Chancellor Street, a private road over which the project has an existing access easement. Chancellor Street connects to Stillwell Road. All roads within the project site will be private roads maintained by the project homeowner association (HOA), with the exception of Outrider Road, which will be public and maintained by the County in order to ensure public access to the proposed trailhead parking and public open space area. The mesa neighborhood will be served by a looped road. All roads will be two-lane roads with right of ways (ROWs) varying from 28 feet to 56 feet in width. Roads will have a 24-foot pavement width, with sidewalks or a trail on either or both sides of the road in most cases. Shared driveways serving the mesa area cluster homes will be between 20 and 26 feet in width, and sidewalks will be provided in the courtyard areas for the 119 small lot detached cluster homes.

Secondary access to the site off Chancellor Street or Oakbrook Lane. If secondary access is provide off of Chancellor Street, it will require installation of a clear span bridge over Orcutt Creek. As is conditioned by County Fire, Chancellor Street will require widening along its northerly edge of approximately two feet. The gate at the intersection of Chancellor Street and Hamilton Lane could remain in place. However, in order to meet County Fire Department requirements for secondary access, the gate is required to open automatically to allow for unrestricted ingress and egress for the project site. The intersection of Chancellor and Stillwell Road will require some grading and widening in the right of way to accommodate proposed vehicles and emergency access. This intersection would be improved to include a 'knuckle' at the southwest corner of the intersection to increase vehicle sight lines. The centerline radius would be increased from 46' to 61'. Re-grading of the intersection to construct this knuckle would require a 2' maximum height wall on the north side of the intersection and a 3' maximum height wall on the south side respectively. All grading would be confined to the right-of-way and proposed grades at the connection would match existing grades. Beyond the curb knuckle, the proposed improvements along Stillwell Road would transition back to the existing pavement.

As discussed in Section 4.11, Transportation/Circulation of the proposed Final SEIR (Attachment J to the staff report dated October 15, 2020, incorporated herein by reference), all roadway segments are projected to operate at a Level of Service (LOS) A with the addition of project-generated traffic. The LOS data contained in the SEIR indicate that area intersections are expected to operate at a LOS C or better during the A.M. peak hour under existing plus project conditions. However, the project would contribute more than 15 peak hour trips to the Clark Avenue / U.S. Hwy 101 southbound ramps, which would operate at a LOS D during the P.M. peak hour under

existing plus project conditions. In order to address this potentially significant impact, the project is conditioned (Condition Nos. 46 and 47, Attachment B.2 to the Board of Supervisors Memo dated May 10, 2022, incorporated herein by reference) to require the applicant to contribute fair share fees as determined by Public Works Transportation Division or construct (with appropriate reimbursement) the improvements outlined in Mitigation Measure T-1:

1. Widening of Clark Avenue between the realigned Sunny Hills Road and the U.S. 101 southbound ramps to provide two eastbound lanes.
2. Widening of the Clark Avenue southbound off-ramp to improve the operation of the southbound free right-turn lane.
3. Restripe the northbound and southbound Clark Avenue ramp intersections and the Clark Avenue overpass to maximize eastbound flow to the Clark Avenue northbound on-ramp as described in the Key Site 3 Residential Project Traffic and Circulation Study, dated November 18, 2013.

These improvements are in the process of installment by another Key Site project; therefore, the owner/applicant will be responsible for payment of fair share fees (if required as determined by Public Works) prior to occupancy clearance.

The applicant/owner is also required to pay transportation fees for contributions to OTIP-identified impacts, including:

1. Reconstruction of the Clark Avenue/U.S. 101 northbound ramps intersection. This includes realignment of the U.S. 101 northbound on-ramp to the east opposite the off-ramp, widening of the off-ramp to provide two separate turning lanes and widening of the on-ramp to provide two receiving lanes.
2. Signalization of the Clark Avenue/U.S. 101 northbound ramps intersection. The existing + project peak hour volumes would satisfy peak hour signal warrants.

With implementation of the above measures, the U.S. Hwy 101 southbound ramps intersection would operate at LOS C during the P.M. peak hour, and project-specific impacts to the roadway network would be less than significant.

2.3.4 There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project.

The Board finds that there will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the proposed project. As discussed in Section 6.2 of the Planning Commission staff report, dated October 15, 2020, and incorporated herein by reference, as well as the memo dated November 3, 2020, incorporated herein by reference, adequate public and private services are available to serve the proposed project. Laguna County Sanitation District (LCSD) has provided a Service Availability Letter and would provide sewage disposal, and Golden State Water Company would provide water. A supplemental water agreement for the purchase of 200-acre feet of water has been executed with the City of Santa Maria in compliance with Orcutt Community Plan Policy WAT-O-2. Additionally, the applicant has provided service availability letters from utilities, such as SoCalGas and PG&E.

As discussed in the Final SEIR, incorporated herein by reference, the increase in population resulting from the proposed project would increase demand on existing resources. According to Santa Barbara County Sheriff's Department (SBCSD), as housing densities increase, demand for police protection service also increases. However, SBCSD has indicated that SBCSD's Orcutt Station could accommodate the additional deputies necessary to provide adequate police protection services. Furthermore, additional outside support is provided through Mutual Aid Agreements with the Santa Maria and Guadalupe Police Departments and the California Highway Patrol. The increase in population associated with buildout of Key Site 3 would not require the construction of new or expanded SBCSD facilities.

Additionally, as stated in the Final SEIR, incorporated herein by reference, the County Fire Department has reviewed proposed project plans and has determined that payment of mitigation fees, which are used for the construction of new fire stations and acquisition of new equipment and apparatus, would reduce cumulative impacts associated with fire protection in accordance with SBCFD standards (Pepin, October 2014). Mitigation fees for fire protection would proportionally contribute toward any acquisition of new equipment to serve Key Site 3 and surrounding areas.

The project is conditioned (Condition Nos. 77 through 81, Attachment B.2 to the Board of Supervisors memo dated May 10, 2022, incorporated herein by reference) to pay applicable development impact mitigation fees, as well as in-lieu fees for affordable housing. Therefore, the project would pay its "fair share" of public infrastructure costs.

2.3.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

The Board finds that the proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area. The project site is located within the urban boundary of the Orcutt Community Plan Area. The predominant land use surrounding the property consist of medium density residential, general commercial and U.S. 101 to the north; and low-density residential development and 5-20 acre ranchettes to the west. The property is also surrounded by agricultural uses to the south is (grazing) and to the east across U.S. 101 (rotational crops).

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference, the project site was determined to be an appropriate location for residential development during the adoption of the Orcutt Community Plan. Furthermore, the northern mesa area proposed for development was specifically identified as the appropriate portion of Key Site 3 for higher density development because of the area’s level topography and proximity to an existing mobile home park of medium residential density.

Regarding compatibility with the surrounding area, residential uses on the project site will be sized and architecturally designed to ensure compatibility with surrounding residential land uses; additional discussion regarding design requirements is included in Finding 2.3.1 herein. Natural features, landforms, and native vegetation would be preserved to the maximum extent feasible, and areas of the site which are not appropriate for development would remain in open space. As discussed above, the project is conditioned to require restoration of sensitive native habitat impacted by grading and construction activities associated with the proposed project. The required Sensitive Habitat Restoration Plan would be designed with the goal of restoring up to 0.12 acres of Central Coast Live Oak Riparian Forest and 0.02 acres of Central Dune Scrub at a ratio of 2:1 (habitat restored to habitat impacted). Additionally, the project is conditioned to require the applicant to develop a County-approved landscaping plan for the 200-foot buffer zone between onsite residential development and U.S. Hwy 101 prior to final map recordation. The landscaping plan would incorporate continuous screening with trees or other vegetation a minimum of 15 feet tall within the buffer zone. Vegetation would be drought tolerant native and/or naturalized species that screen development on the site from surrounding land uses and U.S. Hwy 101. The landscaping plan would assist in softening the aesthetic and visual impacts resulting from development on the site.

Additionally, the proposed residential development project will not result in the use of hazardous materials or processes that will have the potential to result in public health or safety impacts. Potential land use compatibility conflicts of the project, such as short-term construction-related air quality and noise impacts can be reduced to a less than significant level with the implementation of proposed mitigation measures

and conditions of approval. The Final SEIR (incorporated herein by reference) includes analysis of project impacts to local air quality and sensitive receptors, including the Sunny Hills Mobile Home Park (SHMHP) residents and ranchette resident west of the proposed project, in Section 4.2, *Air Quality*, and Section 4.9, *Noise*. The impact of project construction on local air quality is described in Section 4.2, *Air Quality*. The Final SEIR found that implementation of standard dust and emissions control measures required by the Santa Barbara County Air Pollution Control District (APCD) would ensure that construction-related impacts to local air quality would be less than significant. In addition, the impacts of the project on sensitive receptors at the SHMHP, as well as single-family homes immediately to the west of the site, are described in Section 4.9, *Noise*. Mitigation Measures N-1(a) through N-1(c), which include construction timing limitations, notification of temporary construction noise, and use of noise attenuation techniques, would reduce impacts of construction noise on nearby sensitive receptors to a less than significant level. The project's traffic generated noise impacts on sensitive receptors on four roadway segments, including Clark Avenue between Stillwell Road and U.S. 101 (north of SHMHP), Stillwell Road south of Clark Avenue (west of SHMHP), and Sunny Hills Road south of Clark Avenue (existing access road to SHMHP), were analyzed in Impact N-3 and found to be adverse, but less than significant without mitigation.

Regarding neighborhood safety, as described in Section 4.5, Fire Protection, of the Final SEIR (incorporated herein by reference), standard Fire Department requirements such as road naming requirements, address number standards, hydrant requirements, and review of site circulation and design of secondary internal Emergency Vehicle Access (EVA) roads would apply to the proposed project, and would ensure adequate emergency access and reduce the risk from wildland fires. Additionally, SBCSD has indicated that SBCSD's Orcutt Station could accommodate the additional deputies necessary to provide adequate police protection services.

2.3.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.

The Board finds that the proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan upon approval of the proposed Rezone and General Plan Amendment. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated October 15, 2020, incorporated herein by reference, as well as the memo dated November 3, 2020, incorporated herein by reference, the proposed Final Development Plan, as conditioned, is consistent with applicable policies and development standards in the Comprehensive Plan (including the OCP) and the LUDC. Policies and development

standards include those related to land use, provision of services, residential buildout, hillside protection, watershed protection, geology, flood hazards, cultural resource sites, open space, visual resources, fire protection, as well as policies and development standards in the OCP specific to KS 3 buildout. The project also conforms to all requirements of the Land Use and Development Code, including the PRD zone district standards.

2.3.7 Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.

The project site is located within the urban boundary of the Orcutt Community Plan Area. Therefore, this finding does not apply to the project.

2.3.8 The project will not conflict with any easements required for public access through, or public use of a portion of the subject property.

The Board finds that the project will not conflict with any easements required for public access through, or public use of a portion of the subject property. A perpetual public access easement over proposed private sidewalks and trails necessary for the public to access the public multi-use trails is proposed to be dedicated to the County. Additionally, 'Road A' (Outrider Road) would be public to ensure public access to the open space that will be dedicated to the County as a part of the project. The project also has an easement over Chancellor Street for public access and public utility purposes. The project does not include any additional components that will conflict with any easements required for public access through, or easements for public use of a portion of the subject property.

B. Additional finding required for Final Development Plans. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.

The Board finds that the Final Development Plan may be considered as both a Preliminary and Final Development Plan because there is no previously approved Preliminary Development Plan.

2.4 TENTATIVE MAP FINDINGS

Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for the Orcutt Key Site 3 Vesting Tentative Tract Map, Case No. 13TRM-00000-00001.

2.4.1. 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 Board finds that the design of the subdivision provides, to the extent feasible, for passive or natural heating or cooling opportunities. The proposed setbacks identified in Section 5.3 of the Planning Commission staff report dated October 15, 2020, and incorporated herein by reference, were identified to provide maximum privacy, light, air, and solar exposure. The proposed setbacks would allow homes to be clustered within the northern portion of the project site, consistent with the OCP. Homes would be located at an appropriate distance from streets and adjacent lots so as to protect and preserve property values, ensure compatibility of different uses, avoid nuisances and advance the general welfare of residents within the PRD zone. Future residential development on the site will be able to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. There is sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site.

2.4.2 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 Board finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Comprehensive Plan and Orcutt Community Plan. As discussed in Section 6.2 of the Planning Commission staff report, dated October 15, 2020, following approval of the proposed General Plan Amendment and rezone applications and adherence to Conditions of Approval, the project will be consistent with all applicable policies of the County’s Comprehensive Plan and the Orcutt Community Plan.

2.4.3. State Government Code §66474. A 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 makes any of the following findings:

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

The Board finds that this finding cannot be made, thus the map may be approved. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated October 15, 2020, following approval of the General Plan Amendment and rezone, the conditioned project will be consistent with all applicable policies of the County’s Comprehensive Plan, the Orcutt Community Plan, the Santa Barbara County Land Use and Development Code, and Chapter 21, the County Subdivision Ordinance.

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

The Board finds that this finding cannot be made, thus the map may be approved. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated October 15, 2020, as well as the memo dated November 3, 2020, incorporated herein by reference, following approval of the General Plan Amendment and rezone, future residential improvements of the subdivision associated with the conditioned project will be consistent with the County’s Comprehensive Plan and the Orcutt Community Plan.

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

The Board finds that this finding cannot be made, thus the map may be approved. The subject 138.6-acre parcel is sufficient in size to accommodate the future development of 119 clustered single-family residences, as is discussed in Finding 2.3.1 herein and incorporated by reference. To ensure neighborhood compatibility, future single-family residences will be required to be in conformance with the approved Design Guidelines, and will be reviewed and approved by the Board of Architectural Review prior to Zoning Clearance and Building Permit issuance. Adequate public and private services are available to serve the project. As such, the site can be found physically suitable for the proposed subdivision.

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

The Board finds that this finding cannot be made, thus the map may be approved. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated October 15, 2020, incorporated herein by reference, approval of the General Plan Amendment will change the land use designation on a portion of the subject parcel from Residential Ranchette

with corresponding RR-10 zoning to Planned Development with corresponding Planned Residential Development (PRD-119) zoning. Full buildout of the Orcutt Key Site 3 property will accommodate 279 dwelling units, including the 119 units proposed in this project and the 160 units in the MR-O zone approved as part of the Focused Housing Program. The project includes the development of 119 single-family residences located within approximately 25 acres located of Planned Development land entirely on the northern mesa. This area of the property has a generally flat topography and geotechnical hazards evaluations have determined that the portion of the site proposed for development will not be subject to stability risks. Additionally, the OCP identifies this area as appropriate for higher density development because of its proximity to SHMHP. Open space areas south of the mesa, representing approximately 66 percent of the project site, will include public multi-use trails and will be dedicated to the County or to a County-approved agency as public open space, as required by the OCP. As a result, the site is physically suitable for the proposed density of 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 Board finds that this finding cannot be made, thus the map may be approved. The Final SEIR (14-EIR-07) for the Orcutt Key Site 3 project identifies environmental impacts that cannot be fully mitigated and are therefore considered significant and unavoidable (Class I). These impact areas are effects of cumulative development on the visual character of the Orcutt area, effects of cumulative development on biological resources (including effects on sensitive habitats and associated with habitat loss), and the effects of cumulative development on wastewater and solid waste services and facilities.

As discussed in the Statements of Overriding Considerations (Finding 1.11 herein), to the extent that impacts remain significant and unavoidable, these impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in Finding 1.11. For the Class I impacts identified by the Final SEIR (14-EIR-07) and Revision Letter, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect to the maximum extent feasible; further discussion to this effect is included in Finding 1.7, *Findings that Certain Unavoidable Impacts Are Mitigated To The Maximum Extent Feasible*, herein.

Mitigation measures are applied as project conditions to reduce other environmental impacts to insignificant levels. Therefore, the project will not cause substantial environmental damage nor substantially and avoidable injure fish or wildlife or their habitat.

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

The Board finds that this finding cannot be made, thus the map may be approved. The proposed subdivision has been designed to minimize the potential to cause public health problems. Habitable structures will be located outside of the FEMA-designated 100-year flood zone and the identified Santa Maria Airport no-build corridor. Additionally the project will be developed in areas of the site which were identified in the Orcutt Community Plan for future residential development. Adequate water, utilities, and access are available to serve the proposed parcels. Implementation of Mitigation Measures WR-2(a) and WR-2(b) will provide adequate water quality treatment per Public Works standard conditions. The project has also been reviewed by the County Fire Department, County Sheriff, Flood Control District, Environmental Health Services, and Air Pollution Control District. With implementation of the required mitigation measures and review by local regulatory agencies, there will be no public health problems or hazards associated with the project.

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.

The Board finds that this finding cannot be made, thus the map may be approved. The project is conditioned to include easements for, and the development and maintenance of, public multi-use trails onsite. As conditioned, the project does not conflict with any public easements and there currently is no public use of the subject property.

2.4.4. 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:

The Board finds that this finding cannot be made, thus the map may be approved. The

subject parcel is currently zoned residentially and was designated in the OCP for residential development and public open space uses. Additionally:

(a) 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.

The subject parcel is not subject to a contract entered into pursuant to the California Land Conservation Act of 1995, or any easements entered into pursuant to Section 51256.

(b) 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).

The subject parcel is not subject to an existing open space easement entered into pursuant to the Open Space Easement Act of 1974.

(c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.

The subject parcel is not subject to an agricultural conservation easement entered into pursuant to Chapter 4 of Division 10.2 of the Public Resources Code.

