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EXHIBIT B - CONDITIONS OF APPROVAL DRC2012-00017 Swift

Approved Development

1. This Minor Use Permit/Coastal Development Permit authorizes:
 - a. Construction of a new 2,340 square-foot single family residence with a 280 square-foot attached garage;
 - b. Grading to widen, extend, and pave an existing 1,700 foot long driveway;
 - c. Installation of two 8,000 gallon water tanks, associated utilities, and a stormwater detention system;
 - d. Conversion of an existing single family residence to farm support quarters; and
 - e. Approximately 1.3 acre and 2,300 cubic yards of site disturbance.
2. Maximum height is 31'-6" as measured from average natural grade.

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

Site Development

3. **At the time of application for construction or grading permits**, plans submitted shall show all development consistent with the approved site plan, floor plans, architectural elevations, grading, and drainage plans.

Aesthetics

4. **VR-1: At the time of application for construction or grading permits**, the applicant shall submit architectural elevations of all proposed structures 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 natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.
5. **VR-2: At the time of application for construction or grading 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 key viewing areas. 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. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting.

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Geology and Soils

6. **GS-1: At the time of application for construction or grading permits**, all plans shall be consistent with the conclusions and recommendations of the Geotechnical Engineering, Geologic Hazards, and Percolation Test Report, 3698 Clark Valley Road Proposed Residence (Earth Systems Pacific; January 28, 2013) and Addendum No. 1 to Geotechnical Engineering, Geologic Hazards, and Percolation Test Report (Earth Systems Pacific; July 10, 2014).

Water

7. **W-1: At the time of application for construction or grading permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware.
8. **W-2: At the time of application for construction or grading permits**, the applicant shall show on the construction plans, project designs that will promote groundwater recharge by application of Low Impact Development (LID) design techniques. For example, roof runoff should be directed to drainage swales and not to impervious surfaces, rain barrels, stormwater ponds, bio-retention systems, or other methods as approved by the Public Works Department. At least two designer selected LID measures shall be applied to the project.

Drainage Plan

9. **At the time of application for construction or grading permits**, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) to address polluted runoff, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from roofs and drives to vegetative strips before it leaves the site.

Conditions required to be completed prior to issuance of construction or grading permits

Cultural Resources

10. **CR-1: Prior to issuance of construction or grading permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved Plan. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;

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- f. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered “significant” archaeological resources?);
- g. Description of procedures for halting work on the site and notification procedures; and
- h. Description of monitoring reporting procedures.

Farm Support Housing

- 11. **Prior to issuance of construction or grading permits**, the applicant shall execute and record an agreement in a form acceptable to County Counsel limiting occupancy of this existing residence to farm workers.

Sedimentation and Erosion Control Plan

- 12. **Prior to issuance of construction or grading permits**, a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section. 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated 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, final erosion control measures, and control of off-site effects.

Services

- 13. **Prior to issuance of construction or grading permits**, the applicant shall submit a sewage disposal maintenance plan for County Environmental Health Department review and approval.

Fees

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

Conditions required to be completed prior to start of construction

Biological Resources

- 15. **BR-1:** Vegetation removal and initial site disturbance for any project elements should be conducted between September 1st and January 31st outside of nesting season for birds. If vegetation removal is to be conducted between February 1st and August 31st, then preconstruction nesting bird surveys shall be conducted **prior to any site disturbance or vegetation removal** to determine any active nests that would be adversely impacted by construction. If active bird nests are found, the nests shall be avoided with the establishment of a non-disturbance buffer zone around the nest determined by a qualified biologist. The buffer zone will be maintained until the adults and their young are no longer dependent on their nest for survival. Protection of these active nests and avoiding nest disturbance would reduce potential impacts on nesting birds to less than significant.
- 16. **BR-2:** To avoid and reduce impacts to Monterey big-eared woodrats, a qualified biologist shall conduct a preconstruction survey 3 days **prior to any site disturbance or vegetation removal** for the presence of woodrat middens. All middens shall be flagged and avoided directly where feasible. Any active middens found in areas that will not be disturbed by vegetation removal or grading shall be protected with a 25 foot buffer. Middens that cannot be avoided will be deconstructed manually allowing woodrats to escape from harm and reestablish territories. If feasible, deconstruction of woodrat middens should be done in non-breeding seasons from August 1st to February 28th. If

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avoiding breeding season is not feasible, then should a litter of young be found or suspected during midden deconstruction, the midden material shall be replaced and the midden be left alone for a two to three week period depending on stage of the young discovered before rechecking the nest to verify that the young are capable of independent survival before proceeding with midden dismantling.

