



# CITY OF BUELLTON

## PLANNING COMMISSION AGENDA

**Regular Meeting of December 15, 2016 – 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**

Vice Chair Mercado

### **PLEDGE OF ALLEGIANCE**

Commissioner Dunstan

### **ROLL CALL**

Commissioners Brian Dunstan, Dan Heedy, Joe Padilla, Vice Chair Art Mercado

### **REORDERING OF AGENDA**

### **ELECTION OF OFFICERS**

- 1. Election of Chair and Vice Chair**
- 2. Appointments to Committees**
  - A. Visioning Steering Committee (2)**
  - B. Green Team (Formerly Sustainability Committee) (2)**

### **PRESENTATIONS**

None

### **APPROVAL OF MINUTES**

- 3. Minutes of the regular Planning Commission meeting of November 17, 2016**

### **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**

4. Resolution No. 16-07 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Conditional Use Permit (16-CUP-03) to Allow the Establishment of a Thrift Store (People Helping People) in an Existing Building, located at 175 McMurray Road, Suites A and B, Assessor's Parcel Number 137-200-096, and Making Findings in Support Thereof"

❖ *(Staff Contact: Assistant Planner Andrea Keefer)*

**OTHER BUSINESS**

None

**WRITTEN COMMUNICATIONS**

**PLANNING COMMISSIONER COMMENTS**

**PLANNING DIRECTOR REPORT**

**ADJOURNMENT**

To the next regularly scheduled Planning Commission meeting of Thursday, January 5, 2017 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 November 17, 2016 – 6:00 p.m.  
City Council Chambers, 140 West Highway 246  
Buellton, California

### CALL TO ORDER

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

### PLEDGE OF ALLEGIANCE

Vice Chair Mercado led the Pledge of Allegiance

### ROLL CALL

Present: Commissioners Brian Dunstan, Dan Heedy, Joe Padilla, Vice  
Chair Art Mercado and Chair Foster Reif

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

### REORDERING OF AGENDA

None

### PRESENTATIONS

#### 1. Presentation to outgoing Chairman Foster Reif

Ron Anderson, Buellton Chamber of Commerce President and the Commission presented Chair Reif with a parting gift commemorating his 8 years of service on the Planning Commission.

### APPROVAL OF MINUTES

#### 2. Minutes of the regular Planning Commission meeting of October 6, 2016

##### MOTION:

Chair Reif moved and Commissioner Heedy seconded the motion to approve the Minutes of October 6, 2016.

**VOTE:**

Motion passed 4-0 voice vote with abstention by Commissioner Padilla due to his absence from the meeting.

**PUBLIC COMMENTS**

None

**CONSENT CALENDAR**

None

**CONTINUED PUBLIC HEARINGS**

None

**NEW PUBLIC HEARINGS**

None

**OTHER BUSINESS****3. Preliminary Review of the People Helping People Thrift Store Project (16-CUP-03)****RECOMMENDATION:**

That the Planning Commission provide direction to the applicant and staff regarding the proposed project and whether the site is large enough to accommodate such a use without impacting the neighborhood with the issues noted in the staff report.

**DOCUMENTS:**

Planning Department Staff Report with attachments (Vicinity Map, Project Description for People Helping People Thrift Store)

**STAFF REPORT:**

Assistant Planner Andrea Keefer presented the staff report.

**SPEAKERS/DISCUSSION:**

Karen Bowker, 219 Menlo Drive, Buellton, representing People Helping People, addressed the Commission's concerns regarding parking and illegal dumping.

Finn Runge, 546 Blue Blossom, Buellton, voiced concerns in regards to the location of the proposed thrift shop.

The Commission discussed the following issues:

- Truck pick-up and delivery schedule
- Parking
- Illegal dumping

- Suggested adding a one year review period to the CUP

## **WRITTEN COMMUNICATIONS**

None

## **PLANNING COMMISSIONER COMMENTS**

The Commission congratulated Chair Reif on his election to the City Council.

## **PLANNING DIRECTOR REPORT**

City Manager Bierdzinski updated the Commission on recent City Council actions and the status of various projects and mentioned several upcoming projects.

## **ADJOURNMENT**

Chair Reif adjourned the meeting at 6:51 p.m. to the next regular scheduled meeting of the Planning Commission to be held December 1, 2016 at the City Council Chambers, 140 West Highway 246, Buellton.

\_\_\_\_\_  
Foster Reif, Planning Commission Chair

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: MPB  
Planning Commission Agenda Item No.: 4

To: The Honorable Chair and Commission Members

From: Andrea Keefer, Assistant Planner

Date: December 15, 2016

Subject: Resolution No. 16-07 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Conditional Use Permit (16-CUP-03) to Allow the Establishment of a Thrift Store (People Helping People) in an Existing Building, located at 175 McMurray Road, Suites A and B, Assessor's Parcel Number 137-200-096, and Making Findings in Support Thereof"

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**BACKGROUND/DISCUSSION**

Dean Palius, Applicant, has submitted a Conditional Use Permit (16-CUP-03) for the establishment of People Helping People Thrift Store. Mr. Palius is the Executive Director of Santa Ynez Valley People Helping People, which is the organization that will be operating the thrift shop. The proposed business is located at Buellton Town Plaza, 175 McMurray Road, Suites A and B (Vicinity Map – Attachment 1). The project is located within two existing tenant spaces on property zoned General Commercial (CR). The Municipal Code requires a Conditional Use Permit for "Secondhand Stores". The full project description is included as Attachment 2.

The purpose of the People Helping People Thrift Store is to provide low cost merchandise, such as clothing, houseware and furniture, for low income residents in the Santa Ynez Valley. The thrift shop will sell used merchandise obtained as donations from other valley residents who would otherwise throw the items away.

A Planning Commission preliminary review of the proposed project was held on November 17, 2016. Staff and the Planning Commission had several concerns with the project, which were discussed at the meeting, as detailed below. Conditions of approval have been added to attempt to minimize the potential impacts of these concerns. However, staff still believes this is not the right location for this use, even with conditions, as noted below.

***Parking***

The existing building was planned and approved as a retail commercial building. There have been issues with the circulation and overflow parking from the parking lot and staff has a concern that the space is too small for this type of use. The parking requirement for the thrift shop is 1 parking space per 300 square feet. This is the same parking ratio for general retail and was the parking required for the prior use of the space. Parking spaces along the street cannot be counted towards the parking requirements.

Eight parking spaces are dedicated to suites A and B, which meets code requirements. Additionally, based upon Staff concerns with parking availability and circulation within the parking lot, the delivery truck that is used to collect items and deliver them cannot be parked or stored in the existing on-site parking lot. The applicant has made arrangements for the long-term parking of the delivery truck at an off-site location. This has been included as a condition of approval.

### ***Outdoor Drop-Offs, Outdoor Displays and Illegal Dumping***

Another potential issue with a secondhand shop can be outdoor locations where donations are dropped off for the store. Outdoor drop off locations can be unsightly. A condition of approval has been included to only allow donations to be accepted inside the store and during normal hours of operation. Santa Ynez Valley People Helping People has proposed to install security cameras in front and back of the store to monitor and this has been included as a condition of approval. Motion sensing security lighting was also proposed by the applicant. This has also been included as a condition of approval.

Off-site illegal dumping of donations is another concern. The adjacent vacant lot located immediately south of the site is in such a location that could potentially draw illegal dumping of merchandise at this location. Additionally, a City water treatment plant is located immediately south of the vacant lot. The City does not have the resources to monitor and abate illegal dumping on the vacant lot. A condition has been added to require the installation of a six-foot vinyl clad chain link fence around the perimeter of the vacant lot. Permission from the property owner must be obtained prior to installation (however, the lot is owned by the same person that owns the proposed lot where the thrift store is proposed).

The applicant has proposed to add a “No Dumping” sign that will be affixed to the fence. This has been included as a condition of approval.

Outdoor display of merchandise can be unsightly. A condition of approval has been included that prohibits the outdoor display of merchandise. All merchandise will need to be stored and displayed inside the building.