(d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

The subject parcel is not subject to a conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

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

The Board finds that discharge of waste from the proposed subdivision into an existing community sewer system will not result in violation of existing requirements prescribed by a RWQCB pursuant to Division 7 (commencing with §13000) of the Water Code. The project site will be served by the Laguna County Sanitation District (LCSD). Existing LCSD disposal and treatment facilities have sufficient capacity to handle both the projected average and peak sewage generation from the project. The applicant will

be also be required to pay their fair share of impact mitigation fees to the LCSD for any necessary upgrades to the Solomon Creek Trunk, which will collect flows from the proposed on-site sewer pipes. These upgrades will ensure the system has sufficient capacity to serve the project.

A. Chapter 21, County Subdivision Regulations

The following findings shall be cause for disapproval of a Tentative Parcel Map or lot split map, but the Tentative Parcel Map or lot split 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; however the Director of Public Works may approve such easements or rights-of-way without such subordinations.**

The Board finds that this finding cannot be made, thus the map may be approved. The project does not include any easements or rights-of-way across proposed County streets.

- 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 Board finds that this finding cannot be made, thus the map may be approved. The proposed subdivision has been designed so that lots resulting from the tentative map will not become landlocked; all lots would front either a proposed road or driveway. Roads and driveways are adequately designed for ingress and egress, and have been reviewed by both the County Fire Department and Public Works Transportation Division.

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

The Board finds that this finding cannot be made, thus the map may be approved. The project will cluster development onto the Northern Mesa Area and preserve as open space hillsides exceeding 20 percent to the south of Orcutt Creek, and the project will not create unsafe or unattractive grading cuts or fills. Construction of the proposed project will not entail grading on slopes exceeding 20 percent. Utilities will be installed underground.

4. 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 Board finds that this finding cannot be made, thus the map may be approved. The project is conditioned (Condition No. 26 of Attachment B.1 to the Board of Supervisors memo dated May 10, 2022, incorporated herein by reference) to not allow grading or construction work associated with the proposed project to be permitted prior to recordation of the tentative map.

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

The Board finds that this finding cannot be made, thus the map may be approved. A FEMA-designated 100-year flood zone occurs on the Key Site 3 property along the channel of Orcutt Creek and extends northward into the central plain area. However, the project will preserve the area within the 100-year flood zone as natural open space and will not involve the construction of habitable structures within the 100-year floodplain. All residences will be clustered at higher elevations in the northern mesa area, ensuring that habitable structures and people are not exposed to flood hazards.

The County of Santa Barbara has designated the site as a high fire hazard area. In addition, the Fire and Police Protection map created for the OCP Update EIR identifies the portion of the project site extending from 100 feet north of Orcutt Creek to the southern site boundary as an area most subject to wildfires. The construction of residential structures in a designated high fire hazard area will expose additional people to fire hazards. Compliance with Mitigation Measures FP-1(a) and FP-1(b) requiring the preparation of a Fire/Vegetation Management Plan and implementation of construction standards for fire prevention will ensure that potential fire hazards will be avoided and/or reduced to the maximum extent feasible. With implementation of these measures, there is no potential creation of hazard to life or property from floods, fire, or other catastrophe.

6. Nonconformance with any adopted general plan of the County or with any alignment of a state highway officially approved or adopted by the Department of Transportation.

The Board finds that this finding cannot be made, thus the map may be approved. The project, with proposed General Plan amendments, is in conformance with the Comprehensive Plan, including the Orcutt Community Plan, and does not conflict with any alignment of a state highway. As discussed in Sections 6.2, and 6.3 of the Planning Commission staff report, dated October 15, 2020, incorporated herein by

reference, as well as the memo dated November 3, 2020, incorporated herein by reference, compliance with the project description and required conditions of approval will ensure that the design and improvements of the subdivision and future development are consistent with the County’s Comprehensive Plan, Orcutt Community Plan, and Land Use Development Code. Additionally, roadway improvements required in MM T-1 and T-2 will improve intersection operations at the Clark Avenue/U.S. 101 southbound ramps. Intersection design has been developed at a regional scale in coordination with Caltrans and Public Works Transportation Division staff.

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

The Board finds that this finding cannot be made, thus the map may be approved. The project will not result in lots that have a ratio depth to width in excess of 3 to 1.

8. Subdivision designs with lots backing up to watercourses.

The Board finds that this finding cannot be made, thus the map may be approved. The subdivision design does not include lots backing up to a watercourse. Orcutt Creek crosses the southern and southwestern portions of the project site. The project will cluster development in the northern mesa area of the site.

B. Pursuant to Chapter 21-8 of the Santa Barbara County Code, 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 Board finds that this finding cannot be made, thus the map may be approved. The project conforms to the requirements of the Comprehensive Plan, including the specific provisions of the OCP for Key Site 3 buildout. Upon rezoning as anticipated in the OCP and proposed as part of the project, the project will conform to the provisions of the Land Use Development Code, including procedures and requirements related to General Plan Amendments, Rezones, Tract Maps, and Development Plans. As discussed in Section 6.3 of the Planning Commission staff report, dated October 15, 2020, incorporated herein by reference, as well as the memo dated November 3, 2020, incorporated herein by reference, the project conforms with all requirements of the Chapter 21 Subdivision Regulations for a Vesting Tentative Map, including

Development Plan requirements, and sections regulating Subdivision Standards, Water Supply, Sewage Disposal, Parks fees, and Orcutt Impact fees.

2.5 ROAD NAMING FINDINGS

Findings for Naming Roads (LUDC 35.76.050.D.2): The objective of regulated road naming is to ensure that proposed road names are pleasant sounding; easy to read (so that the public, and children in particular, can readily pronounce the name in an emergency); and add to the pride of home and community. In order to meet that objective, the following criteria were adopted and must be met in order to approve the naming of a road.

2.5.1 A road name shall not be duplicated within the area served by the same post office, or fire or police department. No name should duplicate another road name used elsewhere in the County. Similar sounding names are considered duplicates regardless of spelling.

The Board finds that the proposed road names are consistent with this criterion. The proposed road names Outrider Road, Dash Road, Virago Court, Rendar Road, and Corran Place have been reviewed and cleared for use by the Santa Barbara County Fire Department, Assessor’s Office, Sheriff’s Dispatch, and the County Surveyor as not duplicated within the area or elsewhere in the County.

2.5.2 A road shall not be named after a living person, except that a road may be named with a family surname prominent in County history, even if a family member still resides in the area.

The Board finds that the proposed road names do not reference a surname of a living person.

2.5.3 A road name shall have less than 24 letters, including punctuation, spacing, and road classification (e.g., lane, street, way).

The Board finds that all of the proposed road names contain less than 24 letters, including punctuation, spacing and the road classification.

2.5.4 A road name shall be easy to pronounce and spell.

The Board finds that all proposed road names are easy to pronounce and spell.

2.5.5 A road name shall be grammatically correct whether in English or a foreign language.

The Board finds that proposed road names are grammatically correct.

2.5.6 A road name shall include the appropriate road classification (e.g., lane, street, way).

The Board finds that proposed road names include the appropriate road classification.

ATTACHMENT B.1: REVISED CONDITIONS OF APPROVAL

SB Clark, LLC (Key Site 3) Vesting Tentative Tract Map Case No. 13TRM-00000-00001 / TM 14,801

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Tract Map is based upon and limited to compliance with the project description, the hearing exhibits, 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:

The proposed project is a request by SB Clark, LLC owners, for approval of Vesting Tentative Tract Map (TM 14,801) (VTTM). The proposed project includes the following components:

- The development of 119 single-family detached, small-lot residential units, clustered on the northern portion of the project site;
- 113.5 acres of public and private open space (82% of the total project site), including the upper mesa bluff area, Orcutt Creek, private parks and trails, public multi-use trails, landscaped basins, and areas of natural and restored habitat on hillsides and creeks;
- A two-lot subdivision of a 8-acre portion of the site that was rezoned to MR-O in February of 2009 as part of the Housing Element Focused Rezone Program. The subdivision would establish the exterior boundaries of the MR-O zone district and establish infrastructure for the 160 approved multi-family units;
- Approval of a total of 134 lots on Key Site 3, as shown in Table 1 below.

The VTTM would subdivide 138.6 acres into a total of 134 lots: 1) 119 residential lots ranging in size from 3,126 gross sq. ft. to 13,287 gross sq. ft.; 2) three lots for private roads totaling 4.3 acres; 3) one lot for a public road totaling approximately 3.50 acres; 4) eight lots for private open space totaling approximately 22.5 acres; 5) one lot for public open space to be dedicated to the County totaling approximately 91 acres; and 6) 2 lots totaling 8 acres for future development on property zoned MR-O.

Table 1: Vesting Tentative Tract Map Proposed Lots		
Use	Number of Lots	Acreage
Roads (Public and Private), Driveways, Sidewalks, Paths & Swales	4	7.8
Public Open Space	1	91.0
Private Open Space	8	22.5
Condominium Lots (MR-O)	2	8.0
Single-family Cluster Homes and Private Yards	119	9.3
Total	134	138.6

In accordance with the OCP, primary access to the site will be provided via a new road off of Clark Avenue and through Key Site 2 to the north. The applicant endeavors to obtain a remediated access easement over Key Site 2 in a location comparable to that shown in Attachment P to the Planning Commission memo dated November 3, 2022. In the event that the applicant is unable to obtain and record a renegotiated access easement prior to issuance of a Zoning Clearance for grading, the applicant would utilize their existing access easement over Key Site 2 as shown in Attachment C to the Planning Commission staff report dated October 25, 2020. The applicant endeavors to obtain a remediated access easement over Key Site 2 in a location comparable to that shown in Attachment P to the Planning Commission memo dated November 3, 2022. In the event that the applicant is unable to obtain and record a renegotiated access easement prior to issuance of a Zoning Clearance for grading, the applicant would utilize their existing access easement over Key Site 2 as shown in Attachment C to the Planning Commission staff report dated October 25, 2020. In addition, a secondary access road will be linked to Chancellor Street or Oakbrook Lane which connect to Stillwell Road. The applicant will make a good faith effort with an offer of monetary compensation to gain secondary access over Oakbrook Lane. If access is acquired over Oakbrook Lane, the applicant will improve the road to applicable standards. If the applicant cannot acquire secondary access over Oakbrook Lane. The applicant has an easement over Chancellor Street for access and public utility purposes. Access to the project site from Chancellor Street will require the construction of a clear span bridge over Orcutt Creek. Water will be provided by Golden State Water Company. Sewer service will be provided by Laguna County Sanitation District. Electrical service will be provided by PG&E, gas service by SoCalGas, telephone by Verizon, and digital services by Comcast.

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.

II. MITIGATION MEASURES FROM 14-EIR-07

Aesthetics/Visual Resources

3. AES-1(a). Architectural and Landscape Guidelines. The owner/applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall incorporate the guidance from the applicable OCP Development Standards (DevStds VIS-O-1.1, VIS-O.3.1, VIS-O-3.4, KS3-14 through KS3-17, KS3-19 through KS3-21, etc.) and include clear criteria and requirements to guide the design, layout, and landscaping of all residential development consistent with the performance standards below. All future development shall comply with the Guidelines.

- Tract landscaping. Landscaping installed as part of tract improvements shall be consistent with approved landscape plans. Landscaping guidelines shall describe the following elements:
 - Landscaping shall consist of drought-tolerant native and/or Mediterranean type species, and shall provide screening along the project perimeters;
 - Only natural fiber, biodegradable materials shall be used;
 - Fuel management techniques shall be used, including, but not limited to, fire resistive landscaping, defensible space features, and strictly controlled vegetation within defensible space;
 - Fire-resistant vegetation shall be used in tract landscaping.
- Individual House Landscaping. Landscaping Plans for the front yards of individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into the surrounding area while preserving identified viewsheds. Individual lot landscaping plans shall incorporate plants that are drought-tolerant native and/or Mediterranean type species. Only natural fiber, biodegradable materials shall be used for plantings.
- Architectural Guidelines. Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences and walls. Color combinations used on individual home roofs, walls, and facias shall be selected as to avoid high contrast, such as very dark brown adjacent to white. Roof vents shall be the same earthtone shade as the surrounding roof surface. Materials shall be denoted on building plans.

Plan Requirements and Timing. The owner/applicant shall submit Design Guidelines to P&D and the Board of Architectural Review for review and approval prior to final map recordation. Guidelines shall be recorded with the final map for the tract. A copy of the Guidelines shall be submitted with grading, building, and landscaping plans prior to zoning clearance approval for individual lot development. Common area/tract landscaping shall be installed prior to occupancy clearance for the first single family dwelling. A landscape plan in conformance with the approved Guidelines shall be reviewed and approved prior to issuance of Zoning Clearance for individual lot development. The Guidelines shall be included in Covenants, Conditions and Restrictions (CC&Rs), and monitored by a Homeowners Association (or similar entity). **Monitoring.** For both

common area/tract and individual house projects, P&D compliance monitoring staff shall inspect for compliance with the approved landscaping plans prior to occupancy clearance.

4. **AES-1(b). Graffiti Control.** A Homeowner's Association, owner/applicant or successor shall clean up any graffiti on sound walls in the project site within 72 hours of discovery. If there is a continued problem with graffiti and/or if it not removed within the stated time, as determined by P&D, a plan for preventing recurrence shall be submitted to P&D for review and approval, and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces and/or the use of anti-graffiti paint.

Plan Requirements and Timing. This condition shall be printed on final subdivision improvement plans and included in the project's CC&Rs. A graffiti prevention plan shall be submitted and complied with by the owner/applicant or Homeowners Association upon determination of need by P&D.

Monitoring. P&D shall review plans and CC&Rs for conformance prior to final map clearance. P&D shall also site inspect and respond to complaints.

5. **AES-2. Landscaping Plan.** The project applicant shall develop a County-approved landscape plan for the buffer zone between on-site residential development and U.S. 101 prior to final map recordation. Landscape plans for the project shall consist of predominantly drought tolerant native and/or naturalized species that screen development on the site from surrounding land uses and U.S. 101. Landscaping shall incorporate continuous screening with trees or other vegetation a minimum of 15 feet tall in the buffer zone between on-site residential development and U.S. 101. Parking areas shall include a minimum of 15% of their area in landscaping. In order to provide visual relief, glare reduction, and shade, large-canopy trees are recommended. Landscaping shall incorporate drought-tolerant or native vegetation to screen the project site from surrounding sensitive land uses.

Plan Requirements and Timing. The applicant shall submit the landscape plan to P&D for review and approval prior to final map recordation. Landscape Plan Guidelines shall be included in Covenants, Conditions and Restrictions (CC&Rs), and monitored by a Homeowners Association (or similar entity). **Monitoring.** P&D shall review plans and CC&Rs for conformance prior to final map clearance.

Biological Resources

6. **BIO-1(d) Landscaping Plan.** The project landscape plan shall indicate the locations and species of plants to be installed throughout the development, including areas adjacent to open space. Drought tolerant, locally native plant species shall be selected in consultation with a qualified biologist. Invasive non-native plant species that occur on the California Invasive Plant Council

Lists shall not be permitted. Species selected for planting in setbacks shall be similar to those species found in adjacent native habitats.

Plan Requirements and Timing. The landscape plan shall be submitted to P&D for review and approval prior to final map clearance. **Monitoring.** P&D compliance monitoring staff shall inspect the site prior to occupancy to ensure compliance.

7. **BIO-3(a) Development Restriction.** The owner/applicant shall restrict trail development within the Open Space Area to the minimum area necessary to construct the planned trails. All trails and bicycle paths shall be sited and designed to minimize erosion and removal of native vegetation and to encourage sustainable low maintenance. To the maximum extent feasible, trails shall follow existing dirt roads and trail alignments. Where this is not possible, prior to final trail alignment of these trail segments, the proposed trail route shall be surveyed by a P&D-qualified botanist. The botanist, in consultation with P&D, shall reroute the trail alignment to avoid sensitive species and be generally consistent to the revised Orcutt Community Plan Parks, Recreation and Trails Map approved by the Board of Supervisors. Bicycle path construction shall avoid removal of riparian vegetation to the maximum extent feasible.

Plan Requirements and Timing. Consistent with the proposal in the project description, the owner/applicant shall dedicate the 91-acre open space to the County for open space and public trails purposes, as identified on the approved Development Plan and Tentative Tract Map, and shall construct the trail system including fencing and signage and any necessary trail structures to standards and specifications of the Orcutt Community Plan (Orcutt Multiple Use Trails Plan and Trail Siting and Design Guidelines) and the County Community Services Department, Parks Division. The developer shall be responsible for the construction and maintenance of the trail system for two years, at which time the Orcutt Community Facilities District, would assume maintenance responsibility. Prior to recordation of the final map: (1) The owner/applicant shall submit trail system plans, including specific alignment and landscaping, fencing, and signage, and maintenance funding/responsibility, for review and approval by Planning and Development (P&D) and Community Services Department - Parks Division; (2) A performance security for trail installation and maintenance shall be submitted by the owner/applicant to P&D for review and approval. **Timing:** The trail system shall be constructed as part of initial tract improvements and completed prior to the issuance of occupancy clearance for dwellings along the perimeter of the open space. **Monitoring.** P&D Permit Compliance staff and Parks Division staff shall monitor trail and bikepath installation in accordance with the approved plans.

Cultural Resources

8. **CR-1(a) Avoidance of CA-SBa-3812H and CA-SBa-3813H.** Development within 25 feet of the boundaries of CA-SBa-3812H and CA-SBa-3813H shall be avoided. If impacts to all or any of these resources cannot be avoided, as determined by the owner/applicant with concurrence from P&D staff, then the recommendations presented in the 2006 Heritage Discoveries report shall

be implemented as described in Table 4.4-1 of this EIR and in accordance with Mitigation Measure CR-1(c) (incorporates OCP EIR ARCH-3 and modification of OCP EIR KS3-HA-1). **Plan Requirements and Timing.** Prior to final map clearance, the owner/applicant shall conduct Extended Phase 1 testing as necessary for CA-SBa-3812H and CA-SBa-3813H, (to be determined in consultation with P&D) to define site boundaries with respect to proposed development. Prior to final map clearance, the owner/applicant shall submit for P&D approval a revised site plan that avoids grading and development within the sites and a 25-foot buffer. **Monitoring.** P&D shall review revised grading and improvement plans and verify that avoidance of the site and the buffer area is achieved. P&D shall field check development operations to ensure compliance with avoidance requirements.

