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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday January 8, 20 08

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall, K.H. 'Katcho' Achadjian, and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2008-26

RESOLUTION AFFIRMING THE DECISION OF THE SUBDIVISION REVIEW BOARD AND CONDITIONALLY APPROVING THE APPLICATION OF MARY LINTHICUM FOR CONDITIONAL USE PERMIT SUB 2004-00402 AND FOR A TENTATIVE PARCEL MAP FOR PARCEL MAP CO 07-0134

The following resolution is now offered and read:

WHEREAS, on September 10, 2007, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board") duly considered and approved the application of Mary Linthicum, for Conditional Use Permit SUB2004-00402 and for a tentative parcel map for Parcel Map CO 07-0134 and;

WHEREAS, John Franks has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 8, 2008, and determined and decision was made on January 8, 2008; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed and that the application should be approved based upon the findings and conditions of approval set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by John Franks, is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Mary Linthicum, for Conditional Use Permit SUB 2004-00402 is hereby approved based subject to the conditions of approval set forth in Exhibit D.

6. That the appeal filed by John Franks, is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Mary Linthicum, for a tentative parcel map for Parcel Map CO 07-0134 is hereby approved based subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Achadjian, seconded by Supervisor Lenthall, and on the following roll call vote, to wit:

AYES: Supervisors Achadjian, Lenthall, Ovitt

NOES: Supervisor Gibson, Chairperson Patterson

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

JAMES R. PATTERSON
Chairman of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: SANDY CURRENS
Deputy Clerk

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: 12·18·07

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of Calfornia, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 4th day of February, 2008.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: Sandy Currens
Deputy Clerk

FINDINGS - EXHIBIT A
Parcel Map CO 07-0143 (Linthicum)

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 2, 2007 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Agricultural Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Public Services and Utilities, Recreation, Wastewater, Water and Land Use and are included as conditions of approval.

Tentative Map

B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Agriculture land use category.

C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance through a minor agricultural cluster project.

D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.

E. The site is physically suitable for the type of development proposed because the three proposed residential parcels contain adequate area for development of a single family residence and residential accessory uses (no secondary dwellings allowed).

F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a single family dwelling and residential accessory uses on each residential parcel and agricultural uses (including qualifying farm support quarters and agricultural accessory structures) on the open space parcel.

G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because mitigation measures for aesthetics, agricultural resources, air quality, biological resources, geology and soils, hazards and hazardous materials, public services and utilities, recreation, wastewater, and water are required to minimize any potentially significant environmental impact associated with the project.

H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Agricultural Cluster

J. The proposed project will result in the continuation, enhancement and long-term preservation of agricultural resources and operations consisting of the production of food and fiber on the subject site and in the surrounding area because 91 percent of the site will be preserved as open space in perpetuity.

K. The proposed project has been designed to:

(1) Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties;

(2) Minimize, to the maximum extent feasible, the need for construction of new roads by clustering new development close to existing roads;

(3) Avoid placement of roads or structures on any environmentally sensitive habitat areas;

(4) Minimize impacts of non-agricultural structures and roads on public views from public roads through mitigation measures limiting building heights, colors and providing vegetative screening;

(5) Cluster proposed residential structures, to the maximum extent feasible, so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area;

(6) Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion.

L. The proposed project will not result in any significant land use compatibility impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices, with the proposed conditions of approval for fencing and right-to-farm disclosure requirements.

M. The water resources and all necessary services are adequate to serve the proposed development, including residential uses, as well as existing and proposed agricultural operations on the subject site and in the site vicinity.

N. The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space.

Road Exceptions

O. That there are special circumstances or conditions affecting the property being subdivided because the road currently exists and is a loop road that will serve the existing agricultural and residential uses on the site with the additional two residences.

There are no current or future plans to extend this road system to service any additional lots other that those already being served on the project site and to the east of the project site via the existing access easement (Cross Creek Ranch Road).

P. That the granting of the adjustment will not be detrimental to the traffic circulation system, the public utility and storm drainage systems, or vehicular or pedestrian safety because the proposed access road already exists and will serve only an additional two residences. This small amount of increased traffic will not decrease traffic circulation or safety issues.