### ***One-Year Timeline of Approval***

Based upon comments received from the Planning Commission on November 17, 2016, a condition has been added to review the operation of the thrift store after one year to see if any problems identified by staff are occurring. The review will be a public hearing on the Condition Use Permit (CUP) at which time new conditions can be added or the CUP could be revoked. If problems are identified prior to one year, staff can bring the CUP back to the Planning Commission at any time.

Staff still believes this use at this location is not a good fit. PHP at the November 17, 2016, Planning Commission meeting acknowledged that the site is not optimal for their needs and the space is smaller than their current facility. This will require PHP staff to turn away donations. Due to the out of the way location, turned away donations could end up being left in the area. As

this is a CUP and not a permitted use by right, the Planning Commission does have the ability to deny the project. CUPs are required for this type of use because of the issues noted previously.

Staff has also received several concerns and complaints from residents and business owners (and their customers) regarding this use at this location. They expressed similar concerns to those noted by staff as to poor traffic circulation and parking, outdoor displays blocking pathways and looking unsightly, and the dumping of trash and unaccepted donations.

### **ENVIRONMENTAL REVIEW**

The Project is being processed with a Class 1 Categorical Exemption for environmental review in accordance with the California Environmental Quality Act.

### **RECOMMENDATION**

That the Planning Commission consider the adoption of Resolution No. 16-07 - "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Conditional Use Permit (16-CUP-03) to Allow the Establishment of a Thrift Store (People Helping People) in an Existing Building, located at 175 McMurray Road, Suites A and B, Assessor's Parcel Number 137-200-096, and Making Findings in Support Thereof."

Alternatively, if the Planning Commission believes this is not the right location for this use, the Planning Commission can continue the item and direct staff to prepare findings for denial.

### **ATTACHMENTS**

Attachment 1 – Vicinity Map

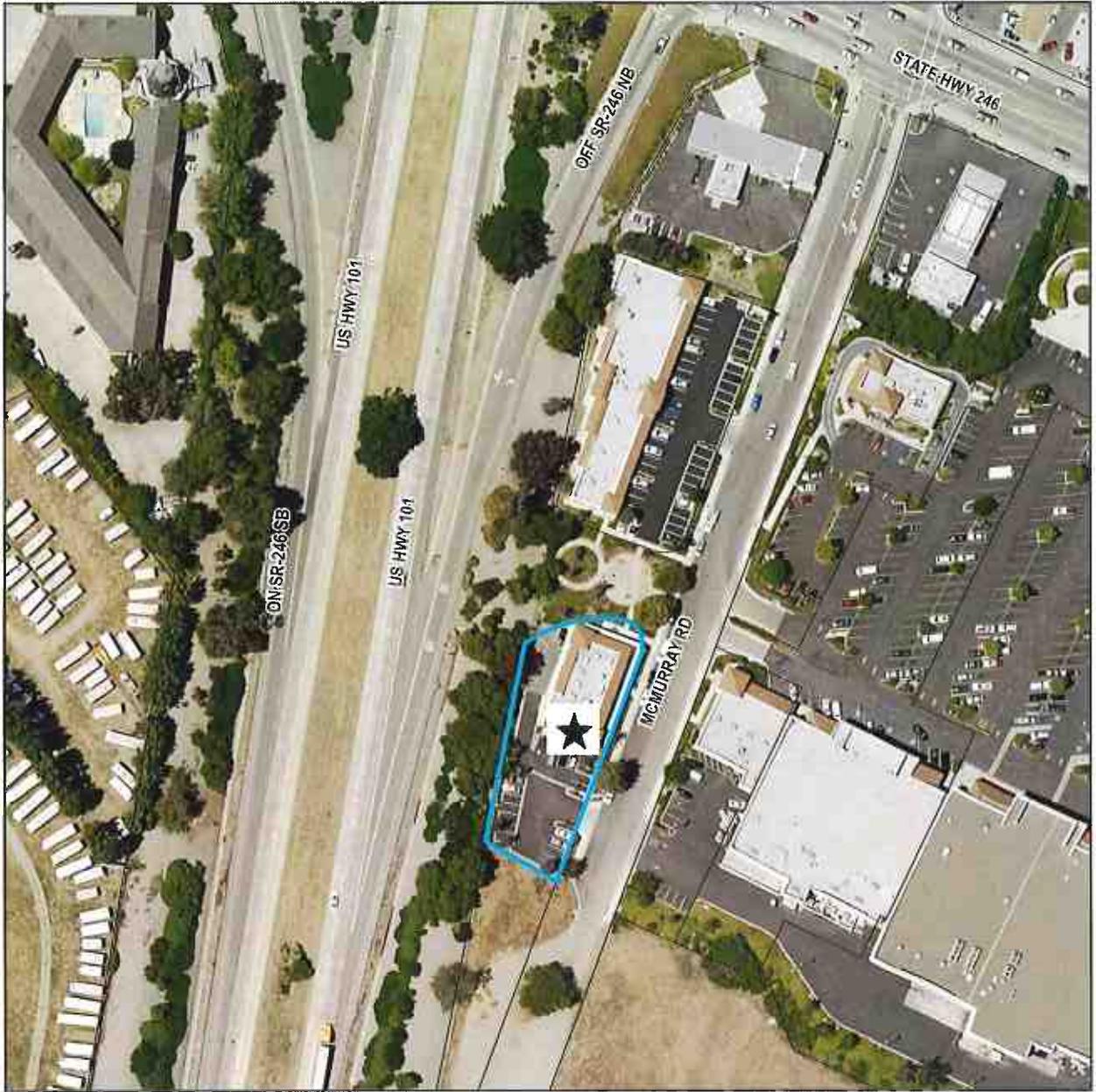
Attachment 2 – Project Description for People Helping People Thrift Store

Attachment 3 – Applicant Response to Incomplete Letter

Planning Commission Resolution No. 16-07

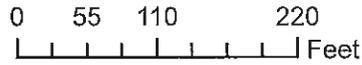


# Attachment 1 - Vicinity Map



**Legend**

-  City Parcels
-  Project Location





**PROJECT DESCRIPTION**  
**175 McMurray Road**  
**Suites A and B**  
October 12, 2016

**General**

Santa Ynez Valley People Helping People, Inc. (PHP), a 501-c3 non-profit public benefit corporation, intends to occupy Buellton Town Plaza Suites A and B in Building 2 at 175 McMurray Road, Buellton California. Occupancy will be effective January 1, 2017. Attachment 1 is the Office/Retail Plan for Building 2. The suites are located on Assessor's Parcel No. 137-20-096 and consist of a total of approximately 1,966 square feet. See Suites A and B outlined on Attachment 2, LOWER FLOOR PLAN-Building 2.

**Intended Use and Experience**

PHP intends to utilize the space as described above at 175 McMurray Road as a retail Thrift (Second-Hand) Store. PHP has successfully operated a similar store for 18 uninterrupted years at Valley Plaza in the City of Solvang. The location is being demolished as a result of a new development plan for the area the store occupied. It is PHP's intention

PHP operates 7 days each week; Monday through Saturday, 10 AM-5 PM, and Sunday 10 AM-4 PM. PHP operates the store with a staff of two full time and 2 part time staff. Generally, two staff members are on duty during open hours. PHP intends to carryover the same staff members including its Manager who has been with PHP for 3 years. The Store Manager reports to a senior PHP Manager, Justin Wilkins, Operations Manager.

PHP's Thrift Store operates as a retail store with net profits reinvested in PHP services and programs assisting those in a financial crisis or low income in Buellton and the greater Santa Ynez Valley, Los Alamos, and to a limited extent in the Lompoc Valley.

Store prices are intended to provide a low cost source of clothing, house wares and furniture to low income valley residents. These items are obtained as donations from valley residents who otherwise would place the material in the dump. Thus, the Store also serves as a recycling repository removing tons of debris from the dump. In addition, the Store provides an outlet for PHP Family Service Advocates to write vouchers to furnish those in a financial crisis with basic clothes and housewares. The Store annually donates goods valued at \$2,000-\$3,000.

