

# USERS GUIDE TO CONDITION COMPLIANCE

## INTRODUCTION

This guide will explain the steps that must be completed before you can get your construction permit and begin work, including:

- U What are “Conditions of Approval”?
- U When do I need to complete the “Conditions of Approval” for my project?
- U What information must I provide to complete the “Conditions of Approval” for my project?
- U When can I apply for a construction permit?

## WHAT ARE “CONDITIONS OF APPROVAL”?

Conditions of Approval are usually adopted at the time a project goes through a use permit or subdivision process and apply to the subsequent building or grading permits. These conditions may be such things as operational requirements, or requirements for landscaping plans, parking, or road improvements that must be completed before the project may be issued a permit or given its final inspection. Additionally, if you signed a Developer’s Statement agreeing to incorporate certain monitoring or mitigation measures into your project, those may need to be completed before your construction permit can be issued or finalized.

These requirements and mitigations are called “Conditions of Approval.” They are attached to the Resolution or the Notice of Final Action that you receive after action is taken on your land use or subdivision application.

## WHEN DO I NEED TO MEET CONDITIONS OF APPROVAL?

You should begin by carefully reading the Conditions of Approval portion of the staff report, provided prior to the approval of your project. Once approved, the Resolution or Notice of Final Action will incorporate any changes to those conditions that were made during the decision-making process.

Be sure that you completely understand each of the conditions. If you have any questions, you should contact your project planner for clarification.

Conditions typically begin with timing requirements for completion. The following describes the most commonly used timing requirements:

**A. Conditions required to be completed at the time of application for construction permits.** These are items that you will need to bring with in with your construction permit application.

**B. Conditions to be completed prior to issuance of a construction permit.** Your construction permit cannot be issued until all conditions listed with this preface are completed.

**C. Conditions to be completed during construction.** You may be issued a construction permit, but construction of your project cannot be completed until all conditions listed with this preface are completed. Typically these conditions will be checked on-site before you begin construction. You may need to make an appointment for an inspection in order to complete these conditions.

**D. Conditions to be completed prior to occupancy or final inspection or establishment of the use.** These conditions should be completed before the final inspection is conducted and must be completed before you receive final approval or before you are authorized to occupy the building. You may need to make an appointment for an inspection in order to complete these conditions.

**E. Other Prefaces.** There may be other special prefaces that specify when a condition is required to be completed. For example, there may be a condition that requires vegetation on site be fenced prior to digging the foundation footings.

**F. Operational Conditions.** Operational conditions continue to apply to the use as long as it exists, unless written specifically to expire. For example, a condition that limits the business hours of a use would be an operational condition.

#### **WHAT INFORMATION WILL I NEED TO PROVIDE?**

The information required will depend on the specific wording of the condition. Some of the most commonly required conditions include:

**A. Request for revised or additional plans.** If required as a condition of approval, plan revisions or additions should be submitted to your project planner. If the required changes need to be reviewed by someone else, the condition of approval will specify where to submit the plans (for example, county public works or county fire).

**B. Request for recorded legal documents.** Sometimes legal agreements, such as an environmental agreement, access dedication, secondary dwelling occupancy agreement, CC&R's, or avigation easement, may need to be drafted, approved and recorded. To initiate these legal documents, you must first contact the project planner who can connect you with the agreement coordinator.

The agreement coordinator can tell you what information you need to provide before the legal document is drafted. After you sign the legal document and have it notarized, it will be forwarded to County Counsel for review and approval. You may also want to have it reviewed by your personal attorney. The Board of Supervisors may need to approve the agreement as part of a scheduled meeting. This can be a lengthy process, so be sure to allow the necessary time as you plan your project.

**C. Requirements for landscaping and tree replacement.** Conditions of approval may require the replacement of trees removed, and/or the installation of landscaping prior to the final inspection of your project. However, when it is not practical to plant before the final inspection, you may be allowed to bond for the required improvements. If you are allowed to bond for landscaping, you will be required to deposit money to cover the cost of the installation into a special account and sign an agreement guaranteeing performance. The project planner or Building Inspector will verify that you have planted the required number and type of trees, completed your landscaping and irrigation, or completed the bonding process.

**D. Protection of natural resources.** Completion of this type of condition is typically required before construction begins. These conditions, which may include archeological observation after a site is cleared or fencing to protect trees during construction, are usually reviewed by the building inspector or a mitigation monitor.

**E. Other agency approval.** You may need another agency, such as the Fire Department, to approve your project before your final building inspection can be completed. You must contact each of these agencies to arrange a site visit or inspection, before a final building inspection is scheduled.

**F. On-going monitoring.** Sometimes a condition of approval will include requirements lasting beyond construction of your project. For example, if you were required to plant trees, the condition may also require that you provide periodic reports on their health. If you have questions about on-going monitoring requirements, contact the project planner.

### **WHEN CAN I APPLY FOR A CONSTRUCTION PERMIT?**

You must wait until your land use permit is approved before you can apply for your construction permit. A land use permit is not approved until the appeal period has past, or if the project is appealed, a decision has been made on the appeal.

For more detailed information about construction permits - please refer to the information bulletins "A Guide to Construction Permits" and "A Guide to Building Inspection."

The basic steps in the Construction Permit process are:

**A. Filing the application** Construction permit application packages are available at the Permit Center or on the Planning Department's web site ([www.sloplanning.org](http://www.sloplanning.org)). They include a checklist of materials necessary for submittal. Including a copy of the final conditions of approval with your construction permit application materials can speed the building review process considerably.

**B. Plan Check Review.** A Plans Examiner will review your plans to make sure they comply with the Uniform Building Codes.

**C. Review by other agencies.** As your plans are being reviewed by the Plans Examiner, they will also be reviewed by County Public Works and Planning in order to approve certain aspects of the plans. For instance, your project planner will check your plans to determine if you have completed all conditions of approval that are required "prior to issuance of building permits."

You will receive one correction letter that includes Building, Planning, and Public Works issues that must be resolved before your construction permit can be issued. Conditions that apply to a project after issuance (i.e a requirement to plant landscaping prior to final inspection) will appear on the face of the issued construction permit.

**D. Construction.** Your project will need to be inspected at certain stages in the construction process. Inspections need to be requested one day prior to when the inspection is desired for most areas. Call our automated inspection line at 788-2076 to schedule an inspection up to midnight the day before the desired inspection.

**E. Final building inspection.** When construction of your project is complete, final inspections are conducted. The project planner will check to make sure that all conditions of approval required “prior to final inspection” have been met. Please schedule an inspection with your project planner prior to requesting a final inspection with your building inspector. If any conditions have not been met, you will receive a letter explaining what must be done before your project can be given final approval.

Once all conditions of approval not requiring on-going monitoring have been met and your project has passed the final inspection, your building inspector will give your project final approval. If there are conditions that require on-going monitoring, you must continue to provide information or periodic reports as required.

This guide is designed to provide general information only. It is not a county ordinance or policy and has no legal effect. The general plan and other chapters of the San Luis Obispo County Code are the official regulations of the county.