Q. That the granting of the adjustment will not result in any unreasonable costs in the maintenance of the improvement by the entity charged with such maintenance responsibility because the road will be maintained by the property owners until such time that the County accepts the road into the County maintained system.

R. That the granting of the adjustment will not be detrimental to, nor degrade, any portion of the improvement work involved in the subdivision because the road will exist only to serve the existing agricultural and residential uses on the project site with the addition of two residences.

EXHIBIT B

CONDITIONS OF APPROVAL FOR PARCEL MAP CO 07-0143 (LINTHICUM)

Approved Project

1. A Tentative Parcel Map (CO 07-0143)/Conditional Use Permit (SUB2004-00402) to subdivide an existing approximately 144 acre parcel into three residential parcels of 3.79, 4.37 and 5.0 acres, and one buildable open space parcel of 130.75 acres as a minor agricultural cluster.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:

    a. The proposed 40-foot access easement constructed to an A-1(j) section within a 40-foot dedicated right-of-way. The approach to Orcutt Road shall be paved per A-1 rural section standards.

3. The applicant offer for dedication to the public by certificate on the map or by separate document:

    a. For future road improvement fronting Orcutt Road, to be described as 33 feet from the existing centerline.

    b. The 40-foot road easement as shown on the tentative parcel map with a right-of-way at the intersection of Orcutt Road per CalTrans Figure 405.7.

4. A private easement be reserved on the map for access to lots 1, 2 and 3.

5. A practical plan and profile for access to lots 1, 2 and 3 be submitted to the Department of Public Works and the Department of Planning and Building for approval.

Improvement Plans

6. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
    a. Street plan and profile.
    b. Drainage ditches, culverts, and other structures (if drainage calculations require).
    c. Grading and erosion control plan for subdivision related improvement locations.
    d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

7. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

8. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

9. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase II storm water program.

Wastewater Disposal

10. **Prior to the filing of the final parcel or tract map**, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. ***(Parcels 1 and 2 only)***

Water

11. **Prior to recordation of the final map,** the proposed shared well shall be reviewed for construction, production and quality.

Utilities

12. Electric and telephone lines shall be installed underground (per SLO Planning Area standards).

13. Gas lines shall be installed.

Fire Protection

14. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CalFire)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map per letter dated August 9, 2006. The side yard setback between Lots 1 and 2 can be less than 30 feet required for parcels over one acre, but shall not be less than 15 feet from the side property line.

Parks and Recreation (Quimby) Fees

15. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

16. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

17. The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.

18. An open space easement be recorded for the open space parcel(s). It is to be held in single ownership. The open space parcel is to be maintained as such in perpetuity.

Mitigations

19. **Prior to recordation of the map,** the applicant shall provide verification that the residences on the property used for farm support purposes are occupied by a full time employee. Verification shall include a summary of the agricultural uses and production on-site and shall be consistent with the standards of the Land Use Ordinance (Title 22). The applicant shall enter into an agreement that restricts the structure(s) for farm support quarters only.

20. **Prior to recordation of the map,** the applicant shall provide verification that development associated with the proposed residences, including access roads necessary for the residential use, shall be limited to ten percent, or 14.4 acres, of the total site area. The applicant shall also provide verification that overall road development serving the residential properties is limited to the minimum allowable requirements of County Public Works and CalFire.

21. **Prior to any site disturbance**, the applicant shall have a geologic evaluation completed to determine if naturally occurring asbestos (NOA) is present within the area of

disturbance. If NOA is not present, an exemption request shall be filed with the APCD. If NOA is present, the applicant shall comply with all requirements of the Air Toxics Control Measure.

22. **Prior to any site disturbance associated with subdivision improvements or construction permits,** the applicant shall have a pre-construction survey conducted by a qualified biologist to look for the presence of Grasshopper Sparrow and American Badger. If no animals are found, construction can proceed as scheduled. If any evidence of nesting or burrowing activities are found, the biologist will determine if any demolition activities can occur during the nesting/burrowing period and to what extent. The results of the surveys will be passed immediately to the County Environmental Coordinators Office, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

23. **Prior to recordation of the final map and issuance of construction permits on all parcels**, the applicant shall submit a drainage plan per County Land Use Ordinance, Sec. 22.52.080 that will be incorporated into the development to minimize potential drainage impacts. This drainage plan will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows.