### **Zoning**

The property at 175 McMurray Road is zoned CR and the zoning requires that a Conditional Use Permit (CUP) be obtained to operate a thrift Store at the location. PHP proposes no changes, other than Thrift Store use, to the current building units, parking, drive, walk ways, or landscaping.

### **Economics**

Last year, gross sales from the Store were in excess of \$308,000. The Store paid State sales tax of \$23,998. The Store will also pay a proportionate share of property tax monthly as part of its triple net lease.

### **Parking**

Eight parking spaces are assigned (4-each) by landlord to Suites A and B. Staffing only requires 2-3 spaces. There is also curb side parking in front of the retail space. PHP proposes to continue to use its truck to collect donations, drive them to the store, unload them at the roll-up door of the rear of store, and store them inside. For long term and overnight parking, PHP intends to park its Store truck offsite.

### **Drop Off and Security**

No outdoor drop off area will be provided for donated items. Donations will only be allowed to be dropped off or carried inside the proposed Store. PHP will install front and rear security cameras to deter the public from dropping off donations outside of normal working hours.

**Lighting**

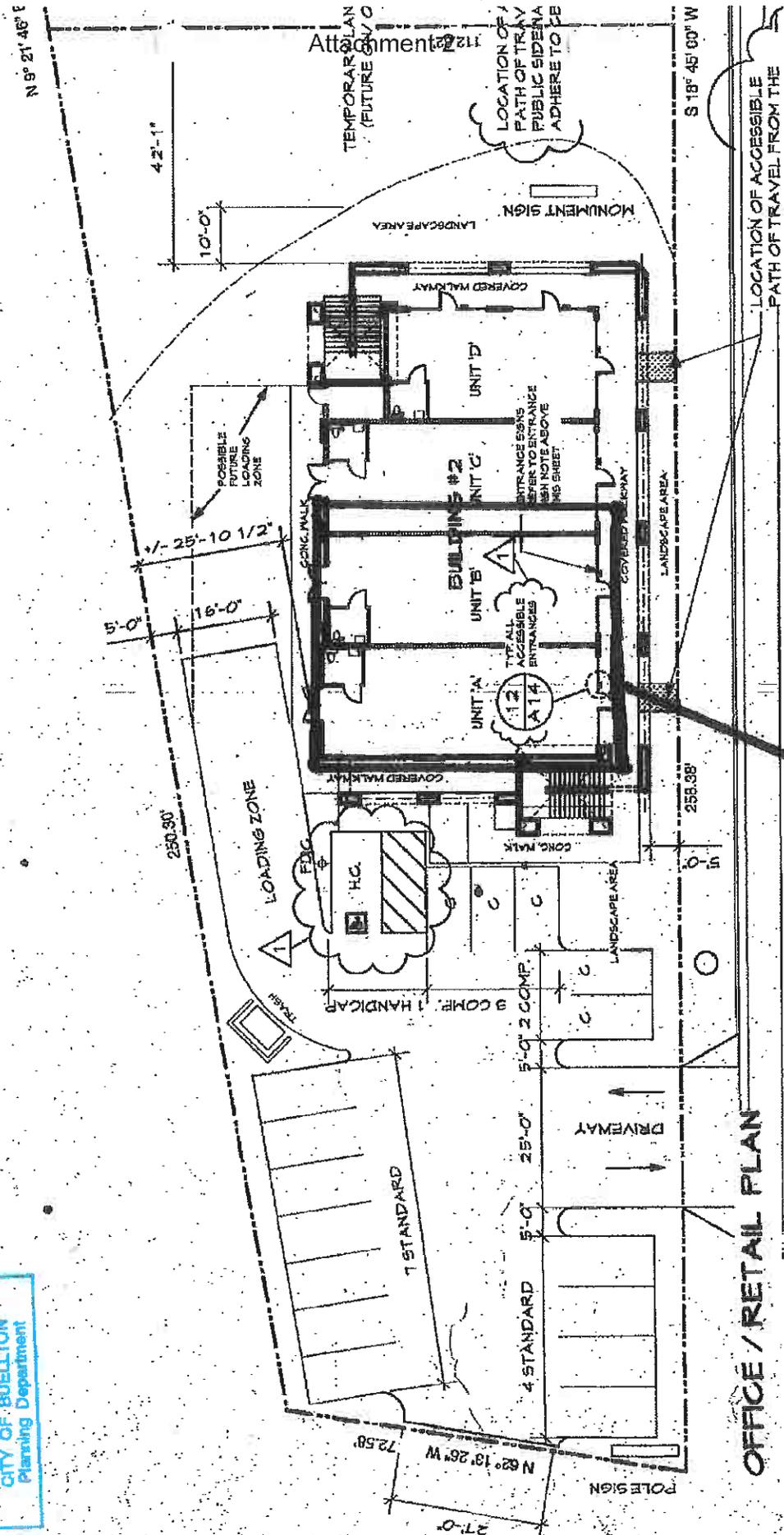
PHP intends to install motion sensor security lighting in front and rear of the Store. All lighting will comply with City requirements and design guidelines.

**Signs**

Signs will conform to City and Town Plaza requirements including permitting.

Attachment 1

RECEIVED  
OCT 14 2016  
CITY OF BUELLTON  
Planning Department



OFFICE / RETAIL PLAN

Proposed Store Space

LOCATION OF ACCESSIBLE PATH OF TRAVEL FROM THE

LOCATION OF PATH OF TRAVEL PUBLIC SIDE TO BE ADHERE TO

ALL ACCESSIBLE ENTRANCES REFER TO MS SHEET

TEMPORARY PLAN (FUTURE SIGN)

LANDSCAPE AREA

COVERED WALKWAY

UNIT 'D'

UNIT 'C'

UNIT 'B'

UNIT 'A'

CONC. WALK

CONC. WALK

LANDSCAPE AREA

LANDSCAPE AREA

LANDSCAPE AREA

DRIVEWAY

POLE SIGN

7 STANDARD

4 STANDARD

TRASH

POSSIBLE FUTURE LOADING ZONE

MONUMENT SIGN

ENTRANCE SIGNS REFER TO ENTRANCE SIGN NOTE ABOVE MS SHEET

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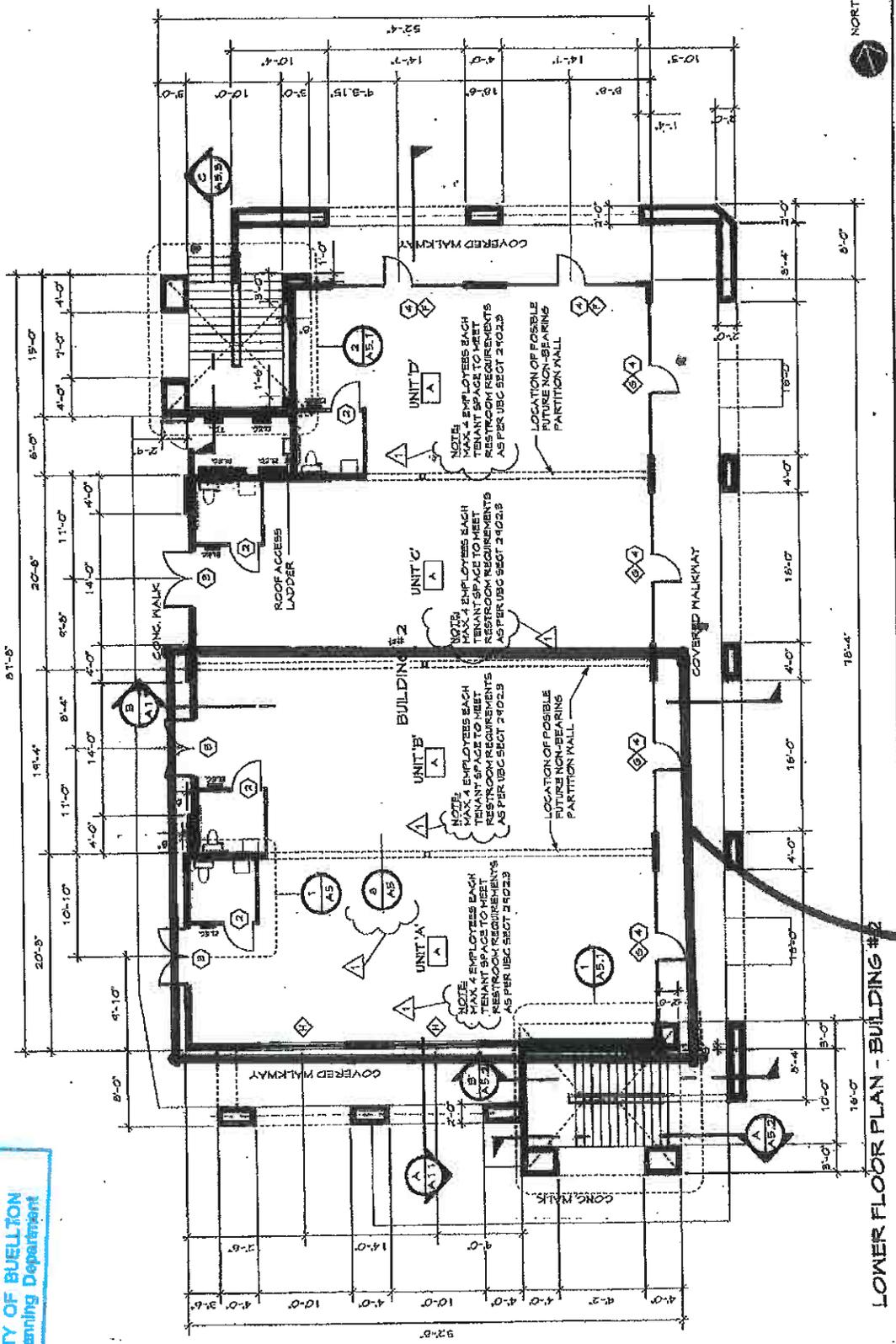
COVERED WALKWAY

