

ATTACHMENT 1

CONDITIONS OF APPROVAL – EXHIBIT B SUB2011-00011/CO 11-0098 (CHRISTENSEN)

Approved Project

1. Vesting Tentative Parcel Map (CO 11-0098) to subdivide an existing 156.1 acre parcel into four parcels of 38 acres, 38.1 acres, 40 acres, and 40 acres for the purpose of sale and/or development.
2. All future non-crop production development (e.g. single family dwelling, detached garages, farm support quarters, agricultural accessory structures, agricultural processing, roadside stands, and nursery specialties) shall be limited to the proposed 1.2 acre residential development envelope on Parcels 1, 3, and 4, and the 2.5 acre residential development envelope on Parcel 2. Each parcel shall be limited to one primary dwelling.
3. Additional, agriculture/agricultural accessory development envelopes are allowable on Parcels 1 and 3, only. Those agriculture/agricultural accessory development envelopes shall be limited in size to 0.81 acres on Parcel 1 and 1 acre on Parcel 3.

Access and Improvements

4. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. The proposed private access road serving Parcels 1, 3, and 4, as shown on the tentative map, shall be realigned to intersect Orcutt Road at Cross Creek Way and be designed and constructed in accordance with California Highway Design Manual Figure 405.7 and County sight distance standards.
 - b. All existing driveways fronting proposed Parcel 2 shall be combined to a single shared access driveway and constructed in accordance with County standard B-1e (high speed driveway approach) and sight distance standards. All remaining driveways shall be demolished, scarified, re-vegetated and the Orcutt Road shoulder restored in accordance with county standards.
 - c. A private access road serving Parcels 1, 3 and 4 shall be constructed to Cal Fire Standards within a minimum 30-foot private access and utility easement with additional width as necessary to contain all elements of the roadway prism. The access road shall terminate in a Cal Fire standard cul-de-sac or other Cal Fire approved terminus.

To ensure agricultural operations do not encroach into the Orcutt Road right-of-way a fence or other County approved barrier shall be installed 30-feet from the described centerline of Orcutt Road fronting proposed Parcels 2 and 4 except at the two County approved access road locations.

Offers, Easements and Restrictions

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5. The applicant offer for dedication the following right-of-way easements by certificate on the map or by separate document:
 - a. For future road improvements 10-feet along Orcutt Road to be described as 30-foot from the recorded centerline along the entire project frontage.
 - b. For future public utility realignment a 5-foot Public Utility Easement (PUE) fronting proposed Parcels 2 and 4.
 - c. Except for locations approved by the Department of Public Works, access shall be denied to proposed Parcels 2 and 4 from Orcutt Road and this shall be by certificate and designation on the map.
6. The applicant shall reserve the following easements by certificate on the map or by separate document:
 - a. A minimum 30-foot wide shared private access and utility easement for Parcels 1, 3 and 4 with additional width as required including all elements of the roadway prism and the cul-de-sac or other Cal Fire approved road terminus.

Private Grading Plans

7. Grading plans shall be prepared by a Registered Civil Engineer and submitted to the Department of Planning and Building for approval. The plan is to include, as applicable:
 - 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.

Public Improvement Plans

8. 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. Road plan and profile for the required intersection and driveway improvements to Orcutt Road.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Environmental Health).
 - d. Sewer plan (County Environmental Health).
 - e. Sedimentation and erosion control plan for encroachment related improvements.
 - f. Public utility plan, showing all existing utilities and installation of new utilities to serve each lot.

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9. **Prior to the filing of the final parcel map or tract map**, the applicant shall enter into an agreement and post a deposit 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.
10. 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.
11. **Prior to the final inspection of the improvements**, the applicant shall submit to the Department of Public Works for review a final soils report by a Registered Civil Engineer.

Drainage

12. Storm flows associated with existing operations create flooding problems within the Orcutt Road right-of-way. **Prior to the filing of the final parcel map or tract map**, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage from the project site must be redirected or detained onsite. The plan is to be approved by the Department of Public Works, in accordance with county standards.
13. **Prior to the filing of the final parcel map or tract map**, if environmental permits from the Army Corps of Engineers or the California Department of Fish and Wildlife 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:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not required.
14. 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 and Discharge Ordinance, Title 8, Section 8.68 et. sec.

