

PLANNING COMMISSION MEETING

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM

REFERENCE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (please do not exceed 5 minutes per topic).

4. CONSENT CALENDAR

4a. Minutes of the December 9, 2009 special Planning Commission meeting.

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5. PUBLIC HEARINGS

(Continued Public Hearing from December 9, 2009)

5a. *Revision to Santa Paula/Fillmore Greenbelt Agreement.*

Memo

Purpose: Request to allow Santa Paula to encroach into the Greenbelt by 500 acres for the Limonera project in exchange for converting the Greenbelt into an ordinance and placing an additional 190 acres into the Greenbelt.

Recommendation: Continue the public hearing.

(New Public Hearing)

5b. *Request for a one-year time extension for Entitlements: Development Permit 05-03 (DP 05-03); Conditional Use Permit 07-04 (CUP 07-04) for Tentative Tract 5509.*

Memo

Location: 1003 – 1005 Sespe Avenue APN: 052-0-083-170 & 052-0-083-160

Zoning Designation: Residential Low

Applicant: Sespe Court LLC, 315 W. Haley St., Ste. 101, Santa Barbara, CA 93101.

Purpose: Open the public hearing and receive public testimony.

Recommendation: Grant a 1-year time extension.

- Adopt Planning Commission Resolution 10-846, granting a 1-year time extension for DP 05-03. **Reso**

- Adopt Planning Commission Resolution 10-847, granting a 1-year time extension for CUP 07-04. **Reso**

6. BUSINESS ITEMS -None

7. REPORTS and COMMUNICATIONS

7a. Community Development Director

7b. Planning Commission

8. ADJOURNMENT

8a. The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for February 17, 2010, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**Next Regular City Council Meeting
January 26, 2010**

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6

In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500-113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

**PLANNING COMMISSION
CITY OF FILLMORE
250 CENTRAL AVENUE
FILLMORE, CA 93015**

**DECEMBER 9, 2009
SPECIAL MEETING
6:30 PM**

MINUTES

CALL TO ORDER

6:30 p.m., Chair Douglas Tucker called the Planning Commission meeting to order and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vice Chair Tom Fennell, Mark Austin, Vance Johnson and Diane McCall. Staff present were: Assistant Planner Manuel Minjares and Planning Secretary Denise Beauduy.

ORAL COMMUNICATIONS

There were no comments

CONSENT CALENDAR - Approved

The Consent Calendar consisted of the following items:

- a. Minutes of the Planning Commission Meeting, October 21, 2009.

There was a motion and a second to approve the minutes as submitted. Motion: Johnson; Second: Austin. Ayes: Austin, Johnson and Tucker. Noes: None. Abstain: Fennell and McCall. Absent: None. Motion Carried 3:0.

- b. Minutes of the Planning Commission Meeting November 18, 2009.

There was a motion and a second to approve the minutes as submitted. Motion: Johnson; Second: Fennell. Ayes: Fennell, Johnson and McCall. Noes: None. Abstain: Austin and Tucker. Absent: None. Motion Carried 3:0.

PUBLIC HEARING

Revision to Santa Paula/Fillmore Greenbelt Agreement.

6:32 p.m., Commissioner Austin stated he recused himself due to a conflict of interest.

Assistant Planner Mr. Minjares reported this item had been continued from the November 18, 2009 Planning Commission meeting. Mr. Minjares stated at the November 18 meeting, Planning staff recommended continuing the public hearing to a special meeting, December 9, 2009, because of mapping errors and information that was stated erroneously in the staff report. Mr. Minjares stated the map and information were still incorrect and gave staff's recommendation to continue the public hearing.

Chair Tucker announced that the public hearing was opened during the last meeting (November 18) and stated there was no one from the public at large to comment on the matter.

ACTION

Public Hearing for Santa Paula/Fillmore Greenbelt Agreement Continued.

Chair Tucker continued the public hearing to the next regular scheduled meeting on January 20, 2010. Planning Commissioners Fennell, Johnson and McCall concurred. Commissioner Austin was absent. Chair Tucker continued the public hearing to January 20, 2010, 6:30 p.m. in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

REPORTS AND COMMUNICATIONS

There were none.

ADJOURNMENT – 6:34 PM

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for January 20, 2010, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary



CITY OF FILLMORE

CENTRAL PARK PLAZA

250 Central Avenue

Fillmore, California 93015 -1907

(805) 524-3701 • FAX (805) 524-5707

January 20, 2010

TO: Planning Commission

FROM: Kevin McSweeney,
Community Development Director 

SUBJECT: Public Hearing: Request revision to the Santa Paula/Fillmore/Ventura
County Greenbelt Agreement into an Ordinance.

RECOMMENDATION

The Greenbelt Committee (Council member Walker and Hernandez) recommends the Planning Commission take the following action:

- Continue public hearing to February 17, 2009

BACKGROUND

The Greenbelt Committee has not completed its review of the proposed Greenbelt Ordinance with Santa Paula and Ventura County.

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CITY OF FILLMORE

CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015-1907
(805) 524-3701 • FAX (805) 524-5707

Item # 5b.

January 20, 2010

TO: Planning Commission

FROM: Manuel Minjares,
Assistant Planner

SUBJECT: Public Hearing: Time Extension to Development Permit 05-03 and Conditional Use Permit 07-04 - 10 Lot Subdivision at Former Insectary Property, TTR 5509, DP 05-03, CUP 07-04.

RECOMMENDATION

Planning staff recommends the Planning Commission take the following action:

1. Adopt Planning Commission Resolution 10-846, recommending City Council approve a one year time extension to DP 05-03.
2. Adopt Planning Commission Resolution 10-847, recommending City Council approve a one year time extension to CUP 07-04.

BACKGROUND

The City Council approved Sierra Pacific Builders' application for TTR 5509, DP 05-03 and CUP 07-04, a 10 lot subdivision with two "granny flat" units on September 25th, 2007. The applicant proceeded to submit construction plans and fees for plan check review on November 19th, 2007. Due to the downturn in the economy, the applicant did not complete their plan check submittal and stopped all work on that their project.

The conditions of approval allow the applicant two years to initiate their project. The last date of due diligence was the submittal of their plans and plan check fees on November 19th, 2007 therefore allowing the applicant two years from that date to substantially initiate their project or submit an application for a one year time extension. The applicant submitted a Planning Permit Application for a one year time extension on November 4th, 2009.

ANALYSIS

The time extension application pertains to the Development Permit and Conditional Use Permit entitlements that were approved by the City Council on September 25th, 2007. The Tentative Tract Map has been automatically extended an additional two years per the State of California Government Code Section 66452.22(a) which was added to Section 65961 of the Government Code through Assembly Bill 333 and approved by the Governor on July 15th, 2009. The amendment (attached as Exhibit "A") allows for an automatic 2 year time extension to approved tentative maps that had not expired by July 15th, 2009. Therefore the applicant's tentative map

Planning Commission Resolution 10-846 and 10-847
Time Extension - DP 05-03 and CUP 07-04
Sespe Court 10 Lot Subdivision

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expiration date has been automatically extended from September 25th, 2007 to September 25th, 2011.