III. CONDITIONS UNIQUE TO TENTATIVE TRACT MAP 14,801

9. **Landscp-01a Landscape for Life.** The HOA shall maintain common area project tract landscaping for the life of the project. The HOA or designee shall permit the County to conduct site inspections a minimum of one time per year for 5 years and once per year beyond that if determined to be necessary by P&D. **Timing:** Prior to map recordation issuance, the Owner/Applicant shall record CC&Rs that state the condition requirements above and note the requirements of AES-1(a). P&D compliance monitoring staff may conduct site inspections once per year if necessary to ensure that landscaping is maintained for the life of the project.
10. **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 and agreements associated with or required by this project approval on a separate informational sheet(s) to be recorded with the Final 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.
11. **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.
12. **Map-01b Maps-Not Retroactive.** If Zoning Clearances are obtained prior to recordation, Tentative Map conditions will not apply retroactively to the previously issued permit.
13. **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.

14. Map-06 Title to Common Space. Title to the private common open space areas shall be held by a non-profit association of all homeowners within the single-family dwelling project areas or other non-profit entity on such reasonable terms and conditions as the Board of Supervisors may prescribe. The reasonable terms and conditions may include restricting the rights to develop the property to the uses described in the approved project. If the common open space is conveyed to a group other than the homeowners association, the rights to develop such property with uses other than those described in the approved project shall be conveyed to the County of Santa Barbara.

15. Map-07 CCR Maintenance. The Applicant shall record Codes Covenants and Restrictions (CC&Rs) which provide for shared maintenance responsibilities by all owners for:

1. Common area landscaping / irrigation;
2. Storm Water Quality Management Plan components;
3. Vegetation management of areas outside of the identified building area required for fire safety;
4. Maintenance of required signage;
5. Two-year maintenance of trails;
6. Graffiti control;
7. Required signage;
8. Compliance with approved Architectural and Landscape Guidelines for tract landscaping and shared amenities;
9. Compliance with conditions of approval herein (Attachments B.1, B.2 and B.3) that reference HOA responsibilities.

The CC&Rs shall also include responsibilities for all owners to maintain the property in compliance with all conditions of approval of the project, including, but not limited to:

- a. Compliance with approved Architectural and Landscaping Guidelines;
- b. Wildlife avoidance measures;
- c. Lighting restrictions;
- d. Drought tolerant landscape;
- e. Restrictions on tree removal;
- f. Recycling requirements;
- g. Restrictions on water softeners;
- h. Air Quality Greenhouse Gas requirements.

The Association shall be established before the homes are sold, Membership in the Association shall be mandatory for each home buyer and any successive buyer, and the Association shall be responsible for liability insurance, property taxes, and maintenance of common open space and recreational and other common facilities

Homeowners shall pay their pro rata share of all costs of the Association and the assessment levied by the Association can become a lien on the property, and the Association shall be able to adjust the assessment to meet changed needs.

The CC&R language is subject to approvals from P&D and County Counsel. In addition, the CC&Rs shall include note that reads as follows: "IMPORTANT: BUYER NOTIFICATION: The Home Owners Association shall obtain County approval for amendments to any CC&R provision related to project requirements. All owners shall maintain property in compliance with all conditions of approval for the project."

- 16. Map-08 Water and Sewer Connections.** If, prior to the Board action to approve the recording of the Final Map, the water or sewer entities in which the proposed subdivision is located declares its inability to permit new water or sewer connections and has so notified the County or is operating under a connection ban by the California Water Quality Control Board Central Coast Region, the subdivider shall submit to the County Surveyor an "exemption letter" from the appropriate water or sewer entity stating that the lots in the subdivision have been granted or qualify for an exemption from the entity's or Water Board's prohibition on new service connections, subject to the rules, regulations, resolutions, and ordinances of the entity under which the exemption was granted, or letters from the County Health Department and P&D Building & Safety stating that the lots in the subdivision will be served by an approved potable source of water and an approved private sewage disposal system.
- 17. Map-10 Public Utility Easements.** Prior to Recordation, public utility easements shall be provided in the locations and widths required by the serving utilities. The subdivider shall submit to the County Surveyor a set of prints of the Final map accompanied by a letter from each utility, water and sewer district serving the property stating that the easements shown thereon are acceptable.
- 18. Map-11 Electrical Utilities.** Electrical utilities shall be installed underground.
- 19. NPDES-17 Storm Water Retention-Residential Project.** The Owner/Applicant shall specify the following in the CC&Rs: "IMPORTANT: BUYER NOTIFICATION: Long-term maintenance and proof of inspections of the biofiltration system shall be the responsibility of the owner. Biofiltration system maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include a provision that the property owners conduct maintenance inspection at least once/year, retain proof of inspections, submit proof to the County upon request and allow the County access to the property to inspect to ensure compliance." **Timing:** The Owner/Applicant shall complete the required recordation of the CC&Rs with this notification prior to final map clearance.

20. HOUS-07 In-Lieu Fees (projects that include only residential lot subdivision). The Owner/Applicant shall pay in-lieu fees for affordable housing units in compliance with the provisions of Sections 46A-4(b) and (c) of the County Inclusionary Housing Ordinance (Ordinance No. 4855). In-lieu fees shall be paid prior to map recordation.

The County determined the amount of the in-lieu fees based on the fees in effect at the time the application was deemed complete for a 119-unit project in the Santa Maria Housing Market Area. The in-lieu fees total \$275,485.00 as shown in the following table:

Income Level	Requirement	Number Units Required	In-Lieu Fees Per Unit	In Lieu Fees Per Income Level
Very Low	2.5%	2.975	\$72,300	\$46,300.00
Low	2.5%	2.975	\$72,300	\$46,300.00
Moderate	0%	-	-	-
Workforce	0%	-	-	-
Total	5%	5.95	\$72,300	\$275,485.00

Timing: The Owner/Applicant shall pay the fees to the County Housing and Development Division prior to map recordation for the project. If the Owner/Applicant has appealed the fees and been granted a fee reduction, map recordation must occur within sixty (60) days of the reduced in-lieu fee payment. P&D planning staff shall obtain written clearance from HCD, using the HCD Project Approval Form, prior to map recordation.

21. Offer to Dedicate. In accordance with the project description proposed by the applicant, Lot No. 129 shall remain in natural, undeveloped open space consistent with the project description and project plans. No development except multiuse trails, bikeways, detention basins, signage, landscaping and irrigation shall be permitted within this area as specified in the project description and conditions of approval. The developer shall be responsible for the construction of identified improvements and maintenance of the open space for two years, at which time the Santa Barbara County Community Services Department Parks Division would assume maintenance responsibility. The applicant’s offer of dedication of Lot No. 129 to the County as public open space shall identify the Orcutt Community Facilities District as responsible for maintenance and funding. **Plan Requirements and Timing:** Prior to map recordation, (1) the applicant shall submit an offer to dedicate Lot No. 129 as public open space including trail system plans, including specific alignment and landscaping, fencing, and signage, and maintenance funding/responsibility for review and approval by Planning and Development (P&D), Parks Department and County Counsel, (2) submittals shall be reviewed and, if consistent with the project description, project plans, and conditions of approval, approved by Planning and Development (P&D), Parks Department and County Counsel, (3) the offer to dedicate shall be executed and submittals shall be docketed by P&D with the Board of Supervisors for acknowledgment pursuant to Government Code 7050; and (4) the Applicant or a successor in

interest shall record the offer to dedicate prior to or concurrent with map recordation. The offer to dedicate shall also be reflected on the map. **Monitoring:** P&D will ensure that the offer to dedicate Lot No. 129 is stated on the map and that the other requirements for the offer to dedicate are satisfied prior to map recordation.

IV. COUNTY RULES AND REGULATIONS

- 22. Rules-01 Effective Date-Not Appealable to CCC.** This Vesting Tentative Tract 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 [LUDC §35.82.020].
- 23. Rules-03 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 Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 24. 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.
- 25. Rules-06 Recorded Map Required.** Tentative Map 14,812 shall be recorded prior to issuance of any permits for development, including grading.
- 26. Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 27. Rules-19 Maps/LLA Revisions.** If the unrecorded Tentative 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 Map.
- 28. Rules-23 Processing Fees Required.** Prior to recordation, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 29. Rules-25 Signed Agreement to Comply.** Prior to recordation, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits

and all conditions of approval. This form may be obtained from the P&D office. Owners of lots resulting from this land division shall record such agreements prior to zoning clearance issuance for future development.

30. Rules-29 Other Dept Conditions. Compliance with Departmental/Division letters required as follows:

- a. Fire Department dated April 5, 2021
- b. Flood Control Water Agency dated September 18, 2015
- c. Community Services Department, Parks Division dated August 28, 2020
- d. Transportation Division dated September 7, 2020
- e. Project Clean Water dated November 16, 2017
- f. Laguna County Sanitation District dated August 21, 2020 (summarizing letters from November 14 through December 11, 2019)
- g. County Surveyor's Office dated July 25, 2013
- h. Environmental Health Services dated December 22, 2017

31. Rules-31 Mitigation Monitoring Required. The Owner/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 Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b. Pay fees prior to approval of Zoning Clearance 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 Owner/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;
- c. 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 Final Subsequent Environmental Impact Report 14-EIR-07;
- d. 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.

32. 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.

- 33. Rules-36 Map/LLA Expiration.** This Tentative Map shall expire three years after approval by the final county review authority unless otherwise provided in the Subdivision Map Act and Chapter 21 of the Santa Barbara County Code.
- 34. 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.
- 35. Special Condition - Supplemental Water.** The project shall purchase supplemental water from the City of Santa Maria to offset increased demand for water from the Santa Maria Groundwater Basin. Plan Requirements & Timing: Prior to zoning clearance, the applicant shall provide proof of purchase of supplemental water from the City of Santa Maria.
- 36. Map-14 Annexation.** The property subject to the tentative parcel map shall be annexed into the North County Lighting District and the Orcutt Community Facilities District prior to recordation of the Final Map.

ATTACHMENT B.2: REVISED CONDITIONS OF APPROVAL

SB Clark, LLC (Key Site 3) Development Plan Case No. 13DVP-00000-00010

I. PROJECT DESCRIPTION

- 1. Proj Des-01 Project Description.** This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits, 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:

An application for a Development Plan has been submitted pursuant to Section 35.82.080 of the County Land Use and Development Code. The Development Plan provides the necessary details of site development in the area proposed to be rezoned Planned Residential Development. The project proposes to develop 119 single-family units with a small lot, detached cluster home product on the northern portion of the site. Approximately 113.5 acres (82%) of the site is proposed as open space. The open space area includes the upper mesa bluff area, Orcutt Creek, private parks and trails, public multi-use and hiking trails, landscaped basins, and natural and restored habitat on hillsides and along the creek. Approximately 91 acres (66%) of the project site would be dedicated to the County as public open space. This section describes the proposed Key Site 3 project components, including the Mesa Neighborhood, parks and trails, affordable housing in-lieu fees, lighting and fencing.

A. Project Components.

The Development Plan provides the necessary details of site development in the area proposed to be rezoned Planned Residential Development (PRD) and developed with 119 single-family homes. This section describes the proposed Key Site 3 project components, including the Mesa Neighborhood, parks and trails, affordable housing in-lieu fees, lighting and fencing.

Mesa Neighborhood. The PRD portion of the upper mesa adjacent to the Sunny Hills Mobile Home Park will be developed with 119 detached single-family homes, parks, trails, and other supporting improvements. Of the 119 homes, 14 will be single-story homes located on the project perimeter adjacent to the existing mobile home park to the north and single-family homes to the west. The remaining 105 homes will be one- or two-story homes ranging in size from approximately 1,100 sq. ft. to 1,600 sq. ft. All of the single-family homes will have enclosed garage parking for two vehicles.

Parks and Trails. The proposed project includes recreational amenities such as bluff top parks and trails; dual use parks and detention basins; and the portion of the OCP trail system within the Key Site 3 boundary. This will include a public multi-use trail that will follow the primary access to Key Site 2 to the north and connect to a future trail on Key Site 2. The project also includes approximately 91 acres (66%) of the project site would be dedicated to the County as public open space. The applicant would construct all of the onsite trails depicted on the project plans, including those proposed in the public open space areas. Additional features for public use include bicycle and vehicle parking, as well as a trailhead staging area for added convenience, safety and accessibility. The public multi-purpose recreational trails will be maintained by the County after two years of applicant maintenance. The County will have a perpetual easement over the onsite private trails and roads necessary for the public to access the public multi-use trails, paths and parking areas.

Affordable Housing. The proposed project does not include affordable housing units, and will comply with County's affordable housing requirements by paying in-lieu fees.

Fencing. The project will use a number of different fencing designs and materials. Privacy fencing along the rear and side yards of homes will be wood. Tubular steel fences will be placed in park areas along the tops of slopes. A post and rail fence with wire mesh will be used around the drainage basins.

Lighting. All exterior lighting features within 100 feet of open space will include installation of hoods to prevent "spill over" into adjacent habitat areas. Night lighting of public areas shall be kept at the minimum necessary for safety purposes. The use of high-intensity flood lights on residential lots is prohibited, and all residential lighting will be shielded and directed downward. Street lighting is required and must conform to the Conditions of Approval herein and to IES, RP-08 standards.

Homeowners' Association (HOA). The development will include the formation of an HOA and the establishment of Conditions, Covenants, and Restrictions (CC&Rs) that will govern the HOA. CC&Rs will delineate maintenance responsibilities and require compliance with Conditions of Approval.

B. Infrastructure/Access Components. This section describes infrastructure (including roadways and grading) proposed within the project area.

Roadway Access & Improvements. The applicant endeavors to obtain a remediated access easement over Key Site 2 in a location comparable to that shown in Attachment P to the Planning Commission memo dated November 3, 2022. In the event that the applicant is unable to obtain and record a renegotiated access easement prior to issuance of a Zoning

Clearance for grading, the applicant would utilize their existing access easement over Key Site 2 as shown in Attachment C to the Planning Commission staff report dated October 25, 2020. In addition, a secondary access road will connect to Chancellor Street or Oakbrook Lane to provide access to Stillwell Road. The applicant will make a good faith effort with an offer of monetary compensation to gain secondary access over Oakbrook Lane. If access is acquired over Oakbrook Lane, the applicant will improve the road to applicable standards. If the applicant cannot acquire secondary access over Oakbrook Lane, the applicant has an easement over Chancellor Street for access and public utility purposes. Secondary access to the project site would include the construction of a clear span bridge over Orcutt Creek with foundation work outside of the floodway.

With the exception of 'Road A' (Outrider Road) which would provide public access to the proposed trailhead parking, all new roads within the subdivision would be private roads maintained by the project HOA. Roads would be two-lane with ROWs varying from 28 feet to 56 feet in width. In most cases, roads would have a 24-foot pavement width, with sidewalks or a trail on either or both sides of the road; trail and sidewalk locations are depicted in Attachment D. Shared driveways serving the mesa area cluster homes would be between 20 and 26 feet in width, and sidewalks would be provided in the courtyard areas for the 119 small lot detached cluster homes.

The existing intersection of Chancellor Street and Stillwell Road consists of an 'L'-shaped standard return. Stillwell Road follows a north-south alignment while Chancellor Street travels east-west. There is an existing private road to 5550 Stillwell Road that connects at the southern side of the intersection. The project proposes to improve the intersection to include a 'knuckle' at the southwest corner of the intersection to increase vehicle sight lines. The centerline radius would be increased from 46' to 61'. Re-grading of the intersection to construct this knuckle would require a 2' maximum height wall on the north side of the intersection and a 3' maximum height wall on the south side respectively. All grading would be confined to the right-of-way.

Proposed grades at the connection to 5550 Stillwell Road would match existing grades. Beyond the curb knuckle, the proposed improvements along Stillwell Road would transition back to the existing pavement. Chancellor Street would require minor widening and paving along its northerly edge of approximately two (2) feet. If secondary access is provided off of Oakbrook Lane, improvements to the road would be required to accommodate the project-generated trips. These improvements would be made as a part of the proposed project. The gate at the intersection of Chancellor Street and Hamilton Lane may remain in place. However, in order to meet County Fire Department requirements for secondary access, ingress and egress for Key Site 3 residents must be provided. Subsurface improvements include the construction of a sanitary sewer to service Key Site 3 via Oak Brook Lane. The existing pavement over the sewer trench would

be repaired per the County's recommendations. Native drought-tolerant hydroseeding with temporary irrigation would be installed on graded slopes.

Parking. Consistent with County parking requirements, all of the single-family homes would have enclosed garage parking for two vehicles. On-street visitor parking would also be provided. In addition, public parking spaces for access to the public multi-use trails would be provided at the terminus of the proposed public road 'Road A' (Outrider Road), which will parallel Highway 101.

Water Infrastructure. There is no existing water infrastructure on Key Site 3. Water utility connections to the existing Golden State Water Company offsite infrastructure would be constructed in two places along the project's western boundary (at Oakbrook Lane and Chancellor Street). The proposed water system for the project would consist of a 12-inch diameter supply main through the northern portion of the project site, effectively completing an 8-inch diameter piping system for residential service. All water lines would be located under the public right-of-way, residential streets, or contained within public utility easements traversing the property. The applicant has entered into an agreement with the City of Santa Maria to purchase 200-acre feet of supplemental water annually for the project.

