



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

**Regular Meeting of April 18, 2019 – 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 Dan Heedy

PLEDGE OF ALLEGIANCE

Commissioner Sarquilla

ROLL CALL

Commissioners Bob Blokdyk, Michael Eglin, Marcilo Sarquilla, Vice Chair Patty Hammel and Chair Dan Heedy

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of March 21, 2019**

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

None

NEW PUBLIC HEARINGS

2. **Resolution No. 19-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (18-LLA-01) to Remove an Existing Lot Line Between Lot 2 and Lot 3 of Tract 31,055, Located Within the Crossroads Commercial Center Property and Making Findings in Support Thereof”**

❖ *(Staff Contact: Planning Director Andrea Keefer)*

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, May 2, 2019 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

March 21, 2019 – 6:00 p.m.

City Council Chambers, 140 West Highway 246

Buellton, California

CALL TO ORDER

Chair Heedy called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Heedy led the Pledge of Allegiance

ROLL CALL

Present: Commissioner Michael Eglin, Vice Chair Patty Hammel and Chair Dan Heedy

Absent: Commissioners Bob Blokdyk and Marcilo Sarquilla

Staff: Planning Director Andrea Keefer
Public Works Director Rose Hess
Contract City Planner Irma Tucker
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of February 21, 2019

MOTION:

Commissioner Hammel moved and Commissioner Eglin seconded the motion to approve the Minutes of February 21, 2019.

VOTE:

Motion passed with a 3-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

2. Review and Direction to Staff Regarding Ave of Flags Median Two Design Plan

RECOMMENDATION:

That the Planning Commission review the draft plans and provide staff with additional recommendations if necessary to move forward towards completion of the Design Plans for Council Discussion.

STAFF REPORT:

Public Works Director Rose Hess presented the staff report.

DOCUMENTS:

Staff report with attachments as listed in the staff report.

SPEAKERS/DISCUSSION:

Ron Milligan, Landscape Architect, MNS Engineers, summarized the design features noting the use of native landscaping, permeable paving and the pedestrian friendly aspect of the design.

Kent Yankee, Deputy City Engineer, MNS Engineers, stated that during construction there will be minimal impact to the surrounding businesses.

Peggy Brierton, Buellton, stated that the design is unattractive and that per the Community Guidelines large parking lots should be avoided and added that bicycle and motorcycle parking should be shown on the design. She asked the Applicant to consider adding a landscaped area in the center of the median.

The Commission spoke in favor of the overall design and suggested adding bicycle/motorcycle parking, additional landscaping, incorporate the art deco design into the street furnishings and increase the width of the compact parking spaces.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

Chair Heedy stated that parking from the SCOR bike ride held on March 9th caused a significant impact to traffic and parking along McMurray Road.

PLANNING DIRECTOR REPORT

Planning Director Keefer updated the Commission on the status of various projects including a conceptual design of a proposed project at 480 Avenue of Flags that will be coming before the Commission at a later date.

Contract Planner Irma Tucker handed out invitations to an Earth Day 2020 kick-off meeting to be held on April 17, 2019.

ADJOURNMENT

Chair Heedy adjourned the meeting at 6:43 p.m. The next regular meeting of the Planning Commission will be held on Thursday, April 4, 2019 at 6:00 p.m.

Chair Dan Heedy

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request.

CITY OF BUELLTON
Planning Commission Agenda Staff Report

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

To: The Honorable Chair and Commission Members

From: Andrea Keefer, Planning Director

Date: April 18, 2019

Subject: Resolution No. 19-04 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (18-LLA-01) to Remove an Existing Lot Line Between Lot 2 and Lot 3 of Tract 31,055, Located Within the Crossroads Commercial Center Property and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

Tract 31,055 was previously approved for the Crossroads Commercial Center property (Attachment 1) and included six total lots. The applicant has submitted an application for a Lot Line Adjustment (18-LLA-01) to remove the lot line between Lot 2 (APN 137-790-020) and Lot 3 (APN 137-790-021) of recorded Tract 31,055 in order to comply with the California Building Code requirements for fire separation. This will reduce the total number of lots to five.