24. **Prior to recordation of the final map and issuance of construction permits on all parcels**, the applicant shall submit a sedimentation and erosion control plan per County Land Use Ordinance (Inland), Sec. 22.52.09) and incorporate the measures into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures.
    a. Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. Erosion and sedimentation control devices: In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water, and revegetation with a rapid growing native seed mix.
    c. Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
    d. Control of off-site effects: All grading activities shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

25. **Prior to any site disturbance,** any project involving over one acre of site disturbance will be required to submit a Stormwater Pollution Prevention Plan to be reviewed and approved by the Regional Water Quality Control Board.

Additional Map Sheet

26. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
    a. That secondary dwellings shall not be allowed on any lots within the land division.
    b. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits,** the applicant shall clearly delineate the approved building sites and access drives on the project plans.
    c. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
    d. **Prior to sale of each lot**, the applicant shall provide future landowners with a notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. Notification shall also include language that identifies that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include greenhouses, processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
    e. A buffer area of 200 feet on parcels 1 and 2 from the edge of existing agricultural uses on adjacent properties (both on and off the project site). No habitable structures shall be permitted in the buffer area. No habitable portion of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy. **At the time of application for construction permits,** the applicant shall clearly delineate the agricultural buffer on the project plans.
    f. A buffer area as shown on the tentative map for parcel 3. No expansion of habitable area shall occur on the parcel except to the south of the existing residence. If expansion of habitable area occurs, it shall not be any closer than 200 feet from existing agricultural uses on adjacent properties. No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.

g. **Prior to issuance of construction permits,** the applicant shall provide a fencing plan between the residential and agricultural parcel that shows wire fencing with a mesh size of three inches, that is a minimum of six feet in height to be maintained by the owner of the residential parcel. **Prior to final inspection,** the applicant shall install fencing according to the approved fencing plan.

h. All proposed building envelopes for the open space parcel. The designated building envelope for the agricultural accessory/processing uses shall be limited to two acres in size. Up to an additional three acres of aggregate area for agricultural accessory/processing structures may be allowed if structures are subterranean (i.e. caves). The designated building envelope for the existing ranch headquarters is limited to two acres in size. The applicant understands that any development proposed within the building envelope that is designated on Class II soils, as shown on the tentative map, will require Minor Use Permit approval where the applicant can demonstrate that no other suitable area is available for such uses and that the proposed uses are directly related to maintaining and enhancing on-site agricultural operations. All subsequent building permits shall show these building envelopes, as applicable.

i. The limits of inundation from a 100 year storm over the open space/agricultural parcel from the unnamed creek shall be shown on the additional map sheet and note the required building restriction on the sheet.

j. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

k. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated August 9, 2006 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.

Aesthetics

l. **Prior to issuance of construction permits on all parcels**, in order to reduce the visual impacts of the proposed project, all future residences and accessory structures will not exceed one-story and be a maximum of 17 feet in height from average natural grade. Future construction of all residences and all accessory structures, if allowed, shall occur within the designated building envelopes on each of the four resulting parcels.

m. **Prior to issuance of construction permits on all parcels**, the applicant shall provide a detailed landscape plan that provides for at least a 50% screening of structures as seen from all public roads such as Orcutt Road, Biddle Ranch Road and Highway 227 to be achieved within 5 years of landscape planting. Plant material shall be evergreen, fast-growing, drought-tolerant, and properly sized to be in scale with the proposed structure. Landscape planting shall be installed prior to final inspection or occupancy of each new residence, whichever comes first.

n. **Prior to issuance of construction permits on all parcels**, the applicant shall submit architectural elevations of all proposed structures, including fencing required in the Agricultural Resources section below, to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the darker natural colors of the surrounding

environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys, fences, etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).

o. **Prior to issuance of construction permits on all parcels**, the applicant shall show the design of future residences and accessory structures with hipped roof forms or shaped to follow the sloped hill forms with rounded profiles, as seen from key public vantages. No projecting angles or long boxed ridgelines shall be allowed.

p. **Prior to issuance of construction permits on all parcels**, the applicant shall provide a lighting plan showing shielded exterior street and structure lighting in order to screen light sources from neighboring properties, Orcutt Road and Biddle Ranch Road.

