



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

May 14, 2012

SLO Land Conservancy
Attn: Bill Hill
547 Marsh Street
San Luis Obispo, CA 93401

NOTICE OF FINAL COUNTY ACTION

SUBJECT: THE LAND CONSERVANCY OF SAN LUIS OBISPO (OCTAGON BARN)
County File Number: DRC2010-00053

At the meeting of May 10, 2012, the County Planning Commission approved your application and adopted an official resolution. A copy of this resolution is enclosed for your records. The approved Findings, shown in Exhibit A, and the Conditions, shown in Exhibit B, are attached to the resolution. The conditions of approval must be carried out as set forth therein.

If you disagree with this action, pursuant to County Land Use Ordinance Section 22.70.050, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing on the proper department appeal form, to the Department of Planning and Building. The appeal fee is \$850.00 and must accompany your appeal form. We will only accept the original appeal form with an original signature; a FAX will not be accepted.

If you have any questions regarding this matter, please contact me at (805) 781-5612.

Sincerely,


RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, May 10, 2012

PRESENT: Commissioners Carlyn Christianson, Jim Irving, Tim Murphy, Ken Topping, and Chairman Dan O'Grady

ABSENT: None

PLANNING COMMISSION RESOLUTION NO. 2012-008
RESOLUTION RELATIVE TO THE GRANTING
OF A
CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 10th day of May, 2012, grant a Conditional Use Permit, SUB2010-00053 to THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY, IN PARTNERSHIP WITH COUNTY GENERAL SERVICES, and approve the Negative Declaration. The site is in the Agriculture, Commercial Services land use category and is located off of South Higuera Street, adjacent to the City of San Luis Obispo, in the San Luis Obispo Planning area. APN(s): 076-071-016 and 076-081-018.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 10th day of May, 2012, does hereby grant the aforesaid Permit No. SUB2010-00053.

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/Coastal Zone Ordinance Section 22.64.070/23.02.050 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/Coastal Zone Ordinance Section 22.64.080/23.02.042.

If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

On motion of Commissioner Christianson, seconded by Commissioner Irving, and on the following roll call vote, to-wit:

AYES: Commissioners Christianson, Irving, Topping, Murphy, and Chairman O'Grady

NOES: None

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Dan O'Grady
Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

FINDINGS - EXHIBIT A

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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 5, 2012 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and transportation/circulation, 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 agricultural museum 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 agricultural museum 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 South Higuera Street, a collector road conditioned to be constructed to a level able to handle any additional traffic associated with the project.

Libraries and Museums

- G. The use as an agricultural museum with events and classroom space will not adversely affect or conflict with surrounding agricultural lands and uses and will not adversely affect water supplies for existing or expanded agricultural uses because
- a. The Octagon Barn site includes an educational component focusing on agricultural issues and the agricultural history of the area, and
 - b. The project includes fencing, berming, and landscaping on the east and southern boundaries to provide protection for existing agricultural uses; and

- c. The project proposes to use an existing offsite well outside of any identified groundwater basin and the project as designed will have limited water consumption.
- H. The project will be designed and developed in a manner that protects environmentally sensitive resources because appropriate mitigation measures have been incorporated into the project to reduce impacts below a level of significance, including restoration of isolated riparian wetland that may be impacted by street improvements.
- I. An exception to the requirement for a 50-foot setback from all property lines for a museum may be granted because the proposed use will be located within existing historical structures, and sufficient distance separates the proposed use from surrounding uses, as the nearest residence is approximately 180 feet from the use. Further, the proposed use as an agricultural museum and historic site with events is consistent, and will not conflict, with the existing agricultural operations in the immediate vicinity.

Temporary Events

- J. An exception to the requirement for two unobstructed access points from the site to a publicly maintained road for temporary events may be granted because:
 - a. The site is located on South Higuera Street, a high-speed collector, and points of access to this project should be limited to provide maximum safety for vehicles; and
 - b. The site, including the Octagon Barn and Milking Parlor, are located within close proximity to South Higuera Street and would provide access for emergency vehicles; and
 - c. The applicant has included a future second ingress/egress to Buckley Road when it is extended to connect with South Higuera Street.