The Lot Line Adjustment Map is included in Attachment 2 and proposes the following adjusted lots:

EXISTING LOTS OF TRACT 31055	PROPOSED LOTS
LOT 1 - 0.77 AC	NO CHANGE
LOT 2 - 0.43 AC	LOT 1 OF 18-LLA-01
LOT 3 - 0.36 AC	0.79 AC
LOT 4 - 2.35 AC	NO CHANGE
LOT 5 - 0.40 AC	NO CHANGE
LOT 6 - 0.65 AC	NO CHANGE

The proposed lot line adjustment does not result in any changes in land use or density and no additional lots will result. 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. 19-04, "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Lot Line Adjustment (18-LLA-01) to Remove an Existing Lot Line Between Lot 2 and Lot 3 of Tract 31,055, Located Within the Crossroads Commercial Center Property and Making Findings in Support Thereof".

ATTACHMENTS

Attachment 1 – Tract Map 31,055
Attachment 2 – Lot Line Adjustment Map
Planning Commission Resolution No. 19-04

OWNER'S STATEMENT

We hereby state that we are the owners of, or have an interest in, the land included within the subdivision shown on the annexed map, and that we are the only persons whose consent is necessary to pass a clear title to said land. We consent to the making and recording of said map and subdivision as shown within the distinctive border lines.

We hereby dedicate the easements shown hereon for the purposes set forth.

We also hereby dedicate to public use the easement to the City of Buellton for sanitary sewer purposes as shown hereon.

We also hereby dedicate to public use the easement to the City of Buellton for waterline purposes as shown hereon.

We also hereby dedicate to public use the easement to the City of Buellton for Public Utility purposes as shown hereon.

BUELLTON VILLAGE CENTER, LLC, A California Limited Liability Company

By: *Madini Development, Inc.*
a California corporation,
Its Manager

By: *Don Judkins, President*

PLANNING DIRECTOR'S STATEMENT

I hereby state that I have examined this final map and have determined that it substantially conforms to the Tentative Map as approved by the Planning Commission of the City of Buellton on June 5, 2013, and to the conditions imposed thereon. **Planning Commission**

By: *Marie P. Bercich, Planning Director*

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based on a field survey in performance with the requirements of the Subdivision Map Act and Local Ordinance at the request of DON JUDKINS on August, 2014. I hereby state that this Tract Map substantially conforms to the approved or conditionally approved Tentative Map. If any monuments shown are of the character and occupy the positions indicated, or will be set in such positions within one year of the recording of this map and they are sufficient to enable title survey to be retraced.

By: *William Isbell, LS 9745*



CITY SURVEYOR'S STATEMENT

I hereby state that I have examined this map and that all provisions of the Subdivision Map Act and Local Ordinances have been complied with and that I am satisfied that this map is technically correct.

By: *Mark E. Reinhardt*

RECORDER'S STATEMENT

I hereby state that this map, Tract Map No. 31,055 consisting of 2 sheets, was accepted and recorded on _____ of _____ at the request of Axis Engineering Group.

By: *Joseph E. Holland*

SOILS ENGINEERING REPORT

A soils engineering report dated September 20, 2013, was prepared by Pacific Materials Laboratory, as File No. 13-1576A-6 and signed by Ronald J. Pike, GC 2291 and has been filed with the City of Buellton.

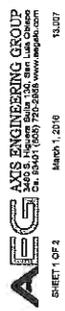
NOTE:

This map is subject to certain conditions and information included in a "Notice" and recorded concurrently as instrument No. _____ of _____.

PARCEL MAP

TRACT 31,055

IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
BEING A SUBDIVISION OF LOT 3 OF TRACT NO. 31,052 FILED IN BOOK 2014-0011640 OF OFFICIAL RECORDS OF THE COUNTY RECORDER OF SAID COUNTY.



AXIS ENGINEERING GROUP, INC.
13007
MAY 1, 2016
LAWYERS TITLE POLICY #1426268

Attachment 1

NOTARIAL

State of California, County of Santa Barbara, City of Buellton.

