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DRC2014-00130 MONARCH DUNES, LLC CONDITIONS OF APPROVAL

(Conditions resulting from the FEIR are led by the corresponding mitigation measure number as found in the FEIR. The FSEIR did not result in any new mitigation measures.)

Authorized Use and Development

1. This approval authorizes grading for Phase 2A for the area shown on the approved site plan. Grading is subject to the approval of a grading permit or as authorized with tract improvement plans.
2. This approval authorizes 242 single-family residential units, parks, trails, common landscape areas, and a model home complex subject to the recording of the applicable final maps with Tract 2341. This approval does not supersede Development Plan S990187U.
3. This approval authorizes a nine-hole golf course.
4. This approval authorizes removal of an additional 12.5 acres of eucalyptus trees.

Site Development

5. **Prior to commencing with grading activities**, the applicant shall receive written authorization from the Department of Planning and Building. The Department shall confirm that all applicable conditions of approval and Specific Plan requirements have been met prior to issuing written authorization.
6. Site development within Phase 2A shall be consistent with the conditions of approval, in substantial conformance with the exhibits in Attachment 3 - Graphics and provided the following:
 - a. safe sight distance at the entryways;
 - b. access to the trail system;
 - c. adequate screening along the village perimeter; and,
 - d. play equipment for one of the two neighborhood parks.

Landscape

7. **Prior to commencement of grading or issuance of construction permits**, the applicant shall submit final landscape plans, to be approved by the Department of Planning and Building. The final landscape plans shall be consistent with the conditions of approval, in substantial conformance with Attachment 3 - Graphics, meet the low-water using requirements, include provisions for buffer screening enhancement, and include plant material that help mitigate particulate emissions per the air quality conditions of approval.
8. Grasses within the golf course shall be limited to the in-play areas only.

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9. **Mitigation Measure 4.1-6c:** All other golf course landscaping shall be drought-tolerant, have low water requirements, utilize drip-irrigation where possible, and be composed of at least 50 percent Central Coast natives.
10. **At the time of application for construction permits,** the applicant shall secure preapproval by the Department of Public Works for landscaping proposed in the public road right-of-way.
11. **Prior to issuance of grading or building permits, or approval of tract improvement plans,** the applicant shall submit a buffer enhancement and screening plan, to the Department of Planning and Building for review and approval, for buffer locations that historically have had few or no trees in the buffer. The enhancements shall improve the quality of the buffer and create a greater sense of separation from neighboring properties. In addition to vegetative screening the enhancements may include, mounding or appropriately scaled walls. Improvements shall not interfere with required perimeter trails. Buffer enhancements shall be constructed with or prior to the tract improvements for the corresponding unit.
12. Approved landscape shall be installed prior to final building inspection or establishment of the use.

Residential Single-Family Development

13. Residential development shall be consistent with the design standards and guidelines found in Specific Plan Sections 2.3.2 through 2.3.6 for the applicable lot-size ranges. Subsections B, C and D that contain provisions for allowable uses, parking and building envelopes (setbacks and lot coverage ratios) are standards that shall be met. Subsections E and F are guidelines that must be met, unless the Planning Director determines that a particular guideline, when applied to a particular lot or lots, will be infeasible, impractical or in conflict with a Specific Plan standard or mitigation measure.
14. Residential development shall be designed to accommodate a variety of generational occupants. This may include features such as, large backyards, three or more bedrooms, accessible design, two master suites, child-safety design, or adjustable shelves and surfaces.

Condition Compliance and Monitoring

15. **Prior to preparation and submittal of final plans** (eg., final maps and documentation, tract improvement plans, detailed grading plans, construction permits, landscape plans), the applicant shall conduct pre-submittal meetings with Department of Planning and Building and other applicable staff, to determine the necessary requirements and protocol for submitting and reviewing plans to fulfill the conditions of approval, the provisions of the Woodlands Specific Plan or other applicable provisions of county code and state law.
16. **Prior to issuance of grading or building permits, or approval of tract improvement plans,** the applicant shall fund an environmental monitor to be approved by the county. This monitor shall be under contract with the county and will be responsible for verifying compliance with all mitigation measures and conditions of approval, for all phases requiring environmental mitigation and as required by these conditions of approval.

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17. **Prior to start of construction**, the applicant shall submit a copy of a monitoring program (or environmental quality assurance plan) prepared by the environmental monitor subject to approval by the Department of Planning and Building. The monitoring plan shall include the following:
- a. Designation of the Applicant's environmental monitor.
 - b. Goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations.
 - c. Schedule of monitoring during construction.
 - d. Chain of command of the environmental monitoring.
 - e. Training program for all construction crew members.
 - f. Provisions for lines of communication and reporting methods. Submittal of weekly monitoring reports (unless otherwise directed by the Department) during construction activities and preparation of a completion report after construction as well as other monitoring documentation requirements specified in the individual measures contained in conditions of approval.
 - g. Provisions for site access.
 - h. County, state and federal permit conditions and method of compliance.
 - i. Authority to stop work and action to be taken for non-compliance.

