

EXHIBIT B

**CONDITIONS OF APPROVAL FOR
BUCKLEY PACIFIC, LLC PARCEL MAP (SUB2012-00043/CO13-0026)**

Approved Project

A Tentative Parcel Map (CO 13-0026) to subdivide an existing six acre parcel into four parcels of 1.3, 1.3, 1.6 and 1.9 acres each for the purpose of sale and/or development.

Based on the Airport Land Use standard for Safety Area S-1b, the maximum building square foot coverage for the entire 4-lot parcel map development shall be no more than 26,572 square feet. Building coverage on a single lot shall be no more than 12.5% of the gross lot square footage or area. Distribution of building lot coverage allotments to individual lot shall be established in the Parcel Map Covenants, Conditions and Restrictions (CC&Rs). The maximum building coverage square footages for each lot are as follows:

- Lot 1 (1.9 acres) – 10,345 sq.ft. of building coverage
- Lot 2 (1.6 acres) – 8,712 sq.ft. of building coverage
- Lot 3 (1.3 acres) – 7,078 sq.ft. of building coverage
- Lot 4 (1.3 acres) – 7,078 sq.ft. of building coverage

Access and Improvements

1. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construction of a new single driveway serving all four parcels. The driveway shall be constructed to accommodate the design vehicle turning movements.
 - b. Buckley Road and the site access driveway shall be designed and constructed to provide standard left-turn channelization in accordance with CalTrans California Highway Design Manual, Chapter 400, and within necessary dedicated right-of-way easements.
 - c. Street plan and profile for widening Buckley Road to complete an A-2d urban street section fronting the property. The development project shall be designed in consideration of the revised 2013 Buckley Road cross section so that future widening will be less disruptive to on site infrastructure.
2. **At the time of application for construction permits**, 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.

Offers, Easements and Restrictions

3. The applicant shall show the following restrictions by certificate on the map or by separate document:

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- a. Access denial to Buckley Road except for a single driveway approach which shall be limited to 35 feet.
 - b. For future road improvement, an offer of dedication along Buckley Road to be described as eight feet from the recorded centerline in order to incorporate improvements as contained in the City of San Luis Obispo's adopted Airport Area Specific Plan.
 - c. If drainage basins or other structural drainage improvements are required, then the improvements shall be indicated as a building restriction on the map.
4. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easements as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon

Grading

5. Grading plans shall be prepared by a Registered Civil Engineer and submitted to the Department of Public Works for review and approval. The plan is to include the following:
- a. Road plan and profile for the required onsite shared access road improvements.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Erosion and sedimentation control plan for road related improvements.
 - d. Public utility plan, showing all existing utilities and installation of all utilities on every lot.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code or current requirements adopted by the county that pertain to grading. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with County Public Improvement Standards 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. Water plan (County Health).
 - d. Sedimentation and erosion control plan for subdivision related improvement locations.
 - e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
8. 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.

9. The Registered Civil Engineer, upon completion of the improvements, shall 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

10. **At the time of application for construction permits**, The applicant shall demonstrate whether the project is subject to LUO Section 22.10.155 for Stormwater Management. Applicable projects shall submit a Stormwater Quality Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.

Fire Protection

11. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Fees

City of San Luis Obispo Traffic Impact Fees

12. Fees shall be required for City transportation Impact fees for various programs. These fees will need to be paid at time of building permit issuance but may also be paid prior to map recordation consistent with County policies.

Parks and Recreation (Quimby)

13. For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Inclusionary Housing

14. **Prior to filing the final parcel map or tract map**, the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.

Easements

15. 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.

Additional Map Sheet

16. 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:

17.

- a. If a drainage basin is required, that the owner(s) of lot(s) 1-4 are responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- b. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
- c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- 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. An agricultural buffer prohibiting residential structures, consisting of 100 feet over lots 1-4 measured from the edge of the dry farm crops on the adjacent property to the south, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production on adjustment parcels affecting this subdivision. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- e. Natural creeks and areas subject to flood inundation in a 100-year storm.
- f. Show the location of the 500-foot setback from the runway centerline on an additional map sheet. At the time of application for construction permits, plans shall show the location of the required setback line.

Aesthetics

- g. **At the time of application for construction permits**, the applicant shall provide a lighting plan for review and approval. The lighting plan shall show low intensity lighting, shielded lighting and lighting directed downward onto the project site to avoid creating a hazard for low-flying aircraft using the adjacent runway.

Air Quality

- h. **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. Reducing the amount of disturbed area when possible.
 2. Using water trucks and sprinkler systems to prevent dust from leaving the site.

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3. Dirt stockpiles sprayed daily and as needed.
4. Driveways and sidewalks paved as soon as possible.
- i. Developmental burning of vegetative material within San Luis Obispo County is prohibited. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.
- j. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans, and installed as approved by the county.
- k. No developmental burning of vegetative material is allowed.