On April 12, 2016, before me, Don Judkins, President, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity and that by their signatures on the instrument these persons, or the entity upon behalf of which they acted, executed the same.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

By: *Don Judkins, President*

Signature

Printed Name

Commission Number

Expiration

BENEFICIARY'S STATEMENT

Tri Counties Bank under a deed of trust dated January 10, 2014 and recorded as Instrument No. 2014-0011640 of Official Records

By: *Don Judkins, President*

BENEFICIARY'S STATEMENT

Tri Counties Bank under a deed of trust dated March 7, 2014 and recorded as Instrument No. 2014-0011640 of Official Records

By: *Don Judkins, President*

BASIS OF BEARINGS

BEARINGS HEREON ARE BASED ON FOUND POINTS FOLLOWING THE SOUTHWESTERLY LINE OF TRACT 31,055, AND BEARING BEINGS N85°53'21"W.

REFERENCES

- R TRACT 31,055 (205 BM 588)
- R1 CERTIFICATE OF CORRECTION (2015-0046288)
- M MEASURED

LEGEND

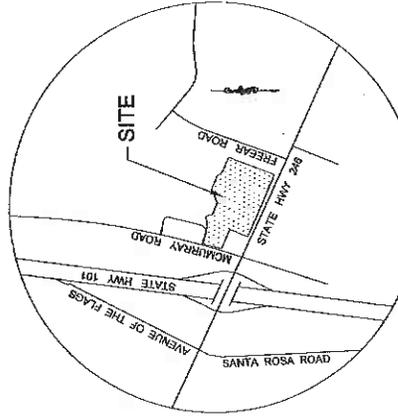
- SET 1/8" X 1/8" LONG REBAR AND CAP PLS 9" LGS UNLESS OTHERWISE NOTED
- FOUND 5/8" REBAR WITH CAP PLS 8228" PER R1 UNLESS OTHERWISE NOTED
- ⊙ POINTS TO BE SET PER R
- TRACT BOUNDARY

EASEMENT NOTES:

BLANKET PRIVATE EASEMENT FOR PARKING, ACCESS, LANDSCAPING, AND DRAINAGE UTILITIES OVER LOTS 1-6 FOR THE BENEFIT OF LOTS 1-4 PER THIS MAP

BLANKET PUBLIC EASEMENT FOR WATER SEWER AND UTILITIES OVER LOTS 1-6 EXCLUDING BUILDINGS TO THE CITY OF BUELLTON PER THIS MAP.

THERE IS A BLANKET UTILITY EASEMENT TO PASS OVER LOTS 1 THROUGH 3 OF TRACT 31,055, INCLUSIVE, EXCEPT UNDER PERMANENT BUILDINGS