Common Areas

18. Common areas shall be maintained, by the applicant or successors in interest, in a manner consistent with approved plans or open space agreement, as applicable.
19. Streets within the subdivision shall be maintained by the applicant or successors in interest until they are accepted by a public agency.
20. Drainage basins, basin fencing and basin landscape shall be maintained, by the applicant or successors in interest, in a manner consistent with approved plans.

Water

21. Prior to recordation of each final map, the applicant shall submit to the Planning Director for review and approval, water demand information that demonstrates that the cumulative water demand for development within Phase 2A is equal to or less than the Woodlands Mutual Water Companies current share of the Nipomo Supplemental Water Project based on the delivery schedule from the Nipomo Community Services District, as follows:
- As of July 2015, WMWC's share of the supplemental water is 107 acre feet per year (AFY)
 - On July 1, 2016, WMWC's share will increase to 133 AFY,
 - On July 1, 2020 WMWC's share will increase to 167 AFY, and
 - On July 1, 2025 WMWC's share will increase to 417AFY.

Actual delivery amounts shall be verified by the Director prior to making a determination on this condition.

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In addition, the applicant shall provide written confirmation from the Nipomo Community Services District that all required infrastructure and appurtenances for the scheduled delivery to the Nipomo Mesa Management Area have been made.

22. The sole water supply for all parcels and development (other than reclaimed water for irrigation) shall be the Woodlands Mutual Water Company. The Woodlands Mutual Water Company shall not be a water appropriator. The articles of incorporation and bylaws of the Woodlands Mutual Water Company shall continue to require that it neither owns or sells water but merely stores, treat and delivers water of individual overlying parcel owners within the specific plan area as their agent. Each parcel shall be sold with its water rights intact.
23. Prior to recordation of each final map, the applicant shall provide written documentation showing that NCSD has reduced groundwater pumping, in accordance with the Nipomo Supplemental Water Project Supplemental Water Management and Groundwater Replenishment Agreement, in amounts that are equal to or greater than the cumulative Phase 2A water demands, including the additional demand for the uses associated with the final map. Documented pumping reductions from 2015 levels must come from one or more of the four NCSD wells located near Woodlands Village and identified on Exhibit J, Attachment 3 - Graphics. The applicant shall maintain copies of the records that document the reductions by NCSD and submit copies semi-annually to the Department of Planning and Building.
24. **Mitigation Measure 4.7-4a: Prior to issuance of grading or construction permits,** plans for the golf course will identify that reclaimed water will be utilized as a source to irrigate large landscaped areas. **Prior to issuance of construction permits,** plans shall show that a dual-piping system will be installed, to the satisfaction of the County, to accommodate the future use of reclaimed water. Pipelines for reclaimed water shall be clearly identified and shall meet Health and Safety Code Title 22 requirements.
25. Residential development shall include the low-water using features developed for Phase 1A, including but not limited to, drip irrigation, native plant recommendations, low-flow fixtures, and hot water circulation systems (or equivalent systems that provide on-demand hot water). Turf shall be limited to a maximum of 500 square feet per lot.
26. Residents and commercial operators shall receive copies of the approved water conservation education program and any approved amendments to the program.

Roads, Access and Improvements

27. Construction access points shall be consistent with the Specific Plan and in locations approved by County Public Works or Caltrans. These locations shall be clearly identified on project plans and in the field. Where feasible, construction equipment shall remain on-site. Local roads, including Dawn Road, Camino Caballo, Mesa Road, Eucalyptus Road and Albert Way shall not be used for construction traffic.
28. On-site roads are to be constructed with this Conditional Use Permit, they shall be constructed within a dedicated right-of-way to Specific Plan approved sections.

