

SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING



VICTOR HOLANDA, AICP  
DIRECTOR

November 13, 2006

Terence K. Orton  
Westland Engineering, Inc.  
3480 South Higuera St., Ste. 130  
San Luis Obispo, CA 93401

### NOTICE OF FINAL COUNTY ACTION

HEARING DATE: November 6, 2006

SUBJECT: BHAT – County File No. SUB2006-00012  
Document No. 2006-058

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved lot line adjustment shall expire unless completed and finalized within two years after its approval or conditional approval. The expiration of the approved or conditionally approved lot line Adjustment shall terminate all proceedings and no certificate of compliance recognizing the lot lines described in said lot line adjustment shall be recorded without first processing a new lot line adjustment application. Upon application by the applicant, filed prior to the expiration of the approved or conditionally approved lot line adjustment, the time at which the lot line adjustment expires may be extended by the Subdivision Review Board for a period or periods not exceeding a total of one year. (Sec 21.02.030 (f))

If you disagree with this action, pursuant to County Real Property Division Ordinance Section 21.04.020, 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, to the Department of Planning and Building. The appeal fee is \$623.00 and must accompany your appeal form. We will only accept the original appeal form with an original signature, as a FAX will not be accepted.

If you have any questions regarding this matter, please contact me at (805) 781-5718.

Sincerely,

Mary Velarde, Secretary  
County Subdivision Review Board

cc: Public Works Department

**EXHIBIT A**  
**FINDINGS FOR RECONSIDERATION OF CO 00-0183**

*Environmental Determination*

- A. The Environmental Coordinator finds that an addendum to the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because only minor technical changes or additions are necessary, no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects, substantial changes have not occurred with respect to the circumstances under which the project is undertaken, and new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration.

*Reconsideration*

- B. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary because preliminary evidence has been provided through well reports and information to the Environmental Health Department that indicate there is adequate water to serve the parcels.
- C. The modifications do not impose any additional burden on the present fee owner of the property.
- D. The modifications do not alter any right, title, or interest in the property reflected on the recorded map.
- E. The map as modified conforms to the provisions of Government Code section 66474.

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**EXHIBIT B**  
**FINDINGS FOR TENTATIVE PARCEL MAP CO 00-0183**

These Findings have not changed from the Findings adopted with S010050P.

**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 Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 9, 2002, for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, water resources and are included as conditions of approval.

**Tentative Map**

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support one dwelling unit on each parcel.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because of the mitigation measures for biological resources incorporated into the project.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

**Road Improvements**

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

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### EXHIBIT C

#### **CONDITIONS OF APPROVAL FOR CO 00-0183**

These Conditions of Approval replace the originally adopted CO 00-0183 (S010150P) Conditions of Approval.

#### **Approved Project**

This approval authorizes the division of a 12.20 acre parcel into four parcels of 3.01, 3.04, 3.04, and 3.10 acres each.

#### **Access and Improvements**

1. **Prior to final map approval**, the following roads and/or streets shall be constructed to the following standards:
  - a. Stagecoach Road widened to complete a A-1 section fronting the property.
2. **Prior to final map approval**, the applicant shall offer for dedication to the public by certificate on the map or by separate document for:
  - a. Road widening purposes a variable width along Stagecoach Road, to be described as 25 feet from a 510 foot radius centerline curve.
3. **Prior to final map approval**, a private easement a minimum of 20 feet wide shall be reserved on the map for access to lots 2, 3 and 4.

#### **Improvement Plans**

4. **Prior to final map approval**, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to county Public Works and the county Health Department for approval. The plan is to include:
  - a. Street plan and profile;
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require);
  - c. Water plan (County Health);
  - d. Grading and erosion control plan for subdivision related improvement locations;
  - e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. **Prior to final map approval**, the applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to county Public Works.
6. **Prior to final map approval**, the Registered Civil Engineer, upon completion of the improvements, must certify to county 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.

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7. 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 county Public Works** shall:
- Submit a copy of all such permits to the County Engineer OR
  - Document that the regulatory agencies have determined that said permit is not longer required.