Zoning Ordinance Section 6.04.6650 allows the review authority to grant a one year time extension so long as the application is submitted at least one day prior expiration and that the Development Permit complies with all current Ordinance provisions. The application was filed 15 days prior to the expiration date and the Ordinance has not changed since the project was approved in 2007 thereby meeting all time extension eligibility criteria

The one year time extension to the Development Permit and Conditional Use Permit would allow the applicant until November 19th, 2010 to substantially initiate their project.

Project Location:

The project is located at 1003 Sespe Avenue between "B" Street and "C" Street on the former Fillmore Insectary site which has since been demolished. The project site is now a vacant lot.

Surrounding Land Uses:

The proposed project is surrounded by single family residences to the north, south, west, and east.

California Environmental Quality Act (CEQA):

The City Council reviewed and adopted by resolution a Mitigated Negative Declaration (MND) for the project on September 25th, 2007. No further environmental review is necessary.

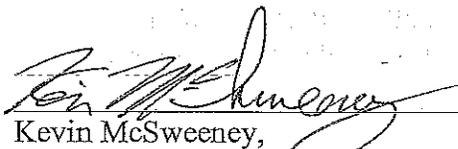
Subdivision Map Act: Tentative Tract Map

As previously stated, the tentative tract map has been granted an automatic two year time extension per Government Code Section 66452.22(a).

FISCAL ANALYSIS

The applicant will be required to pay the full amount of Building and Safety and Engineering plan check fees upon plan submittal.

CONCUR:


Kevin McSweeney,
Community Development Director

Attachments

1. PC Reso 10-846, Time Extension to Development Permit
2. PC Reso 10-847, Time Extension to Development Permit
3. Exhibit A, Assembly Bill No. 333, Chapter 18
4. Conditions of Approval

Planning Commission Resolution 10-846 and 10-847
Time Extension – DP 05-03 and CUP 07-04
Sespe Court 10 Lot Subdivision

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Assembly Bill No. 333

CHAPTER 18

An act to amend Section 65961 of, and to add Section 66452.22 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 2009. Filed with
Secretary of State July 15, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 333, Fuentes. Land use: subdivision maps: expiration dates.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated, a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on January 1, 2011. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 24 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions and that will expire, as specified, before January 1, 2012. By adding to the procedures that officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 65961 of the Government Code is amended to read:

65961. Notwithstanding any other provision of law, except as provided in Section 66452.22, relating to the extension of the expiration date for subdivisions subject to that section, upon approval or conditional approval of a tentative map for a subdivision of single- or multiple-family residential units, or upon recordation of a parcel map for such a subdivision for which no tentative map was required, during the five-year period following recordation of the final map or parcel map for the subdivision, a city, county, or city and county shall not require as a condition to the issuance of any building permit or equivalent permit for such single- or multiple-family residential units, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map. Nor shall a city, county, or city and county withhold or refuse to issue a building permit or equivalent permit for failure to conform with or perform any conditions that the city, county, or city and county could have lawfully imposed as a condition to the previously approved tentative or parcel map. However, the provisions of this section shall not prohibit a city, county, or city and county from doing any of the following:

(a) Imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary to impose the condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, "a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map," as used in this section, refers to conditions the county could have imposed had there been no incorporation.

SEC. 2. Section 66452.22 is added to the Government Code, to read:

66452.22. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative

map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2012, shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Sections 66452.13 and 66452.21.

(d) (1) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2012, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective.

(2) The determination made pursuant to this subdivision shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(e) Section 65961 applies to a tentative subdivision map or parcel map that relies on the 24-month extension pursuant to this section, except for both of the following:

(1) The five-year period described in Section 65961 shall be three years.

(2) Section 65961 does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee upon the issuance of a building permit or after the issuance, including, but not limited to, a fee as defined in Section 66000.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately.

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PLANNING COMMISSION RESOLUTION 10-846

**GRANTING A TIME-EXTENSION OF
1 YEAR FOR DEVELOPMENT PERMIT 05-03
SESPE COURT, LLC., APPLICANT**

WHEREAS, The Planning Commission has been petitioned to act on a request for a one year time extension to Development Permit 05-03, a 10 lot subdivision located at 1003-1005 Sespe Avenue; and

WHEREAS, The Community Development Director caused a notice of date, hour and place for a public hearing on January 20th, 2010 before the Planning Commission to be published in the Fillmore Gazette and mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.80 of the Fillmore Zoning Ordinance; and

WHEREAS, Based upon the evidence presented, the Planning Commission makes the following findings of fact:

1. The subject properties contain a total of 2.28 acres and are identified as Assessor Parcel Numbers 052-0-083-160 and 052-0-083-170.
2. The property owner is Trent Lyon et al, 315 W. Haley St. Ste. #101 Santa Barbara, CA 93101.
3. The Applicant is the Sespe Court LLC, 315 W. Haley St. Ste. #101 Santa Barbara, CA 93101.
4. The proposed project site is currently vacant land.
5. The approved project, DP 05-03, CUP 07-04, TTR5509 and a Mitigated Negative Declaration was approved by the City Council on September 27th, 2010 (Council Resolution 07-3066, 07-3067, 07-3068, & 07-3069), subject to Conditions of Approval and incorporation of mitigation measures as identified in Exhibit "MMRP", Mitigation Monitoring Reporting Plan which was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).
6. The Planning Commission reviewed this project, time extension to DP 05-03 and CUP 07-04 at their regularly scheduled meeting of January 20th, 2010, to ensure that the project is still consistent with the City's current Zoning Ordinance provisions.

7. The project consists of the division of 2.28 acres into 10 parcels and the development of 10 single family units and two granny flat units.
8. A one year time extension is permitted per 1994 Zoning Ordinance Section 6.04.6650, Time Extension.
9. A one year time extension is permitted subject to the following findings,
 - a. A planning permit application for a time extension is to be filed at least one day prior to expiration and for good cause, the Review Authority may grant one time extension not to exceed one year. The applicant submitted a planning permit application on November 4th, 2009, 15 days prior to the permit expiration date of November 19th, 2009.
 - b. The Review Authority shall ensure that the Development Permit complies with all current Ordinance provisions. The Zoning Ordinance standards applicable to this project have not changed from the date of approval therefore the project is in compliance with all current Ordinance provisions.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve a one-year time extension to Development Permit 05-03, based on the above-mentioned information, public review, documentation, and subject to Exhibit "COA" (Conditions of Approval).

PASSED AND ADOPTED by the Planning Commission this 20th day of January 2010, by the following votes:

Douglas Tucker, Chair

ATTEST:

Denise Beauduy
Planning Secretary

PLANNING COMMISSION RESOLUTION 10-847

**GRANTING A TIME-EXTENSION OF
1 YEAR FOR CONDITIONAL USE PERMIT 07-04
SESPE COURT, LLC., APPLICANT**

WHEREAS, The Planning Commission has been petitioned to act on a request for a one year time extension to Conditional Use Permit 07-04, for two "granny flat" units within a 10 lot subdivision located at 1003-1005 Sespe Avenue; and

WHEREAS, The Community Development Director caused a notice of date, hour and place for a public hearing on January 20th, 2010 before the Planning Commission to be published in the Fillmore Gazette and mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.80 of the Fillmore Zoning Ordinance; and

WHEREAS, Based upon the evidence presented, the Planning Commission makes the following findings of fact:

1. The subject properties contain a total of 2.28 acres and are identified as Assessor Parcel Numbers 052-0-083-160 and 052-0-083-170.
2. The property owner is Trent Lyon et al, 315 W. Haley St. Ste. #101 Santa Barbara, CA 93101.
3. The Applicant is the Sespe Court LLC, 315 W. Haley St. Ste. #101 Santa Barbara, CA 93101.
4. The proposed project site is currently vacant land.
5. The approved project, DP 05-03, CUP 07-04, TTR5509 and a Mitigated Negative Declaration was approved by the City Council on September 27th, 2010 (Council Resolutions 07-3066, 07-3067, 07-3068, & 07-3069), subject to Conditions of Approval and incorporation of mitigation measures as identified in Exhibit "MMRP", Mitigation Monitoring Reporting Plan which was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).
6. The Planning Commission reviewed this project, time extension to DP 05-03 and CUP 07-04 at their regularly scheduled meeting of January 20th, 2010, to ensure that the project is currently consistent with the City's current Zoning Ordinance provisions.