UNIT 'D'

RECEIVED  
OCT 14 2016  
CITY OF BUELLTON  
Planning Department

Attachment 2

1/8"=1'-0"



1/8"=1'-0"

LOWER FLOOR PLAN - BUILDING #2

Proposed Storage Space

# KITCHEN & BATH SHOWROOM

DISPLAYS FOR SALE

DISPLAYS FOR SALE

OPEN HOUSE  
SAT. 10/10/14  
10:00 AM - 5:00 PM



Attachment 3  
**PEOPLE HELPING PEOPLE**  
**PHP**   
**CHANGING LIVES FOR THE BETTER**

November 15<sup>th</sup>, 2016

Ms. Andrea Keefer, Assistant Planner  
P.O. Box 1819  
Buellton, CA 93427

RE: Determination of Application Incompleteness  
People Helping People Thrift Store  
175 McMurray Road, Suites A and P (APN 137-200-096)

Dear Ms. Keefer,

Please find responses and proposed mitigations for the concerns raised by the reviewing parties. I have included the original comments as well as our responses in *italics*.

**Planning Department Comments**

1. Although the project meets the parking requirements of the Municipal Code, staff has a concern that there may not be sufficient onsite parking for this type of use as evidenced by the full parking lot. Curb side parking cannot be counted toward parking requirements.
  - a. *As stated, the project meets the parking requirements of the city Municipal Code.*
  - b. *Neither the owner of the property, current tenants, or PHP in the recruitment of the site, have experienced the parking lot being "full". Rather, PHP has monitored the parking lot at various times and days of the week, and have found it to have a minimal amount of cars, as evidenced by the photos provided in Attachment A.*
2. Dropping of donations on the property and the near the doors during off hours is a concern. The installation of cameras and lights at the front and rear of the building will be a condition of approval.
  - a. *PHP honors this concern and will ensure that we work with donors to only drop-off during working hours. We will comply with the requirement of installing cameras and lights at the front and rear of the store, as indicated in our original application.*
3. Onsite overnight parking and storage of the delivery truck is prohibited. Offsite storage of the delivery truck will be a condition of approval.
  - a. *PHP will agree to park and store the delivery truck offsite. PHP will rent space and store the delivery truck at a facility designed to store bus/large transportation vehicles.*
4. No outside display of merchandise is permitted. All items must be displayed inside the building at all times.
  - a. *PHP will adhere and comply with this requirement.*

**Public Works Department Comments**

5. The location of the proposed thrift store is located at the south end of McMurray Road. The vacant lot located immediately to the south is therefore much more susceptible to illegal

545 NORTH ALISAL ROAD, SUITE 102, SOLVANG, CA 93463 • OFFICE: 805.686.0295 • FAX: 805.686.2856  
MAILING ADDRESS: P.O. BOX 1478, SOLVANG, CA 93464 • EMAIL: PHP@SYVPHP.ORG

[WWW.SYVPHP.ORG](http://WWW.SYVPHP.ORG)

Attachment 3

dumping of donations. A drop off location at this site is not recommended due to the inability to manage offsite issues. The cameras will not prevent drop offs from occurring at the vacant lot. A potential solution would be to install fencing around the lot to keep persons from using the lot to drop off donations.

- a. *PHP shall post a sign stating that dumping is prohibited on lot and that area is under camera surveillance.*
  - b. *PHP would be willing to address and abate issues of illegal dumping of items that could reasonably be presumed to be intended for donation.*
  - c. *As an extreme measure, PHP could explore fencing of the adjacent lot in conjunction with the property owner. Feasibility of such would depend greatly on the cost of materials and height/design that would be required by the City.*
6. The Water Treatment Plant is located immediately south of vacant lot and the City does not have the staff to monitor illegal dumping. Will People Helping People maintain and abate issues on the adjacent vacant land?
- a. *PHP would be willing to address and abate issues of illegal dumping of items that could reasonably be presumed to be intended for donation.*

**Santa Barbara County Building Department Comments**

*PHP, in conjunction with the building owner, shall comply with all requirements set forth by the Santa Barbara County Building Department.*

**Fire Department Comments**

*PHP, in conjunction with the building owner, shall comply with all requirements set forth in the letter from the Fire Department dated November 9, 2016.*

We look forward to discussing these concerns as well as our proposed solutions at the Planning Commission preliminary review on November 17<sup>th</sup>, 2016.

Please let me know if you should have any questions.