Utilities

15. Electric, telephone and cable television distribution (service) shall be provided to each new parcel by either conduit installed underground or easements providing overhead service.
16. New gas distribution mains shall be installed along the project frontage(s) and gas service laterals shall be stubbed to each new parcel if gas service is reasonably available.

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Design

17. **Prior to the filing of the final parcel map or tract map**, the applicant shall apply to the Department of Planning and Building for approval of new street names. Approved street names shall be shown on the final parcel map.

Fire Protection

18. **Prior to the filing of the final parcel map or tract map**, the applicant shall comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards.

Access Road

19. **At the time of subdivision improvement construction**, an access road must be constructed to Cal Fire/ County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.
 - a. The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 - Parcels 20 acres or larger/ 5,280 feet
 - b. The road must be 20 feet in width and an all-weather surface.
 - c. If the road exceeds 12% it must have a non-skid paved surface.
 - d. Roads may not exceed 16% without special mitigation and shall not exceed 20%.
 - e. All roads must be able to support a 20-ton fire engine.
 - f. Road must be named and addressed including existing buildings.
 - g. A turnaround must be provided if the road exceeds 150 feet.
 - h. Vertical clearance of 13'-6" is required.

Driveway

20. **At the time of development construction**, a driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings. Driveway standards required:
 - a. Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
 - b. Turnarounds must be provided if driveway exceeds 300 feet.
 - c. The driveway must be an all-weather surface.

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- d. If the driveway exceeds 12% it must have a non-skid paved surface.
- e. Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- f. All access driveways must be able to support a 20 ton fire engine.
- g. Vertical clearance of 13'-6" is required.

Water Supply

21. **At the time of development construction**, a water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the building.

Building Setbacks

22. **At the time of development construction**, all parcels over 1 acre in size shall require a 30 foot building setback for all structures.

Fuel Modification

23. Fuel modification is required as applicable:
- a. Vegetation must be cleared 10 feet on each side of the driveways and access road.
 - b. Maintain around all structures a 30 feet firebreak. An additional 70 feet of fuel reduction is required. This will provide a total of 100 feet of defensible space. This does not include fire resistive landscaping.
 - c. Remove any part of a tree that is within 10 feet of a chimney.
 - d. Maintain any tree adjacent to or overhanging any building free of deadwood.
 - e. Maintain the roof of any structure free of leaves, needles or other flammable material.
24. The project application as prepared appears to meet the conditions above. Any changes to the project should be resubmitted for review. Additional conditions may be added to the project in the future.

Final Inspection

25. This project shall require a final inspection by Cal Fire/ County Fire to ensure conditions are met. When the conditions have been met contact fire prevention at (805) 543-4244 ext.3428 to request a final inspection.

Fees

Inclusionary Housing

26. **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.

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Park and Recreation (Quimby)

27. **Prior to filing the final map or tract map**, Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, 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.

Public Services

28. **Prior to recordation of final map**, the applicant shall pay all applicable Public Facility (County) and School fees.

Airport Review

29. **Prior to recordation of final map**, aviation easements will be recorded for each parcel; and

Prior to recordation of final map, the applicant shall include a note on the additional map sheet, that all owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

Mitigations Measures

Agriculture

30. **AG-1 Prior to recordation of final map**, the applicant shall include a note on the additional map sheet, that all components of future (residential and agriculture/ agricultural accessory) development shall be contained within the development envelope acreage amounts identified for each parcel, as described in the project description and provided in the table below:

Parcel	Residential Development Envelope	Agriculture/ Agriculture Accessory Development Envelope
Parcel 1	1.2 acres	0.81 acres
Parcel 2	2.5 acres	0 acres
Parcel 3	1.2 acres	1 acre
Parcel 4	1.2 acres	0 acres

All future development, including leach lines, landscape, parking, etc., shall be confined to areas not to exceed the acreage amounts provided in the table below. Mitigation measures restricting allowable uses within future building envelopes; restricting additional development of water reservoirs outside the future development envelopes; precluding any future subdivision of the site; and precluding off-site transfers of water beyond the historical water transfers for the purpose of crop irrigation for adjacent agricultural properties or other properties under the same ownership, have all been

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included as Conditions of Approval to reduce the potential impacts to the sustainability of agricultural resources to a less than significant level.