Wastewater Infrastructure. There is no existing wastewater infrastructure on Key Site 3. Existing nearby infrastructure includes the 10-inch diameter Solomon Creek Trunk Sewer. Sewer service for the project would be supplied to the proposed project through a connection to the existing Laguna County Sanitation District (LCSD) facilities. The proposed sewer collection system would consist of 6-inch and 8-inch PVC pipes routed to a 10-inch PVC pipe that would carry all site flow across Oak Brook Lane to Stillwell Road. This 10-inch collector pipe would then connect to the 10-inch Solomon Creek Trunk Sewer at Stillwell Road. The proposed collection system would conform to LCSD Standard Specifications for the Construction of Sanitary Sewers. Proposed improvements would be dedicated to LCSD for management and future maintenance.

Drainage Infrastructure. The vast majority of the site drains to the basin proposed near the center of the property, while a small portion at the westerly edge of the site drains to the proposed basin near Chancellor Street (see Tentative Map for exact locations). All drainage from the site would be collected with catch basins, routed with storm drain pipes and stored in the basins. All drainage from the site would ultimately be directed to Orcutt Creek, consistent with the current undeveloped drainage pattern. In accordance with Santa Barbara County Flood Control Standards, drainage generated from development on the site would be attenuated through two detention basins and/or catch basins prior to discharging to Orcutt Creek. Additionally, basins have been designed to infiltrate the 95th

percentile storm event for water quality purposes as suggested by the Regional Water Quality Control Board.

Grading. The proposed project would require extensive grading operations. Nearly all areas within the project site that would be developed with either access roads or residences would require some level of grading. Grading would also be required for the new primary access road through Key Site 2, and at the Stillwell Road/Chancellor Street intersection. On a development-wide basis, grading operations would result in approximately 154,350 cu. yd. cut, and 154,350 cu. yd. fill, with no net import or export.

Changes made at the Board of Supervisors hearing on May 10, 2022:

- *The applicant will provide an additional 15-20 trailhead parking spaces, dependent on engineering and consistency with development standards.*
- *The applicant proposes a 6 ft. sound wall between primary access road and Sunny Hills Mobile Home Park.*
- *The applicant will incorporate alternative decorative fencing and additional native landscape screening around the basin in the open space.*

C. Project Phasing. The proposed project is designed to be developed in one phase.

- 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.

II. MITIGATION MEASURES FROM 14-EIR-07

Aesthetics/Visual Resources

- 3. AES-1(a). Architectural and Landscape Guidelines.** The owner/applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall incorporate the guidance from the applicable OCP Development Standards (DevStd's VIS-O-1.1, VIS-O.3.1, VIS-O-3.4, KS3-14 through KS3-17, KS3-19 through KS3-21, etc.) and include clear criteria and requirements to guide the design, layout, and landscaping of all residential development consistent with the performance standards below. All future development shall comply with the Guidelines.

- Tract landscaping. Landscaping installed as part of tract improvements shall be consistent with approved landscape plans. Landscaping guidelines shall describe the following elements:
 - Landscaping shall consist of drought-tolerant native and/or Mediterranean type species, and shall provide screening along the project perimeters;
 - Only natural fiber, biodegradable materials shall be used;
 - Fuel management techniques shall be used, including, but not limited to, fire resistive landscaping, defensible space features, and strictly controlled vegetation within defensible space;
 - Fire-resistant vegetation shall be used in tract landscaping.
- Individual House Landscaping. Landscaping Plans for the front yards of individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into the surrounding area while preserving identified viewsheds. Individual lot landscaping plans shall incorporate plants that are drought-tolerant native and/or Mediterranean type species. Only natural fiber, biodegradable materials shall be used for plantings.
- Architectural Guidelines. Natural building materials and colors compatible with surrounding terrain (earth-tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences and walls. Color combinations used on individual home roofs, walls, and facias shall be selected as to avoid high contrast, such as very dark brown adjacent to white. Roof vents shall be the same earthtone shade as the surrounding roof surface. Materials shall be denoted on building plans.

Plan Requirements and Timing. The owner/applicant shall submit Design Guidelines to P&D and the Board of Architectural Review for review and approval prior to final map recordation. Guidelines shall be recorded with the final map for the tract. A copy of the Guidelines shall be submitted with grading, building, and landscaping plans prior to zoning clearance approval for individual lot development. Common area/tract landscaping shall be installed prior to occupancy clearance for the first single family dwelling. A landscape plan in conformance with the approved Guidelines shall be reviewed and approved prior to issuance of Zoning Clearance for individual lot development. The Guidelines shall be included in Covenants, Conditions and Restrictions (CC&Rs), and monitored by a Homeowners Association (or similar entity). **Monitoring.** For both common area/tract and individual house projects, P&D compliance monitoring staff shall inspect for compliance with the approved landscaping plans prior to occupancy clearance.

4. **AES-1(b). Graffiti Control.** A Homeowner's Association, owner/applicant or successor shall clean up any graffiti on sound walls in the project site within 72 hours of discovery. If there is a continued problem with graffiti and/or if it not removed within the stated time, as determined by P&D, a plan for preventing recurrence shall be submitted to P&D for review

and approval, and shall be implemented as approved. Suggested anti-graffiti measures include the use of vertical landscaping or vines along affected wall surfaces and/or the use of anti-graffiti paint.

Plan Requirements and Timing. This condition shall be printed on final subdivision improvement plans and included in the project's CC&Rs. A graffiti prevention plan shall be submitted and complied with by the owner/applicant or Homeowners Association upon determination of need by P&D.

Monitoring. P&D shall review plans and CC&Rs for conformance prior to final map clearance. P&D shall also site inspect and respond to complaints.

5. **AES-2. Landscaping Plan.** The project applicant shall develop a County-approved landscape plan for the buffer zone between on-site residential development and U.S. 101 prior to final map recordation. Landscape plans for the project shall consist of predominantly drought tolerant native and/or naturalized species that screen development on the site from surrounding land uses and U.S. 101. Landscaping shall incorporate continuous screening with trees or other vegetation a minimum of 15 feet tall in the buffer zone between on-site residential development and U.S. 101. Parking areas shall include a minimum of 15% of their area in landscaping. In order to provide visual relief, glare reduction, and shade, large-canopy trees are recommended. Landscaping shall incorporate drought-tolerant or native vegetation to screen the project site from surrounding sensitive land uses.

Plan Requirements and Timing. The applicant shall submit the landscape plan to P&D for review and approval prior to final map recordation. Landscape Plan Guidelines shall be included in Covenants, Conditions and Restrictions (CC&Rs), and monitored by a Homeowners Association (or similar entity). **Monitoring.** P&D shall review plans and CC&Rs for conformance prior to final map clearance.

Air Quality

6. **AQ-3 Indoor Air Pollution.** *Removed by SEIR Revision Letter*

Biological Resources

7. **BIO-1(a) Sensitive Habitat Restoration Plan** (modification of OCP EIR Mitigation Measures BIO-3 and BIO-3.2). To mitigate for effects on sensitive vegetation from the project, from development of Key Site 3, including the span bridge and multi-use trail, the owner/applicant shall hire a qualified biologist to develop a Habitat Restoration Plan with the goal of restoring up to 0.12 acre of Central Coast Live Oak Riparian Forest and 0.02 acre of Central Dune Scrub

at a minimum ratio of 2:1 (habitat restored to habitat impacted). The Habitat Restoration Plan shall be implemented for a period of not less than five years, or until restoration has been completed successfully as determined by P&D. Off-site habitat acquisition and off-site restoration and/or enhancement may be considered if onsite restoration is not feasible as determined by a County-approved biologist as long as the off-site proposals result in equal compensatory value (i.e. south of Orcutt Creek and within the Orcutt Planning area). The Habitat Restoration Plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e. location, responsible parties, areas to be impacted by habitat type);
- Goal(s) of the compensatory mitigation project [0.12 acre of Central Coast Live Oak Riparian Forest and 0.02 acre of Central Dune Scrub to be restored at a minimum ratio of 2:1 (habitat restored to habitat impacted); specifically the restored habitat areas shall include the plant species identified in the Final SEIR in the Central Coast Live Oak Riparian Forest and Central Dune Scrub identified on Key Site 3 or appropriate to the off-site mitigation area.
- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
- An adaptive management program and remedial measures to address negative impacts to restoration efforts;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

Plan Requirements and Timing. The Habitat Restoration Plan shall be submitted to P&D for review and approval prior to issuance of Zoning Clearance for tract grading. If habitat

restoration is to take place off-site, the above requirements shall also apply, and, in addition, proof of purchase or an easement controlling off-site acreage shall also be submitted to P&D prior to issuance of Zoning Clearance. **Monitoring.** The restoration shall be monitored by a P&D qualified biologist for five years. P&D shall oversee implementation of the Habitat Restoration Plan to ensure that monitoring by a P&D qualified biologist is conducted on a yearly basis, and a final restoration site inspection is conducted upon completion of the Habitat Restoration Plan.

8. BIO-1(b) Oak Tree Avoidance. (Modification of Mitigation KS3-BIO-2 in OCP EIR). The owner/applicant shall modify the proposed development to either incorporate and/or avoid oak trees or their driplines. The following shall be graphically depicted on all final grading and building plans:

- The location and extent of driplines for all trees and the type and location of any fencing.
- Development shall be located 25 feet outside of the driplines of all preserved oak trees. Equipment storage and staging areas shall be designated on approved grading and building plans outside of dripline areas.
- Paving shall be a pervious material (i.e., gravel, brick without mortar) where access roads or driveways encroach within 25 feet of the dripline of an oak tree, except on bridges over Orcutt Creek.
- Permanent tree wells or retaining walls shall be specified on approved plans and shall be installed prior to the issuance of Zoning Clearance. A County-approved arborist/biologist shall oversee such installation.
- Drainage plans shall be designed such that oak tree trunk areas are properly drained to avoid ponding.
- All utilities shall be placed in development envelopes or within or directly adjacent to roadways and driveways or in a designated utility corridor in order to minimize impacts to trees.

The following shall be printed as conditions on all final grading, zoning clearance, and building plans:

- No grading or development shall occur within the driplines of oak trees that occur in the construction area.
- All individual oak trees or groups of trees within 50 feet of proposed ground disturbances shall be temporarily fenced with bright orange construction fencing prior to and throughout all grading and construction activities. The fencing shall be installed 25 feet outside the dripline of each oak tree or group of trees, and shall be staked every six feet.

- No construction equipment shall be parked or stored within 25 feet of any oak tree dripline.
- No fill soil, rocks, or construction materials shall be stored or placed within 25 feet of the dripline of a specimen oak tree.
- No artificial surface, pervious or impervious, shall be placed within 25 feet of the dripline of any oak tree, except for County-approved project access roads.
- Any roots encountered that are one inch in diameter or greater shall be cleanly cut. This shall be done under the direction of a County-approved arborist/biologist.
- Any construction activity required within three feet of an oak tree's dripline shall be done with hand tools.
- No permanent irrigation shall occur within the dripline of any existing oak tree.
- Only designated trees shall be removed. All grading and construction plans shall clearly delineate those trees to be removed and those to remain.
- Maintenance of oak trees shall be accomplished through water-conserving irrigation techniques.

Plan Requirements and Timing. Final grading, zoning clearance, and building plans submitted to P&D for review and approval shall include the above protection measures. **Monitoring.** P&D shall ensure that final plans include this measure prior to zoning clearance issuance for grading and subdivision improvements. Permit compliance staff shall site inspect and verify installation of protective barriers prior to the commencement of grading activities. Thereafter, site inspections shall be conducted at a minimum of once per week through all phases of development to ensure compliance with the above measures.

9. **BIO-1(c) Central Dune Scrub and Central Coast Live Oak Riparian Forest Avoidance** (modification of Mitigation Measure BIO-23 from the OCP EIR). Unnecessary impacts to Central Dune Scrub and Central Coast Live Oak Riparian Forest shall be avoided through installation of bright orange construction fencing placed a minimum of 30 feet outside the edge of these habitats to prevent additional impacts. The fencing shall be installed prior to initiation of ground disturbance activities and shall remain in place until construction is complete. These areas shall be considered Environmentally Sensitive Areas (ESA) in which no vehicles, people, materials, or equipment will be allowed while fencing is in place. Grading and zoning clearance plans shall show the location of these habitats and protective fencing.

Plan Requirements and Timing. Grading and zoning clearance plans showing the location of Central Dune Scrub and Central Coast Live Oak Riparian Forest and protective fencing, shall be submitted to P&D for review and approval prior to zoning clearance issuance for grading and subdivision improvements. **Monitoring.** P&D compliance monitoring staff shall inspect

the site prior to initiation of ground disturbance and shall inspect the site a minimum of once per week to ensure protective fencing is in place. P&D shall oversee implementation of the Habitat Restoration Plan.

- 10. BIO-1(d) Landscaping Plan.** The project landscape plan shall indicate the locations and species of plants to be installed throughout the development, including areas adjacent to open space. Drought tolerant, locally native plant species shall be selected in consultation with a qualified biologist. Invasive non-native plant species that occur on the California Invasive Plant Council Lists shall not be permitted. Species selected for planting in setbacks shall be similar to those species found in adjacent native habitats.

Plan Requirements and Timing. The landscape plan shall be submitted to P&D for review and approval prior to final map clearance. **Monitoring.** P&D compliance monitoring staff shall inspect the site prior to occupancy to ensure compliance.

- 11. BIO-2(a) Avoidance of Impacts to Orcutt Creek.** The owner/applicant shall design bridge crossings over Orcutt Creek such that impacts to the stream channel are minimized. No permanent structures shall be placed within the stream channel. Construction of the bridge shall occur during the low-flow period of the year when water within the creek is minimal or absent. In addition, all utilities shall either be attached to the underside of the bridge or shall be drilled under the creek bed such that trenching through the creek is avoided. A County-approved biologist shall be present during bridge construction as well as when drilling beneath the creek bed to ensure that frac-out (excessive drilling pressure causing drilling mud to breach the surface) does not occur. Storm water drain outfalls shall incorporate energy dissipaters to reduce the speed at which storm water flows into Orcutt Creek. Removal of riparian habitat shall be avoided to the greatest extent feasible. Where riparian habitat cannot be avoided, a Streambed Alteration Agreement (SAA) may be required from the CDFW, and a restoration plan shall be developed in accordance with Mitigation Measure BIO-1(a) above. Restoration shall occur on-site at a minimum of 2:1 (acres of habitat restored for acres of habitat impacted).

Plan Requirements and Timing. The owner/applicant shall submit bridge designs and copies of the SAA (if applicable) and restoration plan (if applicable) to P&D prior to zoning clearance issuance for grading and subdivision improvements. **Monitoring.** P&D and/or a County-approved biologist (at the expense of the applicant) shall be present during all bridge construction and utility installation activities.

- 12. BIO-2(b) Agency Coordination.** Impacts to Orcutt Creek may require permits from the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). The owner/applicant shall obtain

correspondence from applicable state and federal agencies regarding compliance of the proposed development with state and federal laws.

Plan Requirements and Timing. The owner/applicant shall submit copies of correspondence and/or permits (as applicable) from applicable agencies to P&D prior to zoning clearance issuance for grading and subdivision improvements.

- 13. BIO-2(c) Outlet Structures.** Outlet structures for energy dissipation shall minimize disturbance to the natural drainage and avoid the use of unnatural materials, such as concrete, grouted rock, and asphalt rubble. Where hard bank materials must be used, natural rock, gabions, crib wall or other more natural means of energy dissipation shall be preferred. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D and Flood Control.

Plan Requirements and Timing. Plans shall be submitted for review and approval by P&D and Flood Control. Plans shall be submitted prior to Zoning Clearance issuance for grading and subdivision improvements. Structures shall be installed during grading operations.
Monitoring. P&D compliance monitoring staff and/or Building & Safety inspectors shall ensure construction according to plan.

- 14. BIO-2(d) Equipment Storage-Construction.** The owner/applicant shall designate one or more construction equipment filling and storage areas within the designated development to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

Plan Requirements and Timing. The owner/applicant shall designate the P&D approved location on all land use, grading and building plans. The owner/applicant shall install the area prior to commencement of construction.
Monitoring. P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

- 15. BIO-3(a) Development Restriction.** The owner/applicant shall restrict trail development within the Open Space Area to the minimum area necessary to construct the planned trails. All trails and bicycle paths shall be sited and designed to minimize erosion and removal of native vegetation and to encourage sustainable low maintenance. To the maximum extent feasible, trails shall follow existing dirt roads and trail alignments. Where this is not possible, prior to final trail alignment of these trail segments, the proposed trail route shall be surveyed by a P&D-qualified botanist. The botanist, in consultation with P&D, shall reroute the trail alignment to avoid sensitive species and be generally consistent to the revised Orcutt

Community Plan Parks, Recreation and Trails Map approved by the Board of Supervisors. Bicycle path construction shall avoid removal of riparian vegetation to the maximum extent feasible.

Plan Requirements and Timing. Consistent with the proposal in the project description, the owner/applicant shall dedicate the 91-acre open space to the County for open space and public trails purposes, as identified on the approved Development Plan and Tentative Tract Map, and shall construct the trail system including fencing and signage and any necessary trail structures to standards and specifications of the Orcutt Community Plan (Orcutt Multiple Use Trails Plan and Trail Siting and Design Guidelines) and the County Community Services Department, Parks Division. The developer shall be responsible for the construction and maintenance of the trail system for two years, at which time the Orcutt Community Facilities District, would assume maintenance responsibility. Prior to recordation of the final map: (1) The owner/applicant shall submit trail system plans, including specific alignment and landscaping, fencing, and signage, and maintenance funding/responsibility, for review and approval by Planning and Development (P&D) and Community Services Department - Parks Division; (2) A performance security for trail installation and maintenance shall be submitted by the owner/applicant to P&D for review and approval. **Timing:** The trail system shall be constructed as part of initial tract improvements and completed prior to the issuance of occupancy clearance for dwellings along the perimeter of the open space. **Monitoring.** P&D Permit Compliance staff and Parks Division staff shall monitor trail and bikepath installation in accordance with the approved plans.