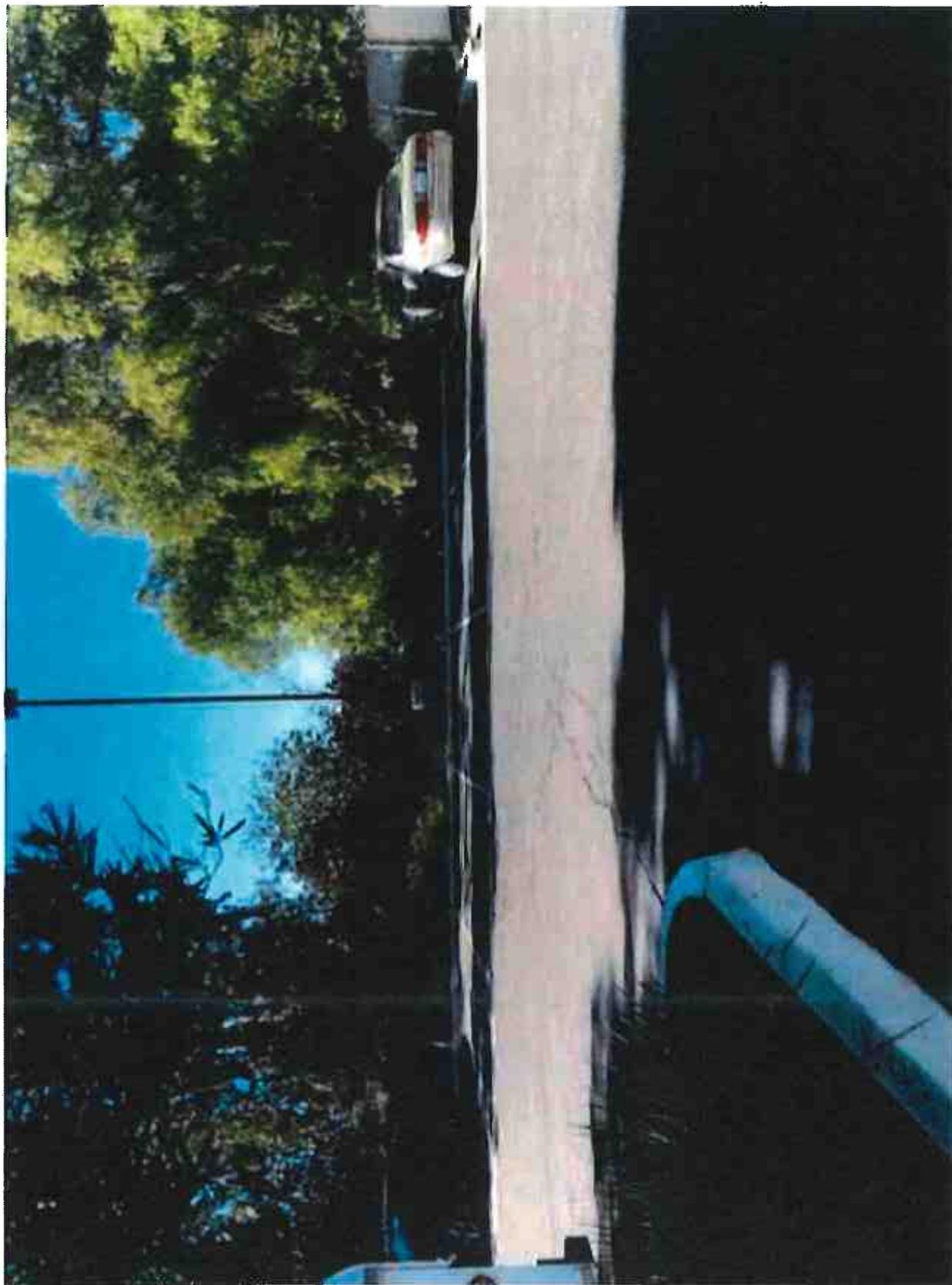
Sincerely,



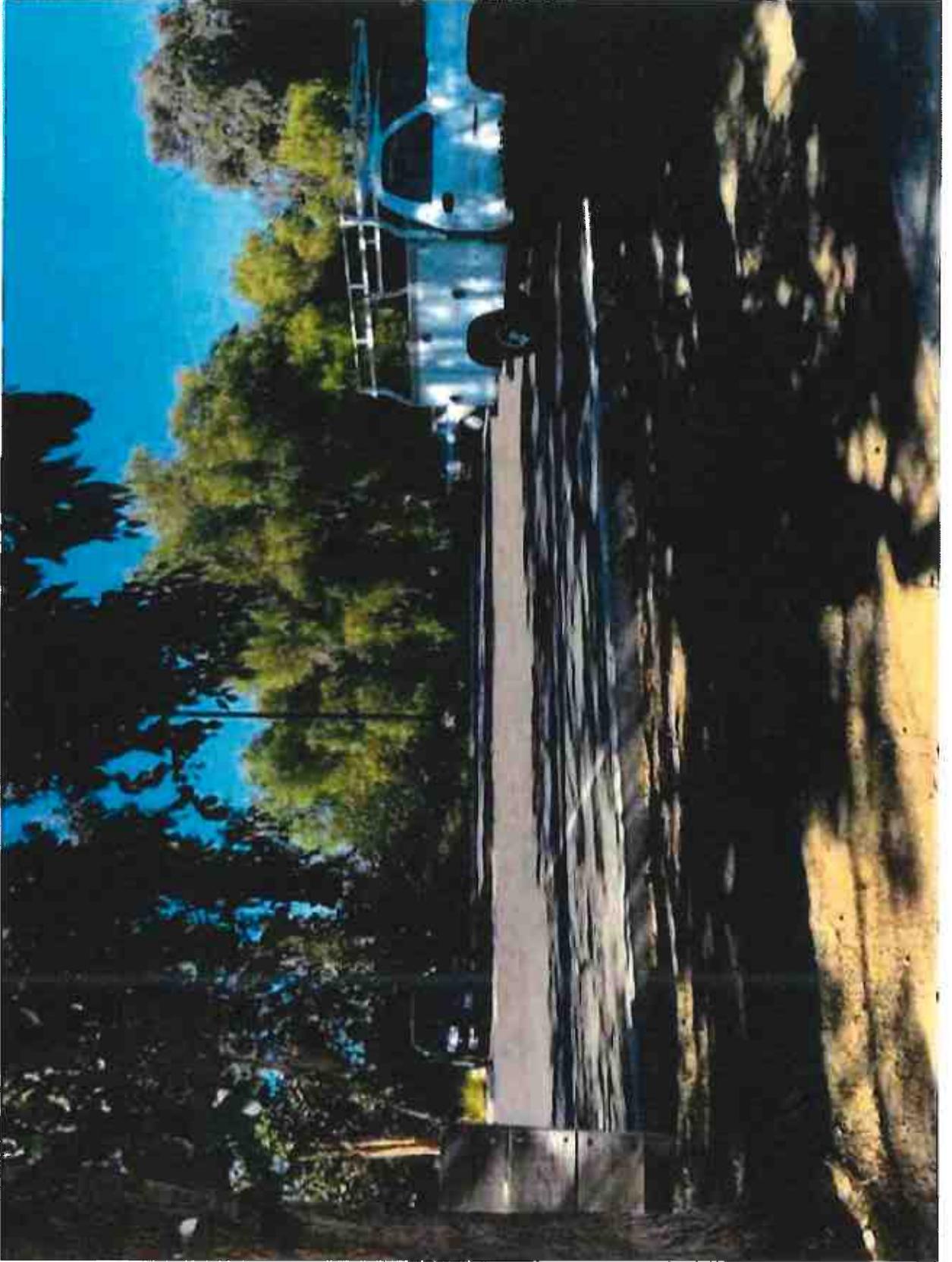
Justin Wilkins, Operations Manager  
Santa Ynez Valley People Helping People

**ATTACHMENT A**

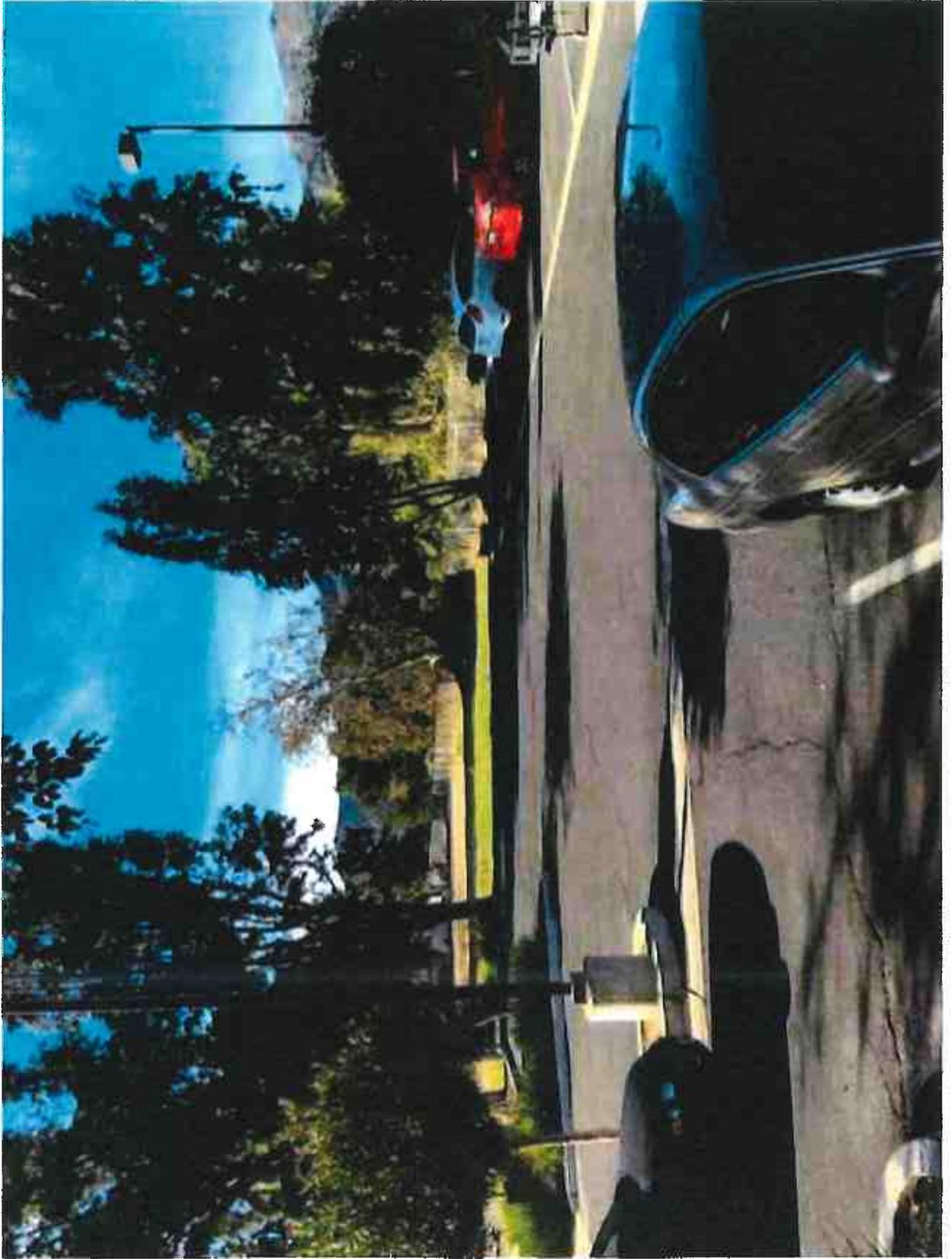
**Tuesday, November 15<sup>th</sup> 12:37 p.m. – 6 of 20 spaces filled**



