



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

Regular Meeting of February 6, 2014 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Chair Adams

PLEDGE OF ALLEGIANCE

Vice Chair Figueroa

ROLL CALL

Commissioners Jason Fussel, Art Mercado, Foster Reif, Vice Chair Lisa Figueroa and Chair Craig Adams

REORDERING OF AGENDA

PRESENTATIONS

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of January 16, 2014

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

2. Resolution No. 14-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof”

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday February 20, 2014 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

* Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of January 16, 2014 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Chair Mercado called the meeting to order at 6:13 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Adams led the Pledge of Allegiance

ROLL CALL

Present: Commissioners, Foster Reif, Vice Chair Craig Adams and Chair Art Mercado

Absent: Commissioners Lisa Figueroa, Jason Fussel

Staff: City Manager Marc Bierdzinski
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

ELECTION OF OFFICERS

1. Election of Chair and Vice Chair

- Planning Commission Chairman
Motion by Chair Mercado, seconded by Commissioner Reif to nominate Vice Chair Adams to serve as Planning Commission Chairman for calendar year 2014.
Motion passed with a 3-0 voice vote.

- Planning Commission Vice Chair
Motion by Commissioner Mercado and seconded by Commissioner Reif to nominate Commissioner Figueroa to serve as Planning Commission Vice Chair for calendar year 2014.
Motion passed with a 3-0 voice vote.

2. Committee Appointment – CDBG Committee

The Commission concurred and Chair Adams agreed to continue as appointee on the CDBG Committee for 2014.

PRESENTATIONS**3. Presentation to outgoing Chairman, Art Mercado**

Chair Adams presented an engraved mug to outgoing Chairman Art Mercado, commemorating his year of service as Planning Commission Chair.

APPROVAL OF MINUTES**4. Minutes of the regular Planning Commission meeting of December 5, 2013****MOTION:**

Commissioner Reif moved and Commissioner Mercado seconded the motion to approve the Minutes of December 5, 2013.

VOTE:

Motion passed by 3-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

Commissioner Mercado recused himself due to the proximity of his residence to the proposed project.

City Manager Bierdzinski announced that the Public Hearing will be continued to the February 6, 2014 Planning Commission meeting due to lack of a quorum.

5. Resolution No. 14-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof”

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

Commissioner Mercado thanked the Commission and Staff for their support during his year as Chairman.

PLANNING DIRECTOR REPORT

City Manager Bierdzinski updated the Commission on the status of various projects including the Crossroads Center, the Buellton Apartments and the proposed Bowling Alley. He stated that he will not be in attendance at the February 6, 2014 Planning Commission meeting.

ADJOURNMENT

Chair Adams adjourned the meeting at 6:20 p.m. to the next regular scheduled meeting of the Planning Commission to be held February 6, 2014 at the City Council Chambers, 140 West Highway 246, Buellton.

Craig Adams, Planning Commission Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is not available.

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members

From: Angela Perez, Assistant Planner

Date: February 6, 2014

Subject: Resolution No. 14-01 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

The applicant proposes to adjust the property lines on a portion of APN 137-090-045. This is the site for the approved Village Specific Plan. Tract Map 31052 was approved by the City Council in 2008 (see Attachment 1-Tract Map 31052). Tract Map 31052 was recorded in October 2013. Tract Map 31052 includes 5 total lots. Three of these lots will be affected by the proposed Lot Line Adjustment (Lots 2, 4, and 5).

In March 2013 the City Council approved an amendment to the Village Specific Plan which removed the smaller park and created the 1.81 acre park in the center of the property. In December 2013 the City Council approved the Master Plan for a neighborhood park in this location. The primary purpose for the lot line adjustment is to create the larger lot for the park near the center of the property instead of two smaller parks in different locations.

The existing lots being adjusted are Lot 2 (11.29 acres-residential), Lot 4 (0.40 acres-pocket park) and Lot 5 (1.41 acres-main park). The proposed adjusted lots include a 9.29 acre lot for residential uses, a 2.0 acre lot for residential uses, and a 1.81 acre lot for the reconfigured park. The lot line adjustment map is included as Attachment 2. In addition to the change to the park lots, the adjustment allows for two residential lots instead of one. The smaller residential lot is intended for a senior apartment project.

The total number of lots remains the same. The proposed uses for the lots are consistent with the approved Village Specific Plan as recently amended by the City Council.