**Drainage**

8. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

**Utilities**

9. Electric and telephone lines shall be installed underground.

**Design**

10. The area of each parcel shall contain a minimum area of 2 acres exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

**Fire Protection**

11. **Prior to final map approval**, the applicant shall fulfill the requirements of the California Department of forestry (CDF) for fire safety (as specified in CDF's letter of August 24, 2006).

**Parks and Recreation (Quimby) Fees**

12. **Prior to final map approval**, unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, 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.

**Affordable Housing Fee**

13. **Prior to final map approval**, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**Additional Map Sheet**

14. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and county Public Works. The additional map sheet shall be recorded with the final parcel map. The additional map sheet shall include the following:
- Because of the questionable water supply in this area, the maximum allowable residential density for all parcels created by CO00-0183 shall be one dwelling unit per parcel. Secondary dwellings shall not be allowed on all lots within the land division.
  - All future buildings on Parcels 3 and 4 shall be located to the northwest of the building control lines, as shown in the attached exhibits.

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- c. A notice shall be included on the additional information sheet for any map recorded before improvements are complete stating that all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated October 24, 2001, from the California Department of Forestry (CDF)/County Fire Department are completed.
- e. All future buildings on Parcels 1 and 2 shall be located outside the Pismo clarkia open space area, as shown on Exhibit A. No structures, oak tree replanting, grading, site disturbance, native vegetation removal, access by domestic livestock, vehicle use or storage, introduction of nonnative plants, mowing, discing or any other action likely to negatively affect the Pismo clarkia, its potential pollinators, or surrounding habitat shall occur within the open space easement. The minor drainage structure proposed adjacent to the driveway (per preliminary grading and drainage plan) may be established and maintained to preserve historical water flow patterns within the open space area.
- f. Prior to commencement of subdivision improvements or ground disturbing activities, the applicant shall install a split rail fence, as depicted on Exhibit A.
- g. No structures, grading, site disturbance, native vegetation removal, access by domestic livestock, vehicle use or storage, introduction of nonnative plants, mowing, discing or any other action likely to negatively affect the Pismo clarkia, its potential pollinators, or surrounding habitat shall occur within the open space easement, with the exception of minor drainage structure.
- h. For the life of the project, the Developer agrees to allow the County, a land conservancy, resource agency or other appropriate entity, the right to enter the open space area, shown on the final exhibit to the open space agreement, to ensure compliance with the easement restrictions and to assess the Pismo clarkia population. However, prior to entering the open space area, the County, land conservancy, resource agency, or other appropriate entity shall give 72-hour written "notice of intent" to visit the site.
- i. For the life of the project, vegetation clearance around structures, necessary to comply with local fire control codes, shall not extend into the Pismo clarkia open space area unless authorized by a Memorandum of Understanding (for maintenance of the Pismo clarkia) between the property owner and the California Department of Fish and Game.
- j. Prior to final inspection of building permits on Parcels 1-4, the applicant shall submit to the County Department of Planning and Building a copy of the Memorandum of Understanding (for maintenance of the Pismo clarkia) agreed to between the property owner and the California Department of Fish and Game.
- k. At the time of application for subdivision improvement plans, grading permits or construction plans, the applicant shall clearly delineate the building control lines on the project plans, as shown on the attached exhibit A. All new development (e.g. residences, detached garages, sheds, access roads and driveways) shall be located within the building control lines.
- l. At the time of application for subdivision improvement plans or grading permits, the applicant shall submit a tree replacement plan prepared by a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. No more than 51 oak trees having a six inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project, and no more than 85 trees shall be impacted, but not removed, as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replanting may not occur in the open space area. Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