17. **BR-3: Prior to ground disturbing activities**, a qualified biologist shall conduct a preconstruction survey within 30 days of initial ground disturbance to identify if any non-listed, special status or common upland wildlife species are using any portion of the project areas where ground disturbance or construction is proposed. The survey shall cover the boundaries of the proposed disturbance and 100 feet beyond. If ground dwelling wildlife species are detected, a biological monitor shall be present during initial ground disturbing and/or vegetation removal activities to attempt to salvage and relocate the wildlife that may be present, such as common reptiles and small mammals. The relocation and salvation of these species would reduce the level of this impact to less than significant.
18. **BR-4:** The applicant shall limit tree removal to no more than 5 oak trees having a six inch diameter or larger at 4.5 feet from the ground. **At the time of application for construction permits**, construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. Oak tree pruning shall be limited to that necessary for the driveway improvements. CalFire required turnouts shall be located to avoid and minimize pruning and/or removal of oak trees.
19. **BR-5: Prior to any site disturbance**, the applicant shall fence the proposed area of disturbance and clearly tag which trees are to be removed or impacted. The trees tagged in the field shall be consistent with the trees delineated on the construction plans. Tree removal, grading, utility trenching, compaction of soil, or placement of fill shall not occur beyond the fenced disturbance area. The fencing shall remain installed until final inspection.
20. **BR-7:** The newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
21. **BR-8:** To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant and successors-in-interest agree to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator.

Conditions to be completed during project construction

Air Quality

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22. **Prior to and during project construction**, the applicant shall ensure that all construction equipment is in proper operating condition and is in compliance with air pollution control regulation. Dust generated by the development activities shall be kept to a minimum by following the measures listed below:
- a. **During project construction**, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease;
 - b. **During project construction**, dirt stock-piled areas should be sprayed daily as needed;
 - c. **During project construction**, water trucks or sprinkler systems should be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the early morning and after work is completed for the day and whenever wind exceeds 15 miles per hour;
 - d. **During project construction**, the amount of disturbed area should be minimized, and onsite vehicle speeds should be reduced to 15 mph or less;
 - e. **During project construction**, exposed ground areas that are planned to be reworked at dates more than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - f. **During project construction**, grading and scraping operations should be suspended when wind speeds exceed 30 mph to reduce PM₁₀ emissions;
 - g. **During project construction**, all roadways and driveways associated with construction activities should be paved 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. **Prior to completion of project construction**, the entire area of disturbed soil should be treated immediately by watering or revegetating or spreading soil binders to prevent wind pickup of the soil until the area is paved or otherwise developed so that dust generation will not occur.

Building Height

23. The maximum height of the project is 31'-6" (as measured from average natural grade).
- a. **Prior to any construction**, a licensed surveyor or registered civil engineer shall first file with the Building Official certification of compliance with the flood hazard elevation requirements, and shall then stake the lot corners, building corners, and establish average finished grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector 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.

Cultural Resources

24. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist to monitor all earth disturbing activities, per the approved

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monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

25. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law; and
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

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

Biological Resources

26. **BR-6: Prior to final inspection**, the 5 oak trees removed as a result of the grading for the residence shall be replaced at a 4:1 ratio. An additional 12 impacted oak trees shall be replaced at a ratio of 2:1. A total of 44 oak trees shall be planted on-site.

Cultural Resources

27. **Upon completion of all monitoring activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring activities.

Geology and Soils

28. **Prior to occupancy of final inspection**, whichever occurs first, the registered civil engineer shall verify that the recommendations of the approved Drainage Plan and the Sedimentation and Erosion Control Plan have been implemented. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Public Works Department, the applicant shall execute a plan check and inspection agreement with the county, so that the drainage, sedimentation and erosion control facilities can be inspected and approved before final occupancy or final inspection, whichever occurs first.
29. **Prior to occupancy or final inspection**, whichever occurs first, the soils engineer and certified engineering geologist of record, shall verify, as applicable, that construction is in compliance with the intent of the plan review, geologic reports and information, and the soils engineering reports (including the following: *Geotechnical Engineering, Geologic Hazards, and Percolation Test Report, 3698 Clark Valley Road – Proposed Residence, Los Osos, California (Earth Systems Pacific; January 28, 2013) and Addendum No. 1 (Earth Systems Pacific; July 10, 2014)*). The soils engineer and certified engineering geologist of record shall provide written verification that the recommendations of the preceding geologic reports and information have been incorporated into the final design and construction, and such verification shall be submitted to the Department of Planning and Building for review and approval.

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Landscape Plan

30. **Prior to final inspection**, the applicant shall install all elements of the approved landscape plan including planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest; non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site; a cistern for irrigation water; utilize efficient irrigation systems which minimize surface runoff and evaporation and maximize the water which will reach plant roots; CCSD water shall not be used for irrigation of landscape. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

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

Development Review Final Inspection

32. **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.

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

33. 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 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 Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
34. 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 23.10.160 of the Land Use Ordinance.