Undergrounding

- K. An exception can be made to the requirement that all projects requiring Conditional Use Permit approval shall provide for utilities being placed underground because the proposed development will be in an historic rural location that has included overhead utilities for almost 100 years; and overriding operational, economic or site conditions of the project warrant waiver of this requirement as the potential cost is a significant burden to the non-profit organization.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:

- a. A Conditional Use Permit for the conversion of the Octagon Barn site to an agricultural museum with events and meeting space. This approval includes the following components:

Phase 1

- 1) Establishment of the Octagon Barn site as an agricultural and historical museum.
- 2) A 5,000 square foot events center within the restored Octagon Barn. Temporary events shall be limited to 100 events of no more than 200 people per event.
- 3) New parking area for 112 parking spaces, including 6 accessible spaces, with permeable (gravel or decomposed granite) surface.
- 4) Water tanks.
- 5) Street improvements to South Higuera Street.

Phase 2

- 6) An indoor agricultural museum, classroom space, and community room within the 1,800 square-foot Milking Parlor, including repairs and energy efficient upgrades such as insulation and windows. Milking Parlor activities will include up to 200 activities of no more than 100 people per activity. Activities include docent tours, community group meetings, corporate retreats, and similar activities.
 - 7) An existing windmill is proposed to be relocated to the site adjacent to the wetland.
 - 8) New 1,000 square foot General Purpose Building for storage, covered shelter area, and four bathroom stalls.
 - 9) New outdoor multi-use space for staging area, children's activities, overflow parking, exercise/recreation area, farm produce sales, community and interpretive gardens, corral for milking demonstrations, tent area for bicycle-related events.
- b. Temporary events with a maximum of 200 people in the Octagon Barn and temporary events with a maximum of 100 people in the Milking Parlor shall not occur at the same time.
- c. This Conditional Use Permit is a phased project and must be vested within twelve (12) years from the date of approval as further defined in Condition 51. Time extensions past 12 years shall not be granted.

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

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details of proposed fencing. The details shall include the height, location, and materials of all fencing for approval by the Department of Planning and Building.

Fire Safety

4. **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 Cal Fire/County Fire Department for this proposed project and dated April 15, 2011.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **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.

Offsite Road Improvements

7. **At the time of application for construction permits**, public 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 for approval and issuance of an encroachment permit. The plan is to include:
 - a. Street plan and profile for widening of South Higuera Street in accordance with the Highway Design Manual to complete a southbound center left turn lane into the project site. The driveway approach along South Higuera Street shall be constructed in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Grading and erosion control plan for development related improvement locations.
 - d. Tree removal/retention plan, if required, for trees associated with the road improvement work. This plan shall be approved jointly with the Department of Planning and Building.
8. **At the time of application for construction permits**, the applicant shall enter into an agreement with the County Public Works Department for the cost of checking the improvement plans and the cost of inspection of any such

improvements by the county or its designated representative. The applicant shall also provide the Public Works Department 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.

Onsite Grading and Building Permits

9. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval. Any project related drainage shall be designed and constructed in accordance with the recommendations of the San Luis Creek Watershed Drainage Design Manual.

10. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval in accordance with 22.52.090. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge

Aesthetics

11. VS-3 **At the time of application for construction permit**, 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 South Higuera Street and Highway 101. Screening with topographic features, existing vegetation 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. Prior to final inspection or occupancy, whichever occurs first, the applicant shall provide verification to the satisfaction of the County that these measures have been met.

12. VS-4 **At the time of application for construction permits**, the applicant shall submit an Exterior Lighting Plan for both permanent and temporary facilities, for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties and public streets or highways. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a residence, shall be pointed away from the residence. These measures shall be

shown on applicable plans prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection.

Agriculture

13. AG-1 The applicant shall disclose to all users of the site for private functions the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the County's Right to Farm ordinance.
14. AG-2 **At the time of application for construction permits**, the applicant shall provide a fencing plan. The plan shall provide a fence along its eastern and southern boundaries to discourage trespass onto adjoining agricultural lands.

Geology and Soils

15. GS-1 **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval in accordance with 22.52.110. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance 3143. During construction, erosion control measures shall be implemented. Silt fencing, fiber rolls, or other appropriate barriers shall be installed between the project site and areas of adjacent wetlands that are to be avoided, particularly for road widening work along the edges of South Higuera Street in the vicinity of the isolated riparian wetland along the east side of the road. To avoid entrapment of small animals, no synthetic plastic mesh products shall be used in any erosion control materials. Silt fencing shall be checked and maintained on a daily basis throughout the construction period by the applicant's contractor. Installation of erosion controls shall be monitored by a qualified biological monitor.

Conditions to be completed prior to issuance of a construction permit

Fees

16. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
17. **Prior to issuance of a construction permit**, the applicant shall pay all applicable City of San Luis Obispo road impact fees.

Offsite Road Improvements

18. **Prior to issuance of encroachment permits**, if environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall submit a copy of all such permits to the Department of Public Works or document that the regulatory agencies have determined that said permit is not required.