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- m. Prior to approval of subdivision improvement plans or grading permits, a cost estimate for a planting plan, installation of new trees, and maintenance of new trees for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to initiation of subdivision improvements or site grading, a performance bond, equal to the cost estimate, shall be posted by the applicant.
- n. Prior to final inspection, 374 Coast live oak trees shall be planted on the subject property to compensate for the proposed removal of 51 trees (4:1 replacement ratio) and the likely impact to an additional 85 oak trees (2:1 replacement ratio) which are located within the area proposed for the future driveways and home sites. Replacement trees shall be at least one gallon container sizes.
- o. All newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. 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.
- p. Once trees have been planted and prior to final inspection of subdivision improvements or grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
- q. 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' survivability and vigor until the trees are successfully established, and prepare monitoring reports, 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, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.
- r. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
- s. Prior to issuance of construction permits, the applicant shall clearly show on the project plans all revised drainage patterns that are within 100 feet upslope of any existing (oak) trees to remain. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes to these (oak) trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage. If the historic drainage pattern and flow volume cannot be maintained for these trees, the drainage plan shall be submitted to the Environmental Division for review. The Environmental Division will determine the significance to the affected trees from the proposed drainage pattern changes and require appropriate replacement levels (up to 4:1 replacement ratio). The applicant agrees that at such time, the County-recommended level of tree replacement along with any suggested measures to improve the success of existing and new trees will be completed. Additional monitoring of existing and/or replacement trees may also be required.

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- t. Prior to final inspection, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a 3' radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each new plant (this hand removal weeding shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)]). Use of weed-free mulch (at least 3" deep) with regular replenishment may be substituted for the weed-mat.
- u. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
- v. To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:
- i. All native vegetation removal shall be shown on all applicable grading/ construction or improvement plans, and reviewed/ approved by the County Planning and Building Dept. before any work begins.
  - ii. Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/ construction /improvement plans.
  - iii. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).
  - iv. No livestock shall be allowed within the native habitat area.
  - v. All allowed uses within the native habitat area shall be "passive", where the use will have either no or minimal impact on the habitat.
  - vi. Any CC&R's created shall include the above provisions to minimize impacts to the native habitat.
- w. During construction, the applicant shall implement erosion and sedimentation control measures as required by the San Luis Obispo County Land Use Ordinance. Because of the erosive nature of the soils, grading activities will be prohibited after September 15th of each year and plant cover will be established on all disturbed surfaces by October 15th of each year.
- x. All disturbed areas shall be restored as soon as possible. A compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

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"COAST LIVE OAK" SEED MIX(1)

Species	lbs/ac
Eschscholzia californica (California Poppy)	0.50
Heteromeles arbutifolia (toyon)	0.50
Lotus scoparius (deerweed)	0.50
Mimulus aurantiacus (bush monkeyflower)	0.25
Rosa californica (California rose)	0.20
Rubus ursinus (California blackberry)	0.20
Salvia spathacea (pitcher sage)	1.00

- (1) This seed mix is intended to provide general guidelines when revegetating. Variations of the mix may be appropriate, as recommended by the County Planning and Building Department or county-approved qualified individual, where unique biological conditions exist or seed availabilities are limited. When ordering, local seed stock should be specified and used whenever available.
- y. If it is shown to the county that the above-recommended native seed mix is not feasible or applicable, the following process shall be used for temporary erosion control:
- i. Prepare the disturbed area by raking or disking across or perpendicular to the slope to create small furrows that will: create a seedbed for broadcast seeds from nearby plants, as well as slow surface water runoff (and increase percolation into the soils)
  - ii. Barley seed shall be planted (at 90 lbs./acre) over entire disturbed area;
  - iii. Fertilize with Ammonium Phosphate fertilizer labeled 16-20-0 (16% nitrogen, 20% phosphoric acid, 0% potash) at 250 lbs./acre;
  - iv. Mulch with straw (barley, if possible) [ @ 100 lbs. per 1,000 sq. ft of disturbance]; straw distribution should even over entire scraped area;
  - v. Seed shall be watered regularly until 1) the seed "head" of the barley plant has emerged, and 2) there is at least 80% successful coverage over area planted; at least 80% success rate must be achieved on all slopes exceeding 10%;
  - vi. Additional seeding, watering and possibly soil amending shall be completed immediately if at any point during this rainy season the initial barley planting fails or is removed/ disturbed.
- z. Prior to occupancy, the applicant shall develop and submit to the county for approval, a "master" water conservation education program for all future residents. Such a program shall be developed by appropriate experts (e.g. landscape watering section would use a landscape architect or contractor familiar with the area's vegetation, who might prepare: (1) guidelines for residents covering water conservation techniques; and (2) lists of ornamental drought-tolerant plants that would do well in the native soils, etc.). The program shall address all consumer-controlled water uses. Once the program is developed, the applicant shall also include the means of which this information will be disseminated to all future occupants.
- aa. As drainage improvement design is considered for map improvements and construction plans, the following approach shall be taken to maximize potential groundwater basin recharge:
- i. Drainage from impervious surfaces (e.g. roads, driveways, buildings) shall be directed to a common drainage basin;
  - ii. The project shall design as few basins as possible for the entire development;
  - iii. Where feasible, mass grading and contouring shall be done in a way to direct surface runoff towards the above-referenced basins and/or closed depressions.
- bb. At the time of application for subdivision improvements plans or grading permits, the applicant shall clearly indicated location and height of all required retaining walls for review and approval by the Department of Planning and Building. All walls shall be a neutral, non-contrasting color.