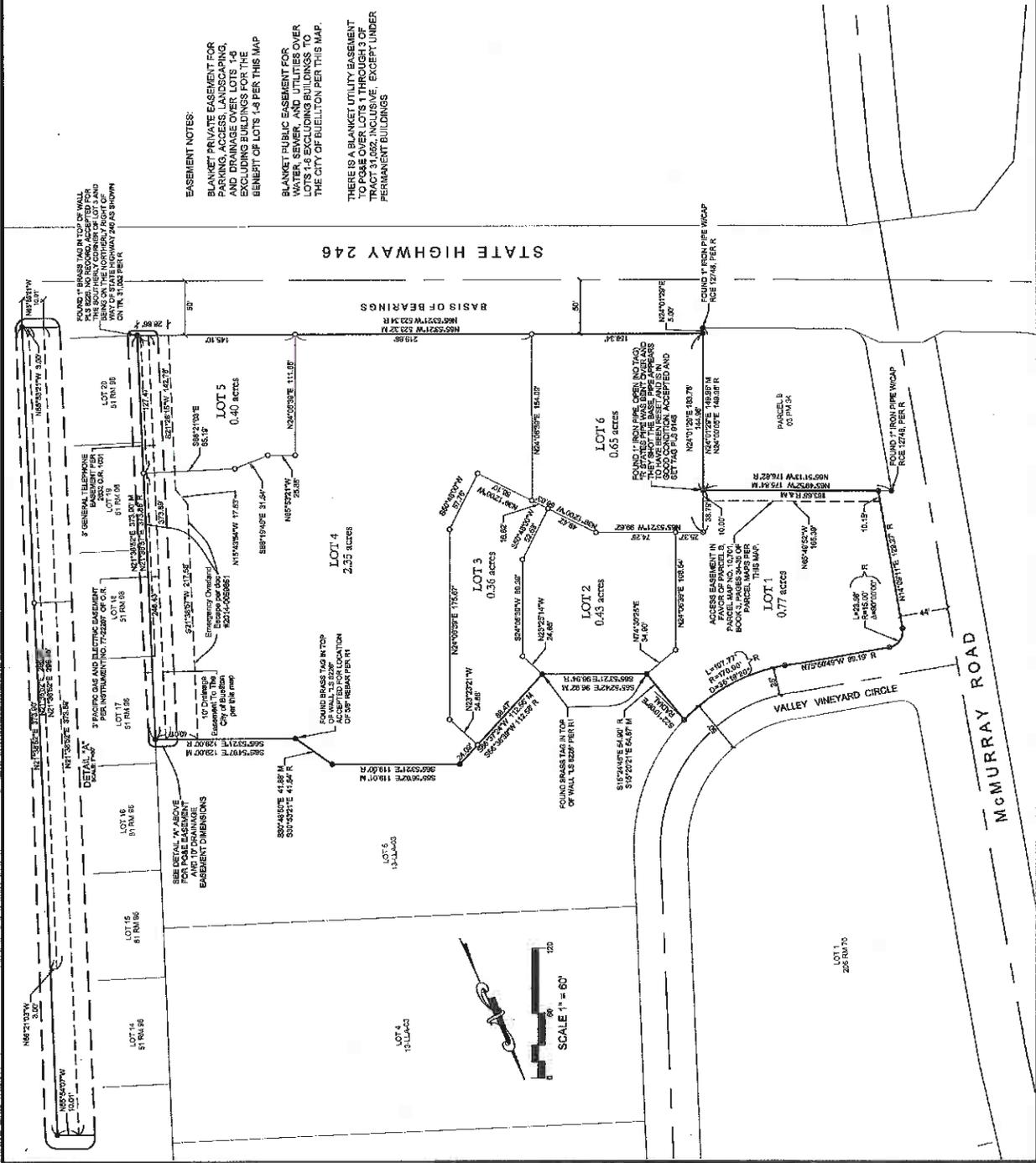


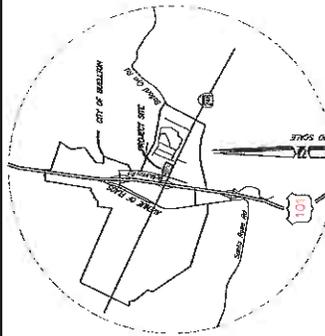
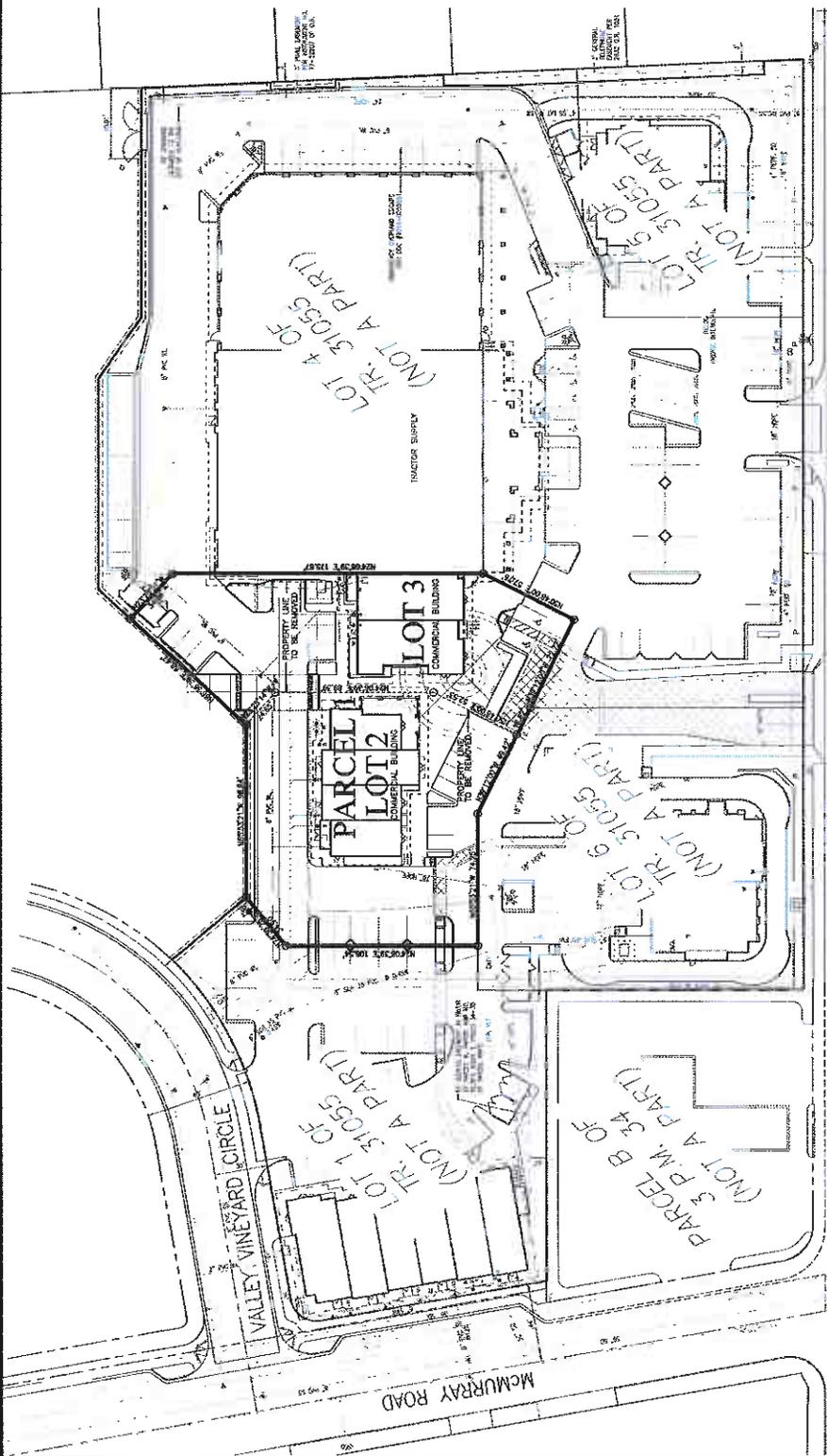
PARCEL MAP

TRACT 31,055

IN THE CITY OF BUELLTON, COUNTY OF SANTA BARBARA, CALIFORNIA, A PARCEL MAP OF TRACT NO. 31,055 FILED IN BEING A SUBDIVISION OF LOT 3 OF TRACT NO. 31,052 FILED IN BOOK 206 OF MAPS AT PAGES 68 & 70 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY

AECS AXIS ENGINEERING GROUP
 2400 S. Highway 152, San Juan Capistrano, CA 92675
 Phone: 949.266.8888 www.aecsgroup.com
 March 1, 2016
 SHEET 1 OF 2
 LAYERS: TITLE POLICY #14262645





VICINITY MAP

EASEMENT NOTES
 THE EXISTING EASEMENTS AND DRAINAGE
 OVER LOTS 1-4 EXISTING BUILDINGS FOR THE SHEDS OF LOTS 1-4.
 SHEDS 1-4 ARE EXISTING FOR WATER, SEWER, AND UTILITIES OVER LOTS 1-4.
 EXISTING BUILDINGS TO THE CITY OF BELLINGHAM.
 1.7" REAR AND ONE "1/2" SIDE OF LOTS 1-3 OF TRACT
 31055, INCLUDING EXISTING EASEMENTS AND DRAINAGE.