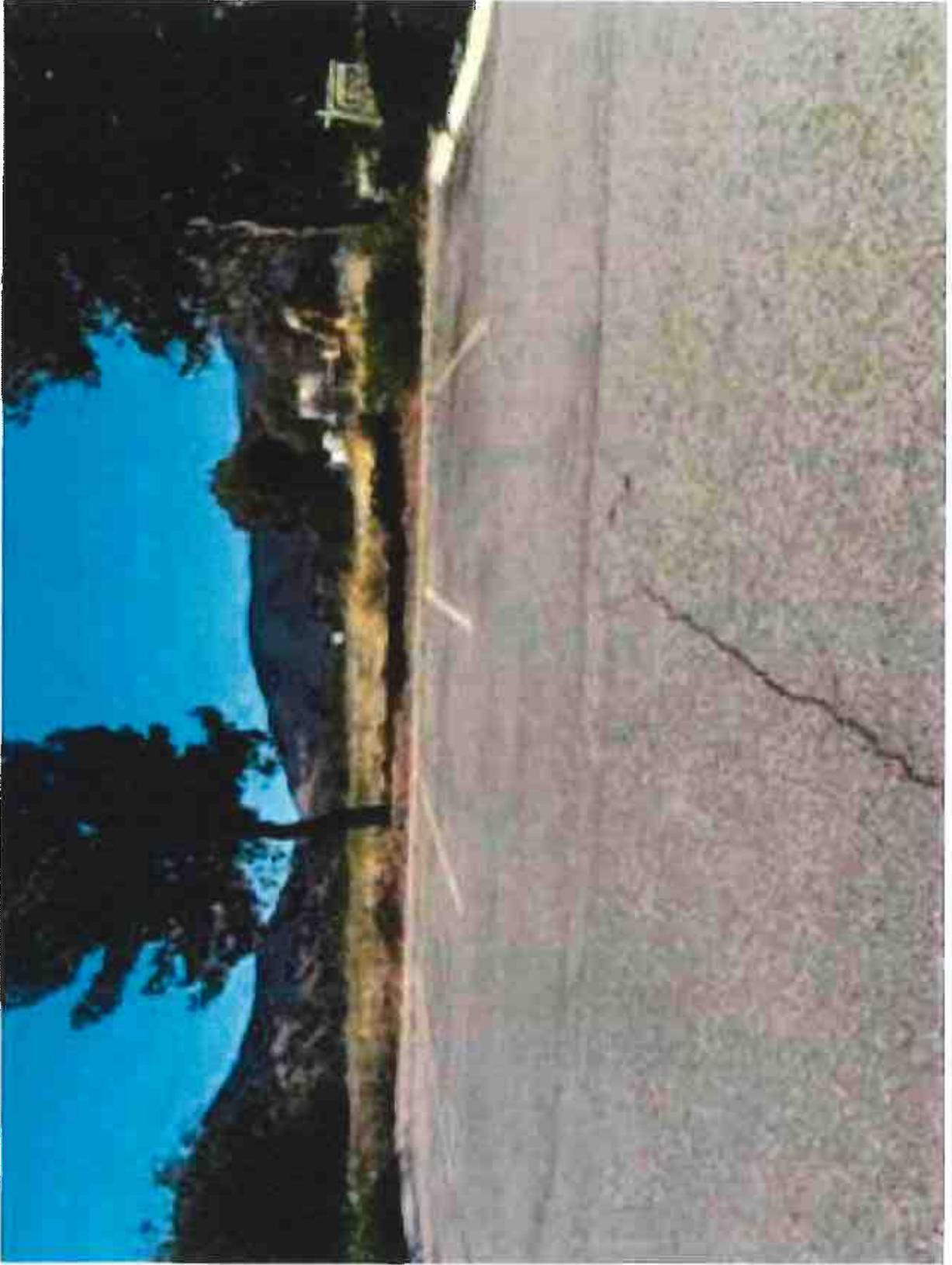
**Tuesday, November 15<sup>th</sup> 12:37 p.m. – 6 of 20 spaces filled**



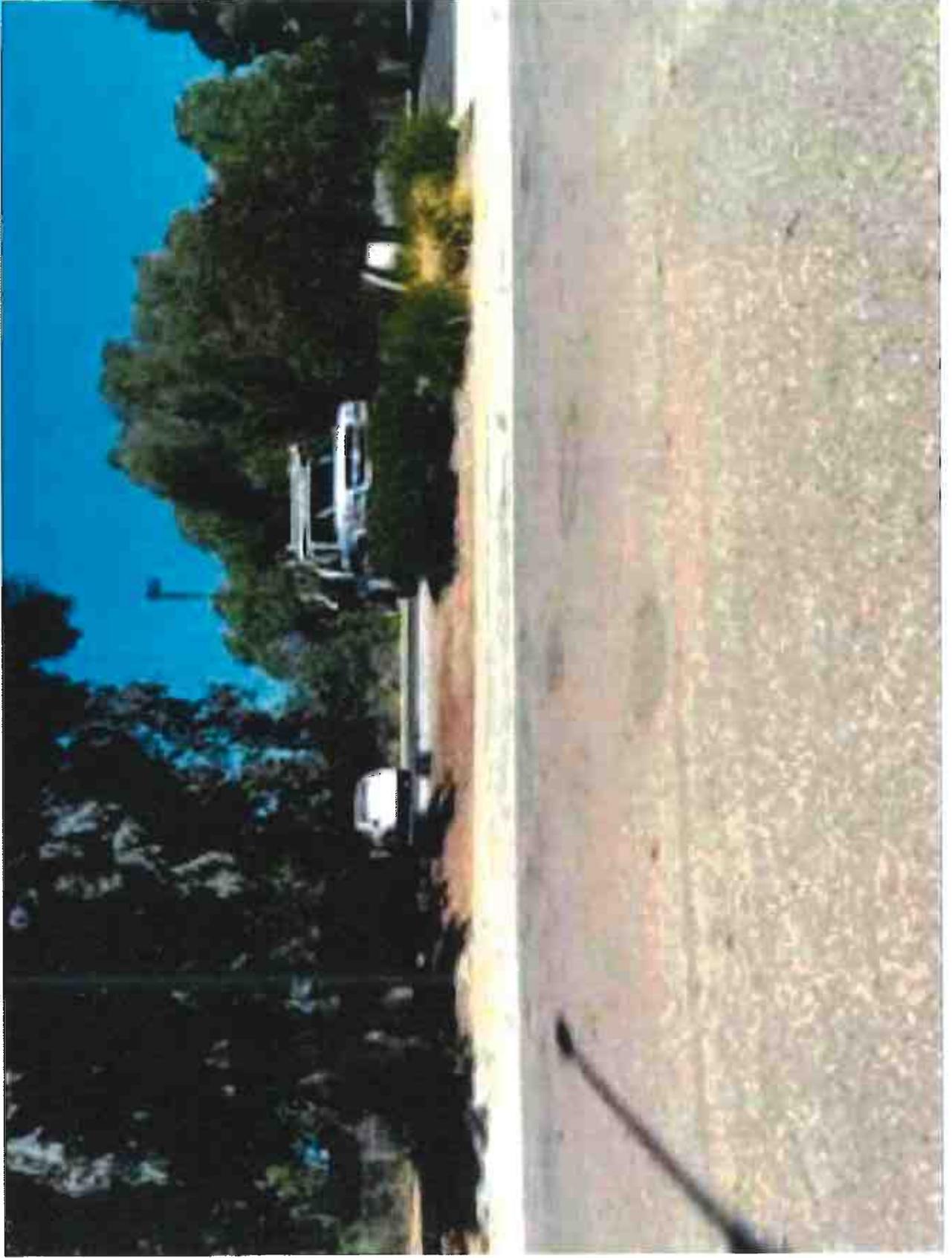
**Tuesday, November 4<sup>th</sup>, 2016 9:21 a.m. – 4 of 20 spaces filled**