16. BIO-3(b) Open Space Management Plan. The owner/applicant shall develop an Open Space Management Plan (OSMP) in consultation with County staff. Areas designated as Open Space within Key Site 3 shall be described within the OSMP and shall be managed in perpetuity (by the developer or HOA for two years, at which time the Orcutt Community Facilities District would assume maintenance responsibility) to ensure long-term protection of native plant communities, as well as wildlife habitat in the open space areas on site consistent with biological mitigation measures. The OSMP is intended as a tool to guide approved future uses within the Open Space Area, such as trail development/maintenance and other recreational uses, ensuring that required on-site mitigation measures are implemented as they relate to the above mentioned resources. Implementation of applicable measures within the Open Space Area shall remain the responsibility of the project owner/applicant within a five year monitoring period with the County's responsibilities limited to monitoring and enforcement of applicable mitigation measures embodied in the OSMP. The restoration plan identified in Mitigation Measure BIO-1(a) may also be incorporated as part of the OSMP if the restoration areas are located in the open space.

Plan Requirements and Timing. The OSMP shall be prepared by a County-approved biologist and shall include the following:

- Introduction, including a summary of applicable conditions of approval that make the Plan necessary; the stated purpose and Goal of the Plan (usually this will be based on the mitigation requirements), and a discussion of financial mechanisms and any necessary agreements required to support the Open Space Management Area;
- Survey and Mapping Methods, including habitat type references such as Holland (1986) and Sawyer, Keeler-Wolf and Evens (2009);
- Description of Environmental Setting, including description of project and open space area (topography, soils, vegetation, wildlife, functions and values of habitats, etc.);
- Management Goals and Objectives; (1) to ensure long-term protection of native plant communities, cultural resources, and wildlife habitat in the open space areas on site consistent with biological mitigation measures; (2) to establish baseline conditions upon which adaptive management will be determined and success will be measured; and (3) to provide an overview of the operation, maintenance, administrative and personnel requirements to implement management goals;
- Provisions for Adaptive Management, including remedial actions if necessary;
- Monitoring and reporting for 5 years; and
- Detailed maps showing locations of resources, trails, fuel management requirements (fuel management in the open space within 100 feet of habitable buildings and structures, and not less than 10 feet from both shoulders of a roadway or driveway consistent with PRC 4291), and locations of all proposed actions required in other mitigation measures that apply to the open space (e.g., restoration areas, weed removal areas, etc.). Weed removal shall be consistent with the requirements of BIO-1(a)

The Final OSMP shall be submitted to the County for review prior to zoning clearance issuance for grading and subdivision improvements. **Monitoring.** The County will review the Final OSMP to ensure that it meets the specified purpose and objectives of this mitigation.

17. BIO-3(c) Wildlife Impact Avoidance (includes modification of Mitigation Measures BIO-6 and KS3-BIO-6 in the OCP EIR). The owner/applicant shall design the development to incorporate the following measures to reduce impacts to wildlife following occupancy:

- Roadway widths adjacent to open space areas shall be reduced to the minimum width possible while maintaining Fire Department Requirements for emergency access.

- Appropriate signage warning residents of the potential presence of wild animals on roadways and bikepaths shall be installed along roads adjacent to open space areas. In addition, interpretative educational signage discussing sensitive resources on-site (e.g., Orcutt Creek, central dune scrub, oak woodland, rare plants and animals etc.) shall be installed along all bikepaths, hiking trails and rest areas. Information on educational signage shall be developed by a County-approved biologist. Such signage shall be maintained by the developer or HOA for two years, at which time the Orcutt Community Facilities District would assume maintenance responsibility.
- Utilities, such as electrical, water and sewer, shall be installed under roads and sidewalks wherever possible.
- Information brochures shall be provided to potential buyers and included as an attachment to the subdivision's CC&Rs outlining the impacts associated with non-native animals, (especially feral cats and dogs), impacts associated with introduction of invasive landscaping plants, and impacts associated with use of pesticides. The information brochures shall also inform potential buyers of the potential for wild animals, such as coyotes, to prey upon domestic animals.

Plan Requirements and Timing. Grading zoning clearance and building plans shall include the above measures and shall be submitted to P&D for review and approval prior to issuance of zoning clearance for grading and subdivision improvements. The information brochure and shall be submitted to P&D for review and approval prior to zoning clearance for the first residence. **Monitoring.** P&D shall site inspect upon completion of construction.

18. BIO-3(d) Fence Design. Project fencing for accessory components (i.e. roads, trail, etc.) shall be designed to minimize impacts to wildlife. Fencing shall not block wildlife movement. Where fencing is required for public safety concerns, the fence shall be designed to permit wildlife movement by incorporating design features such as:

- A minimum of 18 inches between the ground and the bottom of the fence to provide clearance for small animals;
- A minimum of 12 inches between the top two wires, or top the fence with a wooden rail, mesh, or chain link instead of wire to prevent animals from becoming entangled; and
- If privacy fencing is required adjacent to open space areas, openings at the bottom of the fence measure at least 16 inches in diameter shall be installed at reasonable intervals to allow wildlife movement.

Plan Requirements and Timing. Zoning clearance and building plans shall include the above measures and shall be submitted to P&D for review and approval prior to issuance of zoning clearance for grading and subdivision improvements. The information brochure shall be submitted to P&D for review and approval prior to zoning clearance for the first residence. **Monitoring.** P&D shall site inspect upon completion of construction.

19. BIO-3(e) Lighting Plan (modification of OCP EIR Mitigation Measure KS3-BIO-6). The applicant/owner shall develop a lighting plan for the entire development that shall reduce light pollution in open space habitat areas. All exterior lighting features within 100 feet of open space shall include the installation of hoods so that the lights are fully shielded and full cut-off to prevent “spill-over” into adjacent habitat. Night lighting of public areas shall be kept at the minimum necessary for safety purposes. Excessive night lighting shall not be permitted within 100 feet of open space areas. No lighting shall be permitted along the multi-use trails in the public open space area. Use of high-intensity floodlights on residential lots shall be restricted as stated above, and all residential lighting shall be fully shielded and full cut-off.

Plan Requirements and Timing. The owner/applicant shall submit the Lighting Plan to Planning and Development (P&D) and the Board of Architectural Review for review and approval prior to issuance of Zoning Clearance for tract grading. **Monitoring.** P&D permit compliance monitoring staff shall site inspect all exterior light fixtures after installation to ensure compliance.

20. BIO-4(a) Construction Best Management Practices (BMPs). In addition to the BMPs outlined in WR-2(b) in Section 4.12 of the SEIR, the following BMPs shall be implemented:

- Installation of construction fencing five (5) feet outside of the disturbance limits of active grading areas. The disturbance areas and fencing shall not encroach closer than 30 feet to sensitive habitats.
- Designation of a 15 mph speed limit in all construction areas.
- Designation of equipment washout and fueling areas to be located within the limits of grading at a minimum of 500 feet from Orcutt Creek and/or other sensitive resources. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.
- Mufflers shall be used on all construction equipment and light trucks shall be in good operating condition.
- Drip pans shall be placed under all stationary vehicles and mechanical equipment.
- All trash that may attract predators shall be properly contained, removed from the work site weekly, and disposed of regularly. Following completion

of -construction, all trash and construction debris shall be removed from the work areas immediately.

- Sensitive vegetation removed by accident during construction shall be restored.

Plan Requirements and Timing. Grading and construction plans showing all BMPs shall be submitted to P&D for review and approval prior to zoning clearance issuance for grading and subdivision improvements. **Monitoring.** P&D building and safety shall oversee implementation of BMPs through periodic construction site inspections of at least once per week throughout the duration of construction activities.

21. BIO-4(b) Invasive Weed Prevention. All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) months since ground disturbing activities ceased. If invasive species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist, and in accordance with the habitat restoration plan.

Plan Requirements and Timing. This measure shall be included on all grading, zoning clearance, and construction plans. P&D shall review and approve the list of native seed to be used for hydroseeding, prior to zoning clearance issuance for grading and subdivision improvements. P&D shall be notified when hydroseeding occurs. **Monitoring.** P&D permit compliance and/or building and safety grading inspector shall ensure disturbed areas are not left barren for greater than six months.

22. BIO-5(a) Special Status Plant Surveys. Prior to any vegetation removal, grubbing, or construction activities, seasonally timed special status plant surveys shall be conducted by a County-approved biologist in any building areas no more than two years before initial ground disturbance. The purpose of the surveys is to document the number, if any, of sensitive plants within construction areas so that mitigation can be accomplished. The surveys shall coincide with the bloom periods for species listed under Impact BIO-5 (SEIR), and all special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map at a scale of no less than 1"=200'. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist.

Plan Requirements and Timing. A report of the rare plant survey results shall be submitting to P&D for review prior to zoning clearance issuance for grading and subdivision improvements. Mapped locations of rare plants shall be shown on grading plans. **Monitoring.** P&D shall ensure that the rare plant surveys have been completed.

23. BIO-5(b) Special Status Plant Avoidance and Minimization. If List 1B species are found during the special status plant species surveys, the owner/applicant shall avoid impacting these plant species to the greatest extent feasible. If avoidance is not feasible, the project shall mitigate impacts to special status plants pursuant to Mitigation Measure BIO-5(c). Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent to protect them from harm.

Plan Requirements and Timing. The owner/applicant shall submit revised tract and/or development plans, as applicable, indicating the location of rare plants to P&D for review and approval prior to zoning clearance issuance for grading and subdivision improvements. P&D permit compliance monitoring staff shall inspect the site prior to initiation of ground disturbance activities to ensure the protective fencing is installed properly. **Monitoring.** P&D shall ensure that the proposed development avoids impacts to rare plant species to the greatest extent feasible. The protective fencing shall be monitored weekly until construction is complete.

24. BIO-5(c) Special Status Plant Mitigation. If avoidance of List 1B species is not feasible, seed shall be collected from on-site rare plants and/or from other local populations of plants, prior to removal. Seed shall be distributed in areas not destined for development that have the appropriate habitat characteristics necessary to support the restoration as determined by a County-approved biologist. Permits shall be obtained by the developer prior to seed collection from the federal and/or state government, where applicable. Existing occurrences to be protected could also be enhanced to increase the areal extent and numbers of the occurrence. Topsoil may also be salvaged and distributed over temporarily disturbed areas following completion of construction activities.

The total number or total acreage for each special status plant species shall be determined by a County-approved biologist prior to initiation of ground disturbance activities in any areas containing such species and shall be restored on-site at a County-approved location at a 2:1 ratio for each species. Restoration may be focused in areas temporarily disturbed by grading activities and may coincide with Central Dune Scrub and/or Central Maritime Chaparral habitat restoration (if appropriate), but should occur south of Orcutt Creek to the greatest extent feasible. A restoration plan that includes monitoring requirements and follow up reporting shall be prepared in accordance with Mitigation Measure BIO-1(b) above. The plan shall be in place for no less than five years.

Plan Requirements and Timing. The owner/applicant shall submit the mitigation and monitoring plan to P&D for review and approval prior to zoning clearance issuance for grading

and subdivision improvements. **Monitoring.** P&D shall ensure that the proposed development avoids impacts to rare plant species to greatest extent feasible.

25. BIO-5(d) CDFW and USFWS Consultation. If the results of the rare plant surveys indicate that rare plants listed under CESA or FESA occur on-site, and they cannot feasibly be avoided by the proposed development, consultation with CDFW and/or USFWS shall be required. If any state or federally listed plant is identified onsite, and cannot be avoided, then an incidental take permit from the CDFW will be required which would likely include avoidance and minimization measures similar to BIO-6(b) A mitigation plan developed in accordance with Mitigation Measure BIO-2(a) shall be developed and submitted to CDFW as well as the County for approval.

Plan Requirements and Timing. If applicable, a copy of the CESA Incidental Take Permit shall be filed with P&D prior to zoning clearance issuance for grading and subdivision improvements. **Monitoring.** P&D shall ensure that all required documentation is received prior to initiation of construction activities and shall oversee implementation of mitigation plans.

26. BIO-6(a) Worker Environmental Awareness Program (WEAP). Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a County-approved qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County to document compliance.

Plan Requirements and Timing. P&D shall be notified by the developer of the date and time the training is scheduled so that they may attend. Fact sheets shall be reviewed and approved by P&D prior to conducting the training. All employees shall sign a sheet documenting their attendance. The WEAP training shall be completed prior to zoning clearance issuance for grading and tract improvements. **Monitoring.** P&D shall ensure that worker trainings occur prior to initiation of ground disturbance and construction activities as well as during construction as needed.

27. BIO-6(b) Special Status Bats Avoidance and Minimization. The following measures are designed to reduce the potential for adverse impacts to bat species.

- To the extent feasible removal of suitable roosting trees (as determined by a County-approved qualified biologist) should be avoided.
- Surveys for roosting bats shall be conducted by a County-approved qualified biologist in suitable habitat no more than 14 days prior to the initiation of ground disturbing activities and/or vegetation removal. The surveys shall focus on trees located within the disturbance area. If active roosts are located, the locations shall be mapped, and a buffer ranging in size from 100 to 500 feet around the roost within the project site shall be determined and demarcated by a County-approved biologist with bright orange construction fencing. All construction work shall be conducted outside of the buffer zone until the County-approved qualified biologist determines that bats are not occupying roosting trees.

Plan Requirements and Timing. The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D for review and approval prior to zoning clearance issuance for initiation of ground-disturbing activities. The above measures shall be included on all grading, building, and zoning clearance plans.

Monitoring. The owner/applicant shall retain a qualified County-approved biologist to monitor all construction activities if determined to be necessary by P&D to ensure compliance. P&D will review and approve the reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within roosting habitat.

28. BIO-6(c) Nesting Bird Surveys. For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a County-approved qualified biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire area of impact plus a 200-foot buffer around the site. If active nests (nests with eggs or chicks) are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer.

Plan Requirements and Timing. Surveys shall be conducted during the time when birds are active, and shall be sufficient to reliably conclude presence/absence. The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. A report of the nesting bird survey results, if applicable, shall be submitted to P&D for review and approval prior to zoning clearance issuance for initiation of ground disturbance activities. **Monitoring.** P&D shall confirm that the owner/applicant has retained a County-approved biologist to monitor compliance with the above measures and that reports are submitted at weekly intervals during construction. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults.

29. BIO-6(d) American Badger Avoidance and Minimization. A minimum of two weeks prior to initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by a County-approved biologist. If the project is phased, a survey shall be required prior to each phase of construction. Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the project site shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den with sticks, debris, and soil for 3 to 5 days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project study area, the dens would be collapsed by hand with a shovel.

Plan Requirements and Timing. The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D & CDFW in advance of the surveys. The above measures shall be included on all grading, building and zoning clearance plans for grading and tract improvements. A report of the results of the badger survey shall be submitted to P&D for review and approval prior to zoning clearance issuance for initiation of ground-disturbing activities. **Monitoring.** P&D will review and approve the reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity.

30. BIO-6(e) Legless Lizard, Coast Patch-nosed Snake, and Horned Lizard Relocation. At a minimum of two weeks prior to initiation of ground disturbing activities and vegetation removal, a County-approved biologist shall conduct capture and relocation efforts for silvery legless lizards, coast patch-nosed snakes, and coast horned lizards within the limits of grading. If the project is phased, a survey shall be required prior to each phase of construction. Designated open space areas on-site or at County-approved off-site locations shall be identified for release of captured individuals. Surveys for legless lizards, coast patch-nosed snakes, and horned lizards shall include raking of leaf litter and sand under shrub and trees in suitable habitat within the disturbance footprint to a minimum depth of eight inches. Captured animals shall be placed into containers with sand or moist paper towels and released in the designated areas within three hours. In addition to preconstruction surveys, the biologist shall be on-site during initial grading activities to relocate any California legless lizards that are unearthed during excavation. If in good health, they shall be immediately relocated to the designated relocation area. If injured, the animals shall be turned over to a CDFW-approved specialist until they are in a condition suitable for release into the designated release area, or deposited at an approved vertebrate museum. During capture and relocation, weekly monitoring reports shall be submitted by the biologist to P&D.

Plan Requirements and Timing. The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to the issuance of zoning clearance for initiation of ground-disturbing activities. **Monitoring.** P&D shall review the reports for compliance and shall inspect the site during construction to ensure compliance.

31. BIO-6(f) Burrowing Owl Avoidance and Minimization. Pre-construction surveys shall be conducted no more than two weeks prior to ground-disturbing activities by a County-approved biologist for burrowing owls in accordance with CDFW-adopted survey protocols (California Burrowing Owl Consortium, 1993). This could entail surveys for winter residents in December and January, in addition to peak nesting season (April 15 through July 15) surveys. All suitable habitat, potential or known burrows or burrowing owls identified onsite and within the 500 foot buffer shall be assessed and mapped. Survey results will be valid only for the season during which the survey is conducted. Surveys shall cover all suitable habitat on-site plus a 500-foot buffer where feasible. If no burrowing owls or habitat are detected, no further action is required.

