

**EXHIBIT B - CONDITIONS OF APPROVAL**  
**Minor Use Permit DRC2014-00133 (Land Conservancy of San Luis Obispo County)**

**Approved Development**

1. This approval authorizes
  - a. A Minor Use Permit/Coastal Development Permit to allow for the construction two parking areas, restroom and picnic facilities, an ADA accessible trail and multi-use trails to accommodate visitors to the 880 acre Pismo Preserve conservation area. The proposal includes an exception to Coastal Zone Land Use Ordinance Section 23.04.163(a) to allow parking within the 10-foot front setback. The proposed project will result in the disturbance of approximately 3.5 acres and 22,000 cubic yards of grading (7,000 cubic yards of cut / 15,000 cubic yards of fill) on the 880-acre site in the Rural Lands land use category. The project would also remove an existing dirt road (approximately 0.9 acre) and revegetate the area to grassland, resulting in a net disturbance area of approximately 2.6 acres.
  - b. maximum structural height is 12 feet from average natural grade.

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

***Site Development***

2. **At the time of application for construction permits**, submit a landscape plan, retaining wall plan and fencing plan (if applicable) to the Department of Planning and Building for review and approval. The plans shall indicate the following and development shall be consistent with approved plans:
  - a. A landscaping plan for the parking areas using native drought tolerant vegetation consistent with the surrounding hillside vegetation. The plan shall also show ground cover (e.g. bark, hydroseeding, mulch, shrubs, etc.) over all portions of identified archaeological sites within 50 feet of the construction permit area. The need for, type and placement of ground cover shall be determined in consultation with the project archaeologist and local Native American community.
  - b. Retaining walls shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Highway 101.
  - c. Any new fencing proposed shall not be solid and shall be compatible with the surrounding agricultural setting.

***Fire Safety***

3. **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 CalFire Department for this proposed project and dated July 14, 2015.

***Services***

4. **At the time of application for construction permits**, the applicant shall provide a letter from the City of Pismo Beach stating they are willing and able to service the property.

5. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that the onsite parking, circulation and pavement structural sections have been designed and shall be constructed in accordance with Cal Fire standards and specifications back to the nearest public maintained roadway.

#### ***Drainage***

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans prepared by a civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance and Section 23.05.036 of the Coastal Zone Land Use Ordinance.

#### ***Stormwater Control Plan***

8. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.

#### ***Aesthetics***

9. **At the time of application for construction and/or grading permits**, the applicant shall submit landscape/irrigation plan(s) to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The Plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance and shall provide for the planting of all disturbed areas of the Construction Permit Area (identified as those areas including construction of the parking lots and accessible trail) site, including fill slopes, with native drought-tolerant species, ground cover (e.g. bark, hyrdoseeding, dry seeding, mulch, shrubs, etc.)
10. **At the time of application for construction and/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.
11. **Work Limits. At the time of application for construction and/or grading permits for Construction Permit Area**, the grading plans shall delineate a project limit area and staging areas/access points. The boundaries of each work area shall be clearly defined and marked with visible flagging and/or fencing. No work related to the construction permit shall occur outside these limits.

**Conditions to be completed prior to issuance of a construction permit/site disturbance**

**Fees**

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
13. **Prior to issuance of construction permits**, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.
14. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

**Biological Resources**

15. **Prior to trail construction**, the alignment of the proposed trail construction shall be clearly defined in the field. The alignment shall be reviewed by a County approved biologist, or qualified Land Conservancy of San Luis Obispo (LCSLO) staff for consideration of sensitive biological resources. If biologically sensitive areas are identified along the proposed alignment, the trail construction shall include measures to avoid or minimize impacts as deemed necessary by the biologist or qualified LCSLO personnel. Examples of such measures include revised alignments, fencing, bridging, or enhanced vegetation. Temporary construction fencing and/or flagging shall be installed along sensitive plant and habitat areas to avoid inadvertent disturbance where deemed necessary by the biologist or qualified LCSLO personnel.
16. **Nesting Birds. Prior to commencement of any tree removal during construction/improvements**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to August), unless a County approved biologist, or qualified LCSLO staff 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. The results of the surveys will be passed immediately to the County Planning Department with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.
17. **Prior to singletrack trail construction**, the applicant shall retain a County approved biologist, or qualified LCSLO staff to conduct a sensitive species and habitat training for all trail construction supervisors/leaders that will be actively participating in trail construction activities in the vicinity of biologically sensitive areas. Material covered within this training should include, at a minimum, a description of those species and habitats with the potential to be adversely affected by the project, the regulatory setting of protecting such species and habitats, and a description of measures to be incorporated into the project to minimize such adverse effects.
18. **Prior to construction of the Construction Permit Area**, the applicant shall retain a County approved biologist, or qualified LCSLO staff to conduct a sensitive species and habitat training for all construction personnel that will be actively working in the vicinity of biologically sensitive areas as identified in the Biological Assessment. Material covered within this training should include, at a minimum, a description of those species and habitats with the potential to be adversely affected by the project, the regulatory setting