LEGEND

- PROPERTY LINE TO BE REMOVED.
- NEW ADJUSTED PROPERTY LOT LINE.
- TRACT BOUNDARY.
- BRIDGE 100 IN TOP OF WALL TO 825' FOR TRACT 31055 (200
 FOR 198).
- 1.7" REAR AND ONE "1/2" SIDE OF LOTS 1-3 OF TRACT
 31055 (FOR 200).

LOT STATISTICS

TRACT	AREA (SQ. FT.)	PERCENTAGE (SQ. FT.)
LOT 1	1,143.46	100.00%
LOT 2	1,143.46	100.00%
LOT 3	1,143.46	100.00%
LOT 4	1,143.46	100.00%
LOT 5	1,143.46	100.00%
LOT 6	1,143.46	100.00%

**LOT LINE ADJUSTMENT
 FOR
 MAP 18-LLA-01**

BEING A LOT LINE ADJUSTMENT BETWEEN LOTS 2 AND 3
 TRACT 31055 IN THE CITY OF BELLINGHAM,
 COUNTY OF WHATCOMB, STATE OF WASHINGTON,
 CALIFORNIA INTO ONE COMMERCIAL PARCEL
 WITH AN AREA OF 0.79 ACRES.

BELLINGHAM, WASHINGTON

PREPARED FOR:
 Owner: GARDING TAYLOR ASSOCIATES, LLC
 200 West 18th Street, Suite 200
 Bellingham, WA 98201
 P.O. Box 188
 Bellingham, WA 98201
 (360) 835-1111

PREPARED BY:
 Applicant/Engineer:
 GARDING TAYLOR ASSOCIATES, LLC
 200 West 18th Street, Suite 200
 Bellingham, WA 98201
 P.O. Box 188
 Bellingham, WA 98201
 (360) 835-1111

DATE: 02/01/19
 SHEET NO. 1 OF 1



LOT LINE ADJUSTMENT MAP (18-LLA-01)

STATE HIGHWAY 246

Attachment 2

PLANNING COMMISSION RESOLUTION NO. 19-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT (18-LLA-01) TO REMOVE AN EXISTING LOT LINE BETWEEN LOT 2 AND LOT 3 OF TRACT 31,055, LOCATED WITHIN THE CROSSROADS COMMERCIAL CENTER PROPERTY 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 Taylor Judkins, Buellton Village Center LLC (CA) as the property owner (hereinafter referred to as “Applicant”), requesting approval to adjust property lines as described in the title of this Resolution (the “Project”). 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 April 18, 2019, (“Public Hearing”).
2. All oral, written and visual materials presented by City staff in conjunction with those certain Public Hearings conducted by the Planning Commission on April 18, 2019.

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 April 4, 2019 (the “Public Notice”), a minimum of ten (10) days in advance of the Public Hearing conducted on April 18, 2019.
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 April 4, 2019, a minimum of ten (10) days in advance of the Public Hearing.

3. The Public Notice was posted in two public locations on April 4, 2019, 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 proposed lots meet all lot size and parcel design requirements of the General Plan, Municipal Code, Village Specific Plan and TPM 31,055 for the Crossroads Commercial Center.
- 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, and TPM 31,055 for the Crossroads Commercial Center.

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 (18-LLA-01).

PASSED AND ADOPTED this 18th day of April, 2019.

Dan Heedy, Chair

Clare Barcelona, Planning Commission Secretary

Exhibit A – Lot Line Adjustment Map

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. 19-04 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 18th day of April, 2019, by the following vote, to wit.

- AYES: ()

- NOES: ()

- ABSENT: ()

- NOT VOTING: ()

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of April, 2019.