7. The project consists of the division of 2.28 acres into 10 parcels and the development of 10 single family units and two granny flat units.
8. A one year time extension is permitted per 1994 Zoning Ordinance Section 6.04.7040, Time Extension.
9. A one year time extension is permitted subject to the following findings,
 - a. A planning permit application for a time extension is to be filed at least one day prior to expiration and for good cause, the Review Authority may grant one time extension not to exceed one year. The applicant submitted a planning permit application on November 4th, 2009, 15 days prior to the permit expiration date of November 19th, 2009.
 - b. The Review Authority shall ensure that the Development Permit complies with all current Ordinance provisions. The Zoning Ordinance standards applicable to this project have not changed from the date of approval therefore the project is in compliance with all current Ordinance provisions.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve a one-year time extension to Conditional Use Permit 07-04, based on the above-mentioned information, public review, documentation, and subject to Exhibit "COA" (Conditions of Approval).

PASSED AND ADOPTED by the Planning Commission this 20th day of January 2010, by the following votes:

Douglas Tucker, Chair

ATTEST:

Denise Beauduy
Planning Secretary

EXHIBIT "COA"

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP NO. 5509
DEVELOPMENT PERMIT NO. 05-03
CONDITIONAL USE PERMIT NO. 07-04**

**SIERRA PACIFIC BUILDERS, LLC
SESPE COURT, LLC, APPLICANT**

RECITALS

A. AUTHORITY FOR THIS DOCUMENT

The conditions and terms contained in this exhibit are applied to permit "TTR 5509", "DEVELOPMENT PERMIT 05-03", and "CONDITIONAL USE PERMIT 07-04" and are applied under the City's authority regarding discretionary permits (Section 6.04.0210 of the 1994 Zoning Ordinance).

B. IDENTIFICATION OF THE SUBJECT PROPERTY

The subject property is located at **1003 Sespe Avenue** and is identified as Assessor Parcel Number(s) 052-0-083-016 & 017. The subject property is subject to the conditions and terms contained in this exhibit.

C. DESCRIPTION OF PROJECT AUTHORIZED BY THIS PERMIT

The PROJECT consists of the development of a 10 lot subdivision with 10 single family dwelling units with detached 2-car garages and 2 "granny flats". The project is to be implemented in (one) phase. All conditions of this permit are applicable upon implementation of Phase I, unless so specified in this document.

D. RESPONSIBILITY OF APPLICANT

The following conditions are the responsibility of the Applicant (Sierra Pacific Builders, LLC Sespe Court, LLC), or any of their successors or assigns.

E. BASIS UPON GRAPHIC ILLUSTRATIONS ("THE PLANS")

THIS PERMIT is based on the following graphic illustrations referred to as EXHIBITS "A" (VICINITY MAP), "E" (EXTERIOR BUILDING ELEVATIONS), "F" (FLOOR PLAN[S]), "L" (LANDSCAPE PLANS) "M" (MATERIAL & COLOR BOARD) "S" (SITE PLAN) "TTM" (TENTATIVE TRACT MAP). These exhibits represent the minimum information that is to be expected on subsequent construction documents that are used to implement the project. All interpretations and construction documents shall be based on the above Exhibits (dated September 18th, 2007).

City Council Resolutions 07-3066, 07-3067, 07-3068, 07-3069

September 25, 2007

Planning Commission 10-8046 and 10-847

January 20, 2010

TTR 5509, DP05-03 & CUP 07-04

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F. BASIS UPON WRITTEN DOCUMENTS

THIS PERMIT is based on the following written documents referred to as EXHIBITS "COA" (CONDITIONS OF APPROVAL), "MND" (MITIGATED NEGATIVE DECLARATION), "MMRP" (MITIGATION MONITORING AND REPORTING PLAN) and, "SR" (STAFF REPORTS). All activity on the subject property is to be in compliance with all requirements and direction, as set forth in the above Exhibits.

The conditions and terms in this document shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections and the like, which may or may not be shown on the PLANS.

G. LIFE OF THIS DOCUMENT

The conditions and terms contained in this document apply to the subject property indefinitely or, until such time that this document is modified according to the process identified in paragraph "I" of this document. THIS PERMIT IS NOT TRANSFERRABLE TO ANOTHER PROPERTY.

H. TIME TO EXERCISE PERMIT

THIS PERMIT shall be substantially initiated or it shall expire on ~~(two years from the date of project approval, September 18th, 2007)~~ November 19th, 2010. Substantial initiation of THIS PERMIT shall be determined at the sole discretion of the CITY. Any extension of THIS PERMIT shall be processed per Section 6.04.6645 of the Fillmore Municipal Code.

I. PROCEDURE FOR MODIFICATION OF THIS DOCUMENT

Any proposed modification of this document shall be processed per Section 6.04.6650 of the Fillmore Municipal Code.

J. INDEMNIFICATION AND HOLD-HARMLESS STATEMENT

The APPLICANT shall indemnify, exonerate and hold harmless, the CITY and all officers and employees thereof, against all claims, demands, and causes of action arising out of improvements constructed within the project.

The APPLICANT agrees as a condition of approval of this permit, to defend, at the sole expense of the APPLICANT, any action brought against the CITY based upon approval of this permit. The APPLICANT shall reimburse the CITY for any costs and attorney's fees that the CITY may be required to pay as a result of any such action. The CITY may, as its sole discretion, participate in the defense of such action, but such participation shall not relieve the APPLICANT of the above obligations.

Any activity or structure pursued by the APPLICANT, authorized by this permit shall further constitute acceptance of all conditions and obligations imposed by the CITY on this permit. The APPLICANT, by said acceptance, waives any challenges as to the validity of these conditions.

City Council Resolutions 07-3066, 07-3067, 07-3068, 07-3069

September 25, 2007

Planning Commission 10-8046 and 10-847

January 20, 2010

TTR 5509, DP05-03 & CUP 07-04

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K. COMPLIANCE WITH THIS DOCUMENT PRIOR TO AUTHORIZED ACTIVITY/USE

The APPLICANT shall comply with and satisfy all applicable conditions of this permit prior to being authorized to begin construction activity or prior to being allowed to occupy any structures.

Authorization to begin construction is to be granted by the Building Official upon presenting the Administrative Clearance Form to the Building Official with all required signatures.