q. **Prior to issuance of construction permits on all parcels**, the applicant shall submit individual lot elevations along with a through the site cross section from the most visible points on Orcutt Road and Biddle Ranch Road that clearly illustrates the relationship between the proposed development and the backdrop landforms (not including existing residences) to determine if silhouetting will occur with the proposed development. All efforts shall be made to avoid silhouetting (e.g., redesign, locate in less visible area, etc.). If any proposed structures could silhouette, the project shall complete a pre-construction visual study including, but not necessarily limited to, a pylon or stick simulation to represent the structure height at finished floor elevation to show that silhouetting will not occur. This study and proposed building plans shall be reviewed and approved by the County prior to permit issuance. In addition, the applicant shall provide to the county for approval how the design, materials, colors, location and landscaping of future permitted buildings will result in the building(s) receding into the existing natural environment, and screened from Orcutt Road views.

r. **At the time of application for construction permits for each residential parcel**, the applicant shall clearly delineate the building envelopes and agricultural buffers on the project plans, as shown on the proposed tentative parcel map which is attached as an exhibit. All new development (e.g. residences, detached garages, guest houses, sheds, septic tanks) shall be completely located within the designated building envelopes, with the exception of retaining walls that are less than four feet in height and leach lines, which may be located outside the envelopes.

s. **At the time of application for construction permits for the open space parcel**, the applicant shall clearly delineate the building envelopes on the project plans, as shown on the proposed tentative parcel map which is attached as an exhibit. All new development (e.g. farm support quarters, detached garages, agricultural accessory structures, septic tanks) shall be completely located within the designated building envelopes, with the exception of leach lines, which may be located outside the envelopes.

t. **At the time of application for construction permits for each parcel**, the applicant shall clearly delineate the vertical height of all cut and fill slopes on the project plans and the border of cut slopes and fills rounded off to a minimum radius of five feet. No cut or fill area that will be visible from Orcutt Road or Biddle Ranch Road shall exceed six feet in vertical height above or below the existing ground surface. For any visible cuts from key viewing areas previously identified, sufficient topsoil shall be stockpiled and reapplied or re-keyed over

these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.

u. Retaining walls, sound walls, fencing and understories shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Orcutt Road and surrounding public roads. Landscaping that will either screen from in front or grow over from above the wall shall be installed **prior to final inspection or issuance of a certificate of occupancy**, whichever occurs first.

v. **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from Biddle Ranch and Orcutt Roads. Screening with topographic features or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

w. **Prior to occupancy**, fence the residential parcels to preclude trespassing on the adjoining protected agricultural land. All fences on the residential parcels will be continually maintained by the owner(s) of the residential parcels. Prior to issuance of construction permits, the applicant shall provide a fencing plan which shows materials, colors, and height above the existing natural ground surface. Colors shall be compatible with the darker natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected.

Air Quality

x. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

1. Reduce the amount of disturbed area where possible,
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
3. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
4. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.

5. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
6. All dirt stock-pile areas should be sprayed daily as needed.

y. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District. The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

z. **Prior to any site disturbance**, the applicant shall have a geologic evaluation completed to determine if naturally occurring asbestos (NOA) is present within the area of disturbance. If NOA is not present, an exemption request shall be filed with the APCD. If NOA is present, the applicant shall comply with all requirements of the Air Toxics Control Measure.

Biological Resources

aa. **Prior to any site disturbance associated with construction permits,** the applicant shall have a pre-construction survey conducted by a qualified biologist to look for the presence of Grasshopper Sparrow and American Badger. If no animals are found, construction can proceed as scheduled. If any evidence of nesting or burrowing activities are found, the biologist will determine if any demolition activities can occur during the nesting/burrowing period and to what extent. The results of the surveys will be passed immediately to the County Environmental Coordinators Office, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

bb. **Prior to issuance of construction permits,** plans shall show all new development located outside of the 50-foot creek setback.