Clare Barcelona
 Planning Commission Secretary

CONDITIONS OF APPROVAL

CROSSROADS COMMERCIAL CENTER LOT LINE ADJUSTMENT (18-LLA-01)

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 October 8, 2018, the Lot Line Adjustment Map dated March 5, 2019, and conditions of approval set forth below. **The Project Description is as follows:** This Project is a request by Taylor Judkins, Buellton Village Center LLC (CA) as the property owner (the “Applicant”) for a Lot Line Adjustment consisting of removing an existing lot line between Lot 2 and Lot 3 of Tract 31,055 (Crossroads Commercial Center) located within the Village Specific Plan (the “Property and the “Project”). The resulting adjusted lots are:

EXISTING LOTS OF TRACT 31055	PROPOSED LOTS
LOT 1 – 0.77 AC	NO CHANGE
LOT 2 – 0.43 AC	LOT 1 OF 18-LLA-01
LOT 3 – 0.36 AC	0.79 AC
LOT 4 – 2.35 AC	NO CHANGE
LOT 5 – 0.40 AC	NO CHANGE
LOT 6 – 0.65 AC	NO CHANGE

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 Buellton Village Center LLC (CA) as the property owner, 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 Village center LLC (CA) 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.

5. **Indemnity.** The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures) (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, arising from or in connection with the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project, including but not limited to writ proceedings, claims for inverse condemnation, personal injury, property damage, and/or breach of a mandatory duty, challenges under the California Environmental Quality Act, and/or any action that attacks, challenges, or seeks to set aside, void, or annul all or any part of the approvals, decisions, or actions concerning the Project. City shall promptly notify the applicant of any Action brought and request that the applicant defend the City. It is expressly agreed that applicant may select legal counsel providing the applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The applicant shall reimburse City for any attorneys’ fees, costs and expenses directly and necessarily incurred by the City in the course of the defense.
6. **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.
7. **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.
8. **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.

9. **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.
10. **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.
11. **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.
12. **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.
13. **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

14. **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.

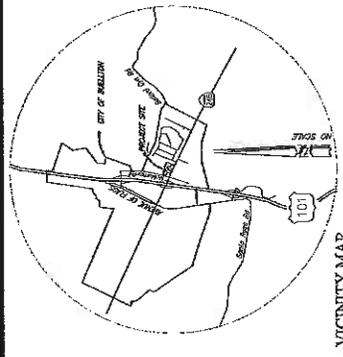
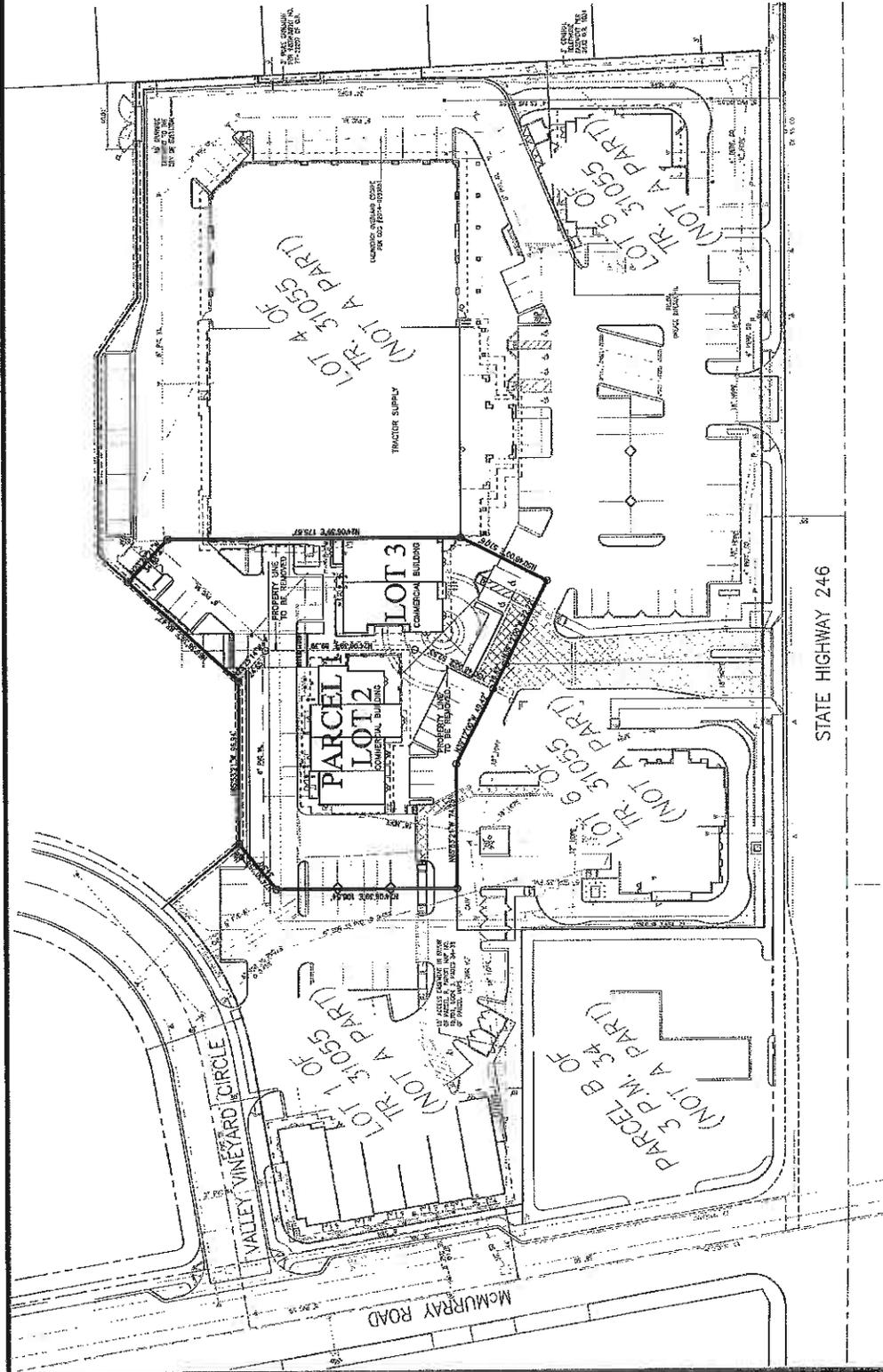
- 15. **Completion.** The lot line adjustment must be completed (i.e., grant deeds recorded and lot lines adjusted) prior to building occupancy.
- 16. **Outstanding Fees.** Any and all outstanding fees for the project must be paid prior to City approval and signature of final LLA documents and prior to recordation.