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29. Roads and utilities shall be extended to the edge of Phase 2A to the undeveloped portions of the site. As necessary, for emergency and service vehicles, temporary turnarounds shall be used until such time as subsequent phases are developed. Where required by Specific Plan standards or mitigation measures, roads and utilities shall be extended beyond the limits of each phase (including both on-site and off-site improvements).
30. Roads and/or street to be constructed to the following standards:
- a. On-site streets shall be constructed within dedicated right-of-way to Specific Plan approved sections.
 - b. **Mitigation Measures 4.2-1a and 4.2-4a:** Off-site streets constructed to A-1 (rural) sections from the property to paved county maintained roads as follows:
 - 1) **Prior to recordation of the first final map in Phase 2A - Viva Way:** constructed to a 2/3 A-1 (rural) section (minimum paved width to be 18 feet) from Mesa Road to Eucalyptus Road within a 50 foot dedicated right-of-way fronting the property and 40 foot right-of-way from the property boundary to Eucalyptus Road.
 - 2) **Prior to recordation of the first final map in Phase 2A - East-west Connection:** construct Eucalyptus Road to from Via Concha on-site west of the village center to the existing county maintained portion of Eucalyptus Road east of the project (village) boundary. The on-site portion shall be constructed to Specific Plan approved section.
 - c. **Mitigation Measures 4.2-1a and 4.2-4a: Prior to recordation of the first final map in Phase 2A - Pomeroy Road/Willow Road:** install traffic signals (or pay proportionate share per condition number 26), as well as widening to provide separate left, through, and right-turn lanes on the Willow Road approaches.
31. **Prior to recordation of any Unit within Phase 2A**, Monarch Dunes LLC shall pay the project's proportionate share of the Willow Road at Pomeroy Road street light construction project calculated to be \$37,594 per the "Monarch Dunes Phase 2A and Phase 2B, Nipomo – Proportionate Share Calculation for Traffic Signal Installation", prepared by Stantec Consulting Services, Inc., dated June 16, 2015 (File #2064021400).
32. **On-going condition of approval (valid until recordation of the final Unit of Tract 2341)**, to comply with Tract 2341 Exhibit B Condition of Approval No. 2.f.4 and the "Monarch Dunes Phase 2A, Nipomo – Proportionate Share Calculation for Intersection Improvements at Tefft Street and Mesa Road", prepared by Stantec Consulting Services, Inc., dated August 28, 2015 (File # 2064021400), each July 1 Monarch Dunes LLC shall submit to Public Works an engineer's signalization warrant analysis for the intersection of Mesa Road at Tefft Street. If signalization warrants are met Public Works may require the applicant to secure an encroachment permit and construct the signalization improvements in accordance with County Public Improvement Standards.

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33. The applicant offer for dedication to the public by certificate on the map or separate document, a minimum 20 foot radius property line return at the intersection of all streets and roads.
34. An in-lieu fee as determined by the Public Works Department for the Eucalyptus Road assessments will be due, **prior to recording each final map.**
35. Public roads into the site and within the site are not to be gated nor is access to be restricted.
36. **On-going condition of approval (valid for the life of the project)**, the applicant shall be responsible for paying to the Department of Public Works the Fees in accordance with the most recent Board of Supervisors approved Woodlands Road Fee Agreement.
37. **Mitigation Measure 4.2-2a:** In addition to the road improvement requirements found in the tract conditions of approval, the applicant shall provide their fair share to construct area roads by paying the applicable South County Road Improvement fee. Fees for Stage II (Phases 2A and 2B) shall be paid prior to recordation of the first map for Phase 2B, or as specified in the most recent Board of Supervisors approved Woodlands Road Fee Agreement.
38. **At the time of application for construction permits**, the applicant shall provide a civil engineer report to the Department of Planning and Building stating that the model home pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards (able to support fire apparatus) and specifications back to the nearest public maintained roadway.

Trails

39. **Prior to recordation of the final map for each phase of the Woodland's Specific Plan**, the applicant shall offer to the County an easement for a minimum forty (40) foot wide trail corridor located along the Woodland's Specific Plan perimeter (the entire site) subject to the review and approval of County Parks.
40. **Prior to recordation of the first final map in Phase 2A**, subject to the review and approval by Parks Division, the applicant shall design and construct the Phase 2A portion of the detached perimeter equestrian trail. The equestrian trail shall be a minimum of 12 feet wide. The surface may be natural sand. Trail design shall make all efforts to avoid tree removal. At least 75% of required tree densities shall be retained. All trees removed shall be re-planted on a 1:1 basis in close proximity of the removed trees. Due to the highly erosive nature of equestrian trails, for areas left as sand, drainage and erosion control improvements (e.g., railroad ties creating large steps) shall be installed in areas which have 10% slopes or greater.

Other trails interior to the project, as shown on the Woodlands Trail Plan, dated July 24, 2001, shall be installed **prior to recordation of the first final map within the respective phases**. Trails and open space not designated in conditions 39 and 40 above shall be owned and maintained by a homeowners association or similar entity.

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41. **Prior to recordation of the final map or improvement plan approval for each phase**, the applicant shall provide an Amenity Plan which includes fencing, landscaping, bollards, and signs for the proposed trail system, park and staging area for that phase. The Amenity Plan shall be subject to the review and approval of County Parks. Proposed landscaping along public trails and within the staging area shall be drought tolerant and low maintenance. Fencing should generally be natural and low scale. Trail signs should indicate allowed uses. Where a bicycle path is located adjacent to the equestrian trail, a minimum four foot wide separation (shoulder) shall be provided between the bicycle path and the equestrian trail. Landscaping and/or a split rail fence shall be provided between the two uses as deemed necessary by County Parks Division. In addition, for safety and/or aesthetic purposes, landscaping and/or a split rail fence shall be provided along the trails' perimeter. The applicant shall install amenities for each phase consistent with the Amenity Plan.
42. Near the Mesa Road and Eucalyptus Road exits, the applicant shall post advisory signs that identify Camino Caballo as an equestrian route. Sign location and type shall be coordinated with County Public Works.
43. Pedestrian hiking paths and gates must provide strategically located emergency vehicle access. (Removable bollards and Knox switches to restrict routine vehicle traffic is acceptable) Additionally, hiking paths must post mile markers; post the names of trail intersections, parking areas, picnic and rest areas, to ensure timely location and access of requests for emergency assistance.

