

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, January 9, 2003

PRESENT: Commissioners Doreen Liberto-Blanck, Eugene Mehlschau, Wayne Cooper, Pat Veasart, Chairman Bob Roos

ABSENT: None

RESOLUTION NO. 2003-01
RESOLUTION RELATIVE TO THE GRANTING
OF A VESTING TENTATIVE TRACT MAP

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 9th day of January, 2003, grant a vesting tentative tract map to FALLINGSTAR HOMES to allow subdivision of an existing parcel of approximately 24 acres into 16 parcels ranging in size from 1 acre to approximately 6 acres, in the Residential Suburban/ Residential Single Family/Commercial Service Land Use Categories. The property is located in the county on the north side of Highway 41 immediately east of the intersection of Hwy 41 and Tobey Way in the community of Shandon, APN: 17-181-002, 17-181-055, 17-321-004, in the Shandon-Carrizo Plains Planning Area. County File Number: S010201T/TR 2451.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 9th day of January, 2003, does hereby grant the aforesaid Permit, S010201T/TR 2451.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension

FINDINGS - EXHIBIT A

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 November 8, 2002. Mitigation measures are proposed to address Biological Resources, Public Services and Transportation 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 and Commercial Service land use categories.
- 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 are consistent with the applicable county general and specific plans because the 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 and commercial uses.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support any allowed uses.
- 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 the applicant has agreed to mitigation measures to reduce the impact to wildlife habitat and there is no fish habitat on the property.
- 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.

CONDITIONS - EXHIBIT B

CONDITIONS OF APPROVAL FOR Tract 2451

Approved Project

This approval authorizes the division of a 24 acre parcel into 16 parcels ranging in size from one acre to 6 acres each.

Access and Improvements

1. Roads and/or streets to be constructed to the following standards:
 - a. Onsite streets constructed to an A-1 section within a 50 foot dedicated right-of-way.
 - b. Centre St./Highway 41 widened to complete an A-2 urban section fronting lots 9, 15 and 16, an A-1 rural section fronting the property to the satisfaction of Caltrans.
2. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20 foot radius property line return at the intersection of all streets.
 - b. The 50 foot road easement terminating in a county cul-de-sac as shown on the tentative map.
 - c. Private easement for access to lot 15 (show on the map for lot 15)
3. Access be denied to lots 8, 9 and 15 from Centre Street/Highway 41 and that this be by certificate and designation on the map.

Improvement Plans

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. 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 the Department of Public Works.

6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

7. Portions of the subdivision may be subject to flood hazard from local creeks. Show the limits of inundation from a 100 year storm as an exhibit on an additional map sheet and note this as a required building restriction.
8. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Wastewater Disposal

9. **Prior to the filing of the final parcel or tract map**, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system.
10. **Prior to recordation of the final map**, the applicant shall provide soil testing for each proposed parcel to the satisfaction of County Environmental Health.
11. No sewage disposal system shall be installed within the 10 year flood zone. This shall be shown on an additional map sheet.
12. This land division shall be annexed to County Service Area 16 prior to the filing of the tract map for water service. This includes approval by the Local Agency Formation Commission.

Soils Report

13. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.
14. A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.

Utilities

15. Electric and telephone lines shall be installed *underground*.

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16. Gas lines shall be installed.

Parks and Recreation (Quimby) Fees

17. 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 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 residential parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

18. **Prior to filing the final tract map**, 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.

Covenants, Conditions and Restrictions

19. 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 the street trees.

Additional Map Sheet

20. Prior to recordation of the final map, the applicant shall prepare an additional map sheet, to be approved by the Department of Public Works and Department of Planning and Building and recorded with the final map. The additional map sheet shall include the following:
- a. The limits of inundation from a 100 year storm over lots 1-4 from Cholame Creek and note this as a required building restriction.
 - b. No sewage disposal system shall be installed within the 10 year flood zone.
 - c. Archaeological mitigations in condition 23.
 - d. Kit Fox mitigations in conditions 27 - 36.
 - e. Air quality mitigations in condition 21.

Air Quality

21. **During construction/ground disturbing activities for tract improvements and residential construction**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall

be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- c. All dirt stock pile areas should be sprayed daily as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD.
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

Aesthetic/Cultural Resources

Street Trees

22. **Prior to recordation of the final map**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval. The landscape plan shall provide for street trees along the interior streets at a ratio of one tree for every 25 feet of frontage. The trees shall be located between the back of the curb or curb line and any existing or proposed structures. Grouping of the required trees is preferred over equal spacing. The trees shall be native species and drought tolerant.