The proposed lot line adjustment does not result in any changes in land use or density and no new parcels will be created. Environmental review for the application reveals that the project is exempt from the requirements of CEQA pursuant to the State CEQA Guidelines, 14 California Code of Regulations section 15000 *et seq.*, section 15305 (a),

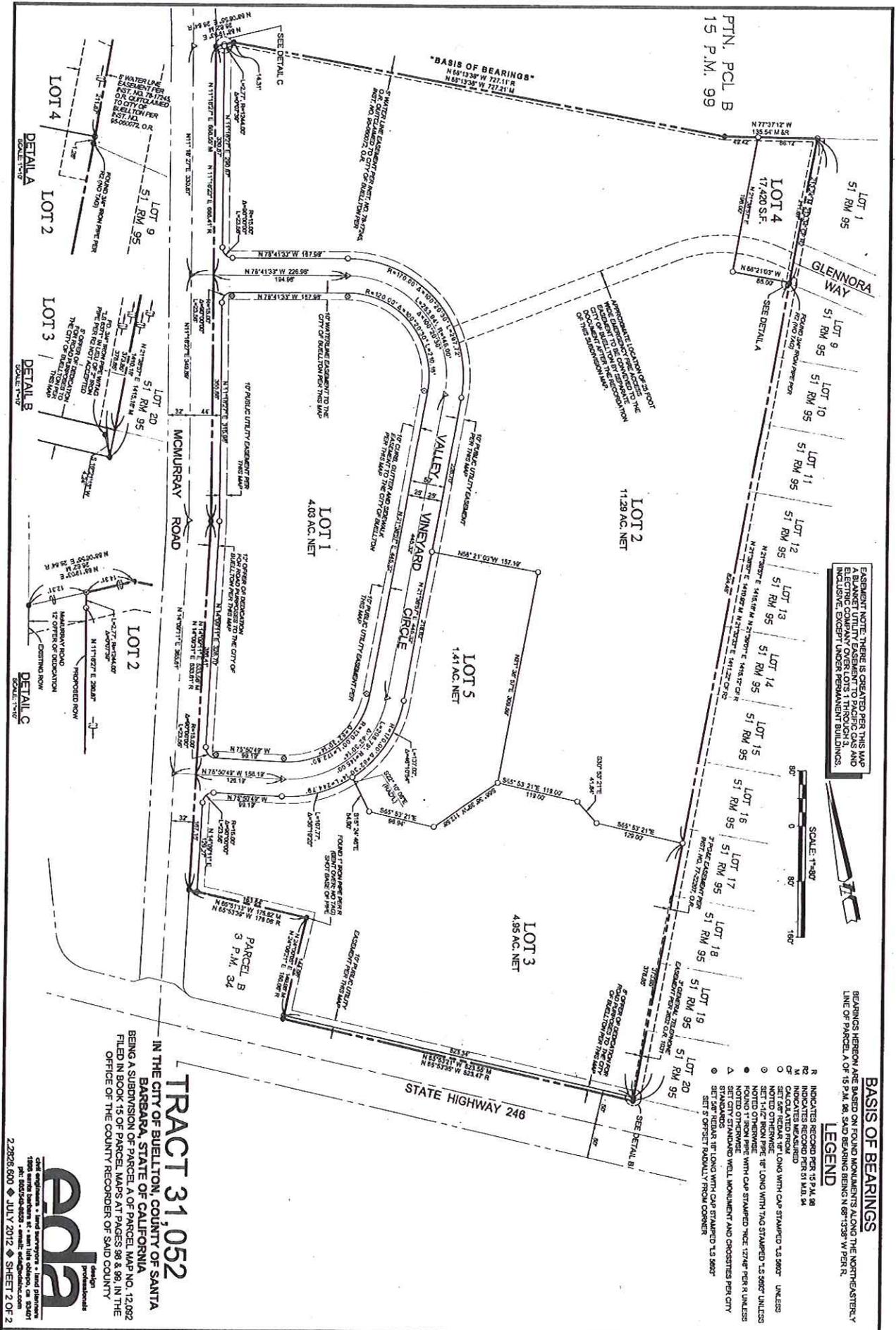
because it only involves a minor lot line adjustment with no new lots resulting. Accordingly, the proposal is being processed with a Class 5 Categorical Exemption.

RECOMMENDATION

Staff recommends that the Planning Commission consider the adoption of Resolution No. 14-01, "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (13-LLA-03) on a Portion of APN 137-090-045, Located at the Northeast Corner of Highway 246 and McMurray Road, and Making Findings in Support Thereof"

ATTACHMENTS

Attachment 1 – Tract Map 31052
Attachment 2 – Lot Line Adjustment Map
Planning Commission Resolution No. 14-01



EASEMENT NOTE: THERE IS CREATED PER THIS MAP A BLANKET UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY UNDER PERMITS WITH BUILDINGS.