Transit

44. Transit facilities shall be incorporated into the project as follows:
 - a. **Mitigation Measure 4.3-2a: Prior to occupancy of residential units**, the applicant shall coordinate with the South County Area Transit and Dial-a-Ride, which currently serve the Arroyo Grande community north of the Nipomo Mesa area to determine when expansion of their route system to serve the project site would be appropriate.
 - b. Public road improvement, grading and landscape plans shall make provisions for future transit stops in the following locations: 1) on Eucalyptus Road near the project entrance; and, 2) near the Mesa Road entrance.
45. At the time transit service is made available to the Woodlands, the transit sites identified in condition number 35 shall be constructed to county standards in consultation with the transit authority. The locations may be modified or delayed with Planning Director and County Public Works approval, in consultation with the transit authority. All transit facilities shall be sheltered, unless the transit authority or Public Works determines the shelters to be infeasible or impractical.

Noise

46. **Mitigation Measure 4.5-1a:** All applicable plans shall show construction work will be limited to between 7:00 a.m. and 6:00 p.m. for Monday through Friday, between 8:00 a.m.

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and 5:00 p.m. on Saturday, with no work allowed on Sunday. The applicant shall notify all employees, contractors and/or subcontractors of this condition prior to their initiating work at the project site.

47. **Mitigation Measure 4.5-2a: Prior to issuance of construction permits in Phase 2A,** the project sponsor shall provide proportional funding to install noise barriers (e.g. solid block walls) for residential outdoor use areas (which are typically identified as patios and/or backyards) that would experience significant increases in future cumulative noise levels and that would experience exterior noise levels greater than 60 L_{dn} . The proportional share shall be based on the percentage of cumulative traffic that would be related to the project (e.g. if Area Plan buildout without the project would result in 500 vehicles per day in front of a house that is or will exceed the 60 L_{dn} threshold and buildout with the project would result in 1,000 vehicles per day, the applicant would be obligated to pay for 50% of the noise barrier). This shall apply to all residences that meet the above criteria that are located on the following roads: State Route 1 (between project and Willow Road), Via Concha Road (between project and Willow Road), Albert Way (between project and Willow Road), Willow Road (between Via Concha and Highway 101), Pomeroy Road (between Willow Road and Los Berros Road), Calle Fresa (between Dawn Road and Camino Caballo-this applies only if Camino Caballo is required to be improved), West Tefft Street (between Eucalyptus Road and Orchard Street), Mesa Road (between project and West Tefft), and Eucalyptus Road (between project and West Tefft Street). The applicant will be 100% responsible where the residences "outdoor use are" would not have otherwise exceeded the "no project" 60 L_{dn} buildout line, but the proposed project pushes this line into the "outdoor use area" (reference "Conceptual Noise Mitigation Diagram" in Specific Plan Appendix E). These measures apply to all existing noise sensitive structures or noise sensitive projects having received or applied for a permit prior to the County Noise Element being updated to reflect the changed noise contours along the roads analyzed in the EIR.
48. **Mitigation Measure 4.5-2b: Prior to issuance of construction permits in Phase 2A,** the project sponsor shall provide proportional funding to install acoustical insulation (e.g., double-paned windows, hardwood doors, etc.) To those residences whose residential interior noise levels would be significantly affected under future cumulative (with Project) conditions (i.e., significant increase and resulting interior noise level over 45 L_{dn}). The proportional share shall be based on the percentage of cumulative traffic that would be related to the project. Refer to Mitigation Measure 4.5-2a on the roadways where this measure will apply.

Visual Impacts

49. **Mitigation Measure 4.6-1a:** Throughout the life of the project, in the perimeter buffer areas tree thinning shall be limited to the removal of deadwood and clearing for proposed trails. As with the Monarch Butterfly sensitive resource area, forest density shall be maintained within the range of 300-350 trees/acre (12 to 15 feet between trees) with a basal area in the range of 65-150 square feet/acre (see Section 4.4, Biological Resources). Cut stumps will generally re-sprout; these trees should be trimmed to a single stem after five years. No branches of any healthy tree within the perimeter buffer shall be removed. If for any reason tree density falls below this range or as determined

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necessary by the Planning Director, the buffer vegetation shall be enhanced with trees or shrubs to provide additional screening.