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date



VICINITY MAP

EASEMENT NOTES
 BANKED PRIVATE EASEMENT FOR PARKING, ACCESS, LANDSCAPING, AND DRAINAGE OVER LOTS 1-6 EXISTING BUILDINGS FOR THE BENEFIT OF LOTS 1-4. THIS EASEMENT IS TO BE REMOVED UPON THE COMPLETION OF PERMANENT BUILDINGS TO THE CITY OF MADISON. THERE IS A BANKET UNDER EASEMENT TO POLE COLUMNS 1-3 OF TRACT 31055. INCLUDES, CREEP UNDER PERMANENT BUILDINGS.

LEGEND

- PROPERTY LINE TO BE BOUNDARY.
- NEW ADJUSTED PROPERTY LOT LINE.
- TRACT BOUNDARY.
- 1/2" REBAR AND CAP PLS 3145' PER TRACT 31055 (SEE RM COS).
- 1/2" REBAR AND CAP PLS 3145' PER TRACT 31055 (SEE RM COS).

LOT STATISTICS

EXISTING LOT	PROPOSED LOTS
1	1, 2, 3, 4, 5, 6, 7
2	1, 2, 3, 4, 5, 6, 7
3	1, 2, 3, 4, 5, 6, 7
4	1, 2, 3, 4, 5, 6, 7
5	1, 2, 3, 4, 5, 6, 7
6	1, 2, 3, 4, 5, 6, 7
7	1, 2, 3, 4, 5, 6, 7

LOT LINE ADJUSTMENT
 FOR
MAP 18-LLA-01

BEING A LOT LINE ADJUSTMENT BETWEEN LOTS 2 AND 3 OF TRACT 31055 IN THE CITY OF MADISON, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, WITH AN AREA OF 0.78 ACRES.

PREPARED BY:
 ENGINEER/PLANNER
 APRIL 13, 2009-020 & 021 L.C.
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 FAX: (805) 963-3801

LOT LINE ADJUSTMENT MAP (18-LLA-01)



0 15 30
 SCALE: 1" = 20'

STATE HIGHWAY 246

Exhibit A