BEARINGS HEREON ARE BASED ON FOUND MONUMENTS ALONG THE NORTH-EASTERNLY LINE OF PARCEL A OF 15 P.M. 98. SAID BEARING BEING N 87° 33' 38" W PER R.

- LEGEND**
- R INDICATED RECORD PER 15 P.M. 98
 - M INDICATED MEASURED
 - C CALCULATED FROM
 - NOTED OTHERW/ME WITH CAP STAMPED "LS 9800" UNLESS NOTED OTHERWISE
 - SET 1-1/2" IRON PIPE 10' LONG WITH TAG STAMPED "LS 2000" UNLESS NOTED OTHERWISE
 - ▲ SET CITY STANDARD W/ELL MONUMENT AND ORIENTED PER CITY STANDARDS
 - SET 5" OFFSET RADIALLY FROM CORNER

BK 205 PG 70

ada
 professional
 civil engineers • land surveyors • land planners
 1000 E. Highway 101, Suite 100
 Buellton, CA 93428
 ph: 805.684.4400 • email: info@adaprof.com

TRACT 31,052
 IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
 BEING A SUBDIVISION OF PARCEL A OF PARCEL MAP NO. 12,092 FILED IN BOOK 15 OF PARCEL MAPS AT PAGES 88 & 89, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

2/29/2012 6:00 ♦ JULY 2012 ♦ SHEET 2 OF 2

SURVEYOR'S NOTES

1. MAPPING TOPOGRAPHIC MAPPING WAS COMPLETED AT A SCALE OF 1"=100', WITH A ONE FOOT CONTOUR INTERVAL, BY EDA DESIGN PROFESSIONALS. THE DATE OF THE SURVEY IS UNKNOWN.
2. BASIS OF BEARINGS: THE BEARING OF 68°12'30" FOR THE NORTH LINE OF LOT 4, AS SHOWN ON THE MAP OF TRACT 31,052 FILED IN BOOK 708 PAGE 68-70 OF MAP 3, HAS BEEN USED AS THE BASIS OF BEARINGS FOR THIS MAP.

LAND USE DESIGNATION

DESIGN ZONING: (OR-97 GENERAL COMMERCIAL - SPECIAL PERMIT (VALLEY VINEYARD CIRCLE))
 DESIGNING LAND USE: VILLAGE SPECIFIC PLAN
 PROPOSED ZONING: NO CHANGE
 PROPOSED LAND USE: NO CHANGE

LEGAL DESCRIPTION

LOTS 2, 4 AND 5 OF TRACT NO. 31,052, IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN THE COUNTY RECORDS OF SANTA BARBARA COUNTY, STATE OF CALIFORNIA, EXCEPTING ALL OIL, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES, DEEDS FROM MICHIGAN'S TRUST COMPANY, A CORPORATION, RECORDED IN BOOK 141, PAGE 579, 580TH OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

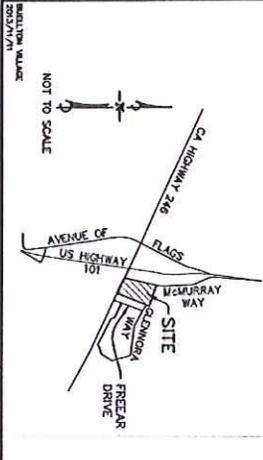
EASEMENT NOTES

- (NUMBER CORRESPONDS TO ITEM NUMBER IN PRELIMINARY TITLE REPORT BY LAYERS TITLE, FILE NO. 415240224, DATED OCTOBER 21, 2013, NOT ALL EXCEPTION ITEMS ARE NOTED.)
- 2. A 2 FOOT EASEMENT FOR WATER LINE PURPOSES GRANTED TO THE CITY OF BUELLTON BY INSTRUMENT NO. 95-060072 AND INSTRUMENT NO. 95-060101.
 - 4A. A 10 FOOT EASEMENT FOR PUBLIC UTILITIES GRANTED TO THE CITY OF BUELLTON BY INSTRUMENT NO. 95-060072 AND INSTRUMENT NO. 95-060101.
 - 4B. A 25 FOOT EASEMENT FOR FIRE ACCESS GRANTED TO THE CITY OF BUELLTON FOR TRACT 31,052 RECORDED IN BOOK 283, PAGES 68-70, OF MAPS.