Archaeology

50. **Mitigation Measure 4.8-1c:** In accordance with the County Land Use Ordinance, Section 22.05.140, in the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply within 50 yards of the discovered resource:
- 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 proper disposition may be accomplished.
51. **Mitigation Measure 4.8-1d:** If archaeological resources encountered are found to be important, the applicant shall provide reasonable funding and adequate time for recovery of such resource, or the equivalent avoidance measure as approved by the County.

Biological Resources

52. **Mitigation Measure 4.4-1c: Prior to tree cutting, tree removal or issuance of a construction permit,** the applicant shall retain a county-approved, qualified project biologist (wildlife biologist and/or botanist) or equivalent professional to oversee all aspects of project implementation that pertain to compliance with biologically-related mitigation measures (mainly described in this section), as applicable. The applicant shall work with the biologist so all employees, contractors, subcontractors, etc. are informed of any special biologically sensitive areas/ conditions that need to be avoided during construction.
53. **Mitigation Measure 4.4-4a: Prior to issuance of any tree cutting, tree removal, construction or grading permit involving the disturbance of vegetation,** a county-approved qualified biologist shall be retained to: 1) conduct a contractor education program; 2) identify and stake all biologically sensitive areas; 3) monitor all construction activities in areas supporting sensitive biological resources; 4) schedule and implement surveys for raptor nests; 5) inform the County, the project engineer and the project general contractor if there are construction activities that threaten significant biological resources for which no mitigation measures have been identified in this EIR; and 6) develop alternative and comparable mitigation measures, where possible, to significantly reduce new potential impacts not previously identified. The resident engineer and contractor shall then cease such construction activities until appropriate mitigation measures are implemented.
54. **Mitigation Measure 4.4-4b: Prior to tree cutting, tree removal or issuance of a construction permit,** all sensitive habitat areas to be avoided shall be clearly marked on project maps and provided to the contractor by the project biologist. These areas shall be

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clearly designated as "no construction" or "limited construction" zones. These areas shall be flagged by the project biologist prior to construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts, as determined by the project biologist.

55. The monarch butterfly habitat area shall not be encroached upon by construction activities.
56. **Mitigation Measure 4.4-3c: Prior to tree cutting, tree removal or issuance of any construction permit**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The project biologist shall also conduct periodic (monthly) surveys for raptors which move onto the site during construction. It is assumed that species using the site under these conditions will be somewhat resistant to construction-related disturbance; however, the results of the surveys will be passed immediately to the CDFG and the County, possibly with recommendations for variable buffer zones, as needed, around individual nests.
57. **Mitigation Measure 4.4-6a: Prior to final inspection of projects involving eucalyptus tree removal and throughout the life of the project**, the increased effects of wind throw and blow-down of trees may require additional silvicultural effort, including trimming of limbs (except in the monarch butterfly wintering area) and replanting. Stands should be monitored yearly by a certified arborist, in winter or early spring, for signs of beetle activity with copies of the evaluation submitted to the County. If infested trees are noted, the entire tree should be removed immediately and disposed of off-site. Exposed stands may also be more vulnerable to drought, and in the event of severe drought stress, irrigation may be necessary. As warranted to maintain perimeter screening, provide monarch butterfly protection or retain visual screening of visible interior areas, replacement trees shall be planted.

Drainage

58. **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.
59. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
60. If necessary, temporary sedimentation basins, approved by Department of Public Works, shall be installed **prior to tree removal or grading activities**.
61. Drainage basins, basin fencing and basin landscape shall be maintained, by the applicant or successors in interest, in a manner consistent with approved plans.

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62. **Mitigation Measure 4.11-3:** The applicant shall abide by the approved Storm Water Pollution Prevention Plan.

On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Air Quality

63. Grading for Phase 2A shall be consistent with APCD limits on fugitive dust generation.
64. **Mitigation Measure 4.3-1g:** The applicant shall submit a Construction Activities Management Plan for Phase 2A activities, to be approved by APCD prior to commencement of grading activities. If emissions cannot be reduced below thresholds as stated in the 2012 APCD CEQA Handbook, offsite mitigation may be required.
65. **Mitigation Measure 4.3-1e:** Ground cover shall be re-established on the construction site through seeding and watering, as soon as is feasible or immediately following completion of grading, whichever occurs first. The following native seed mix is recommended for areas that are adjacent to or within existing or future native areas (namely coastal sage scrub). Barley seed shall be applied to all other areas.