Geology and Soils

cc. **Prior to issuance of construction permits on all parcels**, the applicant shall submit a drainage plan per County Land Use Ordinance, Sec. 22.52.080 that will be incorporated into the development to minimize potential drainage impacts. This drainage plan will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows.

dd. **Prior to issuance of construction permits on all parcels**, the applicant shall submit a sedimentation and erosion control plan per County Land Use Ordinance (Inland), Sec. 22.52.09) and incorporate the measures into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures.

1. Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
2. Erosion and sedimentation control devices: In order to prevent sedimentation discharges, erosion and sediment control devices shall be

installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water, and revegetation with a rapid growing native seed mix.

3. Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
4. Control of off-site effects: All grading activities shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

Noise

ee. **At the time of application of construction permits for parcels 1, 2 and 3**, the applicant shall demonstrate on construction drawings:

1. Structure provided with air conditioning or mechanical ventilation.
2. All exterior doors solid core with perimeter weather stripping and thresholds seals.
3. All fresh air inlets or exhaust vents located on all sides of the structure incorporate sound attenuation and noise baffling.
4. Glass in both window and doors in all rooms that face the agricultural uses located both on and off-site shall not exceed 20% of the floor area of the room.
5. Exterior walls consist of stucco or brick veneer, or wood siding with a ½ inch minimum thickness fiberboard (i.e. soundboard) underlayer.
6. Interior sheetrock of all exterior walls is attached to studs by resilient channels, or exterior walls constructed of staggered studs or double walls.

Wastewater

ff. **Prior to issuance of a building permit**, the applicant shall submit soil boring information at the proposed leach line location showing that adequate distance to bedrock exists or shall submit plans for an engineered wastewater system that shows how the basin plan criteria can be met.

Water

gg. **Prior to issuance of building permits for development on the proposed parcels,** proposed construction plans must include indoor water conservation measures including: low or dual water-use toilets, showerheads, and faucets;; and point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen.

hh. **Prior to final inspection of construction permits**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

ii. **Prior to issuance of construction permits**, the applicant shall submit landscape plans for the proposed parcels that includes the following outdoor conservation measures: limited irrigated landscape area of 1,500 square feet, low water-use plant materials, turf area limited to 20 percent of the site's total irrigated landscaped area, soil moisture sensors, and drip irrigation systems.

Covenants, Conditions and Restrictions

27. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide for the establishment of a Homeowners Association and shall also have at a minimum the following provisions:
    a. Secondary dwellings shall not be allowed.
    b. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
    c. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
    d. Notification of adjacent agricultural activities and a copy of the County of San Luis Obispo Right-to-Farm Ordinance. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. Notification shall also include language that identifies that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include greenhouses, processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
    e. A buffer area of 200 feet on parcels 1 and 2 from the edge of existing agricultural uses on adjacent properties (both on and off the project site). No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy. **At the time of application for construction permits,** the applicant shall clearly delineate the agricultural buffer on the project plans.
    f. A buffer area as shown on the tentative map for parcel 3. No expansion of habitable area shall occur on the parcel except to the south of the existing residence. If expansion of habitable area occurs, it shall not be any closer than 200 feet from existing agricultural uses on adjacent properties. No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.
    g. Maintenance of all local streets within the subdivision until acceptance by a public agency by the owners of Lots 1, 2 and 3. Maintenance to include care of the access roads, associated gates, drainage improvements, fences and other access related improvements.

h. Access easements shall be granted in favor of the farm owner and operator(s) on all site roads/driveways.
i. Road design and maintenance should ensure that drainage avoids erosion of agricultural soils and maximizes groundwater recharge.
j. The limits of inundation from a 100 year storm over the open space/agricultural parcel from the unnamed creek shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the CC&R's.
k. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

28. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

29. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Indemnification Clause

30. The applicant shall as a condition of approval of this parcel map application, defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this parcel map or the manner in which the County is interpreting or enforcing the conditions of this parcel map, or any other action by a third party relating to approval or implementation of this parcel map. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

31. **Prior to any construction within the Department of Water Resources right-of-way for easement improvements**, the applicant shall obtain an encroachment permit from the Department of Water Resources.

FINDINGS - EXHIBIT C
Conditional Use Permit SUB2004-00402 (Linthicum)

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 2, 2007 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Agricultural Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Public Services and Utilities, Recreation, Wastewater, Water and Land Use and are included as conditions of approval.