Air Quality

19. AQ-1 Prior to issuance of grading and/or construction permits, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays 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 site disturbance.
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. 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 of load and top of trailer) in accordance with CVC Section 23114.

Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

20. AQ-2 "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact

Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>. Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

21. AQ-3 As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. 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. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

Biological Resources

22. BR-1 **Prior to issuance of construction permits**, the applicant shall provide a plan identifying all southern California black walnut trees to be removed or impacted by development. The applicant and applicant's contractors shall avoid impacts to southern California black walnut trees to the extent practicable during the proposed widening of South Higuera Street. Prior to final inspection of construction permits, the applicant shall replace, in kind at a 4:1 ratio all black walnut trees removed and at a 2:1 ratio all black walnut trees impacted as a result of the development of the project. If more than 25 percent of a walnut tree must be trimmed, it shall be mitigated at a 4:1 restoration ratio. Success criteria goals for revegetation of walnut trees shall be described in a Revegetation/Restoration Plan per BR-14
23. BR-7 **Prior to issuance of construction permits**, the applicant shall obtain a letter of permission from CDFG to capture and relocate western pond turtle, two-striped garter snake, and other California Species of Special Concern from work areas during construction within the project boundaries as necessary. In addition to the pre-construction California red-legged frog survey, qualified biologists shall conduct a pre-construction survey for western pond turtle and two-striped garter snake for construction activities scheduled to occur in or near the isolated riparian wetland. The qualified biologists shall capture and relocate any western pond turtles, two-striped garter snakes, or other sensitive aquatic species to suitable habitat outside of the area of impact. Observations of California Species of Special Concern or other special-status species shall be documented on CNDDDB forms and submitted to CDFG upon project completion.
24. BR-8 **Prior to issuance of construction permits**, the applicant shall schedule vegetation removal to occur between September 1 and February 14 (outside of the nesting season) to avoid potential impacts to nesting birds and to prevent birds from nesting within areas of proposed disturbance during or just prior to construction.

25. **BR-10 Prior to issuance of construction permits**, the applicant shall coordinate with CDFG to obtain a Section 1602 Streambed Alteration Agreement, and coordinate with SWRCB/RWQCB regarding the potential need for a Section 13263(a) General WDR for project-related impacts that will occur in the isolated riparian wetland. All additional regulatory agency-required measures included shall be implemented by the applicant.
26. **BR-11 Prior to issuance of construction permits**, the applicant shall retain a qualified biological monitor to ensure compliance with mitigation measures within the project environmental documents. At a minimum, the monitoring shall occur during site fencing, erosion control installation, and construction activities (i.e., South Higuera Street widening and basin construction) in the isolated riparian wetland.
27. **BR-12 Prior to issuance of construction permits**, the project shall be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access and disturbance. Areas within the designated project site that do not require regular access shall be clearly flagged as off-limit areas to avoid/discourage unnecessary damage to sensitive habitats or existing vegetation within the project site. Flagging/fencing of the project site shall be monitored by a qualified biological monitor.
28. **BR-13 Construction activities in the isolated riparian wetland shall occur during dry conditions (typically between June 15 and October 31), or as otherwise directed by the regulatory agencies, when surface water is likely to be dry or at seasonal minimum. Deviations from this work window shall only be made with permission from the relevant regulatory agencies. Any ground disturbing or vegetation removal activities within 60 feet of the isolated riparian wetland shall be monitored by a qualified biological monitor.**
29. **BR-14 Prior to issuance of construction permits, a Revegetation/Restoration Plan shall be prepared by a qualified biologist familiar with riparian vegetation, showing locations, amounts, size and types of plants to be replanted as well as any other necessary components to ensure successful reestablishment. Up to 0.04 acres of riparian vegetation is proposed for removal/disturbance. All efforts shall be made during final project design to reduce this amount of removal/disturbance. Any riparian vegetation removed/disturbed shall be restored on a minimum 2:1 basis (4:1 for removal of southern California black walnut)). Replacement vegetation shall be native riparian plants. The Revegetation/Restoration Plan shall be prepared according to County guidelines (San Luis Obispo County 2006). Enhancement of unimpacted areas of isolated riparian wetland to compensate for the potential permanent loss of 0.04 acres of willow riparian habitat may include additional plantings of willow, walnut, or other native trees and/or planting of additional emergent vegetation within the wetland. Detailed methods for enhancement shall be incorporated into the Revegetation/Restoration Plan, including success criteria goals for restoration and monitoring/reporting for a minimum of three years by a qualified biologist.**

30. **BR-15 Prior to issuance of construction permits**, the applicant shall prepare a Hazardous Materials (HAZMAT) Response Plan to allow for a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. During construction, all project-related hazardous materials spills within the project site shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction.