Authorization for occupancy is to be granted by the Building Official upon having a final occupancy inspection conducted by the Project Planner, the Building Inspector, and the Fire Chief, and then having the Building Official issue a Certificate of Occupancy. Any required public improvements are to be completed to the satisfaction of the City Engineer prior to the Building Official issuing a Certificate of Occupancy.

Authorization shall not be granted if the proper and requested information is not presented in a neat and timely manner.

L. COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS

All activity and construction pursuant to this permit shall comply with all applicable codes and regulations including, but not limited to, the City of Fillmore 1989 General Plan, 2003 General Plan Update, the 1994 City of Fillmore Zoning Ordinance, the Uniform Building Code (2001 version), the Uniform Fire Code, the Subdivision Map Act, and the "Standard Specifications for Public Works Construction".

M. PAYMENT OF FEES/DEPOSITS

All required Fees shall be paid by the APPLICANT prior to the issuance of a building permit.

CONDITIONS

The following conditions are organized by CITY Department.

ENGINEERING AND PUBLIC WORKS

GENERAL

E1. Separate public improvement plans shall be prepared by a registered California Civil Engineer and shall be subject to the review and approval of the City Engineer. The plans shall be submitted concurrently with building drawings and shall include but not be limited to: grading, street, sewer, water, storm drain, storm water treatment landscaping & irrigation and appurtenant improvements. The submittal shall also include construction cost estimates, plan check fees, a soil report and all pertinent engineering design calculations.

E2. Construction plans drafting shall conform to the City of Fillmore drafting quality to the

City Council Resolutions 07-3066, 07-3067, 07-3068, 07-3069

September 25, 2007

Planning Commission 10-8046 and 10-847

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satisfaction of the City Engineer. Plans approved for signature shall be submitted in mylar upon request by the City. Prior to acceptance of public improvements, certified as-builts shall be submitted to the City for review and approval by the City. Applicant's engineers shall be responsible for collection of all data due to changed conditions and shall submit notes and data to the City to verify the as-builts. As-builts shall be submitted on mylar and electronic AutoCAD format and shall not contain hand drafted corrections. No details shall be image files in the electronic as-built files. All details shall be drafted in AutoCAD to the satisfaction of the City Engineer.

E3. All design, material workmanship and construction shall conform to the latest version of (1). the City of Fillmore Standard Specifications, (2). the City of Fillmore Standard Plans (3). the Standard Specifications for Public Works Construction (4). Standard Plans for Public Works Construction (5). County of Ventura Standards (6). and Caltrans Standards. The improvement plans shall include and conform to the items listed in the City of Fillmore Improvement Plan Checklist and City of Fillmore General Notes for construction. The above items are listed in order of precedence.

E4. A Registered California Civil Engineer shall be retained by the applicant to: 1) assure that the construction work conforms to the approved public improvement plans and specifications and, 2) to provide certified as-built plans after project completion. Submittal of the certified as-built plans will be required prior to, and as a condition of, the final acceptance of the development by the City.

E5. The Applicant shall be responsible for all actions of their contractor and subcontractor until such time as the improvements defined in the Subdivision Map Act have been accepted by the City. The Applicant shall designate, in writing, before starting such improvement work, an authorized representative who shall have complete authority to represent and act for the Applicant. Said authorized representative shall be present at the site of the work at all times while such work is actually in progress on the subdivision. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work, which may be required. Whenever the Applicant or their authorized representative is not present on any particular part of the work where it may be desired to be give direction, orders will be given by the City Engineer which shall be received and obeyed by the superintendent or foreman who may have charge of the particular work in reference to which orders are given. Whenever orders are given to the Applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other cause and such orders are not immediately acted upon by such person, the City may do or have such work done by others at the Applicant's expense.

E6. The City of Fillmore reserves the right to upgrade or add to City standards and specifications for land development related to public improvements until the time of City approval of the tentative map (Ref. Sec. 66474-2, Subdivision Map Act).

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E7. The Applicant shall submit the actual costs of the public improvements including sewer, water, storm drain, street, utility undergrounding and landscape & irrigation to the City Engineer prior to final acceptance of the public improvements by the City. The detailed cost breakdown shall be in accordance with a format approved by the City Engineer.

E8. The Applicant shall pay the cost of revising the City's Water, Sewer and Storm Drain Atlas and City GIS Base Map to reflect the new public improvements constructed by this project and the new parcel data created by this subdivision. The Applicant shall also pay the cost of scanning of the plan check and as-built drawings.

E9. The Applicant shall not commence any construction until a preconstruction conference has been held between the Applicant, the Applicant's engineer, contractor and subcontractors, and the City Engineer or City Engineer's appointed staff.

E10. The Applicant shall secure an encroachment permit from all agencies requiring permits, prior to performing any work in the City Right-of-Way, easement, or City facility, or other agency jurisdiction. The Applicant shall comply with all conditions of the permits.

E11. Prior to obtaining building permits for each individual lot, the Applicant shall pay the most current Development Impact Fees as required by the Fillmore City Council Resolutions regarding Development Impact Fees.

FINAL MAP

E12. Final Map as defined in the State Subdivision Map Act and prepared by a licensed land surveyor or engineer, showing all parcels, right-of-way and easement(s) shall be submitted for review and approval with the City of Fillmore Engineer's Office. The Final Map shall conform to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. When approved, the mylar copy for signature shall be requested by the City. An electronic AutoCAD copy of the approved map shall also be submitted to the City Engineer. When Final Map is recorded a recorded copy in tiff format shall be provided to the City Engineer from the County Survey and Mapping Department.

E13. The Applicant shall provide all necessary dedications in fee for public streets, highways, sidewalks, breezeways, parkways, landscaping, alleys, sewers, water facilities, utilities, drainage facilities and other facilities as required by the City. These dedications are to be shown on the Final Map.

E14. To ensure municipal water service to this development, the water rights for this property shall be dedicated to the City of Fillmore by Title Sheet Dedication at the time of filing the Final Map with the City.

E15. All Public Utility Easements and offsite easements for maintenance of sewer, water,

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storm drainage pipes shall be no less than 15 feet in width and centered over the utility. Utility easement shall be contained on one property if possible and the City will require additional width for easements that straddle property lines. Public utility easements shall be shown on the Final Map with reference to the City's Public Utility Easement Statement.

E16. The applicant shall set all monuments as required by the State Subdivision Map Act.

E17. All lot corners of lots within the subdivision shall be monumented with no less than a 20" long by 1/2" diameter galvanized steel pipe imbedded no less than 18" into the earth. Lot corners shall not be located in the public sidewalk, curb, or parkway. Street monuments shall conform to Ventura County monument well standards and be located at intersections, middle of cul-de-sacs and beginning and end of curves as recommended by the County Surveyor. All monuments shall be shown on the map with a distinct symbol for each type of monument.

E18. The Final Map shall show the following:

- (a). Total area of land being subdivided (in acres).
- (b). Total number of lots and parcels being created.

E19. The Final Map shall also contain and provide all information shown on the City of Fillmore Final Map checklist.

E20. The certificates shall conform to the City of Fillmore Engineer's requirements.

E21. Public Utility Easements shall be provided as requested by the Public Utility Companies and shall be offered for dedication on the map. The language of the Public Utility Easement shall be acceptable to the City Engineer.