Conditional Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the Minor Agricultural Cluster which includes three residential parcels and one open space/agriculture parcel does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the Minor Agricultural Cluster which includes three residential parcels and one open space/agriculture parcel, as proposed and conditioned, is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Orcutt Road (via a private road, Cross Creek Way), an arterial road constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT D - CONDITIONS OF APPROVAL
Conditional Use Permit SUB 2004-0402 (Linthicum)

Approved Development

1. This approval authorizes

   a. A Tentative Parcel Map (CO 07-0134)/Conditional Use Permit (SUB2004-00402) to subdivide an existing approximately 144 acre parcel into three residential parcels of 3.79, 4.37 and 5.0 acres, and one buildable open space parcel of 130.75 acres as a minor agricultural cluster.

   b. A maximum building height of 17 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits,** the applicant shall clearly delineate the approved building sites and access drives on the project plans, reflecting the approved tentative map. .

3. **At the time of application for construction permits for Parcels 1 and 2,** the applicant shall clearly delineate the agricultural buffer on the project plans. A buffer area of 200 feet on parcels 1 and 2 from the edge of existing agricultural uses on adjacent properties (both on and off the project site). No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.

4. **At the time of application for construction permits for Parcel 3,** no expansion of habitable area shall occur on the parcel except to the south of the existing residence. If expansion of habitable area occurs, it shall not be any closer than 200 feet from existing agricultural uses on adjacent properties. No habitable structures shall be permitted in the buffer area. No habitable part of the structure is allowed within the buffer area. All subsequent building permits shall show these buffers, as applicable. Any habitable area occurring within the buffer area will be in violation of the buffer policy.

5. **At the time of application for construction permits for the open space parcel,** show all proposed building envelopes for the open space parcel. The designated building envelope for the agricultural accessory/processing uses shall be limited to two acres in size. Up to an additional three acres of aggregate area for agricultural accessory/ processing structures may be allowed if structures are subterranean (i.e. caves). The designated building envelope for the existing ranch headquarters is limited to two acres in size. The applicant understands that any development proposed within the building envelope that is designated on Class II soils, as shown on the tentative map, will require Minor Use Permit approval where the applicant can demonstrate that no other suitable area is available for such uses and that the proposed uses are directly related to maintaining and enhancing on-site agricultural operations. All subsequent building permits shall show these building envelopes, as applicable.

6. **At the time of application for construction permits for the open space parcel,** the applicant shall show the limits of inundation from a 100 year storm over the open space/agricultural parcel from the unnamed creek.

Aesthetics

7. **Prior to issuance of construction permits on all parcels**, in order to reduce the visual impacts of the proposed project, all future residences and accessory structures will not exceed one-story and be a maximum of 17 feet in height from average natural grade. Future construction of all residences and all accessory structures, if allowed, shall occur within the designated building envelopes on each of the four resulting parcels.

8. **Prior to issuance of construction permits on all parcels**, the applicant shall provide a detailed landscape plan that provides for at least a 50% screening of structures as seen from all public roads such as Orcutt Road, Biddle Ranch Road and Highway 227 to be achieved within 5 years of landscape planting. Plant material shall be evergreen, fast-growing, drought-tolerant, and properly sized to be in scale with the proposed structure. Landscape planting shall be installed prior to final inspection or occupancy of each new residence, whichever comes first.

9. **Prior to issuance of construction permits on all parcels**, the applicant shall submit architectural elevations of all proposed structures, including fencing required in the Agricultural Resources section below, to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the darker natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys, fences, etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).

10. **Prior to issuance of construction permits on all parcels**, the applicant shall show the design of future residences and accessory structures with hipped roof forms or shaped to follow the sloped hill forms with rounded profiles, as seen from key public vantages. No projecting angles or long boxed ridgelines shall be allowed.

11. **Prior to issuance of construction permits on all parcels**, the applicant shall provide a lighting plan showing shielded exterior street and structure lighting in order to screen light sources from neighboring properties, Orcutt Road and Biddle Ranch Road.