"CHAPARRAL/SAGE SCRUB" SEED MIX

<u>Species</u>	<u>lbs/ac</u>
<i>Adenostoma fasciculatum</i> (chamise)	0.50
<i>Artemisia californica</i> (California sagebrush)	0.25
<i>Ceanothus cuneatus</i> (buckbrush)	1.00
<i>Dendromecon rigida</i> (bush poppy)	0.25
<i>Eriogonum parvifolium</i> (buckwheat)	0.20
<i>Eriophyllum confertiflorum</i> (golden yarrow)	0.20
<i>Eschscholzia californica</i> (California Poppy)	0.50
<i>Heteromeles arbutifolia</i> (toyon)	0.20
<i>Lotus scoparius</i> (deerweed)	1.20
<i>Mimulus aurantiacus</i> (bush monkeyflower)	0.25
<i>Nasella (Stipa) pulchra</i> (purple needlegrass)	1.50
<i>Salvia mellifera</i> (black sage)	0.50

66. **Mitigation Measure 4.3-1f:** Trucks, prior to leaving the site, shall be washed off.
67. In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's limit of 20 percent opacity (Rule 401) for greater than 3

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minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

68. When drought conditions are present, fugitive dust control measures shall be modified by the applicant to conserve water resources while still providing the necessary emission reductions. Refer to Section 4.3 of the APCD CEQA Handbook for guidance on APCD-Approved Dust Suppressants.
69. The APCD recommends planting native species to replace any plants or trees slated for removal. The APCD recommends planting native local species that have been shown to mitigate particulate emissions, such as some types of conifer trees. The APCD recommends removing the vegetation only after the new vegetation has reached maturity and has mass similar to the removed vegetation.
70. Construction and tree removal activities that will generate dust shall be limited to periods when good air quality is forecasted. The 6 day forecast for the CDF forecast zone is available from the APCD website, slocleanair.org. This information should be used by all on-site workers to plan construction activities for days when the air quality is forecasted to be good.
71. Prior to issuance grading permits or commencement of tract improvements, the applicant shall demonstrate, to the satisfaction of the APCD, compliance with Chapter 2 of the APCD CEQA Handbook for the project's construction phase.
72. The applicant shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20 percent opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
 - a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20 percent opacity for greater than 3 minutes in any 50 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. APCD-approved dusts suppressants shall be used, where feasible and practicable, to reduce the amount of water used for dust control;
 - c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should 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, non-invasive grass seed and watered until vegetation is established;

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- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the 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; 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 CVC 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 shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
 - l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20 percent opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
73. Portable construction equipment (50 hp or greater) shall be permitted or registered per APCD or by the California Air Resources Board regulations. Prior to commencement of grading activities, the applicant shall contact the APCD Engineering Division regarding permitting requirements for all applicable equipment.

The applicant shall implement the following idling control techniques:

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

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- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
 - d. The specific requirements and exceptions in the regulations can be obtained from APCD or the California Air Resources Board.
 - e. Diesel Idling Restrictions Near Sensitive Receptors. In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
 - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - Use of alternative fueled equipment is recommended; and
 - Signs that specify the no idling areas must be posted and enforced at the site.
74. Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.
75. The burning of vegetation associated with development is prohibited.
76. Prior to commencement of grading, the applicant shall demonstrate compliance with Chapter 3 of the 2012 APCD CEQA Handbook. This shall include a mitigation plan submitted for APCD review and approval that addresses criteria and greenhouse gas emissions.
77. Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:
- All EPA-Certified Phase I wood burning devices;
 - Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally recognized testing lab; and
 - Pellet-fueled woodheaters; and
 - Dedicated gas-fired fireplaces.

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Fire Safety

78. **Prior to issuance of construction permits**, fire hydrants shall be installed and tested.
79. **Prior to tree cutting, tree removal and construction activities** in areas that have flammable vegetation, the applicant shall meet with Cal Fire, Fire Prevention Battalion Chief or his designee, to develop a Fire Prevention/Ignition Management Plan. The plan shall cover the following issues: spark arresters, clearance issues, fire weather, fire reporting, first aid firefighting, water supply, and fire department access.
80. **Mitigation Measure 4.7-1c: Prior to the issuance of a construction permit**, plans shall be submitted to the Cal Fire during the plan check phase; the project shall be required to meet all the applicable codes, including street width, water supply, alarm systems and others.
81. **Mitigation Measure 4.7-1d: Prior to issuance of grading/construction permits or approval of subdivision map improvements**, the applicant shall show on construction plans a minimum distance of 30 feet between eucalyptus trees and any structure, with regular clearing of tree understory to minimize potential fire risk, in accordance with Cal Fire requirements.
82. **Mitigation Measure 4.7-1e: During the construction phase**, access to surrounding streets and highway shall be kept clear and unobstructed during tree removal and construction. With improvement plans and tree removal plans, the applicant shall submit the construction equipment circulation plan, which identified key routes to remain clear at all times for fire equipment access. All stored and parked construction equipment and materials shall be kept on the project site in such a way to avoid obstruction of traffic circulation, especially during traffic peak hours.
83. **Mitigation Measure 4.7-1f:** As required by Cal Fire, access for fire equipment shall be maintained **during construction**.
84. **Mitigation Measure 4.7-1g: During tree removal and construction**, adequate water supplies for fire flow must be identified as a part of the fire safety plan and be fully available **prior to the commencement of any tree cutting, tree removal or construction work**.
85. **Mitigation Measure 4.7-1h:** The applicant shall prepare a Wildland Fire/Vegetation Management Plan for Cal Fire approval prior to issuance of construction permits or commencement of tract improvements.
86. **Mitigation Measure 4.7-1i: Prior to issuance of a construction permit**, hydrant flow testing of all hydrants in the project area must be done to determine if the waterlines can meet the necessary fire flow.