E22. Permanent benchmarks shall be set at locations designated by the City Engineer. Coordinate system shall be established in conformance with 3rd Order Leveling Specifications and Procedures to incorporate electronic digital/bar code leveling system.

E23. Prior to recordation of the Final Map, the Applicant shall enter into a contract with the City to perform the installation and construction of all public improvements and landscaping as contained in the conditions of approval and shall post a bond guaranteeing the installation and construction of all required public improvements and landscaping within the time period specified herein. The Performance Bond shall be for 100% of the public improvements cost, the Labor and Materials Bond shall be for 50% of the public improvement cost estimate and the Monument Bond shall be for 100% of the cost to set monuments. Bonding language and format shall be supplied by the City. The Applicant may build the public improvements on property controlled by the Applicant and contained in the approved plans at their own risk prior to recordation of the Final Map.

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GRADING

E24. Prior to submission of building plans, the Applicant shall file with the Building Official a soils report prepared by a Geotechnical Engineer, who is registered in the State of California. The recommendations contained within the report shall be made part of these conditions.

E25. The soils report shall include at a minimum geotechnical investigation of liquefaction, expansive soils, seismic safety, and R-value testing. The grading plan shall incorporate the recommendations of the approved soils report. The grading plan cover sheet shall also provide Soils Engineer certificates that certify the grading plans are consistent with the soils report and the recommendations contained in the report and that the grading has been completed in accordance with the soils report, the soils reports addendums and the recommendations of the report.

E26. All grading shall be done per the approved grading plan, and conform to Chapter 33 of the Uniform Building Code and/or as recommended by the Soils Report submitted for the project, with the prior approval by the City.

E27. All grading work shall be shown on the grading plan incorporated in the improvement plans. Grading sections, details, typical sections, and spot elevations shall be sufficient to delineate the existing and finished extents of grading.

E28. The grading plan shall clearly show all existing survey monuments and property corners. All existing monuments shall be protected or shall be tied and reset by registered land Surveyor or Engineer qualified to practice surveying in the State of California.

E29. All abandoned irrigation lines and other obstructions on the project site, shall be removed and properly disposed of from the site. Proper backfill and compaction of voids shall be subsequently accomplished to provide protection against settlement.

E30. It is the contractor's responsibility to use watering, dust fences or other methods as necessary to control dust throughout the construction operation to the satisfaction of the City Engineer.

E31. All grading/construction debris shall be removed from the project site and disposed into a dump site prior to any exaction or fill operations and/or as directed by the City Engineer. The Applicant, his agents or employees shall be responsible for the removal and cleanup of any spill of materials or debris on public streets during the entire grading operation.

E32. Where the difference in average elevations between adjacent lots is in excess of six (6) inches, a retaining wall or 4 to 1 slope shall be required. The retaining wall shall extend at least four (4) inches above the higher finished grade. Should the retaining wall exceed four (4) feet in height, a double wall with a minimum three (3) foot wide planter strip will be required. This

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condition shall not apply to the rear property line when the rear setback is greater than 15 feet to the toe of slope for the lower elevation home.

SEWER

E33. The method of sewage and waste disposal shall be by means of a connection to the City's wastewater system. All sewer system improvements shall meet or exceed the City's standards and separation between water mains and sanitary sewers shall be maintained as required by the State Department of Health and also apply to sewer laterals. The use of sewer lateral backflow devices is prohibited.

E34. All sewer mains shall be video taped after backfilling but prior to street paving. All sags deeper than ½" shall be removed and reconstructed. Off site sewer pipes in public rights of way shall be tested for deflection using a properly calibrated deflection mandrel. Deflections greater than 5% shall be removed and reconstructed.

E35. All sewer mains and manholes shall be sealed and pressure tested per City Engineer's pressure testing requirements.

E36. Manholes shall be placed at all changes in sewer alignment. Manholes shall be placed at a minimum of every 400 feet. Dead end sewers over 200 feet shall terminate in a manhole.

E37. The locations of the sewer lateral shall be stamped "S" with 4" lettering on the curb face in conformance with the City of Fillmore Public Works requirements.

WATER

E38. All on-site wells shall be filled, capped, and abandoned in conformance with Public Works Department requirements and specifications.

E39. The Applicant shall install adequately sized water services and water meters per current City of Fillmore standards. Water meters shall be radio reporting meters of a type approved by the Public Works Superintendent.

E40. A backflow prevention device shall be installed for all irrigation lines per the requirements of the Public Works Superintendent. All backflow devices shall be registered and checked prior to acceptance by the City with Ventura County Cross-Connected Control Inspector.

E41. No dual water meters shall be used. Each meter shall have a separate water lateral. Laterals shall be installed perpendicular to the street and shall not run parallel to the sidewalk. Each meter shall be located in front of the property that the meter services.

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E42. The locations of water services shall be stamped "W" with a 4" lettering on the curb face in conformance with the City of Fillmore Public Works requirements.

E43. The Applicant shall complete all water main improvements, including pressure and bacterial testing prior to connection to the City water system. The testing procedure for water facilities shall be provided by the City of Fillmore.

E44. Mainline water valves shall be installed at all pipe junctions and will be located at the face of curb extension where feasible. A minimum of three (3) mainline valves are required for tee junctions and four (4) valves are required for cross junctions, unless otherwise approved by the City Engineer. Valves within 250 feet of a junction may be considered a junction valve.

DRAINAGE

E45. On-site and off-site drainage facilities compatible with the adopted City of Fillmore Drainage Master Plan shall be provided and constructed as directed by the City Engineer.

E46. All storm drains shall be video taped after backfilling but prior to street paving to ensure proper placement and check the sealing of the joints to the satisfaction of the City Engineer.

E47. The Applicant shall submit Notice of Intent (NOI) with the Regional Water Quality Control Board (RWQCB) prior to approval of plans. Applicant shall submit the City for approval a SWPCP or SWPPP as required for this project prior to grading. Erosion control measures shall be in place and maintained for the period of October 15 through April 15.

E48. The Applicant shall submit a storm water NPDES plan for the permanent storm water treatment facility as required by the Stormwater Urban Impact Mitigation Plan (SQUIMP). No mechanical devices shall be used. Design shall be in accordance with the Technical Guidance Manual of Ventura County.

E49. At time of building permit issuance, the Applicant shall annex this project into the City's Storm Drain Maintenance Assessment District and shall reimburse the City all costs associated with the annexation. The maintenance district will be responsible for the maintenance of public storm drain facilities, bio-filters, detention basins and landscape and irrigation associated with treatment of storm water and other items that are eligible in the Benefit Assessment Act of 1982.

E50. The Applicant shall install the required drainage facilities concurrently with rough grading operations or provide an interim drainage and erosion control plan, and construct interim improvements with prior approval from the City Engineer, for mitigating any potential flooding and erosion adversely affecting adjacent properties and public rights of way. Erosion control measures shall be in place and maintained for the period of (November 15 and April 15).

E51. On-site and off-site drainage plans, all pertinent engineering analysis and design

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calculations shall be prepared in accordance with the City's current engineering design criteria and shall be submitted by the Applicant to the City Engineer for review and approval.

E52. The Applicant shall submit to the City for review and approval, drainage plans, hydrologic and hydraulic calculations prepared by a Registered Civil Engineer. All catch basins shall intercept a 50-year flow. The 10-year hydraulic grade line for the storm drain system shall be a minimum of two feet below the gutter flow line unless the downstream control for the HGL in an existing storm drain causes a higher HGL. The VCFCD plastic placard "Do Not Dump, Drains to River" shall be mounted on the top and curb face of the catch basins.