12. **Prior to issuance of construction permits on all parcels**, the applicant shall submit individual lot elevations along with a through the site cross section from the most visible points on Orcutt Road and Biddle Ranch Road that clearly illustrates the relationship between the proposed development and the backdrop landforms (not including existing residences) to determine if silhouetting will occur with the proposed development. All efforts shall be made to avoid silhouetting (e.g., redesign, locate in less visible area, etc.). If any proposed structures could silhouette, the project shall complete a pre-construction visual study including, but not necessarily limited to, a pylon or stick simulation to represent the structure height at finished floor elevation to show that

silhouetting will not occur. This study and proposed building plans shall be reviewed and approved by the County prior to permit issuance. In addition, the applicant shall provide to the county for approval how the design, materials, colors, location and landscaping of future permitted buildings will result in the building(s) receding into the existing natural environment, and screened from Orcutt Road views.

13. **At the time of application for construction permits for each residential parcel**, the applicant shall clearly delineate the building envelopes and agricultural buffers on the project plans, as shown on the proposed tentative parcel map which is attached as an exhibit. All new development (e.g. residences, detached garages, guest houses, sheds, septic tanks) shall be completely located within the designated building envelopes, with the exception of retaining walls that are less than four feet in height and leach lines, which may be located outside the envelopes.

14. **At the time of application for construction permits for the open space parcel**, the applicant shall clearly delineate the building envelopes on the project plans, as shown on the proposed tentative parcel map which is attached as an exhibit. All new development (e.g. farm support quarters, detached garages, agricultural accessory structures, septic tanks) shall be completely located within the designated building envelopes, with the exception of leach lines, which may be located outside the envelopes.

15. **At the time of application for construction permits for each parcel**, the applicant shall clearly delineate the vertical height of all cut and fill slopes on the project plans and the border of cut slopes and fills rounded off to a minimum radius of five feet. No cut or fill area that will be visible from Orcutt Road or Biddle Ranch Road shall exceed six feet in vertical height above or below the existing ground surface. For any visible cuts from key viewing areas previously identified, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.

16. **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from Biddle Ranch and Orcutt Roads. Screening with topographic features or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.

17. **Prior to any site disturbance**, the applicant shall have a geologic evaluation completed to determine if naturally occurring asbestos (NOA) is present within the area of disturbance. If NOA is not present, an exemption request shall be filed with the APCD. If NOA is present, the applicant shall comply with all requirements of the Air Toxics Control Measure.

Biological Resources

18. **Prior to any site disturbance associated with construction permits,** the applicant shall have a pre-construction survey conducted by a qualified biologist to look for the presence of Grasshopper Sparrow and American Badger. If no animals are found, construction can proceed as scheduled. If any evidence of nesting or burrowing activities are found, the biologist will determine if any demolition activities can occur during the nesting/burrowing period and to what extent. The results of the surveys will be passed immediately to the County Environmental Coordinators Office, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

19. **Prior to issuance of construction permits,** plans shall show all new development located outside of the 50-foot creek setback.

Geology and Soils

20. **Prior to issuance of construction permits on all parcels**, the applicant shall submit a drainage plan per County Land Use Ordinance, Sec. 22.52.080 that will be incorporated into the development to minimize potential drainage impacts. This drainage plan will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows.

21. **Prior to issuance of construction permits on all parcels**, the applicant shall submit a sedimentation and erosion control plan per County Land Use Ordinance (Inland), Sec. 22.52.09) and incorporate the measures into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures.
    a. Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
    b. Erosion and sedimentation control devices: In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water, and revegetation with a rapid growing native seed mix.
    c. Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
    d. Control of off-site effects: All grading activities shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

22. **Prior to issuance of construction permits on all parcels,** any project involving over one acre of site disturbance will be required to submit a Stormwater Pollution Prevention Plan to be reviewed and approved by the Regional Water Quality Control Board.

Noise

23. **At the time of application of construction permits for parcels 1, 2 and 3**, the applicant shall demonstrate on construction drawings:
    a. Structure provided with air conditioning or mechanical ventilation.
    b. All exterior doors solid core with perimeter weather stripping and thresholds seals.
    c. All fresh air inlets or exhaust vents located on all sides of the structure incorporate sound attenuation and noise baffling.
    d. Glass in both window and doors in all rooms that face the agricultural uses located both on and off-site shall not exceed 20% of the floor area of the room.
    e. Exterior walls consist of stucco or brick veneer, or wood siding with a ½ inch minimum thickness fiberboard (i.e. soundboard) underlayer.
    f. Interior sheetrock of all exterior walls is attached to studs by resilient channels, or exterior walls constructed of staggered studs or double walls.

