

**EXHIBIT B - CONDITIONS OF APPROVAL
Minor Use Permit DRC2014-00097 (Van Petten)**

Approved Development

1. This Minor Use Permit authorizes:
 - a. Demolition of an existing 1,316 square foot single family residence.
 - b. Construction of a new 4,372 square foot single family residence with an 863 square foot attached garage. Maximum height is 35 feet from average natural grade.
 - c. A side setback adjustment to allow for a 22 foot side setback instead of the required 30 feet.
 - d. Approximately 1.07 acre of site disturbance on a 5.16 acre parcel.

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

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall submit a landscape plan to the Department of Planning and Building for review and approval consistent with Section 22.98.070F of the Land Use Ordinance and Section 19.07.042 of the Building and Construction Ordinance.
4. **At the time of application for construction permits**, the applicant shall submit an Exterior Lighting Plan 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. All lighting poles, fixtures, and hoods shall be dark colored. These measures shall be shown on applicable construction drawings prior to issuance of construction permits and permanent lighting shall be installed prior to final inspection.
5. **At the time of application for construction permits**, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained on-site and the design of the basin shall be approved by the Department of Public Works.

Stormwater Pollution Prevention

7. **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 project 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.
8. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater "Conveyance Management and Maintenance System" exhibit for review and approval by the County.
9. **At the time of application for construction permits**, if site disturbance is over one acre, the applicant shall submit a Stormwater Quality Control Plan (SWPPP).

Fire Safety

10. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 12, 2015.

Services

11. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
12. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

13. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
14. **Prior to issuance of a construction permit**, in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 2 Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

Aesthetics

15. If vegetation removal is necessary, **prior to issuance of construction permits**, the applicant shall show the location, size and species of additional planting to be provided to maintain a minimum of 50% screening of structures as seen from Halcyon Road and Highway 1 (Arroyo Grande Valley).

Air Quality

16. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property**, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
17. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.

Cultural Resources

18. **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.; July 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 and implemented during construction.

19. **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 phase. 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?);
- h. Description of procedures for halting work on the site and notification procedures; and
- i. Description of monitoring reporting procedures.

Stormwater Pollution Prevention

20. **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 the on-going and permanent storm drainage control, management, treatment, disposal, and reporting.

Conditions to be completed during project construction

21. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, the APCD’s Enforcement Division may be contacted (805/781-5912).

22. **Cultural Resource - Construction Monitoring. During all ground disturbing construction activities**, 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

23. 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. All landscaping shall be maintained in a viable condition in perpetuity.
24. **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.

25. **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.
26. **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].

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

27. 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 22.64.070 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 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
28. 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 22.74.160 of the Land Use Ordinance.