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- cc. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- i. 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.
  - ii. 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.

**Covenants, Conditions and Restrictions**

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
- a. Maintenance of all local driveways within the subdivision.
  - b. All future buildings on Parcels 3 and 4 shall be located to the northwest of the building control lines, as shown in the attached exhibits.
  - c. Maintenance and operation of water system.
  - d. Secondary dwellings shall not be allowed.
  - e. A notice shall be included on the additional information sheet for any map recorded before improvements are complete stating that all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
  - f. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated October 24, 2001, from the California Department of Forestry (CDF)/County Fire Department are completed.
  - g. All future buildings on Parcels 1 and 2 shall be located outside the Pismo clarkia open space area, as shown on Exhibit A. No structures, oak tree replanting, grading, site disturbance, native vegetation removal, access by domestic livestock, vehicle use or storage, introduction of nonnative plants, mowing, discing or any other action likely to negatively affect the Pismo clarkia, its potential pollinators, or surrounding habitat shall occur within the open space easement. The minor drainage structure proposed adjacent to the driveway (per preliminary grading and drainage plan) may be established and maintained to preserve historical water flow patterns within the open space area.
  - h. Prior to commencement of subdivision improvements or ground disturbing activities, the applicant shall install a split rail fence, as depicted on Exhibit A.
  - i. No structures, grading, site disturbance, native vegetation removal, access by domestic livestock, vehicle use or storage, introduction of nonnative plants, mowing, discing or any other action likely to negatively affect the Pismo clarkia, its potential pollinators, or surrounding habitat shall occur within the open space easement, with the exception of minor drainage structure.
  - j. For the life of the project, the Developer agrees to allow the County, a land conservancy, resource agency or other appropriate entity, the right to enter the open space area, shown on the final exhibit to the open space agreement, to ensure compliance with the easement restrictions and to assess the Pismo clarkia population. However, prior to entering the open space area, the County, land conservancy, resource agency, or other appropriate entity shall give 72-hour written "notice of intent" to visit the site.
  - k. For the life of the project, vegetation clearance around structures, necessary to comply with local fire control codes, shall not extend into the Pismo clarkia open space area unless authorized by a Memorandum of Understanding (for maintenance of the Pismo clarkia) between the property owner and the California Department of Fish and Game.