Wastewater

24. **Prior to issuance of a building permit**, the applicant shall submit soil boring information at the proposed leach line location showing that adequate distance to bedrock exists or shall submit plans for an engineered wastewater system that shows how the basin plan criteria can be met.

Water

25. **Prior to issuance of building permits for development on the proposed parcels,** proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen.

26. **Prior to issuance of construction permits**, the applicant shall submit landscape plans for the proposed parcels that includes the following outdoor conservation measures: limited irrigated landscape area of 1,500 square feet, low water-use plant materials, turf area limited to 20 percent of the site's total irrigated landscaped area, soil moisture sensors, and drip irrigation systems.

Fire Safety

27. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated August 9, 2006. The side yard setback between Lots 1 and 2 can be less than 30 feet required for parcels over one acre, but shall not be less than 15 feet from the side property line.

Services

28. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposed residential development through the approved shared well agreement utilizing Well #1 as shown on the tentative parcel map.

29. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

30. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

31. The maximum allowed building height of the project is 17 feet from average natural grade.

    a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).

    b. **Prior to approval of the foundation inspection,** the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.

    c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

32. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
    a. Reduce the amount of disturbed area where possible,
    b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
    c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
f. All dirt stock-pile areas should be sprayed daily as needed.

Conditions to be completed prior to occupancy or final building inspection

33. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before ***final building inspection***. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

34. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

35. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

36. Retaining walls, sound walls, fencing and understories shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Orcutt Road and surrounding public roads. Landscaping that will either screen from in front or grow over from above the wall shall be installed **prior to final inspection or issuance of a certificate of occupancy**, whichever occurs first.

37. **Prior to occupancy**, fence the residential parcels to preclude trespassing on the adjoining protected agricultural land. All fences on the residential parcels will be continually maintained by the owner(s) of the residential parcels. Prior to issuance of construction permits, the applicant shall provide a fencing plan which shows materials, colors, and height above the existing natural ground surface. Colors shall be compatible with the darker natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected.

38. **Prior to final inspection of construction permits**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-going conditions of approval (valid for the life of the project)

39. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070(c) or the land use permit is considered vested. This land use permit is considered to be vested

once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

40. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Indemnification Clause

41. The applicant shall as a condition of approval of this conditional use permit application defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. *Each parcel shall have its own private well(s) for a domestic water supply approved by Environmental Health Services, except as set forth in 2d.*

2. Operable water facilities shall exist prior to the filing of the final subdivision map. Evidence of adequate and potable water, shall be submitted to Environmental Health Services including the following:

   A. Well Completion Report- The well log generated by the driller at the time the well is constructed.
   B. Water Quality- A complete chemical analysis, to include general mineral, general physical and inorganics, shall be submitted for evaluation for each of the wells developed. Site evaluations may trigger additional testing requirements by Environmental Health Services. (Within last 5 years)
   C. Production- On individual private wells, a minimum of a four hour pump test with draw down and recovery data by a **licensed** and **bonded** well driller or pump testing company, shall be submitted for review and approval for each well proposed for the subdivision. (Within last 5 years)
   D. Shared Well System- The applicant shall contact Environmental Health Services for assistance in properly designing a shared water well system. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department) shall be provided to this office prior to finaling the map.

3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal until community sewers may become available.

4. No sewage disposal system installations are to be placed closer that 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.

5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.

6. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.

7. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning Department for review and approval **prior to the issuance of a building permit.** Consultants shall determine geologically stable building sites and sewage disposal for

each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

8. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.

9. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

10. Any existing reservoir or drainage swale on the property shall be delineated on the map.

11. Prior to submission of the map "checkprints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

12. Required public utility easements shall be shown on the map.

13. Approved street names shall be shown on the map.

14. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of the land proposed.

15. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to recordation of the map.

16. Any private easements on the property shall be shown on the map with recording data.

17. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to recordation of the map.

18. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.

19. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.

20. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.