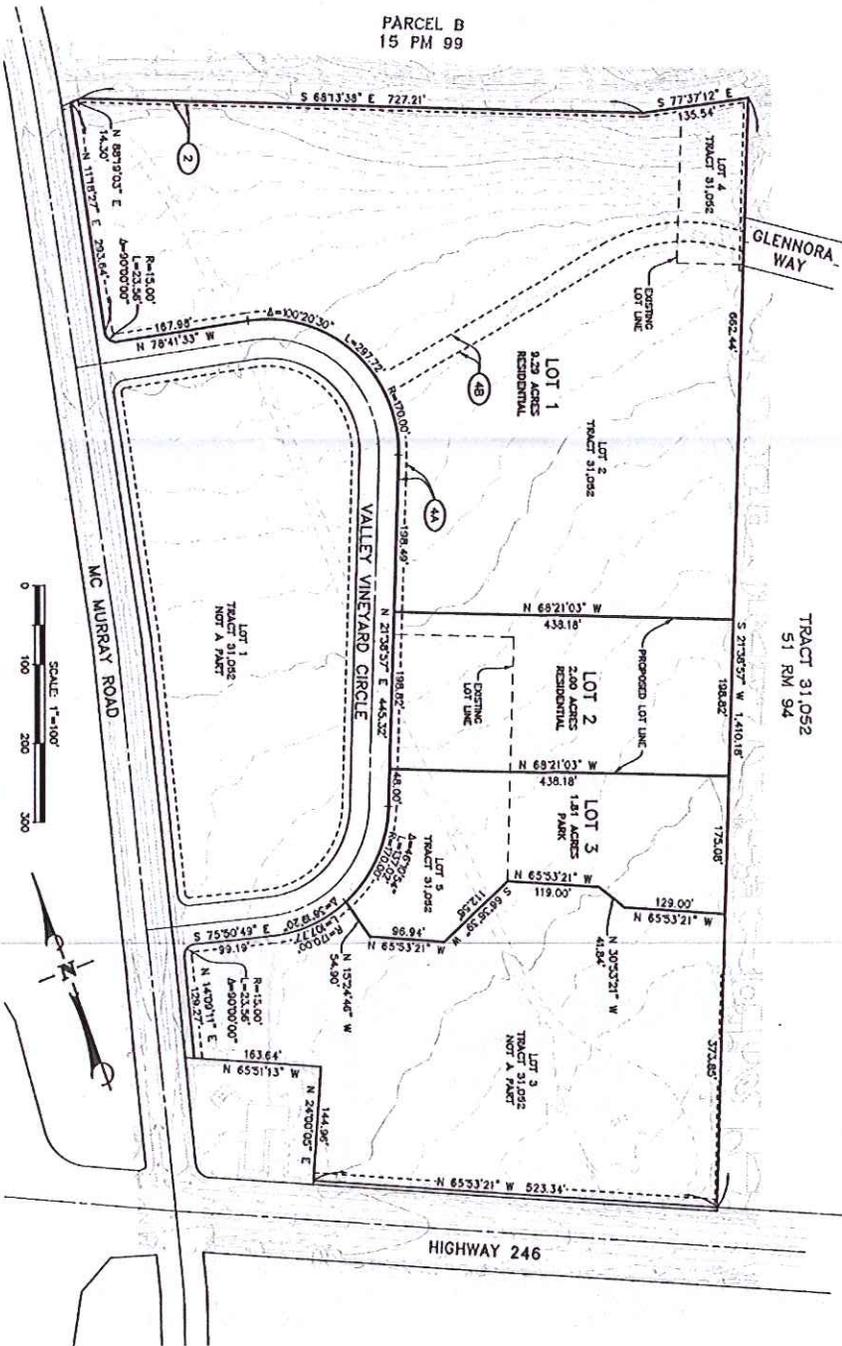
UTILITY PROVIDERS

WATERS: CITY OF BUELLTON
 SEWAGE: CITY OF BUELLTON
 GAS: THE GAS COMPANY
 ELECTRIC: PG&E
 CABLE: COMCAST COMMUNICATIONS
 TELEPHONE: VERIZON