of protecting such species and habitats, and a description of measures to be incorporated into the project to minimize such adverse effects.

19. **Erosion and Sediment Control. Prior to issuance of construction and/or grading permits for Construction Permit Area**, the applicant shall submit to the County for review and approval of a sedimentation and erosion control plan (CZLUO Sec. 23.05.036) which identifies how disturbed soils will be stabilized to prevent wind and water erosion during construction and immediately after construction until the revegetation activities are begun. The plan shall include temporary best management practices (BMPs) to be installed during the rainy season that may include, but are not limited to, use of mulch, soil stabilizers, or other recognized surface stabilization measures [all compatible with project area sensitive species]. The plan shall include standard provisions for dust control by water truck or periodic application of soil stabilizers during construction.

### **Cultural Resources**

20. **Cultural Resources - Prepare Phase III (data recovery) Program. Prior to issuance of construction permit**, the applicant shall submit to the Environmental Coordinator for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Applied Earthworks, Inc.; August 2015). The Phase III program shall include at least the following:

- a. Standard archaeological data recovery practices;
- b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size and methodology shall be described and shall include the basis and justification for the recommended sampling regime.
- c. Identification of location of sample sites/test units;
- d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- e. Disposition of collected materials;
- f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings for the Construction Permit Area and implemented **during construction. Prior to final inspection/occupancy**, the applicant shall provide to the County a final report on the investigation work conducted during construction.

21. **Cultural Resources - Monitoring Plan. Prior to issuance of construction 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 the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring 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;
- 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.

The monitoring plan shall also 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.

### **Hazards**

22. **Prior to trail construction**, the applicant shall provide all trail construction crewmembers with a list of fire safety measures including the following information:
- a. Emergency access shall be maintained during construction.
  - b. No person shall use or operate any devices from which a spark, fire, or flame may originate, without having at least one serviceable round point shovel with an overall length of not less than 46 inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.
  - c. No person shall use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels unless the engine is equipped with a spark arrester, maintained in effective working order or the engine is constructed, equipped, and maintained for the prevention of fire.
    - 1) Spark arresters affixed to the exhaust system of engines or vehicles subject to this section shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.
    - 2) A spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.
    - 3) Engines used to provide motive power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.
    - 4) Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass

to the atmosphere, and the turbocharger is in effective mechanical condition.

- d. A Burning Permit is required for the burning of any natural vegetation. Burning of any other material is prohibited.
- e. Project supervisors and staff shall be aware of the following typical wildland fire causes:
  - 1) Discarded cigarettes.
  - 2) Faulty exhaust systems.
  - 3) Engines not having required spark arrester.
  - 4) Parking vehicles on dry vegetation.
  - 5) Sparks from welding, grinding, and cutting operations.
  - 6) Open flame devices used adjacent to combustible materials.
  - 7) Illegal burning of debris.
  - 8) Combustible debris adjacent to exhaust systems.
  - 9) Leaking fuel systems on motorized equipment.