If, during pre-construction surveys, burrowing owls are detected on-site or within the survey area, all burrowing owls and occupied burrows shall be counted, mapped as stated above,

and avoided by establishing a buffer around the occupied burrow(s). The buffer shall be a minimum of 300 feet around nest burrows and 100 feet around non-nest burrows. Buffers shall be demarcated with highly visible construction fencing and no ground disturbance activities shall occur within this buffer until the qualified biologist has determined that the burrow is no longer occupied based on regular monitoring. If an occupied burrow cannot be avoided, passive relocation may be implemented by the County-approved biologist with guidance from the CDFW. No burrowing owls may be trapped. Passive relocation shall be limited to the non-breeding season (typically between April 15 and July 15). Passive relocation may involve installation of one-way doors at burrow entrances for a minimum of five days. Once the County-approved biologist has determined that the burrow is no longer occupied, the burrow may be hand excavated to prevent re-occupancy.

Plan Requirements and Timing. The name, qualifications, scope of biological surveys, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. The biologist implementing the above mitigation measure must also submit documentation of coordinating this effort with the CDFW prior to implementation. The above impact avoidance measure shall be included on all grading, zoning clearance, and construction plans prior to zoning clearance issuance. A report on the implementation of impact avoidance measures used shall be submitted to P&D and CDFW upon completion of the construction project. **Monitoring.** P&D and CDFW will review reports and P&D will approve reports. The owner/applicant shall retain a qualified County-approved biologist to monitor all construction activities if determined to be necessary by P&D to ensure compliance. The County-approved biologist shall submit monitoring reports to P&D permit compliance monitoring staff.

Cultural Resources

32. CR-1(a) Avoidance of CA-SBa-3812H and CA-SBa-3813H. Development within 25 feet of the boundaries of CA-SBa-3812H and CA-SBa-3813H shall be avoided. If impacts to all or any of these resources cannot be avoided, as determined by the owner/applicant with concurrence from P&D staff, then the recommendations presented in the 2006 Heritage Discoveries report shall be implemented as described in Table 4.4-1 of this EIR and in accordance with Mitigation Measure CR-1(c) (incorporates OCP EIR ARCH-3 and modification of OCP EIR KS3-HA-1). **Plan Requirements and Timing.** Prior to final map clearance, the owner/applicant shall conduct Extended Phase 1 testing as necessary for CA-SBa-3812H and CA-SBa-3813H, (to be determined in consultation with P&D) to define site boundaries with respect to proposed development. Prior to final map clearance, the owner/applicant shall submit for P&D approval a revised site plan that avoids grading and development within the sites and a 25-foot buffer. **Monitoring.** P&D shall review revised grading and improvement plans and verify

that avoidance of the site and the buffer area is achieved. P&D shall field check development operations to ensure compliance with avoidance requirements.

33. CR-1(b) Cultural Resources Buffer. For resource sites that are avoided in accordance with Mitigation Measure CR-1(a), the owner/applicant shall temporarily fence the archaeological site and a 25-foot buffer area, with chain link fencing flagged with color or other material authorized by P&D, where ground disturbance is proposed within 100 feet of the site (incorporates OCP EIR ARCH-6 as modified by OCP EIR KS3-ARCH-1).

Plan Requirements. The fencing requirement shall be shown on zoning clearance, grading, and building plans. **Timing.** Fencing shall be in place prior to issuance of grading permits and pre-construction meeting. **Monitoring.** P&D compliance monitoring staff shall verify installation of fencing by reviewing photo documentation or by site inspection prior to approval of grading permits and ensure fencing remains in place throughout grading and construction through site inspections.

34. CR-1(c) Artifact Curation. If avoidance cannot be achieved for CA-SBa-3812H and CA-SBa-3813H, the owner/applicant shall have a P&D approved archaeologist conduct the work recommended in the 2006 Heritage Discoveries report as described in Table 4.4-1 of this EIR (additional artifact collection and completion of Phase 3 studies if necessary). All work shall be consistent with the County Cultural Resource Guidelines and funded by the owner/applicant (incorporates OCP EIR ARCH-4).

Plan Requirements and Timing. Prior to implementing Mitigation Measure CR-1(c), the owner/applicant shall submit a work plan to P&D for review and approval. An artifact curation agreement with an accredited facility shall be submitted to P&D prior to the start of fieldwork. All fieldwork shall be completed prior to zoning clearance issuance for grading and subdivision improvements. All reports shall be received by P&D prior to zoning clearance issuance for grading and subdivision improvements. Notes and/or depictions of plan components shall be included on plans prior to zoning clearance issuance. **Monitoring.** P&D shall approve work plans and ensure that a curation agreement is in place prior to the start of fieldwork. P&D shall ensure that archaeological reports have been received prior to issuance of zoning clearance for grading.

35. CR-1(d) Prevention of Damage to Cultural Resources from Other Uses. Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited. Signs shall be posted on the property to discourage these types of activities (modification of OCP EIR Mitigation Measure ARCH-7).

Plan Requirements and Timing. This condition shall be in effect during both the construction and operational phase of the development. The owner/applicant shall prepare a signage plan for P&D review and approval prior to zoning clearance issuance for grading and subdivision improvements. The owner/applicant shall install the required signage prior to issuance of grading permits and shall maintain the signs throughout the construction phase. Maintenance of the signs throughout the operational phase shall be the responsibility of the HOA or similar organization, and this requirement shall be noted in the CC&Rs. **Monitoring.** P&D permit compliance monitoring staff shall verify installation of signs prior to issuance of grading permits, and shall spot check in the field.

- 36. CR-2(a) Archaeological Monitoring.** The owner/applicant shall have all initial earth disturbances throughout the Key Site, including grading, grubbing, scarification and placement of fill, monitored by a P&D approved archaeologist in compliance with the provisions of the County Cultural Resource Guidelines.

Plan Requirements and Timing. Prior to zoning clearance issuance of for grading and subdivision improvements, 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 zoning clearance issuance and pre-construction meeting. P&D compliance monitoring staff shall confirm monitoring by archaeologist and P&D grading inspectors shall spot check field work.

- 37. CR-2(b) Stop Work at Encounter.** The owner/applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event cultural remains are encountered during grading, construction, landscaping or other construction-related activity (incorporates OCP EIR ARCH-10). Cultural resource remains may include artifacts, shell, bone, features, foundations, and trash pits, etc. The owner/applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the County Cultural Resource Guidelines provisions for Phase 2 and Phase 3 investigations. All work shall be funded by the owner/applicant (incorporates OCP EIR ARCH-1 through ARCH-8).

Plan Requirements and Timing. This condition shall be printed on all building, zoning clearance, and grading plans. **Monitoring.** P&D permit processing planner shall check plans prior to zoning clearance issuance for grading and subdivision improvements, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

Fire Protection

38. FP-1(a) Fire/Vegetation Management Plan. FP-1(a) Fire/Vegetation Management Plan. To address the risk to residential development within designated high fire hazard areas, the owner/applicant shall prepare fire/vegetation management plans that meet the County Fire Development Standards. The vegetation management plan shall describe all actions that will be taken to reduce wildfire risks to the structure(s) in the high fire hazard areas. The plan shall include:

- A copy of the site plan that indicates topographic reference lines
- A copy of the landscape plan
- Methods and timetables for controlling, changing or modifying areas on the property in compliance with County Fire Development Standards and State Defensible Space standards in PRC 4291 (elements of the plan shall include removal of dead vegetation, litter, vegetation that may grow into overhead electrical lines, certain ground fuels, and ladder fuels as well as the thinning of live trees). All vegetation removal associated with fuel management will be thinning rather than complete removal to preserve the integrity of native communities. During fuel management thinning, non-native, diseased, dying, or dead vegetation shall be given precedence in vegetation removal associated with the fuel management zones. In addition, thinning will be focused on faster growing species, such as coyote brush, and deerweed rather than slower growing species, such as manzanitas and young oak trees. All such maintenance activities will be completed using hand tools only in brush and woodland habitats. Fuel management must be conducted outside the nesting bird season (typically February 1 through August 31).
- A maintenance schedule for the landscape/vegetation management plan that complies with County Fire Development Standards.

Plan Requirements and Timing. A Fire/Vegetation Management Plan that, at a minimum, contains the above listed components shall be submitted to the Fire Department and Planning and Development for review and approval prior to Zoning Clearance issuance for the first residential structure. Vegetation management of areas outside the identified building envelope shall be the responsibility of the Homeowners Association with the maintenance schedule and responsibilities noted in the CC&Rs. **Monitoring.** Permit compliance and/or the Fire Department shall inspect to verify landscaping is in compliance with the plan prior to issuance of occupancy permits and once each year to monitor landscape maintenance.

39. FP-1(b) Fire Prevention Construction Techniques. Residential development shall abide by the following construction standards:

- Structures along the perimeter or exposed to internal open space areas shall have one-hour rated exterior fire walls, with exteriors being more than 2 inches, and must not contain vinyl or plastic window frames or rain gutters or down spouts.
- All structures in the development shall have non-wood Class A roofs, with the ends of tile blocked, spark arresters visible from the street, proper vent screens, and non-combustible gutters and down spouts. No combustible paper in or on attic insulation shall be allowed.
- Decks, gazebos, patio covers, etc. must not overhang slopes and must be one-hour construction (e.g., by using 2 x 4s). Front doors shall be solid core, minimally 1 ¾ inch thick. Garage doors shall be non-combustible. Wooden or plastic fences or vegetation growing on fences for lots along the project site perimeter shall not be used.
- All new power lines shall be installed underground in order to prevent fires caused by arcing wires.

Plan Requirements and Timing. Where appropriate, all of the structural safeguards described above shall be graphically depicted and printed on all building and construction plans. Accordance with these requirements shall be demonstrated as part of the building inspection process, and all measures shall be installed prior to occupancy. **Monitoring.** Fire Department inspectors shall inspect the site prior to occupancy clearance for each residence and annually to ensure compliance.

Geologic Processes

40. GEO-4 Reduction of Soil Erosion from Cut Slopes. Grading and construction shall be in accordance with recommendations by Earth Systems Pacific, dated February 10, 2006. These recommendations include, but are not limited to, the following measures to minimize impacts related to soil erosion.

- Cut slopes and fill over cut slopes should be over excavated and rebuilt as compacted fill slope.
- Compacted fill slopes should not exceed a 2:1 (horizontal to vertical) slope, and any proposed constructed fill slope exceeding 10 feet shall be evaluated by a qualified geotechnical engineer with any recommended additional stability measures (retaining walls, etc.) implemented. Slopes

should be vegetated with groundcover, shrubs, and trees which possess deep, dense root structure and require a minimum of irrigation.

- All imported soil should be non-expansive.
- All cut areas shall be over excavated such that a minimum of 3 feet in building in the Northern Mesa Area (northern third of the property).
- A program of over-excavation, scarification, moisture conditioning, and compaction of the soils in the building and surface improvement areas is required to provide more uniform soil moisture and density, and to provide appropriate pavement and foundation support.
- During or soon after the rainy season when on-site soils may be susceptible to temporarily high soil moisture conditions, the contractor and construction schedule should allow adequate time during grading for aerating and drying the soil to near optimum moisture content prior to compaction.
- Voids created by the removal of materials or utilities, and extending below the recommended over-excavation depth, should be immediately called to the attention of the soils engineer. No fill should be placed unless the soils engineer has observed the underlying soil.

Plan Requirements and Timing. Elements of the approved study shall be reflected on grading and building plans as required. **Monitoring.** The Owner/Applicant shall demonstrate that the submitted plans conform to required study components. Grading and building inspectors shall ensure compliance in the field.

Greenhouse Gas Emissions

41. GHG-1 GHG Reduction Plan. GHG-1 GHG Reduction Plan. The project shall reduce operational GHG emissions through implementation of one or more of the following measures:

- A. Prior to zoning clearance issuance for the first single-family dwelling, develop a project quantitative GHG Reduction Plan prepared by a County-approved environmental consultant that demonstrates how the proposed project will be constructed and designed to reduce annual GHG emissions from the project by a minimum of 81.2 MT CO₂e per year (0.24 MT CO₂e per person per year) over the operational life of the project. The plan will be implemented on site by the project owner/applicant and may include, but is not be limited to, the following components:
 1. Installing infrastructure for alternative fuel vehicles

2. Implementation of energy conservation policies in project design
3. Energy efficient equipment, appliances, heating and cooling
4. Energy efficient lighting
5. Green building and roofs
6. Water conservation and recycling in tract and lot landscaping, and/or in plumbing design
7. Renewable energy production
8. Trip reduction
9. Carbon sequestration;

and/or

- B. If GHG emissions cannot be reduced to below 81.2 MT CO₂e per year (0.24 MT CO₂e per person per year) over the operational life of the project through compliance with a Climate Action Plan, other County GHG reduction plan, or project GHG Reduction Plan, purchase carbon offsets to reduce remaining GHG emissions below 81.2 MT CO₂e per year (0.24 MT CO₂e per person per year) over the operational life of the project.

Plan Requirements and Timing. Applicable elements of the approved Climate Action Plan, other County GHG reduction plan, or project GHG Reduction Plan shall be reflected on project site plans prior to zoning clearance issuance for the first single-family dwelling. If GHG emissions cannot be reduced through compliance with such a plan, purchased carbon offsets for the tract shall be approved by P&D staff prior to zoning clearance issuance for the first single-family dwelling. **Monitoring.** Permit compliance monitoring staff shall monitor and verify implementation of measures included in the GHG Reduction Plan to ensure implementation of mitigation measures included in the plan.

Noise

42. N-1(a) Construction Timing Limitations. Noise-generating construction activity for site preparation and for future development shall be limited to the hours between 8:00 A.M. and 5:00 P.M., Monday through Friday. No construction shall occur on weekends or on State or County holidays (e.g., Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

Plan Requirements and Timing. The owner/applicant shall provide and post signs stating these restrictions at all construction site entries. Signs shall be posted prior to commencement of construction and maintained throughout construction. Violations may result in suspension of permits. **Monitoring.** The owner/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.

43. N-1(b) Notification of Temporary Construction Noise. The owner/applicant shall provide all adjacent property owners with a construction activity schedule and construction routes at least one week in advance of construction activities. Any alterations or additions shall require one week notification.

Plan Requirements and Timing. The owner/applicant shall submit a copy of the schedule and mailing list to Permit Compliance staff. Schedule and mailing list shall be submitted 2 weeks prior to initiation of any earth movement. **Monitoring.** Permit Compliance shall perform periodic site inspections to verify compliance with activity schedules.

44. N-1(c) Construction Noise Attenuation Techniques. Stationary construction equipment that generates noise which exceeds 65 dBA at the project boundaries shall be shielded to Planning and Development's satisfaction. For all construction activity on the project site, noise attenuation techniques shall be employed as needed to ensure that noise remains within levels allowed by Santa Barbara County noise standards. At a minimum, such techniques shall include:

- All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
- Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
- Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters if within 300 feet of any sensitive receptor.

Plan Requirements and Timing. The owner/applicant shall designate the equipment area with appropriate acoustic shielding on building and grading plans. Equipment and shielding shall be installed prior to construction and remain in the designated location throughout construction activities. This condition shall be printed on all grading and construction plans. **Monitoring.** The owner/applicant shall demonstrate that the acoustic shielding is in place prior to commencement of construction activities. P&D compliance staff shall perform site inspections throughout construction to ensure compliance.

45. N-2(b) Noise-Resistant Construction. To ensure that the 45 dBA Ldn interior noise standard is met, the following noise-resistant construction components shall be incorporated for east-facing elevations of the proposed dwelling units nearest U.S. 101:

- **Vents and roof penetrations:** Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source (located on the north, west and south elevation) wherever possible. If kitchens or bathrooms are located on the east side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90 degree bend shall be incorporated in the design of the ductwork or vent opening. Use of patented foam insulation solutions, such as Icynene spray foam insulation or equivalent, in walls, floors, and ceiling cavity / roof construction is required and will allow elimination of soffit vents and gable end vents, thereby eliminating a significant path for noise penetration.
- **Walls:** East-facing exterior walls enclosing habitable spaces closest to U.S. 101 shall be constructed with an STC (Sound Transmission Class) rating of 30 or greater. Metal studs are preferable to wood studs for noise resistance. Construction of the east-facing walls shall include the liberal use of non-hardening acoustical sealant at all construction joints, including the header and footer construction and the edges and corners of gypsum board intersecting ceiling, walls and floor, especially behind papered joints. Acoustical sealant (Johns Manville or equivalent) shall be applied to gaps at intersecting walls, ceiling and floor before taping and spackling Gypsum Board in conventional manner. All peripheries and apertures and joints around windows shall be properly sealed.
- **Acoustical Leaks:** Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof insulation and construction on the east sides of the dwelling units facing U.S. 101 shall be insulated, sealed and caulked with putty pads and a resilient, non-hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.
- **Windows:** Windows for habitable spaces on all floors of affected east facing elevations for residences closest to U.S. 101 shall be of double glazed construction and installed in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with an STC rating of 30 or better, as determined in testing by an accredited acoustical laboratory.
- **Doors:** Doors directly facing U.S. 101 shall be solid core with sound dampening and fully gasketed, sealed jambs and grouted frames, with an overall STC rating of 30 or better, as

determined in testing by an accredited acoustical laboratory. Doors meeting “Double Door Construction” criteria, the addition of a laminated glazed second door at least 3 inches from the primary door, shall be considered to meet the STC 30 rating.

Plan Requirements and Timing. All construction techniques shall be incorporated into design of the residences and detailed on building plans. Plans shall note all noise-resistant construction measures. If these specifications are altered an acoustical engineering report in conjunction with submittal of zoning clearance and building permit applications shall be prepared. If alternative noise reduction techniques are designed for the project, the report shall demonstrate the achievement of an equivalent mitigation of noise impacts and provide interior Ldn values of 45 dBA or less. If recommendations conflict with other conditions of approval or county standards, the specification that is most restrictive shall prevail. All construction techniques and recommendations of the noise analysis shall be incorporated into project design and detailed on building plans. An acoustic survey shall be submitted to Planning and Development staff prior to occupancy clearance demonstrating that interior noise levels do not exceed 45 dBA. **Monitoring.** Building & Safety shall ensure that all noise control measures have been included according to the approved plans.