VICINITY MAP



PARCEL B
15 PM 99



LAND AREA CALCULATIONS

DESIGNING LOTS:	ACRES
LOT 1	9.29
LOT 2	2.09
LOT 3	1.81
LOT 4	9.29
LOT 5	9.29
TOTAL	31.76

PROPOSED PARCELS:	ACRES
LOT 1	9.29
LOT 2	2.09
LOT 3	1.81
TOTAL	13.1

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

IAN MCCLAIN, PLS 0370 DATE 11/7/2013

OWNER'S STATEMENT

WE HEREBY AGREE FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN HEREON AND CERTIFY THAT THE BEARINGS, DISTANCES AND AREA INFORMATION SHOWN HEREON IS TRUE AND CORRECT.
 OAK SPRINGS VILLAGE PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY
 ADDRESS: 28132 ROVASCIO DRIVE, SUITE 135
 ACQUEDU HILLS, CA 91301
 BY: ARLEN MILLER, PRESIDENT
 BY: ANTHONY MILLER, SECRETARY



BUELLTON VILLAGE
 LLA 2013-XX
 PREPARED: 11/7/2013
 CITY OF BUELLTON
 STATE OF CALIFORNIA

Perfield & Smith
 Engineering, Surveying, Planning
 Construction Management
 210 East Duane, Suite A, Santa Maria, CA 93454
 Phone: (805) 925-2545 Fax: (805) 925-1500

SHEET 1 OF 1 SHEETS W.O. 200935.01

PLANNING COMMISSION RESOLUTION NO. 14-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
BEULLTON, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT
(13-LLA-03) ON A PORTION OF APN 137-090-045, LOCATED AT THE
NORTHEAST CORNER OF HIGHWAY 246 AND MCMURRAY ROAD,
AND MAKING FINDINGS IN SUPPORT THEREOF**

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: Pursuant to the Subdivision and Zoning Ordinance of the City of Buellton, an application has been filed by Oak Springs Village Properties, LLC as the property owner and John Franklin, agent (hereinafter referred to as “Applicant”), requesting approval to adjust property lines as described in the title of this Resolution (the “Project”). The proposed lots requiring the lot line adjustment are located at the northeast corner of Highway 246 and McMurray Road. A copy of the Lot Line Adjustment Map is attached hereto, marked as Exhibit “A”, and incorporated herein by this reference.

SECTION 2: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

A. Record. Prior to rendering a decision on the Project, the Planning Commission considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on January 16, 2014 and continued to February 6, 2014 (“Public Hearings”).
2. All oral, written and visual materials presented by City staff in conjunction with those certain Public Hearings conducted by the Planning Commission on January 16, 2014 and continued to February 6, 2014.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Subdivision Ordinance and Zoning Ordinance have been lawfully satisfied:

1. A notice of Public Hearing was published in a newspaper of general circulation on January 2, 2014 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted on January 16, 2014 and continued to February 6, 2014.
2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on January 2, 2014, a minimum of ten (10) days in advance of the Public Hearing.

3. The Public Notice was posted in three public locations on January 2, 2014, a minimum of 10 days in advance of the Public Hearing.

C. Environmental Review The Project is exempt from the requirements of CEQA pursuant to the State CEQA Guidelines, 14 California Code of Regulations section 15000 *et seq.*, section 15305 (a), because the Application only involves a minor lot line adjustment with no new lots resulting: Class 5 exemption as a minor lot line adjustment.

D. Consistency Declarations. Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the Public Hearing, the Planning Commission does hereby declare as follows:

1. Lot Line Adjustment.

a. Findings:

- i. The lot line adjustment does maintain a position with respect to General Plan consistency, parcel design, minimum lot area, environmental quality, and public health and safety criteria as specified in this title and other applicable Municipal Code and state law provisions relating to real property divisions, which is equal to or better than the position of the existing lots before adjustment. The Village Specific Plan was amended to create one park in the center of the property and this lot line adjustment reflects that change. The proposed lots meet all lot size and parcel design requirements of the General Plan, Municipal Code, and Village Specific Plan.
- ii. The adjustment will not have the effect of creating a greater number of parcels than are buildable in compliance with applicable provisions of this Ordinance, or the Zoning Ordinance (Title 19 of this Code) than what exists before adjustment.
- iii. Any parcel resulting from the adjustment will not conflict with applicable regulations in the Zoning Ordinance as the proposed parcels meet the minimum lot size requirements of the Zoning Ordinance and the Village Specific Plan.

SECTION 3: Based on the findings set forth in Section 2, the Planning Commission hereby approves the Categorical Exemption for the Project in accordance with CEQA.

SECTION 4: Based on the findings set forth in Sections 2 and 3, and subject to the conditions attached hereto, the Planning Commission hereby approves the Lot Line Adjustment (13-LLA-03).