#### **Conditions to be completed during project construction**

- 23. **During trail construction**, no living oak trees over 5 inches diameter are anticipated for removal. In the event oak trees greater than 5 inches in diameter require removal they are to be replaced at a 4:1 ratio. The trail alignment shall limit disturbance within tree root zones where feasible, and hand tools shall be utilized when feasible to lessen root impacts.
- 24. **During trail construction**, single span bridges shall be constructed where necessary. Bridge footings and associated structural supports shall be installed where possible outside of the bed and bank of the drainage. If avoidance is not feasible, the applicant shall consult with the California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers (ACOE), and Regional Water Quality Control Board (RWQCB) and obtain appropriate permits/authorizations (if necessary).
- 25. **During construction activities**, vegetation removal or trimming should be conducted within those portions of the year when birds are not nesting (September through February), when feasible. If removal of mature vegetation is necessary during the later spring, summer, and/or early fall, a qualified biologist or qualified LCSLO staff shall conduct a nesting bird survey to determine the locations of active nests. Biologist and/or LCSLO staff will determine if any construction activities can occur near active nest sites. Project activities should be modified to avoid impacts to active nests.
- 26. **Work During Dry Season**. To minimize potential impacts to onsite drainages and water quality, construction permit activities shall occur only when allowed by the project Stormwater Pollution Prevention Plan (SWPPP).
- 27. **Equipment and Material Storage/Parking**. Construction Permit Area equipment and materials shall be stored at least 100 feet away from all drainages at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the drainage.

28. **Hazardous Materials.** During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 100 feet from the drainages. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering the drainages. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
29. **During Construction,** the applicant shall not impact riparian vegetation with the exception of on-going maintenance of existing and constructed facilities. Any vegetation removal should be limited to the extent necessary throughout the project area. Arroyo willows will be flagged or otherwise marked for avoidance prior to construction within the Construction Project Area.
30. **Protect American Badgers. During construction/grading activities,** burrows within the ground disturbance shall be avoided to the greatest extent feasible. If impacts to burrows are unavoidable, a County approved biologist, or qualified LCSLO staff shall be present ahead of construction to survey the site and determine presence or absence of American badger and provide recommendations for avoidance if present. Any American badger burrow excavation or other impacts to badgers shall not occur during breeding season and only after consultation with the County and CDFW.
31. **Crew Education. Prior to trail construction,** the applicant shall retain a qualified archaeologist to conduct a cultural resources training for all crewmembers that will be actively participating in trail construction activities. Material covered within this training should include, at a minimum, a description of 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, the laws protecting significant archaeological and historical sites. and a description of measures to be incorporated into the project to minimize such adverse effects.

The monitoring plan shall also 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.

32. **Cultural Resource - Construction Monitoring. During all ground disturbing construction activities for the Construction Permit Area,** the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during construction, 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.

A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy.**

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

33. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
34. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CalFire of all required fire/life safety measures.
35. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
36. **Following completion of the Construction Permit Area improvements**, all disturbed and barren areas not intended to remain barren (i.e., areas disturbed by construction and adjacent to parking, picnic and ADA trail areas) shall be revegetated with appropriate native vegetation or ground cover (e.g. bark, hydroseeding or mulch) to reduce the risk of erosion from the site and sedimentation into off-site drainages.

The archaeologist shall verify implementation of the Plan during construction. A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy**.

37. **Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis].
38. **Cultural Resources – Interpretation Program. Upon completion of all monitoring/mitigation activities, and prior to final inspection**, the applicant shall prepare and implement a public interpretation program which may include but not be limited to: installing interpretative panel(s) and publishing a website (or adding information to the existing Pismo Preserve webpage) to educate the public about the Chumash experience. The interpretation program content shall be developed in cooperation with appropriate tribal representation.
39. **Cultural Resources – Visual Demarcation.** Prior to placing imported fill materials within the Construction Permit Area, a visual demarcation shall be placed to identify imported materials that are similar in appearance to an underlying native soil layer. The demarcation may be a geotextile, a gravel layer, differing material type, or similar approaches.
40. **Cultural Resources – Lessen fill benches.** In areas with high sensitivity to cultural resources, and to the extent practicable, geotextiles shall be used to lessen the depth of fill benches and overexcavation.
41. **Prior to final inspection**, the applicant shall submit and receive approval of a vegetation management plan reviewed and approved by CalFire.

**Traffic**

42. **Prior to final inspection**, the applicant shall coordinate with the City of Pismo Beach to include applicable entry safety measures as required by the City of Pismo Beach encroachment permit.
43. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Planning and Building that all improvements (access, utility, drainage, etc) have been constructed to the satisfaction of the respective agency (Cal Fire, City of Pismo Beach, Utility Company, etc) and in accordance with the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.

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

44. 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.
45. 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.
46. **Cultural Resources – Education Signage.** The project shall include educative signage advising “No Collection of Materials” or similar wording, without specifically identifying the existence of cultural resources. The need for, type and placement of signage shall be determined in consultation with the project archaeologist and local Native American community.
47. On-going condition of approval (valid for the life of the project), 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 Ordinance, Title 8, Section 8.68 et sec.