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- i. Prior to final inspection of building permits on Parcels 1-4, the applicant shall submit to the County Department of Planning and Building a copy of the Memorandum of Understanding (for maintenance of the Pismo clarkia) agreed to between the property owner and the California Department of Fish and Game.
- m. At the time of application for subdivision improvement plans, grading permits or construction plans, the applicant shall clearly delineate the building control lines on the project plans, as shown on the attached exhibit A. All new development (e.g. residences, detached garages, sheds, access roads and driveways) shall be located within the building control lines.
- n. At the time of application for subdivision improvement plans or grading permits, the applicant shall submit a tree replacement plan prepared by a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed. No more than 51 oak trees having a six inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project, and no more than 85 trees shall be impacted, but not removed, as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replanting may not occur in the open space area. Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).
- o. Prior to approval of subdivision improvement plans or grading permits, a cost estimate for a planting plan, installation of new trees, and maintenance of new trees for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to initiation of subdivision improvements or site grading, a performance bond, equal to the cost estimate, shall be posted by the applicant.
- p. Prior to final inspection, 374 Coast live oak trees shall be planted on the subject property to compensate for the proposed removal of 51 trees (4:1 replacement ratio) and the likely impact to an additional 85 oak trees (2:1 replacement ratio) which are located within the area proposed for the future driveways and homesites. Replacement trees shall be at least one gallon container sizes.
- q. All newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. 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.
- r. Once trees have been planted and prior to final inspection of subdivision improvements or grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating how and when the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

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- s. 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' survivability and vigor until the trees are successfully established, and prepare monitoring reports, 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, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of newly planted trees and approved by the Environmental Coordinator.
- t. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
- u. Prior to issuance of construction permits, the applicant shall clearly show on the project plans all revised drainage patterns that are within 100 feet upslope of any existing (oak) trees to remain. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes to these (oak) trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage. If the historic drainage pattern and flow volume cannot be maintained for these trees, the drainage plan shall be submitted to the Environmental Division for review. The Environmental Division will determine the significance to the affected trees from the proposed drainage pattern changes and require appropriate replacement levels (up to 4:1 replacement ratio). The applicant agrees that at such time, the County-recommended level of tree replacement along with any suggested measures to improve the success of existing and new trees will be completed. Additional monitoring of existing and/or replacement trees may also be required.
- v. Prior to final inspection, the applicant shall have completed the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a 3' radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each new plant (this hand removal weeding shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December)]). Use of weed-free mulch (at least 3" deep) with regular replenishment may be substituted for the weed-mat.
- w. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

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Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

- x. To minimize impacts to the sensitive oak woodland understory habitat (e.g. maritime chaparral, coastal scrub), the applicant agrees to the following during construction/ tract improvements and for the life of the project:
  - i. All native vegetation removal shall be shown on all applicable grading/ construction or improvement plans, and reviewed/ approved by the County Planning and Building Dept. before any work begins.
  - ii. Vegetation removal of native habitat shall be limited to what is shown on the county-approved grading/ construction /improvement plans.
  - iii. Vegetation clearance for fire safety purposes shall be limited to the minimum setbacks required by CDF. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).
  - iv. No livestock shall be allowed within the native habitat area.
  - v. All allowed uses within the native habitat area shall be "passive", where the use will have either no or minimal impact on the habitat.
  - vi. Any CC&R's created shall include the above provisions to minimize impacts to the native habitat.
- y. During construction, the applicant shall implement erosion and sedimentation control measures as required by the San Luis Obispo County Land Use Ordinance. Because of the erosive nature of the soils, grading activities will be prohibited after September 15th of each year and plant cover will be established on all disturbed surfaces by October 15th of each year.
- z. All disturbed areas shall be restored as soon as possible. A compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

"COAST LIVE OAK" SEED MIX(1)

Species	lbs/ac
Eschscholzia californica (California Poppy)	0.50
Heteromeles arbutifolia (toyon)	0.50
Lotus scoparius (deerweed)	0.50
Mimulus aurantiacus (bush monkeyflower)	0.25
Rosa californica (California rose)	0.20
Rubus ursinus (California blackberry)	0.20
Salvia spathacea (pitcher sage)	1.00

- (1) This seed mix is intended to provide general guidelines when revegetating. Variations of the mix may be appropriate, as recommended by the County Planning and Building Department or county-approved qualified individual, where unique biological conditions exist or seed availabilities are limited. When ordering, local seed stock should be specified and used whenever available.