PASSED AND ADOPTED this 6th day of February, 2014

Craig Adams, Chair

Clare Barcelona, Planning Commission Secretary

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) SS
CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 14-01 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 6th day of February, 2014, by the following vote, to wit.

AYES: (0)

NOES: (0)

ABSENT: (0)

NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February, 2014.

Clare Barcelona
Planning Commission Secretary

CONDITIONS OF APPROVAL

VILLAGE SPECIFIC PLAN LOT LINE ADJUSTMENT (13-LLA-03)

PLANNING DEPARTMENT/GENERAL CONDITIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description, the application date stamped November 21, 2013, the Lot Line Adjustment Map dated November 7, 2013, and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Oak Springs Village, LLC as the property owner and John Franklin, agent (the “Applicant”) for a Lot Line Adjustment consisting of the movement of the lot lines on a portion of APN 099-690-045 (the “Project”) located at the northeast corner of Highway 246 and McMurray Road (the “Property”). Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval.
2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall: (i) obtain a Zoning Clearance (hereinafter defined below); and (ii) obtain all other permits and approvals that may be required by operation of the Buellton Municipal Code (e.g., discretionary permit, grading permit, building permit, encroachment permit, etc.). Before any Zoning Clearance will be issued by the City, the Applicant must obtain written clearance from all departments having jurisdiction; such clearance shall indicate that the Applicant has satisfied all pre-construction conditions of approval. To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
 - a. **“Applicant”** means Oak Springs Village, LLC as the property owner and John Franklin, agent, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.

- b. **“City”** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees (e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.
 - c. **“Project”** means and includes all of the actions described in the Project description above.
 - d. **“Project Inspection”** means a field inspection and documentation review performed by the Planning Director at the time of Final Building Inspection Clearance to verify that the Project has been completed in full compliance with the terms and conditions of approval. The Project Inspection shall be performed upon completion of construction and the Project must be fully compliant with all terms and conditions of approval prior to and as a condition precedent to obtaining Final Building Inspection Clearance.
 - e. **“Property”** means the land and improvements identified in the Project Description.
 - f. **“Property Owner”** means Buellton Connolly, LLC and includes all persons and entities possessing fee title (in full or in part) to the site of the Project, and all successors and assigns of such persons and entities.
 - g. **“Zoning Clearance”** means approval granted pursuant to 19.08.100 of the Buellton Municipal Code requisite to issuance of a building permit for authorized construction or land development activities.
4. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
7. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void,

or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.

8. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.
9. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
10. **Compliance Costs.** All projects are subject to Project Inspection that is funded under existing permit fees. This condition shall serve as implementation of the general conditions of approval set forth herein. The Applicant agrees to participate in this permit compliance program and to fund all reasonable expenses incurred by the City and/or City contractors for permit condition implementation, reasonable studies, and emergency response directly and necessarily related to monitoring and enforcement of these permit conditions and applicable City ordinances. Any staff time spent in excess of the Applicant's current deposit will be billed to the Applicant and the Applicant shall reimburse City within 30 days of invoicing by City.
11. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.
12. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with the provision of Section 1.32 of the Buellton Municipal Code.
13. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City.
14. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is

sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.

- 15. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

ENGINEERING CONDITIONS

- 16. **Final Lot Line Adjustment.** The applicant shall submit all necessary documents, sketches, and fees for finalizing the lot line adjustment. These may include but are not limited to a preliminary title report less than 60 days old, legal descriptions of the parcels following the adjustment, modified deeds of trust and/or partial reconveyances as required, grant deed or deeds with accompanying legal descriptions and sketches, a sketch showing the existing and adjusted lines, a certificate of conformity for City Surveyor's signature and for County Clerk of the Board's signature for tax clearance, Owner's Certificates and Certificates of Record Title Interest. These documents will be prepared by a Land Surveyor, Licensed in the State of California or by a Civil Engineer Registered in the State of California and authorized to practice land surveying. Applicant or applicant's agent shall coordinate with the City Surveyor to assure that all required documents are prepared and submitted.
- 17. **Completion.** The lot line adjustment must be completed (i.e., grant deeds recorded and lot lines adjusted) prior to building occupancy.
- 18. **Lot Numbers.** The lot numbers shall correspond to the lot numbers on recorded Tract Map 31052. The new lot identified on the Lot Line Adjustment Map as lot 1 should be lot 2, new lot 2 should be lot 4, and new lot 3 should be lot 5. These lot numbers shall be changed on the final lot line adjustment.

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date