The applicant may show the location of the specific future development envelopes on the Final Map or **at the time of application for construction permits**, the applicant shall demonstrate that they have complied with the above mentioned note.

31. **AG-2 Prior to recordation of final map**, the applicant shall include a note on the additional map sheet that future development envelopes shall be located close to existing roads and on the perimeter of the farm fields to minimize the conversion of agricultural lands.

The applicant may show the location of the specific future development envelopes on the Final Map or **at the time of application for construction permits**, the applicant shall demonstrate that they have complied with the above mentioned note.

32. **AG-3 Prior to recordation of final map**, the applicant shall include a note on the additional map sheet and execute and record a declaration of restrictions in a form approved by County Counsel, wherein the owners(s) agrees on their behalf and all successors in interest to the parcel that, unless a Land Use Element amendment is first approved to change the classification of the site to a land use category other than Agriculture, approval or establishment of more than one residential use (other than farm support quarters) on the parcel will not be allowed. The declaration of restrictions shall not be amended or terminated without the prior approval of the Board of Supervisors.

33. **AG-4 Prior to recordation of final map**, the applicant shall show on an additional map sheet a note recognizing that resulting parcels are in Williamson Act agricultural preserve contract and separate sale of parcels of record must be in compliance with Table 1 of the Agriculture Preserve Rules of Procedure.

34. **AG-5 Structural Uses/Accessory Uses. Prior to recordation of final map**, the applicant shall show on an additional map sheet a note that all structural uses and improvements within the development envelope(s) are limited to only those uses that have been identified as allowable or conditionally allowable within the Agricultural Land Use Category.

35. **AG-6 Prior to recordation of final map**, the applicant shall include a note on the additional map sheet that all non-structural uses allowed outside of the proposed development envelope acreages shall be limited to only those uses that support the existing irrigated row crops.

36. **AG-7 Right-to-Farm Disclosure. Prior to transfer of parcel (s)**, the applicant shall include a note on the additional map sheet and disclose to prospective buyers, of all parcels included in the proposed project, 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 currently in effect at the time said deed(s) are recorded.

Biological

37. **BIO-1 At the time of subdivision improvement construction**, the applicant shall show on an additional map sheet a note that at the time of application for construction permits that provide the following:

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If rapid demolition of any existing structure is to occur during the nesting bird season (February 15 to September 15), the applicant shall retain a qualified biologist to conduct a nesting bird survey. Rapid demolition would include the use of heavy equipment or control burning. If active bird nests are detected the following measures should be implemented:

- a. The project should be modified or delayed as necessary to avoid direct take of bird species protected under the MBTA;
- b. The County approved biologist should establish an appropriate buffer zone around active nest sites. Construction activities in the established buffer zone should be prohibited until the young have fledged the nest and achieved independence; and
- c. The County approved biologist should document all active nests and submit a letter-report to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.

Prior to recordation of final map, the above mentioned note shall be shown on and additional map sheet.

38. **BIO-2 Prior to recordation of final map**, the applicant shall show on an additional map sheet a note that at the time of application for construction permits that provide the following:

If rapid demolition of any existing structures is to occur, a qualified biologist shall survey structure(s) to determine the presence/absence of roosting bats within the existing structures. Should no roosting bats be present, exclusionary measures shall be implemented to preclude roosting prior to demolition. If active roosting is identified, the project should be delayed until the biologist can confirm that the roosting bats have evacuated the structures on their own accord.

At the time of subdivision improvement construction, the above mentioned note shall be shown on and additional map sheet.