**Wednesday September 21<sup>st</sup>, 2016 3:26 p.m. – 1 of 20 spaces filled**



**Thursday, July 26<sup>th</sup>, 2016 10:14 a.m. – 4 of 20 spaces filled**



**PLANNING COMMISSION RESOLUTION NO. 16-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (16-CUP-03) TO ALLOW THE ESTABLISHMENT OF A THRIFT STORE (PEOPLE HELPING PEOPLE THRIFT STORE), LOCATED WITHIN AN EXISTING BUILDING AT 175 MCMURRAY ROAD, SUITES A AND B, ASSESSOR'S PARCEL NUMBER 137-200-096, AND MAKING FINDINGS IN SUPPORT THEREOF**

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

**SECTION 1:** An application has been filed by Dean Palus ("Applicant"), for a Conditional Use Permit (16-CUP-03) to allow the establishment of People Helping People Thrift Store. The Project is located at 175 McMurray Road, Suites A and B (APN 137-200-096).

**SECTION 2:** The proposed Project consists of one land use application, which specifically concerns the subject Property:

**Conditional Use Permit (Case No. 16-CUP-03):** Approval of a thrift shop. A full project description is included as Attachment 2 of the December 15, 2016, Planning Commission Staff Report.

**SECTION 3:** 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 any aspect of 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 December 15, 2016 ("Planning Commission Public Hearing").
2. All oral, written and visual materials presented by City staff in conjunction with the Planning Commission Public Hearing.
3. The following informational documents which, by this reference, are incorporated herein.
  - a. That certain written report and attachments submitted by the Planning Department dated December 15, 2016 (the "Staff Report").

**B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance and Government Code Section 65091 have been lawfully satisfied:

1. A notice of public hearing was published in a newspaper on December 1, 2016 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing.
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 December 1, 2016, 10 days in advance of the Public Hearing.
3. The Public Notice and Agenda for the Public Hearing were posted in two conspicuous public places a minimum of 10 days before the Public Hearing.

**C. Environmental Clearance.** The Planning Commission exercises its judgment and finds that, pursuant to Title 14 of the California Code of Regulations, Section 15301 (Class 1 - Existing Facilities), that this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a retail use that will occupy an existing building that previously contained a retail use. No additional square footage is being added.

**D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments and outside Agencies, (iii) testimony and comments received in connection with the public hearing and (iv) adoption of the conditions of approval set forth hereof, the Planning Commission does hereby declare as follows:

1. **Conditional Use Permit.**

a. **Findings:**

- i. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed because the size of the site and its location are appropriate for this type of use and the required number of parking spaces to support the use are provided and the delivery truck will not be stored on the property.
- ii. That significant environmental impacts are mitigated to the maximum extent feasible. No adverse impacts have been identified with this Project and it has been determined to be exempt from CEQA (Class 1 – Existing Facilities).

- iii. That streets and highways are adequate and properly designed. No additional street improvements are required and no additional right-of-way dedications are necessary.
- iv. That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project. The Public Works Department is able to provide water and sewer service to the project. The Fire Department and Sheriff's Department have no concerns with the Project.
- v. That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will be compatible with the surrounding area. The Project site is zoned for commercial land uses and currently contains several commercial uses. Therefore, the Project is expected to be compatible with the surrounding area and land uses.
- vi. That the Project is in conformance with the applicable provisions of Title 19 of the Municipal Code and the General Plan. With imposition of the conditions of approval, the Project complies with both the General Plan and Title 19 (Zoning).
- vii. That the proposed development is in conformance with the Community Design Guidelines as no exterior improvements are required as part of the project.

**SECTION 4:** Based on the findings set forth in Section 3 and subject to the attached conditions of approval, the Planning Commission hereby approves the Conditional Use Permit (16-CUP-03).

**SECTION 5:** The Planning Commission Secretary shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 15th day of December 2016.

\_\_\_\_\_, Chair

**ATTEST:**

\_\_\_\_\_  
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. 16-07 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 15th day of December 2016, by the following vote, to wit.

AYES:        ( )

NOES:        ( )

ABSENT:      ( )

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of December 2016.

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Clare Barcelona  
 Planning Commission Secretary

**CONDITIONS OF APPROVAL  
PEOPLE HELPING PEOPLE THRIFT STORE  
CONDITIONAL USE PERMIT (16-CUP-03)**

**A. GENERAL PROVISIONS**

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description contained in the December 15, 2016, staff report, the application received October 14, 2016 and the conditions of approval set forth below. The Project Description is as follows: The Project is a request by Dean Palius (the "Applicant") for a Conditional Use Permit (16-CUP-03) to establish a thrift store (People Helping People Thrift Store) in an existing tenant space (the "Project") located at 175 McMurray Road, Suites A and B, APN 137-200-096 (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. **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 Dean Palius and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project.
  - b. **"Building Department"** means the Building and Safety Division of the County (and all successors and assigns thereof), on behalf and under contract to the City to perform building plan check and inspection services.
  - c. **"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.
  - d. **"County"** means the County of Santa Barbara.
  - e. **"Final Building Inspection Clearance"** means acknowledgement by the Building and Safety Division of the County that construction of the Project has been completed in full compliance with plans and specifications approved by the Building and Safety Division of the County. Such acknowledgement is typically evidenced by signature of appropriate Building and Safety Division staff on the building permit inspection form.
  - f. **"Fire Department"** means the Fire Department of the County (and all successors and assigns thereof), furnishing fire prevention and protection services to the City by operation of a special district.

- g. **“Entitlement”** means the type of land use permit required by the Buellton Municipal Code in connection with the Project for which approval is granted herein.
  - h. **“Project”** means and includes all of the actions described in the Project Description above.
  - i. **“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.
  - j. **“Project Manager”** means person or personnel of the City assigned to oversee and administer the Permit including, but not limited to, compliance with the Mitigation Measures set forth herein.
  - k. **“Property”** means the land and improvements identified in the Project Description.
  - l. **“Property Owner”** means Buellton Town Plaza Partners, and includes all persons and entities possessing fee title (in full or in part) to the site of the Project.
  - m. **“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.
3. **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., 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.
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. **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.
9. **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.
10. **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

11. **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 fee schedules adopted by the City and then in effect at the time such fees become payable.
12. **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.