E53. Each building pad shall be protected from the local 100-year frequency storm shown in the Fillmore Master Drainage Plan or as calculated for this area by the Applicants Engineer. The largest flow shall be used as the basis for raising the pads a minimum of one foot about the 100 year flow.

E54. The Applicant shall provide a permanent path of drainage for the 100-year storm flows and a 16 foot dry access shall be provided on all interior streets during a 10-year frequency storm event.

E55. Each parcel shall be designed to drain into a street, alley or approved drain in such a manner that there will not be any undrained depressions of land within the development.

E56. No cross-lot drainage will be permitted unless approved by the City Engineer in which case storm drain easements between the lots acceptable to the City Attorney, must be provided by the property owner. City Attorney fees will be the responsibility of the Applicant.

E57. No cross gutters will be permitted in the subdivision unless otherwise approved by the City Engineer.

E58. The Applicant shall procure easements or consents from all affected landowners upstream and downstream for any diversion of historical flows, changes in drainage conditions or acceptance of any additional water flowing over the subject party. Applicant shall also accept the historic or existing flows and historic or existing flow path from upstream properties. Easements and consent documents shall be reviewed and approved acceptable to the City Attorney. City Attorney fees will be the responsibility of the Applicant.

E59. Drainage gradients around all building pads shall not be less than 1% percent nor greater than 2% percent. If flat pads are utilized, lots will have drainage swales at not less than 1% percent.

E60. Storm drain manholes shall be provided if required by the City Engineer at junctions, at intervals not exceeding 660 feet, at locations where the conduit changes size and points were changes in pipeline slopes occur.

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STREETS

E61. Prior to sale of any unit the Applicant shall annex this project into the City's Street Light and Landscape Maintenance Assessment District. The Applicant shall pay all annexation costs. The Applicant shall submit exhibits and quantities and descriptions of items to be included in the landscape assessment district. The district shall pay for street light maintenance, energy cost, public landscape maintenance, sidewalk maintenance, curb and gutter and street maintenance, associated with landscape maintenance, street tree maintenance, graffiti removal and other items that are eligible in the Landscape and Lighting Act of 1972.

E62. The Applicant shall offer to dedicate in fee on the subdivision map and improve to City standards, all sidewalks, parkways and streets.

E63. Soil reports, "R" value, and compaction tests will be required on all proposed streets or portions of streets requiring repair. Determination of actual structural sections to be constructed shall be based on State Highway design procedure, with the specified traffic index in the current Ventura County Road Standards designed for a 40-year life. A 1.5 -inch thick rubberized asphalt wearing surface shall be added on top of the structural section. The top twelve (12) inch portion of soil (more if necessary) of the subgrade material shall be reworked and recompact to 90% density at the optimum moisture content shown in the R-value test. The Applicant shall pay all testing and inspection costs associated with the asphalt paving.

E64. The Applicant shall pay for and installation of street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. All signs shall conform to the City of Fillmore Public Works Department requirements. Striping and signing plans shall be made a part of the improvement plans.

E65. All striping shall be thermoplastic except for centerline markings.

E66. Curb cuts, widths, and design shall conform to the currently adopted Fillmore City Standards.

E67. Any street, alley, sidewalk, or curb that is damaged by the Applicant or the applicants' agent(s)/employees, shall be repaired by the applicant.

E68. Sidewalks shall be scored with square score marks with a score mark in the center of the sidewalk parallel to the street. Each square shall be 2.5 feet by 2.5 feet for a 5-foot wide sidewalk.

E69. Each street tree planted within 6-feet of a sidewalk or curb shall include a ten foot long, 18-inch deep tree-root barrier, centered on the tree. The root barrier shall be cast into the concrete of the sidewalk and may be adjacent to the back of curb. Two perforated irrigation

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pipes 3-foot in length and 4-inches in diameter, filled with gravel, shall be installed adjacent to the tree and irrigated with a bubbler.

E70. Sidewalks shall be widened around obstructions in accordance with Ventura County Standard plate D-10. The Applicant shall offer to dedicate right-of-way as necessary to accommodate the sidewalk widening around obstructions.

E71. Curb ramps shall be per Standard Plans for Public Works Construction, Standard Plan 111-2 or Type 3 at curb returns.

E72. The Applicant shall repair any existing or newly constructed street, alley, sidewalk, curb or other public facilities that are damaged by the Applicant or the Applicants' agent(s)/employees in the course of construction prior to final acceptance of the subdivision.

GAS, ELECTRIC, UTILITIES

E73. All utility plans shall be coordinated with the respective utility companies. Preliminary utility designs shall be submitted for review and approval by the City Engineer prior to final utility design. Cable, electric and telephone utilities shall be placed in conduit and not be direct burial wire. All utility boxes shall be precisely located on the utility plans. The applicant shall provide a 2" blank conduit for future fiber optics to each property.

E74. Prior to recordation, the Applicant shall pay all energy costs associated with street lighting for a period of one year after the initial energizing of the street lights.

E75. Street lights shall be installed in accordance with a street lighting plan prepared by the Applicant and approved by the City Engineer. The Street Lighting plan shall be made a part of the Master Utility Plan.

E76. A Master Utility Map shall be prepared by the Applicant and shall be made a part of the improvement plans. The map shall indicate the relative location of all public and private utilities in accordance with City standards and/or as directed by the Superintendent of Public Works. Natural gas, electric, telephone and CATV lines may be shown on the plan prior to obtaining the encroachments permits for the installation of these utilities.

E77. On-site utility service shall be installed underground in accordance with Fillmore City policy.

E78. All water, natural gas, sewer, underground electrical power, CATV or telephone line, or conduits or underground drain lines shall be installed prior to paving any street or portion of a street. Utility stub connections to property boundaries of each lot may be omitted only with the expressed written permission of the City Engineer.

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FIRE

F1. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and Ventura County Environmental Health Department, the Fire Department, the Sheriff's Department and the City Inspector shall be notified immediately. Work shall not proceed until the clearance has been issued by all these agencies.

F2. On site and/or boundary water mains, fire hydrants and services shall be installed according to City of Fillmore Public Works Department specification.

F3. The Applicant shall obtain two certified fire flow test at the Applicant's expense to determine and check for compliance with fire flow requirements. The first test shall be conducted prior to approval of improvement plans and the second test after construction of the subject improvements but prior to issuance of a certificate of occupancy. The tests must be certified by a Fire Protection Engineer. A minimum fire flow of 1,500 gallons per minute shall be provided at the subject site.

F4. Fire hydrants shall be installed and be in service prior to any combustible construction and shall conform to the minimum standards of the Ventura County Water Works Manual and the City of Fillmore Public Works Department Standards.

Each hydrant shall be a Clow model 960, or equivalent, with two, 2 ½ inch outlets and one, 4-inch outlet for Commercial construction or A Clow model 950, or equivalent, with one 2 ½ inch outlet and one 4 inch outlet for residential construction. Required flow shall be achieved at no less than 20 psi (pounds per square inch) residual pressure. Fire Hydrants shall be spaced 500 feet on center, and so located that no structure will be farther than 250 feet from one hydrant. Hydrants shall be located no less than three (3) feet nor more than five (5) feet from any curb.