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Cultural Resources

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

Traffic

24. **Prior to recordation of the final map**, the applicant shall make improvements to State Highway 41, including but not limited to left turn channelization on the eastbound lane at the project entrance and westbound acceleration and deceleration lanes at the project entrance, to the satisfaction of the California Department of Transportation (Caltrans). The applicant shall obtain an encroachment permit from Caltrans for all work to be done in the state right-of-way.

Biological Resources

Kit Foxes

25. **Prior to recordation of the final map**, the applicant shall provide for habitat preservation, in a form acceptable to the California department of Fish and Game, in an amount equal to four acres of habitat for each acre of development. The habitat preservation may be one of the following:
- a. An on-site easement.
 - b. An off-site easement
 - c. Payment of a mitigation fee in the amount of \$10,000 per acre
 - d. Some combination of items a-c

If the approved habitat preservation method is the establishment of an easement, the easement shall:

- a. Prohibit development of the area, including agricultural development;
- b. Prohibit removal or alteration of native plants or animals;
- c. Prohibit use of the area for agricultural staging activities or storage of any kind;
- d. Allow for scientific investigation conducted as part of a project or plan instigated by the land owner, or otherwise approved by the land owner and the U.S. Fish and Wildlife Service and/or California Department of Fish and Game;

The easement shall not:

- f. Allow for or imply public access.
26. **Prior to recordation of the final map**, the applicant shall provide a letter to the Department of Planning and Building from the Department of Fish and game stating that the mitigation has been completed.
27. **Within 30 days prior to initiation of grading for tract improvements or other construction**, the applicant shall hire a qualified biologist acceptable to the U.S. Fish and Wildlife Service, California Department of Fish and Game, and the county Environmental Coordinator, to conduct a pre-construction survey for active kit fox dens. A letter shall be submitted to the Department of Planning and Building prior to issuance of construction permits confirming the completion of this survey.
28. Before any grading or construction activities commence, all personnel associated with the project shall attend a worker education program regarding the sensitive biological resources potentially occurring in the project area (i.e., San Joaquin kit fox). Specifics of this program should include kit fox life histories and careful review of the mitigation measures implemented to reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
29. To prevent entrapment of the kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
30. During the construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the kit fox has escaped.
31. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
32. Any contractor or employee that inadvertently kills or injures a kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project. In the event that such observations are made of injured or dead kit fox, the applicant shall immediately notify the US Fish and Wildlife Service and the California Department of Fish and Game by telephone. In addition, formal notification shall be provided in writing within three working days of the

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finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the California Department of Fish and Game for care, analysis, or disposition.

33. So as not to attract red fox, coyotes, or domestic dogs to the area, all waste products shall be disposed of in manner that would not attract these animals.

If any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-activity survey, the following mitigation measures shall apply:

34. Fenced exclusion zones shall be established by a County of San Luis Obispo qualified biologist around all kit fox dens that can be avoided but may be inadvertently impacted by project activities. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
- Potential kit fox den: 50 feet
 - Known kit fox den: 100 feet
 - Kit fox pupping den: 150 feet
35. Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and California Department of Fish and Game shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.
36. If any known or potential San Joaquin kit fox dens are discovered within the project area which shall be unavoidably destroyed by the proposed project, excavation of kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and California Department of Fish and Game.

Miscellaneous

37. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
38. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
39. The subdivision must comply with the Regional Water Quality Control Board Basin Plan as noted in the attached letter received pursuant to State Clearinghouse distribution of the Environmental Determination.
40. Public improvements (roads, drainage and utilities) shall be completed prior to occupancy of any new structure. This notice shall be included on an additional map information sheet for any map recorded before improvements are complete.

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41. All time frames on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Fire Safety

42. The applicant shall comply with all requirements specified by CDF County Fire prior to recordation of the final map. The applicant shall submit a letter to the Planning Department from CDF specifying their requirements.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS**

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewerage.
9. 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 multiple parcels or 25 or more individuals at least 60 days out of the

- year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
10. 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 and Health Departments 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 on-site subsurface sewage disposal.
 11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
 12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
 13. Any existing reservoir or drainage swale on the property shall be delineated on the map.
 14. 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.
 15. Required public utility easements be shown on the map.
 16. Approved street names shall be shown on the map.
 17. 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 land proposed.
 18. The developer submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
 19. Any private easements on the property shall be shown on the map with recording data.
 20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.
 21. 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.
 22. 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.
 23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.