Affordable Housing

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87. Prior to recordation of the first final map in Phase 2A, the applicant shall, in a form approved by County Counsel, enter into a revised affordable housing agreement with the county. The continued availability of affordable housing (either for sale or rental units) shall be consistent with Section 22.12.070. The revised agreement shall provide for either the construction of a minimum of seven affordable units for sale or rent within Phase 2A, or pay in-lieu fees for a minimum of seven units, or a combination of both. In-lieu fee shall be determined by Title 29 of the County Code.

Plans

88. **As necessary to construct roads or install utilities associated with this development plan**, improvement plans be prepared in accordance with San Luis Obispo Improvement Standards and Specifications by a Registered Civil Engineer and submitted to Public Works, County Health Department, APCD and Department of Planning and Building for approval. The plans 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: including provisions for review, inspection, and certification (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility.
 - g. Street lighting (to be high efficiency lights and consistent with APCD requirements).
89. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans 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.
90. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the road widening 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.
91. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Works Improvement Standards and to the satisfaction of the County Public Works Inspector.

Utilities

92. To be installed to provide service to any approved structure or as applicable with any road improvement associated with this development plan:
- a. Electric and telephone lines shall be installed underground.
 - b. Cable T.V. conduits shall be installed in the street.
 - c. Gas lines shall be installed.

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- d. Streetlights be installed per Specific Plan and APCD requirements.

Right to Farm

93. The applicant shall notify prospective buyers of the county's Right to Farm Ordinance currently in effect at the time said deeds are recorded and supplemental disclosure of the nature of nearby agricultural activities.

Greenwaste

94. **Mitigation Measure 4.7-6a: Prior to issuance of building permits**, the greenwaste generated by the Phase 2A golf course shall be handled in the same manner as the Phase 1A and Phase 1B courses as approved by County Public Works.

Hazardous Materials

95. **Mitigation Measure 4.10-2a:** Prior to commencement of mass grading, the applicant shall have consulted with a qualified landscape architect to ensure that the golf course is designed in accordance with standard and accepted course design, is landscaped with species adapted to the local climate, and has incorporated other applicable mitigation measures. Plantings adapted to the local climate would be more resistant to pests and drought, and less likely to require intensive application of chemicals. Landscape design should also include:
 - a. consideration of typical plant pests in this part of the State and types of pesticides effective in this region;
 - b. nonchemical control procedures that would help reduce dependence on agricultural chemicals, such as cultivation of turf areas to maximize absorption of rainfall, provisions for hand weeding, and preventative mowing of greens to minimize dew and fungus;
 - c. irrigation rates appropriate for minimizing runoff;
 - d. an adequate buffer around any wetlands and water bodies that are constructed as part of the golf course to minimize chemical transport of fertilizers and pesticides to surface water (Balogh and Walker, 1992, p. 470, Lagin, 1993, p. 28, and Love, 1992, p.36); and
 - e. design of a drainage system to minimize chemical transport to groundwater.
96. **Mitigation Measure 4.10-2b:** As a part of the Integrated Pest Management (IPM) Program, the following is recommended: Prior to application of pesticides or fertilizers, samples and measurements shall be taken for plant and insect pests on the course, and a narrow spectrum of pesticides selected from those specified in the IPM Program to control the specific problems indicated by the test samples.
97. **Mitigation Measure 4.10-2c:** Prior to approval of a golf course permit, the applicant shall submit a revised Integrated Pest Management (IPM) Program prepared by its pest control contractor that would be submitted for approval to the County Agricultural Commissioner and the County Environmental Health Division. The IPM Program would be prepared prior

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to project approval by an experienced applicator of pesticides and fertilizers licensed by the State of California. At minimum, the following elements should be included:

- Recommendations for each herbicide, insecticide, and fungicide that could be used as part of golf course maintenance activities.
- Restrictions regarding use of each recommended pesticide and procedures for its application clearly specified. Safety data sheets for each product should be included.
- Guidelines for fertilizer application rates that would encourage absorption of chemical fertilizers through plant growth. Runoff contamination could be minimized by use of slow-release fertilizers and an application schedule that takes seasonal runoff patterns and the course irrigation schedule into consideration.
- Identification of soluble, fast-leaching products that should be avoided.
- An agricultural chemical storage plan requiring that the golf course operator store agricultural chemicals only in properly secured structures with spill containment features that conform with hazardous materials storage requirements (this is a legal requirement under FIFRA).
- Provisions for alternative nonchemical or advanced pest control procedures under development to supplement application of agricultural chemicals (City of San Jose, 1993).