39. **BIO-3. Prior to recordation of final map**, the applicant shall include a note on the additional map sheet the following requirements apply to any future modifications to the irrigation reservoir for future development and improvements:

- a. If future project alternatives include any improvements or alterations to the irrigation pond on proposed Parcel 4, the applicant shall retain a qualified biologist to conduct protocol level surveys for California red-legged frog. If California red-legged frog is detected in the pond, the applicant would need to consult with the USFWS under Section 10 of the FESA. Implementation of this mitigation measure is only necessary if future development of the parcel necessitates alteration to the existing irrigation pond.
- b. If future project alternatives include any improvements or alterations to the irrigation pond on proposed Parcel 4, the applicant shall retain a qualified biologist to conduct capture and relocation efforts for western pond turtle and coast range newt. Implementation of this mitigation measure is only necessary if

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future development of the parcel necessitates alteration to the existing irrigation pond.

40. **BIO-4. Prior to recordation of final parcel map**, the applicant shall include a note on the additional map sheet that future building envelopes on Parcels 1, 3, and 4 shall be located a minimum of 100 feet from the edge of the riparian areas.

The applicant may show the location of the specific future development envelopes on the Final Map or **at the time of application for construction permits**, the applicant shall demonstrate that they have complied with the above mentioned note.

Land Use

41. **LU-1 Prior to recordation of final map**, the applicant shall include a note on the additional map sheet that at the time of application of construction permit for habitable structures the following Standard Noise-Element Measures for Interior Noise on the project plans/drawings:

- All structures provide air conditioning or a mechanical ventilation system.
- All windows and sliding glass doors shall be mounted in low air filtration rate frames.
- All exterior doors are solid core with perimeter weather stripping and threshold seats.
- All fresh air inlets or exhaust vents shall incorporate sound attenuation and noise baffling.
- All Exterior walls consisting of stucco, brick/stone veneer or wood siding shall have a 1/2" minimum thickness fiberboard (i.e. soundboard) under layer.

Prior to final inspection/occupancy of individual lot construction permits, the applicant shall provide verification to the satisfaction of the County that the above measures have been adhered to.

Water/Hydrology

42. **W-1 At the time of submittal for subdivision improvements**, if site disturbance for the subdivision improvements exceeds 1 acre the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for the review and approval of the State Water Resources Control Board and County of San Luis Obispo. This Plan shall outline proposed Best Management Practices (BMPs) to control erosion and prevent sedimentation from entering the storm water and drainage systems, methods to prevent accidental spills, and a proposed clean-up plan.
43. **W-2 Prior to recordation of final map**, the applicant shall include a note on the additional map sheet that any applicable plans/drawings for future development include the following non-agricultural land use water conservation measures:
- Installation of toilets limited to 1.6 gallons/flush
 - Installation of showerheads and faucets limited to 2.75 gallons/minute

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- If applicable, installation of spas and hot tubs that utilize recirculating systems
- Installation of water supply piping
- Use of drought-tolerant landscaping
- Installation of water conserving irrigation methods (i.e. fully-automatic controller, drip irrigation, flow sensor, and soil moisture sensor) that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.

Prior to final inspection/occupancy of individual lot construction permits, the applicant shall provide verification to the satisfaction of the County that the above measures have been adhered to.

Additional Map Sheet

44. 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. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - b. Notification to prospective buyers that the private access road serving Parcels 1, 3 and 4 within the subdivision is to be privately maintained, indicating the proposed maintenance mechanism.
 - c. Notification to prospective buyers of access restriction to the Orcutt Road from Parcels 2 and 4.
 - d. Notification to prospective property owners of Parcels 1 and 2 they are to preserve and maintain the fence or other County approved barrier which prevents agricultural operations from encroaching within the Orcutt Road right-of-way.
 - e. Notification to prospective buyers that future building permits will require drainage or flood hazard review prior to issuance.
 - f. The limits of inundation from a 100 year storm over Parcels 1 and 2 from Villa Creek shall be shown on the additional map sheet and note the required building restriction on the sheet. All building permit submittals shall show compliance with County Code 22.14.060, Flood Hazard.
 - g. Each parcel shall be limited to one primary dwelling.

Miscellaneous

45. 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.

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46. 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.
47. The applicant shall apply to the Department of Planning and Building for approval of a new street name prior to the filing of the final parcel or tract map. The approved street name shall be shown on the final parcel or tract map.

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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 than 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.**

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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 "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.
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.