F5. All roof covering materials shall consist of State Fire Marshall-approved, noncombustible, fire retardant materials.

F6. Address numbers, a minimum of six (6) inches in height, shall be installed prior to occupancy and shall be illuminated and readily visible at night. The Fire Chief shall approve the method of illumination.

F7. All required street signs shall be installed prior to the City's acceptance of the development and public improvements.

F8. The Applicant shall provide on-site fire protection, as determined by the Fire Chief. Adequate fire protection shall be installed and be in service, prior to obtaining any building permits. The Applicant shall maintain passable vehicular access to all buildings and fire hydrants as required by the Fire Chief.

- F9. Smoke detectors, approved by the State Fire Marshall, shall be installed in all areas leading to sleeping rooms.
- F10. Automatic fire sprinklers shall be provided as required by the Fillmore Fire Chief.
- F11. All brush and grass determined to be a fire hazard by the Fire Chief, shall be cleaned be cleared to a minimum distance of 100 feet from all proposed structures, prior to beginning framing of any combustible construction.
- F12. In accordance with the California Administrative Code, Title 24, Section B1419, an approved spark arrester shall be installed on the chimney of any structure.
- F13. Fire hydrant valves shall be maintained free of all obstructions in a manner deemed satisfactory by the Fire Chief.
- F14. All driveways and canopies shall have a minimum vertical clearance of 13 feet, 6 inches.
- F15. No burning of combustible refuse material shall be permitted the subject property.
- F16. A permit shall be obtained from the Fillmore Fire Chief and the Ventura County Air Pollution Control District (APCD) for the handling, storage and use of all flammable, combustible and hazardous materials.

BUILDING & SAFETY

- B1. With the first submittal of construction documents, a reproduction of this document (Exhibit "COA") shall be incorporated as a full-sized page into all sets of the construction documents.
- B2. Before starting any work, the Applicant shall designate in writing an authorized representative who shall have complete authority to represent and act for the applicant. Such written authorized shall be submitted to the Community Development Department. Said authorized representative shall be present at the site of work at all times while work is actually in process on the development. During periods when work is suspended, arrangements acceptable to the City shall be made for any emergency work that may be required.

URGENT WORK – Whenever orders by the City to the applicant's representative, Superintendent, or Foreman, to do work required for the convenience and safety of the general public because of inclement weather or any other dangerous condition, and said orders are not immediately acted upon by such person, the City may do, or have such work done, by others at the applicant's expense.

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NUISANCE WORK – When the project causes a nuisance to the public and the City notifies the Applicant in writing of the nuisance, the Applicant shall resolve the problem causing the nuisance within 36 hours. If the Applicant fails to correct the nuisance in a timely manner the City may do or have such work done by others at the Applicant's expense.

TECHNOLOGY

- T1. For basic services each home shall be provided with dual RG6 Quad or Tri shielded coax cable and dual CAT5e from demarcation block panel.
- T2. For satellite services each home shall be provided with a minimum of two dual RG6 with ground wire from structured wiring panel terminating in a weather tight J-Box. J-Box location should be located towards rear of home on the south side of the structure.
- T3. For wireless services each home shall be provided with a minimum of dual RG6 and dual CAT5e with ground wire from structured wiring panel terminating in a weather tight J-Box. J-Box location shall be located facing designated area for wireless antennas that serve the area.
- T4. For inside the home dual RG6 Quad or Tri shielded coax cable and Dual CAT5e shall be installed to at least one location per room.
- T5. All wiring shall be terminated, tested and labeled from structured wiring panel to the end of the line.
- T6. Structured wiring panel with modules shall be installed to support basic services. All panels shall have at least one duplex installed, on a dedicated circuit.
- T7. A surround sound system must be provided for the entertainment center by means of one (1) pair of 16 gauge speaker wire. It shall be installed in a location approved by the Building Official.

PLANNING

- P1. Continuous maintenance of all landscaped areas dedicated to the City shall be in the Lighting and Landscaping Assessment District. The Applicant shall initiate annexation proceedings prior to Certificate of Occupancy.
- P2. Landscaping and automatic irrigation shall be installed in all landscaped areas, per an approved landscaping and irrigation plan which shall be prepared by a registered landscape architect, licensed to work in California. Building permits will not be issued, and no landscaping is to be installed until the Community Development Director approves the subject landscaping

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plans. All landscaping shall be installed, and its installation inspected by the Building Inspector and Community Development Director, prior to the issuance of a certificate of occupancy.

P3. A minimum size of 24 inch box with a minimum 2 inch trunk diameter shall be required for each street tree, and each street tree shall be 8 to 12 feet tall with a minimum 4 foot wide head at the time of planting. All shrubs and vines shall be 5-gallon size (minimum) except as specified by the Community Development Director. All plant materials shall remain tagged with the species type until inspection of landscaping occurs. A 10-foot long root barrier shall be installed by all curb and gutter and sidewalk within 10 feet of a tree.

P4. The Applicant shall post a bond for landscaping improvements. The amount shall be established by an estimate to be prepared by the Applicant's landscape architect and reviewed by the City.

P5. No lighting shall be of the type or in location such that it will constitute a hazard to vehicular traffic, on either private or public streets. To prevent damage from automobiles, light standards shall be mounted on reinforced concrete pedestals or be otherwise protected.

P6. All garages shall be equipped with roll-up doors.

RESOURCE MANAGEMENT

R1. As part of initial project description and design all solid waste components and management plans for those materials that will enter the waste stream, as defined in chapter 8.04 of the City Municipal Code, shall be identified. The subsequent management plan which is developed shall be included as part of the specific notes both in the project description and as part of the plans for the project under the heading Resource Recovery, Recycling and Trash Management (plan). These plans and notes placement shall conform to the requirements of City Council Resolution 99-2369.

R2. Design of Waste Stream Material Storage and Handling shall conform to Section 8.04.050c of the City Municipal Code and The City of Fillmore Zoning Ordinance section 6.04.18 pages III 21, 22, 23, and 24.

R3. Prior to Plan Check Clearance conditions R1 and R2 shall be completed or, a specific Resource Recovery, Recycling and Trash Management Plan shall be approved.

R4. Prior to completion or occupancy clearance, any and all documentation required by the Resource Recovery, Recycling and Trash plan shall be filed and approved.

R5. Prior to occupancy clearance, a subsequent Resource Recovery, Recycling and Trash plan shall be submitted and approved for project operations. This plan shall conform to the requirements set forth in City Council Resolution 99-2369

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R6. All Resource Recovery, Recycling and Trash plans will include any requirements of other departments.

R7. If the use for the project includes both commercial and residential aspects, Waste Stream Material Storage must allow for separate containers for each use.

R8. And special waste streams that are identified and managed in a method different or unique must be quantified for the purposes of the Resource Recovery, Recycling and Trash Plan. This quantification should include quantity or weight, and disposition.

SPECIAL CONDITIONS

ENGINEERING AND PUBLIC WORKS

PROCESS

S1. This permit is granted subject to the recordation of a Final Tract Map. Building permits shall be issued only after recordation of said map. All conditions shall be agreed to prior to the recordation of the Final Tract Map unless otherwise specified. The Applicant shall provide a separate map showing the street address and the square footage of the individual lots certified by a land surveyor.