Biological Resources

- l. The applicant shall avoid removal of vegetation or any other ground disturbance between February and September 15 to avoid impacts to native breeding and nesting birds. If construction activities during this period cannot be avoided, a county-approved biologist shall survey all breeding and nesting habitat on the site and adjacent sites for breeding and/or nesting birds no more than two weeks prior to construction or site disturbance activities. Results of the surveys shall be submitted to the Department of Fish and Game (CDFG) for concurrence with the report. If nesting and/or breeding birds are found, appropriate mitigation measures shall be developed in consultation with the CDFG and the applicant shall adhere to these measures during all construction activities on the site.
- m. The applicant shall show the location of the blue-line creek shown on the tentative map on an additional map sheet along with the 50-foot setback. No site disturbance shall occur within the 50-foot setback from the creek.
- n. **At the time of application for construction permits on all parcels**, the applicant shall show the 50-foot setback on construction plans.
- o. **Prior to any site disturbance**, the applicant shall provide a minimum 20-foot exclusion zone along the tributary. This area will be marked by orange construction fencing which shall be installed prior to any site disturbance and remain in place throughout the grading and construction phases.
- p. Should development occur on the southern portion of the site and crossing the wetland be necessary, the applicant shall retain a County-approved biologist to delineate the wetland and riparian habitat to demark areas suitable for construction. The delineation shall be conducted according to the Army Corps of Engineers Wetland Delineation methodology. The delineation shall be submitted to the County Environmental Coordinator's Office and the Ventura office of the Army Corps of Engineers who shall determine if a nationwide or individual Section 404 permit is required. The requirement for a Section 404 permit also necessitates a Water Quality Certification (Section 401) permit from the Regional Water Quality Control Board. If permits are required, the applicant shall obtain all required permits prior to the start of any grading or construction activities or installation of any improvements.

- q. Should development occur on the southern portion of the site and crossing the wetland be necessary, the applicant shall provide evidence of the following:
 - 1. A copy of any permits required by the CDFW, USACE and RWQCB, OR
 - 2. Documentation from these regulatory agencies that they have determined that a permit is not required.The applicant shall adhere to all conditions included within these permits, approvals, and authorizations.

Geology and Soils

- r. **At the time of application for grading and/or construction permits**, driveways that are less than 12% slope do not necessarily need to be constructed using permeable paving materials and be designed to drain to vegetated depressions, rain gardens, or open areas to allow for stormwater infiltration, but will be required to comply with Section 22.52.160 of the Land Use Ordinance. Future development on all four parcels may be required to comply with new stormwater standards going into effect March 6, 2014.
- s. **At the time of application for grading and/or construction permits**, roof runoff should be directed to landscape areas (rain gardens) and/or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants.
- t. **At the time of application for grading and/or construction permits**, vegetated drainage swales shall be constructed along the access driveway and discharge to an approved location in a non-erosive manner.
- u. **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.

Hazards and Hazardous Materials

- v. The applicant shall show the location of the 500-foot setback from the runway centerline on an additional map sheet. At the time of application for construction permits, plans shall show the location of the required setback line.
- w. **Prior to issuance of construction permits**, the applicant shall show compliance with the Airport Land Use Commission recommendations pertaining to allowable land uses and maximum building coverage.
- x. **Prior to issuance of construction permits**, the applicant shall verify compliance with FAA standards by completing FAA Form 7460-1. Evidence of FAA review shall be provided prior to issuance of the permit.

Water

- y. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan per County Land Use Ordinance, Sec. 22.52.110 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.
- z. **Prior to issuance of construction permits**, the applicant shall submit a sedimentation and erosion control plan per County Land Use Ordinance (Inland), Sec. 22.52.120) 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.

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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.

Covenants, Conditions and Restrictions

18. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval and recordation along with the map. The CC&R's shall provide for at a minimum the following provisions:
 - a. Established building lot coverage allotments for each lot; distributed from the subdivision total of building coverage maximum of 26,572 square feet as approved by the Airport Land Use Commission. The maximum building coverage square footages for each lot are as follows:
 - Lot 1 (1.9 acres) – 10,345 sq.ft. of building coverage
 - Lot 2 (1.6 acres) – 8,712 sq.ft. of building coverage
 - Lot 3 (1.3 acres) – 7,078 sq.ft. of building coverage
 - Lot 4 (1.3 acres) – 7,078 sq.ft of building coverage
 - b. Any additional provisions to be determined with review of land division application by County staff and Subdivision Review Board, as applicable.
 - c. If a drainage basin is required, on-going maintenance of drainage basin/ adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - d. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - e. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - f. An agricultural buffer prohibiting residential structures, consisting of 100 feet over lots 1-4 measured from the edge of the dry farm crops on the parcel to the south shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production on adjustment parcels affecting this subdivision. Such a determination shall be made in consultation with the Agricultural department. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - g. 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

19. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
20. 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.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may **not** occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from the County Health Department.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an **approved** cross-connection control device installed at the meter or property line service connection **prior to occupancy**. (Chapter 8.30, San Luis Obispo County Code).
6. 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 public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek bank, drainage swale or area subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal system shall be designed, where feasible, for ease in ultimate sewerage.
9. 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 a leach field, two hundred and fifty (250) feet from seepage pits or dry wells.

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10. 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.
11. 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 and Environmental Health Services 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 on-site subsurface sewage disposal.
12. An encroachment permit shall be obtained from County Public Works for any work to be performed within the county right-of-way.
13. An encroachment permit shall be obtained from the California Department of Transportation for any work to be performed on the state highway.
14. Any existing reservoir or drainage swale on the property shall be delineated on the map.
15. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
16. Required public utility easements shall be shown on the map.
17. Approved street names shall be shown on the map.
18. 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 land proposed.
19. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
20. Any private easements on the property shall be shown on the map with recording data.
21. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
22. 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.
23. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
24. 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.