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- aa. If it is shown to the county that the above-recommended native seed mix is not feasible or applicable, the following process shall be used for temporary erosion control:
  - i. Prepare the disturbed area by raking or disking across or perpendicular to the slope to create small furrows that will: create a seedbed for broadcast seeds from nearby plants, as well as slow surface water runoff (and increase percolation into the soils)
  - ii. Barley seed shall be planted (at 90 lbs./acre) over entire disturbed area;
  - iii. Fertilize with Ammonium Phosphate fertilizer labeled 16-20-0 (16% nitrogen, 20% phosphoric acid, 0% potash) at 250 lbs./acre;
  - iv. Mulch with straw (barley, if possible) @ 100 lbs. per 1,000 sq. ft of disturbance]; straw distribution should even over entire scraped area;
  - v. Seed shall be watered regularly until 1) the seed "head" of the barley plant has emerged, and 2) there is at least 80% successful coverage over area planted; at least 80% success rate must be achieved on all slopes exceeding 10%;
  - vi. Additional seeding, watering and possibly soil amending shall be completed immediately if at any point during this rainy season the initial barley planting fails or is removed / disturbed.
- bb. Prior to occupancy, the applicant shall develop and submit to the county for approval, a "master" water conservation education program for all future residents. Such a program shall be developed by appropriate experts (e.g. landscape watering section would use a landscape architect or contractor familiar with the area's vegetation, who might prepare: (1) guidelines for residents covering water conservation techniques; and (2) lists of ornamental drought-tolerant plants that would do well in the native soils, etc.). The program shall address all consumer-controlled water uses. Once the program is developed, the applicant shall also include the means of which this information will be disseminated to all future occupants.
- cc. As drainage improvement design is considered for map improvements and construction plans, the following approach shall be taken to maximize potential groundwater basin recharge:
  - i. Drainage from impervious surfaces (e.g. roads, driveways, buildings) shall be directed to a common drainage basin;
  - ii. The project shall design as few basins as possible for the entire development;
  - iii. Where feasible, mass grading and contouring shall be done in a way to direct surface runoff towards the above-referenced basins and/or closed depressions.
- dd. At the time of application for subdivision improvements plans or grading permits, the applicant shall clearly indicated location and height of all required retaining walls for review and approval by the Department of Planning and Building. All walls shall be a neutral, non-contrasting color.
- ee. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  - i. 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.
  - ii. 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.

**Miscellaneous**

- 16. The subdivision is also subject to the standard conditions of approval for all subdivisions using a shared well and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full. New wastewater disposal systems shall be designed and installation certified by a registered civil engineer, competent in sanitary engineering.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING SHARED WELLS AND SEPTIC TANKS**

**DEFINITION:** A shared well system means a private water system consisting of 2, 3, or 4 service connections. When a shared well system is proposed 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 Environmental Health Services prior to finaling the map.

1. Each parcel shall have access to a private well(s) for domestic water supply service that has been approved by Environmental Health Services.
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 licensed well driller at the time the well was constructed.
  - B. Production- On shared wells, a minimum of a twelve 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 to be "shared" for the subdivision. (within the last 5 years).
  - C. 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 the last 5 years).
  - D. Sanitary Seal- Wells constructed with less than a 50 foot annular seal will require installation of an automatic chlorinator at the well head.
  - E. Shared Well Agreement- A shared water well legal agreement (**to run with the land**). Environmental Health Services recommends such an agreement be prepared in consultation with a qualified attorney. Said agreement shall be signed and notarized by all involved property owners. The legal agreement shall then be officially recorded with the county.
  - F. Waterline Easements- Waterline easements shall be created and recorded for waterlines running to each respective parcel. Where a shared water well system is being created in conjunction with a new subdivision, said waterline easements shall be shown on the final subdivision map. Documentation shall be submitted verifying that waterlines have been installed to each respective parcel (i.e., to the boundary of each parcel).
  - G. Fee- A shared water well system review fee of \$200.00 (said fee is separate from any fees paid through the County Planning and Building Department).
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 that 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.

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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**. 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 "checkprints" 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.