Hazards

31. **H-1 Prior to issuance of construction permits**, 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.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

32. **Prior to occupancy or final inspection/establishment of use**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
33. **Prior to occupancy/ establishment of use 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.
34. **Prior to occupancy or final inspection/establishment of use**, South Higuera Street shall be widened in accordance with the Highway Design Manual to complete a southbound center left turn lane into the project site. The driveway approach along South Higuera Street shall be constructed in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
35. **Prior to occupancy or final inspection/establishment of use**, 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 or final inspection/establishment of use.

Aesthetics

36. **VS-1 Prior to occupancy or final inspection**, whichever occurs first, the applicant shall implement the County-approved color board, showing exterior finish materials, colors, and height above the existing natural ground surface. The colors and materials shall be consistent with the approved plans, and shall be consistent with the rural agrarian surrounding of the site.

37. VS-2 **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall implement the proposed landscaping plan, as shown on the approved plans. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed.

Transportation/Circulation

38. TR-1 **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall widen South Higuera Street to complete a south-bound center left turn lane and driveway approach into the project site.

Biological Resources

39. BR-2 **Prior to commencement of construction activities associated with new development** along the east side of South Higuera Street near the isolated riparian wetland, a qualified biologist shall survey the project area 48 hours before the onset of work activities. In the event that any life stage of the California red-legged frog is found and these individuals could be killed or injured by work activities, the qualified biologist shall notify the applicant, the contractor, and the County and work activities shall be halted until USFWS is contacted for additional guidance.
40. BR-3 **Prior to commencement of construction activities associated with new development**, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog, other special-status species with potential to be encountered, and their habitat; the specific measures that are being implemented to avoid impacts to California red-legged frog; and the boundaries within which the project may be accomplished.
41. BR-4 **Prior to the widening of South Higuera Street and the construction of the small drainage basin at the isolated riparian wetland**, the contractor shall install silt fencing between the edge of anticipated disturbance and wetlands (including the isolated riparian wetland on the east side of South Higuera Street and the drainage ditch on the west side of South Higuera Street) as a barrier to prevent amphibians and other animals from moving from the wetland into the proposed disturbance area. Installation of silt fencing shall be monitored by a qualified biological monitor.
42. BR-5 **During construction**, a qualified biologist shall be present during all disturbances within the isolated riparian wetland. In the event that any life stage of California red-legged frog is observed and these individuals could be killed or injured by work activities, the qualified biologist shall notify the applicant, the contractor, and the County and work activities shall be halted until USFWS is contacted for additional guidance.
43. BR-6 **During construction**, work shall be avoided in the isolated riparian wetland when inundated.

44. **BR-9 Prior to commencement of construction activities associated with new development**, to avoid conflicts with nesting birds, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent.
45. **BR-16 During construction**, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area at least 100 feet from wetlands, other waters, or other aquatic areas. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis by the contractor to ensure proper operation and avoid potential leaks or spills.
46. **BR-17 During construction**, the applicant shall prevent the spread or introduction of invasive exotic plant species to the maximum extent possible. When practicable, invasive exotic plants in the project site shall be removed and properly disposed.
47. **BR-18 During construction**, to avoid attracting crows, ravens, and other nuisance wildlife, trash shall be contained, removed from the work site, and disposed of regularly by the contractor. Following construction, all trash and construction debris shall be removed from work areas. All vegetation removed from the construction site shall be taken to a certified landfill to prevent the spread of invasive species. No pets shall be allowed on the construction site.

Cultural Resources

48. **CR-1 Prior to commencement of construction activities**, the applicant shall include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

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

49. **Prior to holding the first event authorized by this permit**, the applicant shall show proof of a lease agreement for activities on Caltrans property. In the event that the lease is terminated, the applicant shall provide written notice to the County and re-evaluation of this Conditional Use Permit shall be required.
50. **At such future time that Buckley Road is extended to intersect with South Higuera Street**, the applicant shall provide improvement plans to the Department of Public Works for review and approval for the secondary access driveway to Buckley Road, and shall construct the connection in accordance with County standards.
51. This land use permit is a phased project as described in condition 1. The land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed within the time period outlined in Condition 1(b). In this case, site work is defined as final inspection of rough framing for the improvements made to the Octagon Barn for ADA and fire sprinkler requirements.
52. All conditions of this approval run with the land and 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. The applicant shall also provide an annual report to the Department of Planning and Building identifying the number of annual events at the site and the number of attendees.