## **B. PLANNING CONDITIONS**

13. **Conditional Use Permit.** Approval of the Conditional Use Permit (Case No. 16-CUP-03) (the "Permit") is granted to the Applicant for the Property as identified in the Project Description. Except or unless indicated otherwise herein, all buildings, driveways, parking areas, and other facilities or features shall be located and maintained substantially as shown on the exhibits accompanying the application for the Project. The Permit is only valid for the People Helping People Thrift Store, managed by Santa Ynez Valley People Helping People, Inc. Any other thrift shop would require review and approval of a separate Conditional Use Permit.
14. **Zoning Clearance.** Approval of 16-CUP-03 allows the establishment of a thrift store and a zoning clearance is required prior to submittal of building permits to the County.
15. **Building Codes.** All building construction shall be designed and performed in accordance with the currently adopted Uniform Building Code, National Electric Code, Uniform Plumbing and Mechanical Codes, and all other appropriate sections of the Buellton Municipal Code, State of California energy conservation standards and Title 24 handicap accessibility standards. All necessary plans and documentation shall be submitted at time of plan check including, but not limited to, complete architectural plans and appropriate engineering calculations prepared by a California Licensed Architect or Engineer.
16. **Property Maintenance.** The Project and Property, including the landscaping, shall be maintained in a continuous state of good condition and repair, in full compliance with all approved plans, specifications and conditions of approval. Corrective improvements shall be undertaken as necessary to continuously conform with and implement conditions of Project approval including, as applicable, repair, repainting and/or replacement of Project components as needed. Where a Project is found to be non-compliant, the Applicant shall adhere to City recommendations to bring the Project into compliance.
17. **Parking.** Eight parking spaces shall be maintained for this business at all times.

18. **Lighting.** Motion-sensor lighting shall be installed outside the front of the store to monitor and deter people from leaving items outside the store during non-business hours. All new exterior lighting fixtures shall comply with the design requirements of the Community Design Guidelines and shall protect dark skies. Lighting specifications shall be submitted as part of the Zoning Clearance application.
19. **Signage.** All signage shall require a sign permit from the City and shall conform to Municipal Code requirements.
20. **Drop Off.** No outdoor drop off area shall be allowed for items being donated to the store. Items shall only be dropped off inside the store during normal business hours.
21. **Remediation of Illegal Dumping.** If donatable items are dumped on the property, People Helping People is responsible for immediate remediation. People Helping People shall make a good faith attempt to secure and maintain a right to enter onto the adjacent vacant lot and shall immediately remediate any donatable items dumped on the lot.
22. **Security Cameras.** Cameras shall be installed outside the front and rear of the store to monitor and deter people from leaving items outside the store during non-business hours.
23. **Outdoor Display.** No outdoor display is permitted. All items must be displayed inside the store at all times.
24. **Delivery Truck.** No parking of the delivery truck may occur on the site. The truck must be stored over night at a previously-arranged off-site location.
25. **Security Fence.** A security fence shall be installed around the perimeter of the adjacent vacant lot to prevent off-site illegal dumping. The fence shall be six feet tall and of vinyl clad chain link material. Permission to install the fence must be obtained from the property owner.
26. **“No Dumping” Sign.** A sign shall be posted on the fence indicating that “illegal dumping is prohibited”. The sign shall comply with Municipal Code requirements. Sign plans shall be submitted as part of the Zoning Clearance application.
27. **Review of Operations.** After one year from the date of Planning Commission approval, the Planning Commission will review the operations of the thrift shop at a public hearing. At that time the Planning Commission may add or modify conditions of approval or revoke approval if necessary. Staff reserves the right to bring the project back to the Planning Commission prior to one-year if significant and recurring problems are identified.

### C. ENGINEERING CONDITIONS

28. **SWMP Requirements.** Applicant shall comply with the City’s Storm Water Management Plan and ensure the Best Management Practices (BMPs) are in place for long term operational activities.

**D. FIRE DEPARTMENT CONDITIONS**

29. **No conditions for Conditional Use Permit.** The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

**The following conditions for future development are advisory only at this time:**

30. **Fire Protection Certificate.** A Fire Protection Certificate (FPC) shall be required.
31. **Defensible Space.** Create a defensible space of 100 feet (or to the property line, whichever is nearer) around the proposed structures and any existing structures on this property.
- Removal does not apply to single specimens of trees, ornamental shrubbery or similar plants that are used as ground cover if they do not form a means of rapidly transmitting fire from the native growth to any structure.
32. **Access Ways.** All access ways shall be made serviceable and maintained for the life of the project.
- Driveway shall have a minimum width of twenty (20) feet.
  - Surface shall be paved.
  - Access ways shall be unobstructed and extended to within 150 feet of all portions of the exterior walls of the first story of any building.
  - A minimum of 15 feet of vertical clearance shall be provided and maintained for the life of the project for emergency apparatus access.
  - Reference Santa Barbara County Fire Department Development Standard #1.
33. **Temporary Addresses.** Temporary address posting is required during construction. Inspections will not be completed without temporary address posted.
- Temporary Addressing shall be plainly visible and legible from the street or road fronting the property. Address numbers shall clearly contrast with their background and shall be a minimum of 6 inches high with ½ inch stroke.
34. **Fire Lanes.** Designated fire lanes shall include red curbs and signs indicating “Fire Lane – No Stopping” placed as required by the Fire Department. Refer to current adopted California Fire Code.
35. **Fire Extinguishers.** Portable fire extinguishers are required and shall be in accordance with the current adopted Santa Barbara County Code Chapter 15.
36. **Fire Sprinklers.** Because this project modifies a building that has been equipped with an automatic fire sprinkler system, the potential exists for the project to compromise the design effectiveness of that system.
- Fire sprinkler plans shall be approved by the Fire Department, prior to installation and/or modification.
  - A set of approved plans, stamped and dated by the Fire Department shall be kept at the job site and available upon request.

- Water systems shall be installed exactly as the approved plans dictate. No changes or modifications to these plans shall take place without prior fire department approval.
  - No work shall be covered or otherwise rendered inaccessible or unviewable prior to inspection by the Fire Department.
37. **Fire Department Connection.** The Fire Department Connection shall be clearly visible from the access road or driveway. Provide unobstructed access from the roadway to the FDC. Clearance around the FDC shall be a minimum of 3 feet.
- Clearance shall be maintained for the life of the project.
38. **Fire Sprinkler Certification.** Because the building is equipped with an automatic fire sprinkler system, a current five-year fire sprinkler certification shall be provided to the Fire Department.
39. **Alarm Systems.** Because this project modifies a building that has been equipped with an automatic fire alarm system, the potential exists for the project to compromise the design effectiveness of that system.
- Fire alarm system shall meet Santa Barbara County Fire Department requirements.
  - Automatic fire alarm plans shall be approved by the Fire Department prior to the installation and/or modification.
40. **Addresses.** Recorded addressing for the building suites is required by the Fire Department.
41. **Address Numbers.** Address numbers shall be a minimum height of six (6) inches for suites and (12) inches for the building.
- Address number locations shall be approved by the Fire Department.
  - Address numbers shall be a color contrasting to the background color.
  - The address number shall be elevated at least three feet from the ground for clear visibility and easy directional identification.
  - The numbers shall be visible from the access road when traveling in either direction.
42. **Entry System.** A Knox Box entry system shall be installed for the building. A spare key shall be provided for the Knox Box entry system.

#### **E. COUNTY OF SANTA BARBARA BUILDING DIVISION CONDITIONS**

43. **Future Building Alterations.** Pending receipt and review of final project plans a building permit may be required if there are any structural changes, electrical or plumbing, the addition of partitions, and for accessibility within the tenant space (ie. aisles, transaction counters, etc.). If the building is equipped with fire sprinklers review by the Fire Department may be required if partitions are added.

- 44. **California Codes.** Applications submitted on or after January 1, 2017 would be subject to the 2017 California Codes.

**F. FINANCE DEPARTMENT CONDITIONS**

- 45. **Outstanding Fees.** The Applicant shall pay all fees including, but not limited to, outstanding balances for processing by the City Engineer, Planning Department, Building Department, traffic mitigation fees, water connection fees, sewer fees, school fees, Fire Department mitigation fees, and any additional processing deposits as required prior to zoning clearance.

**Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval**

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Applicant/Agent/Representative Signature

\_\_\_\_\_  
Date