98. **Mitigation Measure 4.10-3a:** The golf course shall be designed to include storage of hazardous materials only in properly secured structures, with secondary spill containment features to prevent spills from escaping, such as concrete floors and berms. The containment features shall provide the following:

- a. 100-percent containment of all stored liquids. Minor spills should be contained by the structure.
- b. Sprinklers for fire suppression to provide 20 minutes of fire protection sprinkler water flow.
- c. Flammable solvents shall be stored in safety cans or cabinets and away from any source of ignitions.
- d. incompatible materials should be kept separated.

Prior to final inspection of the golf course operation, Cal Fire shall inspect the structure to assure that there is adequate sprinkler water containment in the event of a fire. The project sponsor will also be required to obtain a hazardous materials storage permit from San Luis Obispo County.

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99. **Mitigation Measure 4.10-3b:** In order to promote proper handling and storage of hazardous materials, the applicant shall implement the procedures itemized below, as applicable:
- a. Fertilizers and pesticide storage shall be limited to available covered space only. Outdoor storage of excess quantities will not be allowed.
 - b. Only chemicals currently approved for use on the course shall be stored in the maintenance facility at any time. Leftover chemicals from any one-time application would not be stored, but would be disposed of properly in a timely manner.
 - c. Maintenance vehicles shall transport only sufficient quantities of fertilizers and pesticides to complete the current day's work. All leftover chemicals and application equipment would be returned to the maintenance facility when not in use at the end of every workday.
 - d. Herbicides or other pesticides will be applied with hand-trigger, manual equipment only. No fogger or truck-mounted hose-end applications will be acceptable.
 - e. Records shall be kept of all chemical applications in accordance with California Department of Agriculture requirements.
 - f. No applicator rinse waters or any other waters known to contain fertilizer or pesticides shall be allowed to enter surface waters, including any storm drains or other conveyances that drain to surface waters, at any time. Fertilizer rinse waters may be drained to a sewage line or retained and reapplied to turf.
 - g. Prior to operation of the golf course, the golf course superintendent shall develop and implement a chemical spill response plan. The plan shall include at a minimum:
 - 1) posting of a requirement for immediate notification of the County Environmental Health Division;
 - 2) specifications for spill cleanup equipment to be maintained, adequate to contain and clean up any solid or liquid spill; and
 - 3) descriptions of procedures to be followed in the event of a solid or liquid spill, including procedures to prevent spilled material from entering a storm drain, wetland, or waterway.

Additional Conditions for Tree Removal

100. This approval does not authorize on-site commercial sale of wood or tree cutting by-products such as mulch or chips.
101. Prior to tree cutting or tree removal, the applicant shall receive written authorization from the Department of Planning and Building to begin cutting or removal activities. The Department shall confirm that all applicable conditions of approval and Specific Plan

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requirements have been met prior to issuing written authorization. As necessary, fencing, signing or other protection (including identification of individual or groups of trees to be saved) shall be used to avoid tree cutting in sensitive areas.

102. Local Nipomo Mesa roads shall not be used for truck circulation. Access shall be from Highway One.
103. All trees and tree by-products shall be handled in accordance with County Public Works, Solid Waste Division requirements, including but not limited to, delivery to large agricultural users for mulch, on-site use, and delivery to sites pre-approved by the County, and from time-to-time pick-ups by for local residents for use in landscapes. Trees and tree by-products shall not be taken to landfills.
104. **Mitigation Measure 4.5-1b:** Prior to the beginning of any tree cutting, tree removal, grading or construction, the project sponsor shall notify all residences within 1,000 feet of the site boundary concerning the project construction schedule, particularly with respect to tree clearing.
105. The applicant shall continue to use the existing designated areas for chipping activities. Expansion or modification of the designated area shall be approved in advance by the Planning and Building Department.

Indemnification of County by Applicant

106. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers, or employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul any approval of the County concerning this development plan and subdivision, which action is brought within the time period provided for by law. This is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

Miscellaneous

107. An agreement(s) shall be recorded between the golf course operator(s) and the sewer plant operator to take treated water for golf course use and between the homeowners association and golf course operator(s) to take storm water run-off, with hold harmless clauses in each.
108. Prior to recordation of the first final map of Phase 2A, the applicant shall work with the Sheriff's Office to provide a plan to achieve the facilities required by the condition listed below, to the satisfaction of the Planning Director.

Prior to completion of Phase 1B, the applicant shall provide approximately 3,000 square feet of office space, without holding cells or jail facilities, and secured parking for approximately five automobiles for the County Sheriff's Department in or near the village center. A preliminary lease agreement prepared in consultation with the County Sheriff shall be submitted with the Development Plan application for Phase 1B.

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109. The golf course shall not be lit for evening play.
110. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
111. **On-going condition of approval (valid for the life of the project)**, the property owner fronting a county maintained road shall be responsible for operation and maintenance of public road frontage sidewalks, street lights, and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a property owner's association or a public agency.
112. 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.