Transportation and Circulation:

46. T-1 Roadway Improvements. The owner/applicant shall either contribute fair share fees, to be determined by County Public Works staff, towards the following improvements, or shall construct the following improvements and develop a reimbursement agreement, to be reviewed and approved by County Public Works staff, for fair share contributions from other nearby future developments:

1. Widening of Clark Avenue between the realigned Sunny Hills Road and the U.S. 101 southbound ramps to provide two eastbound lanes.
2. Widening of the Clark Avenue southbound off-ramp to improve the operation of the southbound free right-turn lane.
3. Restripe the northbound and southbound Clark Avenue ramp intersections and the Clark Avenue overpass to maximize eastbound flow to the Clark Avenue northbound on-ramp as described in the *Key Site 3 Residential Project Traffic and Circulation Study*, dated November 18, 2013.

Plan Requirements and Timing. The improvements shall be reviewed and approved by County Public Works and/or Caltrans prior to zoning clearance issuance. The owner/application shall construct the improvements prior to occupancy clearance if they

have not yet been constructed by another Key Site project, in which case fair share fees (if required) shall be completed prior to occupancy clearance. **Monitoring.** Completion of improvements in accordance with approved plans shall be monitored by P&D and Public Works.

47. T-2 Offset of Cumulative Impacts. The owner/applicant shall pay transportation fees to the County to offset project contributions to cumulative Orcutt Transportation Improvement Plan (OTIP) identified impacts on traffic and circulation for the improvements listed below. This shall be considered the project's fair share of offsite OTIP improvements. The fee amount shall be determined by the County Public Works Transportation Division, based on adopted fee schedules at the time of payment.

1. Reconstruction of the Clark Avenue/U.S. 101 northbound ramps intersection. This includes realignment of the U.S. 101 northbound on-ramp to the east opposite the off-ramp, widening of the off-ramp to provide two separate turning lanes and widening of the on-ramp to provide two receiving lanes.
2. Signalization of the Clark Avenue/U.S. 101 northbound ramps intersection. The existing + project peak hour volumes would satisfy peak hour signal warrants.

Plan Requirements and Timing. Prior to occupancy clearance, the owner/applicant shall submit OTIP transportation fees. **Monitoring.** Compliance shall be monitored by P&D and Public Works.

Water Resources/Flooding:

48. WR-1(a) Storm Water Pollution Prevention Plan (SWPPP). The owner/applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

Plan Requirements and Timing. Prior to Zoning Clearance issuance for tract grading the owner/applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan to P&D's Building & Safety Division. The owner/applicant shall keep a copy of the SWPPP on the project site during grading and construction activities. **Monitoring.** P&D permit processing planner shall review the documentation prior to Zoning Clearance issuance. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

49. WR-1(b) 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. The area shall be located at least 100 feet from any storm drain, water body or sensitive biological resources.

Plan Requirements and Timing. The owner/applicant shall designate the P&D approved location on all zoning clearance, grading, and building permits. The owner/applicant shall install the area prior to commencement of construction. **Monitoring.** P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

50. WR-2(a) Low Impact Development (LID) Measures. LID is a site design strategy that uses natural and engineered infiltration and storage techniques to retain stormwater runoff where it is generated to mimic a site's pre-development hydrology and reduce downstream impacts. The Environmental Protection Agency has determined that the following LID measures are highly beneficial at protecting receiving waters. In order to further reduce flooding and water quality impacts, the SWQMP and project design shall include the following LID measures, as necessary and to the extent feasible:

Design Measures

- Vegetated swales, buffers and strips throughout the project site;
- Use of permeable pavement to the extent feasible;
- Two-foot permeable pavement strips located at the base of driveways, spanning the width of the driveway;
- Impervious surface reduction and disconnection;

Structural Measures

- Bio-retention facilities to capture and infiltrate street runoff upstream of retention basins;
- Roof leader flows directed to planter boxes, amended soil, or other low-gradient vegetated areas and/or vegetated swales and buffers;
- Soil amendments to increase infiltration rates; and
- Rain gardens, rain barrels, and cisterns.

Plan Requirements and Timing. Plans indicating LID techniques to be used shall be submitted by the owner/applicant for review and approval by the Santa Barbara County Public Works Department Water Division prior to zoning clearance issuance for grading and subdivision improvements. Installation of structural LID technologies shall be performed by the project owner/applicant per approved plans and completed prior to occupancy clearance of the first

home. **Monitoring.** Public Works and Planning and Development staff shall review plans and monitor compliance.

51. WR-2(b) Operational Erosion Control Measures. The development shall incorporate and maintain the following operational erosion control measures into final grading and drainage plans.

1. Erosion control measures, such as plantings or hard surfaces, shall be incorporated into the final grading and drainage plans for all project drainages as required by the Flood Control District and P&D. The location and details of runoff control, drainage devices, sedimentation control, pollution control and other measures of erosion control (BMPs), including re-vegetation of denuded areas shall be included as a part of the Grading permit submittal, consistent with COA #59 herein.
2. The Soils Engineering and Engineering Geology Report prepared for the project states that development of individual lots with residential structures and improvements is feasible as no geotechnical constraints that would preclude future lot development were observed by the geotechnical engineer. Development in areas of high erosion potential shall be sited and designed within individual lots to minimize increased erosion and may be required to have a site-specific evaluation of erosion-control measures as a part of the final erosion and sediment control plan. Project approval is conditioned (COA #59) to ensure that erosion will be reduced to acceptable levels throughout the site.
3. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
4. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by P&D prior to zoning clearance for tract grading.

Plan Requirements and Timing. This requirement shall be printed on grading, drainage, and landscaping plans and submitted to P&D and Flood Control for review and approval prior to the issuance of Zoning Clearance for grading. Compliance with these measures shall be confirmed by P&D prior to Final Building Inspection Clearance. **Monitoring.** The owner/applicant shall demonstrate to P&D compliance monitoring staff and Building and Safety grading inspector(s) that all components of the required measures are in place. Compliance monitoring staff will verify compliance including on-going requirements.

III. PROJECT SPECIFIC CONDITIONS

53. PSF-3(a) Water Conservation-Outdoor. To improve water conservation, the owner/applicant shall include the following in Landscape and Irrigation Plans to be approved by P&D:

- a. Landscaping that reduces water use:
 - i. Landscape with native and/or drought tolerant species.
 - ii. Group plant material by water needs.
 - iii. Turf shall constitute less than 20% of the total landscaped area.
 - iv. No turf shall be allowed on slopes of over 4%.
 - v. Extensive mulching (2" minimum) shall be used in all landscaped areas to reduce evaporation.
- b. Install drip irrigation or other water-conserving irrigation.

Plan Requirements and Timing: The owner/applicant shall submit a landscape and irrigation plan to P&D for review and approval prior to issuance approval of zoning clearance. The owner/applicant shall implement all aspects of the landscape and irrigation plan in accordance with the Landscape and Performance Security Conditions.

Monitoring: The owner/applicant shall demonstrate to P&D compliance monitoring staff that all required conserving landscape and irrigation features are installed prior to Final Building Inspection Clearance and landscape and irrigation are maintained per approved landscape plans. Any part of irrigation plan requiring a plumbing permit shall be inspected by building inspectors.

54. PSF-3(b). Water Conservation-Indoor. Indoor water use shall be limited through the use of the following measures:

- a. Re-circulating, point-of-use, or on-demand water heaters shall be installed.
- b. Water efficient clothes washers and dishwashers shall be installed.
- c. Self-regenerating water softening shall be prohibited in all structures.

Plan Requirements and Timing: The CC&Rs shall include the above list of measures. The owner/applicant shall include all indoor water conservation measures on plans, including plumbing and electrical plans, as needed subject to P&D review and approval. Indoor water-conserving measures shall be implemented prior to Final Building Inspection Clearance.

Monitoring: The owner/applicant shall demonstrate compliance with all required indoor water conservation measures to P&D compliance monitoring staff prior to Final Building Inspection Clearance.

55. Aest-04 BAR Required. The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall comply

with the approved design guidelines. **TIMING:** Single-family dwellings shall be designed in accordance with the BAR approved design guidelines and shall obtain final BAR approval prior to issuance of zoning clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing. **MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

56. Aest-09 Construction Clean-up. The developer shall clear the project site of all excess construction debris. **PLAN REQUIREMENT:** This requirement shall be noted on final building plans. **TIMING:** Debris clearance shall occur prior to Final Building Inspection Clearance. **MONITORING:** P&D compliance monitoring staff shall site inspect prior to Final Building Inspection Clearance.

57. Air-01 Dust Control. The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

PLAN REQUIREMENTS: These dust control requirements shall be noted on all grading and building plans. **PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.

- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to zoning clearance issuance for grading activities. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed. **MONITORING:** P&D processing planner 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.

58. Bio-09 Fish and Wildlife Jurisdiction Advisory. The project site is within the range of multiple species listed as Endangered and Threatened, respectively, by the U.S. Fish and Wildlife Service, National Marine Fisheries Service and/or California Department of Fish and Wildlife. Based upon a report prepared by LFR (now known as Arcadis) dated 2006 and 2009, it has been determined that the probability for species occurrence on the site is low or not expected. The issuance of this permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the federal or California Endangered Species Act or any other law. The permit-holder shall contact the necessary jurisdictional agencies to ascertain his or her level of risk under the federal and California Endangered Species Act in implementing the project herein permitted.

Indemnity for Violation of the Endangered Species Act: The applicant shall defend, indemnify and hold harmless the County or its agents, officers and employees from any and all claims, actions, proceedings, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities, against the County or its agents, offices or employees brought by any entity or person for any and all actions or omissions of the applicant or his agents, employees or other independent contractors arising out of this permit alleged to be in violation of the federal or California Endangered Species Acts (16 USC Sec. 1531 et seq.; Cal. Fish and Game Code Sec. 2050 et sec.). This permit does not authorize, approved or otherwise support a "take" of any listed species as defined under the federal or California Endangered Species Acts. Applicant shall notify County immediately of any potential violation of the federal and/or California Endangered Species Act.

59. Erosion and Sediment Control Plan. Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. 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 re-graded areas have been stabilized by structures, long-term erosion control measures or permanent

landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or 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 SWPPP or ESCP 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 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements. **PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized. **TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. **MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

60. Landscap-01a Landscape for Life. The HOA shall maintain common area project tract landscaping for the life of the project. The HOA or designee shall permit the County to conduct site inspections a minimum of one time per year for 5 years and once per year beyond that if determined to be necessary by P&D. **Timing:** Prior to map recordation issuance, the Owner/Applicant shall record CC&Rs that state the condition requirements above and note the requirements of AES-1(a). P&D compliance monitoring staff may conduct site inspections once per year if necessary to ensure that landscaping is maintained for the life of the project.

61. Parking-02 Onsite Construction Parking. All construction-related vehicles, equipment staging and storage areas shall be located onsite. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction. **Plan Requirements and Timing:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans. A copy of the written notice shall be submitted to P&D permit processing staff prior to approval of land use or zoning clearance permits. This restriction shall be maintained throughout construction. P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or

refer complaints regarding offsite parking to appropriate agencies. **MONITORING:** P&D compliance monitoring staff shall site inspect prior to Final Building Inspection Clearance.

62. SolidW-02 Solid Waste-Recycle. The Owner/Applicant and their contractors and subcontractors shall separate excess construction materials onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, brush). The Owner/Applicant shall provide separate onsite bins as needed for recycling. **PLAN REQUIREMENTS:** The Owner/Applicant shall print this requirement on all grading and construction plans. Owner 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 Final Building Inspection Clearance. **MONITORING:** The Owner/Applicant shall provide P&D compliance staff with receipts prior to Final Building Inspection Clearance.

63. SolidW-03 Solid Waste-Construction Site. The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete. **PLAN REQUIREMENTS:** All plans shall contain notes that the site is to remain trash-free throughout construction. **TIMING:** Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D. **MONITORING:** Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

64. WatCons-03 Water Conservation in Landscaping. The project is subject to the California Water Conservation in Landscaping requirements. Prior to issuance of zoning clearance, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Residential Water Authorization Supplemental application or Water Efficient Landscape Ordinance Supplemental application, as appropriate to the size of the landscape area. **TIMING:** The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to zoning clearance issuance. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance. **MONITORING:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance. **PLAN REQUIREMENTS:** The Owner/Applicant shall depict the California Water Conservation in Landscaping supplemental application landscape plans on building plans.

65. WatConv-01 Sediment and Contamination Containment. The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

- a. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas have been stabilized by structures, long-term erosion control measures or landscaping.
- b. Apply concrete, asphalt, and seal coat only during dry weather.
- c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
- d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

PLAN REQUIREMENTS: The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans. **TIMING:** Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction. **MONITORING:** The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

66. WatConv-03 Erosion and Sediment Control Revegetation. As required by BIO-4(b), the Owner/Applicant shall re-vegetate graded areas upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **PLAN REQUIREMENTS:** Include this measure as a note on all grading and building plans. **TIMING:** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities. **MONITORING:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

67. NPDES-10 Storm Drain Labels. The Owner/Applicant shall label all on-site storm drain inlets, new or existing, to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). Label shall be in both English and Spanish. **Plan Requirements and Timing:** Show location of storm drain inlets and proposed storm water labels on site, building and grading plans prior to issuance of zoning clearance and grading permits. Label design shall be equivalent or similar to that used by

Public Works Department - Project Clean Water. Alternate label designs shall be shown on the plans and submitted to P&D for approval prior to issuance of zoning clearance and grading permits. Labels shall be affixed to storm drain inlets prior to Final Building Inspection Clearance. **MONITORING:** P&D building staff shall site inspect prior to Final Building Inspection Clearance.

IV. CONDITIONS UNIQUE TO DEVELOPMENT PLANS

68. Rules-07 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 Attachments D and E to the Planning Commission staff report dated September 30, 2020.

69. Rules-14 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.

70. Rules-18 DVP Revisions. The approval by the Planning Commission of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.

V. COUNTY RULES AND REGULATIONS

71. Rules-01 Effective Date-Not Appealable to CCC. This Development Plan 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. [LUDC §35.82.020].

72. Rules-03 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 Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

- 73. 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.
- 74. Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 75. Rules-09 Signs.** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the Santa Barbara County Land Use and Development Code.
- 76. Rules-23 Processing Fees Required.** Prior to issuance of zoning clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 77. DIMF-24a DIMF Fees-Library.** 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 libraries. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. [LUDC §35.84.030]. The total Library DIMF amount is currently estimated to be \$96,628.00 (September 30, 2020). This is based on a project type of a new subdivision to develop 119 new single-family dwellings. **TIMING:** Library DIMFs shall be paid to Planning & Development 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).
- 78. DIMF-24b DIMF Fees-Public Administration.** 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 public administration. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. [LUDC §35.84.030]. The total Public Administration DIMF amount is assessed at \$53,907.00 (September 30, 2020). This is based on a project type of a new subdivision to develop 119 new single-family dwellings. **TIMING:** Public Administration DIMFs shall be paid to Planning & Development Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.

79. DIMF-24c DIMF Fees-Sheriff. 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 County Sheriff. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. [LUDC §35.84.030]. The total County Sheriff DIMF amount is assessed at \$39,032.00 (September 30, 2020). This is based on a project type of a new subdivision to develop 119 new single-family dwellings. **TIMING:** County Sheriff DIMFs shall be paid to Planning & Development Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.

80. DIMF-24d DIMF Fees-Fire. 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 Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law. The total Fire DIMF amount assessed is \$590.00 per 1,000 square feet, or approximately \$112,336 total based on an estimate of 1,600 sf per unit (September 30, 2020). This is based on a project type of a new subdivision to develop 119 new single-family dwellings. **TIMING:** Fire DIMFs shall be paid to the County Fire Department prior to Final Building Inspection and shall be based on the fee schedules in effect when paid.

81. DIMF-24e Quimby 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. The total Parks Quimby fee amount is currently estimated to be \$546,720.00 (or \$4,556.00 per unit) (September 30, 2020). This is based on a project type of 119 single-family dwellings and the creation of one additional lot. **TIMING:** Parks Quimby fees shall be paid to the County Parks Department prior to zoning clearance issuance for each individual dwelling and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

82. Rules-26 Performance Security Required. The Owner/Applicant shall post separate performance securities (the amounts and form of which shall be approved by P&D) to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan,

and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed all approved landscape & irrigation plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation components, P&D may use the security to complete the work.

83. Rules-29 Other Dept Conditions. Compliance with Departmental/Division letters required as follows:

- a. Air Pollution Control District dated November 16, 2017
- b. Fire Department dated April 5, 2021
- c. Flood Control Water Agency dated September 18, 2015
- d. Community Services Department, Parks Division dated August 28, 2020
- e. Transportation Division dated September 7, 2020
- f. Project Clean Water dated November 16, 2017
- g. Laguna County Sanitation District dated August 21, 2020 (summarizing letters from November 14 through December 11, 2019)

84. 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.

85. Rules-31 Mitigation Monitoring Required. The Owner/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 Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
- b. Pay fees prior to zoning clearance issuance 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 Owner/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;

- c. 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 Final Subsequent Environmental Impact Report 14-EIR-07;
- d. 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.

86. Rules-32 Contractor and Subcontractor Notification. The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / 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.

87. 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.

88. 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.