STREETS

S2. The interior street shall conform to Ventura County Standard Plate B-4 B with a right-of-way of 54 feet and pavement width of 34 feet from curb face to curb face. The street shall have a 5-foot parkway from face of curb to edge of sidewalk and 5-foot sidewalk. Curb and gutter shall be per SPPWC Standard Plan 120-1 Type A2-150 (6) with 1.5-foot gutters. The applicant shall be required to record a 3' Public Utility Easement per exhibit "TTR" adjacent to the public right of way. The minimum asphalt thickness shall be 2.5-inches of conventional asphalt with a 1.5-inch rubberized asphalt cap. The geometric design of the cul-de-sac shall conform to Ventura County Road Standard and shall be Type I. The street shall not have a conventional crown pavement section and shall have a 2% cross slope for the east curb to the west curb in order to collect and treat storm water.

S3. Streetlights shall be installed in accordance with a street lighting plan prepared by the Applicant and approved by the City Engineer. The Street Lighting plan shall be made a part of the Master Utility Plan. Street lights shall be Edison Nostalgic with single luminaries per the City of Fillmore Standard. Street light(s) at the intersection of Sespe Avenue and Sespe Court shall receive Edison Nostalgic with dual luminaries. The pole height shall be 17'9" with 333 color (green) and amershield protective coating. In general the lighting pattern shall be I.E.S. type III illumination pattern. Refractors shall be installed to shield housing. Lights shall be

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staggered, and at 150 foot spacing maximum and shall be placed on Sespe Avenue along the project frontage and Sespe Court.

S4. Existing overhead power lines shall be placed underground. The undergrounding shall extend along the project street frontage of Sespe Avenue as shown on the approved Tentative Map.

WATER

S5. The Applicant shall install a water line in Sespe court and shall be a minimum of 8" diameter, Class 150, C900 water main pipe. The water main shall terminate in the public right of way with an automatic blow-off device as approved by the City Engineer.

S6. The applicant shall cap the existing water main located on the subject property and shown as an abandoned 4" Cast Iron Pipe on the Tentative Map. The existing water valve in Sespe Avenue shall be removed and the cap placed at the stub off from the existing Sespe Avenue water main. This water main shall also be disconnected off the existing water main in King Street and any valve in King Street for this water main shall be removed and a cap placed near the existing King Street water main. Any existing residential water services and meters currently serviced from this water line to be abandoned that are offsite shall be removed and replaced to service from the water main in King Street. The services shall be upgraded to meet the current City standard.

SEWER

S7. The Applicant shall participate in the established City of Fillmore Interim Sewer Subscription Program (ISSP). This participation shall be consistent with the November 14, 2006 City Council Update. Any ISSP fees for participation are in addition to the usual Sewer Development Impact Fee (DIF). The applicant shall pay the cash subscription fee for all Equivalent Residential Units (ERUs) and also pay the City's Historic Invested Cost Recovery component of this fee of approximately \$1,915 per ERU due in cash within thirty (30) days of final project approval by the Planning Commission or City Council, whichever applies to each specific project. Delay in posting the guarantee(s) beyond that date will not obligate the City to provide sewer service and void the approval of this application. The final installment of this fee will be estimated within this 60 day period and reviewed at time of approval of occupancy to determine the adjusted inflationary adjustment to the payment due for the cash program.

DRAINAGE

S8. The Applicant shall install permanent storm water treatment facility as required by the Ventura County Stormwater Quality Urban Impact Mitigation Plan (SQUIMP). The facility shall be located on the subdivision frontage along Sespe Avenue. The storm water treatment facility shall be designed to collect all the cu-de-sac street drainage and nuisance flows from the

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property. The treatment facility shall be designed per the Ventura County Technical Guidance Manual. The entrance to the biofilter shall have a sand filter.

S9. The front yards and parkways will be planted with turf and irrigated by a subsurface drip irrigation system to reduce nescience flow to the street and to conserve water. If the drainage of the lots is not graded to flow to the street and the lots have drainage system in the backyards to collect drainage between lots the backyards shall also be irrigated by a subsurface drip irrigation system. All conventional irrigation systems shall be automatic with evaporation / transpiration meters and controllers with watering program for this area. Irrigation system shall be designed with head to head coverage. Irrigation system shall be tested to show water does not overspray and that design and installation is in accordance with City water conservation resolution.

PLANNING

S10. Prior to issuance of any building permits, the Applicant shall enter into an agreement with the Fillmore Redevelopment Agency to designate three (3) affordable residential units. The unit on Lot 10 shall be restricted to the sale to "Persons and Families of Low Income". The "second dwelling units" on Lot 5 & Lot 6 shall be restricted to the rental to "Persons and Families of Very Low Income" The term "Persons and Families of Low Income" means persons and families whose income does not exceed 80% of "Area Median Income". The term "Persons and Families of Very Low Income" means persons and families whose income does not exceed 50% of "Area Median Income". The term "Area Median Income" means the median family income, as adjusted for family size, for the Ventura Standard Metropolitan Statistical Area, as annually estimated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the United States Housing Act of 1937, and as permitted by the regulations of the California Department of Housing and Community Development.

"Second Dwelling Unit Development Standards"

S11.

- a. No more than one additional dwelling unit shall be permitted on any single-family parcel;
- b. An additional dwelling unit may not be permitted on a single-family parcel already having 2 or more dwelling units;
- c. An additional dwelling unit may only be allowed on a residential parcel with one existing owner occupied single-family detached dwelling unit (main unit), and the additional unit may be within, attached or detached to/from the existing main dwelling unit;
- d. The parcel upon which the additional dwelling unit is to be established shall conform to all standards of the RPD-L zoning district;

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- e. The minimum size of the parcel upon which the additional dwelling unit may be built shall be 7,500 square feet. The parcel shall have a minimum width of 50 feet, a minimum depth of 120 feet, and a minimum buildable pad size of 400 square feet exclusively for the additional unit;
- f. The additional dwelling unit may only be located within the rear third of the parcel, and shall not exceed 35 feet or 2 stories in height;
- g. The size of the additional dwelling unit shall not exceed 30% of the existing living area of the main dwelling for an attached unit or 1,200 square feet for a detached unit. The minimum size shall be 800 square feet;
- h. The additional dwelling unit shall be architecturally compatible with the main dwelling unit;
- i. The additional dwelling unit shall be provided with 2 covered off-street parking spaces, in addition to that required for the main dwelling unit, in compliance with Section 6.04.34 (Off-Street Parking Standards);
- j. The additional dwelling unit(s) shall be metered separately from the main dwelling unit for gas, electricity and water/sewer services;

S12. The applicant shall be required to provide two different locations for the laundry room, one upstairs and one downstairs.

S13. The applicant shall be required to provide enhanced sound attenuation for the laundry rooms utilizing, but not limited to, the following construction design techniques: double layer drywall, door jam seals, solid panel doors, and exterior room ventilation.

FIRE

S14. The applicant shall be required to install dual pane windows, fire rated walls and enclosed eaves on all dwelling units facing any driveway with decreased side yard setbacks.

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Staff reserves the right to revise or add to this list depending upon the information/response submitted by the applicant.

Patty Walker, Mayor

Date

Trent Lyon,
Applicant/ Property Owner

Date

END OF CONDITIONS

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