VI. ADDITIONAL CONDITIONS

89. SolidW-01 Solid Waste-SRSWMP. The Owner/Applicant/Permittee shall implement a Source Reduction and Solid Waste Management Plan (SRSWMP) describing proposals to reduce the amount of waste generated throughout the life of the project and enumerating the estimated reduction in solid waste disposed. **PLAN REQUIREMENTS:** The plan shall include but not limited to:

- a. Operation Solid Waste Reduction Examples:
 - i. A green waste source reduction program, including the creation of composting areas, and the use of mulching mowers in all common open space lawns.
 - ii. Participate in an existing curbside recycling program to serve the new development.
 - iii. Implement a backyard composting yard waste reduction program.

TIMING: The Owner/Applicant shall submit a SRSWMP to P&D permit processing staff for review and approval prior to Issuance of ZCI for first residence. Program components shall be implemented prior to Final Building Clearance and maintained throughout the life of the project. **MONITORING:** During operation, the Owner/Applicant/Permittee shall demonstrate to P&D compliance staff as required that solid waste management components are established and implemented. The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved SRSWMP are in place as required prior to Final Building Clearance.

ATTACHMENT B.3: REVISED CONDITIONS OF APPROVAL

SB Clark, LLC (Key Site 3) Road Naming Case No. 17RDN-00000-00005

I. PROJECT DESCRIPTION

- 1. Proj Des-01 Project Description.** This Road Naming is based upon and limited to compliance with the project description, the hearing exhibits, 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:

A road naming application (Case No. 17RDN-00000-00005) for approval of the naming of five roads within the proposed tract. The proposed road names are Outrider Road, Dash Road, Virago Court, Rendar Road, and Corran Place. The owner/developer shall be responsible for installing and maintaining the road name signs in accordance with LUDC Section 35.76.050.

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.

II. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

- 3. 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

ATTACHMENT B.4: REVISED CONDITIONS OF APPROVAL

SB Clark, LLC (Key Site 3) Departmental Condition Letters

ATTACHMENT R: REZONE ORDINANCE

LAND USE DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1 OF THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING THE COUNTY ZONING MAP WITHIN THE ORCUTT COMMUNITY PLAN AREA BY REDESIGNATING A PORTION OF ASSESSOR PARCEL NUMBER 129-151-026 FROM RR-10 TO PRD-119.

Case No. 13RZN-00000-00001

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they related to 130.6 acres on existing Assessor's Parcel Number ("APN") 129-151-026 shown on the map attached hereto as Exhibit 1A and incorporated by reference.

SECTION 2

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of Land Use Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit 1A, dated "*(date of Board of Supervisors Approval)*", which redesignates the zoning on 130.6 acres on existing APN 129-151-026 as follows:

Rezone the 130.6 acres of SB Clark, LLC land from the Residential Ranchette, 10 acre minimum parcel size (RR-10) zoning to the Planned Residential Development (PRD-119) zone district.

This amended Zoning Map is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit 1A below and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit 1A to show that said map has been adopted by this Board.

npo

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joan Hartmann, Chair, Board of Supervisors
County of Santa Barbara
State of California

ATTEST

MONA MIYASATO
County Executive Officer
Clerk of the Board of Supervisors

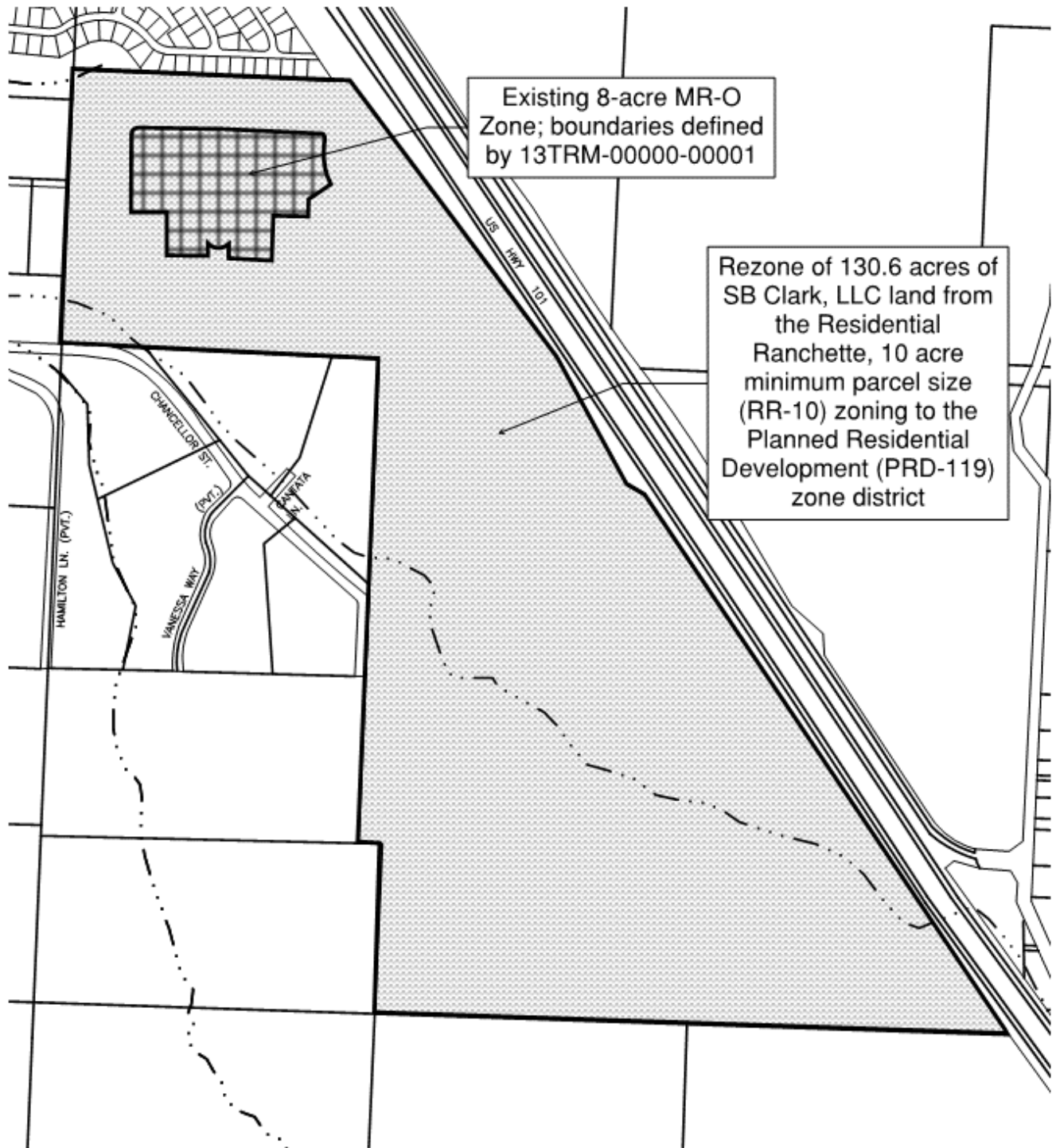
APPROVED AS TO FORM

RACHEL VAN MULLEM
County Counsel

By: _____
Deputy Clerk

By: _____
Deputy County Counsel

EXHIBIT 1A
Rezone Exhibit



ATTACHMENT S: GENERAL PLAN AMENDMENT BOARD RESOLUTION

RESOLUTION OF THE SANTA BARBARA COUNTY BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF
AMENDMENDING THE ORCUTT COMMUNITY
PLAN; ORCUTT COMMUNITY PLAN POLICY
KS3-1, DEVELOPMENT STANDARDS
DEVSTDKS3-5, -6, -7, AND -10, AND FIGURE
14 (ORCUTT COMMUNITY PLAN PARKS,
RECREATION AND TRAILS [PRT] MAP)

RESOLUTION NO.: 22 - _____

CASE NO.: 13GPA-00000-00005

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on July 22, 1997, by Resolution No. 97-314, the Board of Supervisors of the County of Santa Barbara adopted the Orcutt Community Plan.
- B. WHEREAS on July 10, 2001, by Resolution No. 01-225, the Board of Supervisors of the County of Santa Barbara adopted amendments (Case No. 01-GP-005) to various water policies, development standards and actions of the Orcutt Community Plan.
- C. WHEREAS on September 21, 2004, by Resolution No. 04-261, the Board of Supervisors of the County of Santa Barbara adopted amendments to the Orcutt Community Plan (Case No. 04-GPA-00000-00011), including text amendments to Action OT-O-2.2 to support revitalization efforts in Old Town Orcutt.
- D. WHEREAS on July 25, 2006, by Resolution No. 06-236, the Board of Supervisors of the County of Santa Barbara adopted the Old Town Orcutt Streetscape Concept Plan.
- E. WHEREAS on July 25, 2006, by Resolution No. 06-238, the Board of Supervisors of the County of Santa Barbara adopted amendments to the Orcutt Community Plan (Case No. 05GPA-00000-00006), including amendments to the Land Use Designations Map, the Parks, Recreation, and Trails Map, and Development Standard KS30-2.
- F. WHEREAS on February 24, 2009, by Resolution No. 09-034, the Board of Supervisors of the County of Santa Barbara adopted amendments to the Orcutt Community Plan (Case No. 08GPA-00000-00009), including amendments to the text and to land use designations to ensure consistency with the General Plan Housing Element Focused Rezone Program.
- G. WHEREAS on December 11, 2012 by Resolution No.12-293, the Board of Supervisors of the County of Santa Barbara adopted amendments to the Orcutt Community Plan (Case No. 11GPA-00000-00001), including text amendments to various flood control policies, development standards and actions, and amendments to Figure 31 (Regional Basins Map).
- H. WHEREAS on December 11, 2012 by Resolution No.12-294, the Board of Supervisors of the County of Santa Barbara adopted text amendments to the Orcutt Community Plan (Case No. 11GPA-00000-00002).

- I. WHEREAS on June 4, 2013 by Resolution No.13-160, the Board of Supervisors of the County of Santa Barbara adopted amendments to the Orcutt Community Plan (Case No. 13GPA-00000-00), including amendments to Key Site 22 text and to Figure KS22-2, Figure 24 (Significant Vegetation Map), Figure 25 (Biological Habitat Map), and Figure 22-2 (Key Site 22 Map p. KS22-11).
- J. WHEREAS on January 5, 2016, by Resolution No. 16-7, the Board of Supervisors of the County of Santa Barbara adopted amendments to the Orcutt Community Plan (14GPA-00000-00006) amending Key Site 12 Policy 12-2A and B, which address provision of affordable housing and parks.
- K. WHEREAS on June 27, 2013, an application (Case No. 13GPA-00000-00005) to: 1) amend the Comprehensive Plan and Orcutt Community Plan to change the Land Use Designation on APN 129-151-026 from Residential Ranchette to Planned Development; and 2) amend Orcutt Community Plan Policy KS3-1, Development Standards DevStdKS3-5, -6, -7, and -10, and Figure 14.
- L. WHEREAS proposed amendment to the Orcutt Community Plan Parks, Recreation and Trails (PRT) Map, were included in the project description for the Key Site 3 General Plan Amendment project (Case No. 13GPA-00000-00005).
- M. WHEREAS it is now deemed in the interest of orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of said County to amend the Comprehensive Plan's Orcutt Community Plan as follows:
- 1) Amend Policy KS3-1 to reflect a land use designation of Planned Development, Residential 20.0, and Open Space, and to reflect zoning PRD-119 of as follows:
***Policy KS3-1:** Key Site 3 (APN 129-151-26) is designated ~~Res Ranch and PD,~~ Residential 20.0, and Open Space and zoned ~~RR-10 and PRD-119,~~ and MR-O. Any proposed development on Key Site 3 shall comply with the following development standards.*
 - 2) Amend DevStd KS3-5 to reflect the development of public multi-use trails as follows:
***DevStd KS3-5:** The bikepath, ~~hiking~~ public multi-use trails, rest area, and secondary access roads shall be located to minimize loss of significant vegetation.*
 - 3) Amend DevStd KS3-6 to reflect the development of secondary access from Chancellor Street as follows:
***DevStd KS3-6:** No development, other than a secondary access road from Oakbrook Lane or Chancellor Street, shall occur within 100 feet of the dripline of the vegetation in the southwest corner of the northern mesa, or within a 25 foot-buffer from the top of bluff of the canyon in the northeast corner of the site.*
 - 4) Amend DevStd KS3-7 to reflect the development of secondary access from Chancellor Street as follows:
***DevStd KS3-7:** Primary access to the site shall be from the frontage road along US Hwy 101. The existing easement over Site 2 shall be renegotiated to accommodate*

development of Site 2 and to align with the “preferred access point” intersection. The developer shall coordinate with P&D, Public Works Transportation Division, and the Fire Department to ensure appropriate secondary access from Oakbrook Lane or Chancellor Street using the developer’s existing Chancellor Street easement.

- 5) Amend DevStd KS3-10 to reflect the development of public multi-use trails as follows:

DevStd KS3-10: *The developer shall dedicate an easement for, and construct, a flood control/emergency access route along Orcutt Creek which can also be used as an off road Class I bikepath as well as ~~hiking~~ public multi-use trails through Key Site 3, with appropriate links to new onsite development.*

- 6) Amend the Parks, Recreation and Trails Map (Figure 14 in the Orcutt Community Plan) to show the proposed multi-use trails. The trails will be realigned in conformance with Exhibit 2 below. The planned trail connection between Key Site 3 and the southeast endpoint of Chancellor Street will remain to enable a future connection when development occurs there.

- N. WHEREAS the proposed amendments are consistent with the Santa Barbara County Comprehensive Plan and the requirements of California Planning, Zoning, and Development laws.
- O. WHEREAS public agencies, California Native American Indian Tribes, civic, education, and other community groups, public utility companies, and citizens have been consulted on and have advised the Planning Commission on said proposed amendments in a public hearing pursuant to Section 65351 of the Government Code.
- P. WHEREAS the County conducted consultations with Native American tribes as required by Government Code Section 65352.3 and 65352.4.
- Q. WHEREAS the County Planning Commission has held a duly noticed public hearing, as required by Section 65353 of the Government Code, on the proposed amendments, at which hearing the proposed amendments were explained and comments invited from the persons in attendance and has endorsed and transmitted a written recommendation to the Board of Supervisors pursuant to Government Code Section 65354.
- R. WHEREAS, in compliance with Government Code Section 65855, which requires the County Planning Commission’s written recommendation on the proposed amendments and ordinances to include the reasons for the recommendation and the relationship of the proposed ordinances and amendments to applicable general and specific plans, the County Planning Commission has determined that the proposed amendments represent good planning consistent with the intent of the Orcutt Community Plan.
- S. WHEREAS this Board has held a duly noticed public hearing, as required by Section 65353 of the Government Code on the proposed amendments, at which hearing the proposed amendments were explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65356 of the Government Code, the above-described changes are hereby adopted as amendments to the Orcutt Community Plan and Comprehensive Plan.
3. Pursuant to provisions of Government Code Section 65357, the Clerk of the Board is hereby directed to make the documents amending the Santa Barbara County Comprehensive Plan, including the diagrams and text, available to the public for inspection.
4. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this Resolution, to reflect the above-described action by the Board.
5. Pursuant to the provisions of Government Code Section 65357, the Clerk of the Board is hereby authorized and directed to send endorsed copies of said maps to the planning agency of each city within this County.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 20___, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Joan Hartmann, Chair
Chair, Board of Supervisors
County of Santa Barbara

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. Amendment to Language of Orcutt Community Plan Policy KS3-1 and Development Standards DevStdKS3-5, -6, -7, and -10
2. Amendment to Orcutt Community Plan Parks, Recreation, and Trails Map (Figure 14)

EXHIBIT 1

ORCUTT COMMUNITY PLAN AMENDMENT

Orcutt Community Plan Policy KS3-1 and Development Standards DevStdKS3-5, -6, -7, and -10

Amended language shown below:

Proposed Orcutt Community Plan Amendments	
OCP Policy	Proposed Text Amendment
Policy KS3-1	Key Site 3 (APN 129-151-26) is designated Res-Ranch and PD, Residential 20.0, and Open Space and zoned RR-10 and PRD-119, and MR-O. Any proposed development on Key Site 3 shall comply with the following development standards.
DevStd KS3-5	The bikepath, hiking <u>public multi-use trails</u> , rest area, and secondary access roads shall be located to minimize loss of significant vegetation.
DevStd KS3-6	No development, other than a secondary access road from Oakbrook Lane <u>or Chancellor Street</u> , shall occur within 100 feet of the dripline of the vegetation in the southwest corner of the northern mesa, or within a 25 foot-buffer from the top of bluff of the canyon in the northeast corner of the site.
DevStd KS3-7	Primary access to the site shall be from the frontage road along US Hwy 101. The existing easement over Site 2 shall be renegotiated to accommodate development of Site 2 and to align with the “preferred access point” intersection. The developer shall coordinate with P&D, Public Works Transportation Division, and the Fire Department to ensure appropriate secondary access from Oakbrook Lane <u>or Chancellor Street</u> using the developer’s existing <u>Chancellor Street easement</u> .
DevStd KS3-10	The developer shall dedicate an easement for, and construct, a flood control/emergency access route along Orcutt Creek which can also be used as an <u>off road</u> Class I bikepath as well as hiking <u>public multi-use</u> trails through Key Site 3, with appropriate links to new onsite development.
Orcutt Community Plan PRT Map	The OCP PRT Map is revised to show the proposed multi-use trails. The trails will be realigned in conformance with the approved final development plans. The planned trail connection between Key Site 3 and the southeast endpoint of Chancellor Street will remain to enable a future connection when development occurs there.

EXHIBIT 2
ORCUTT COMMUNITY PLAN
Amendment to Parks, Recreation and Trails Map

Exhibit 2 : Orcutt Community Plan PRT Map Changes

- Proposed Trail according to Adopted PRT Map (to Remain on PRT Map)
- Proposed Realignment of Previously Adopted Trail on PRT Map
- Proposed New Trail to be Added to PRT Map

