IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tues day September 27 ,20 05

PRESENT: Supervisors Harry L. Ovitt, Jerry Lenthall, K.H. "Katcho" Achadjian, James R. Patterson and Chairperson Shirley Bianchi

ABSENT: None

RESOLUTION NO. 2005-289

RESOLUTION AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF MARK GODFREY FOR A VESTING TENTATIVE TRACT MAP FOR TRACT 2574

The following resolution is now offered and read:

WHEREAS, on August 25, 2005, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and approved the application of Mark Godfrey for a vesting tentative tract map for Tract 2574; and

WHEREAS, Craig and Teri Sue Harvey have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 27, 2005, and determination and decision was made on September 27, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be approved and the decision of the Planning Commission should be affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Craig and Teri Sue Harvey is hereby denied and the decision of the Planning Commission is affirmed that the application of Mark Godfrey for a vesting tentative tract map for Tract 2574 is hereby approved subject to the conditions of approval and set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Lenthall, seconded by Supervisor Ovitt, and on the following roll call vote, to wit:

AYES: Supervisors Lenthall, Ovitt, Achadjian, Patterson, Chairperson Bianchi

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors
By: [signature] Deputy Clerk
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel
By: [signature]
Deputy County Counsel
Dated: September 15, 2005

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section [illegible] of the Government Code, delivery of this document has been made on 10/17/05

[illegible]
[illegible]
of the Board of Supervisors
By [signature] Deputy Clerk

STATE OF CALIFORNIA,)
)
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of Calfornia, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 7th day of October, 2005.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors
By: _____
Deputy Clerk

(SEAL)

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 Revised Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 22, 2005 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, public services/utilities, recreation, wastewater, and water, and are included as conditions of approval.

Tentative Map

B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.

C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.

D. The design and improvement of the proposed subdivision 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 single-family residences.

F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary dwelling on each proposed parcel.

G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project includes limitations on future development to areas inside the building envelopes shown on the map and includes open space easements for the protection of sensitive species.

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.

EXHIBIT B

CONDITIONS OF APPROVAL FOR TR 2574

Approved Project

1. A Vesting Tentative Tract Map to subdivide an existing 19.2 acre parcel into seven parcels of between 3.15 and 2.50 acres each, for the sale and/or development of each proposed parcel.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:

   a. Badger Canyon Lane widened to complete an A-1 (rural) section from Corbett Canyon to Fox Canyon Lane and Fox Canyon Lane widened to complete A-1 (rural) fronting the property (minimum 20 feet wide including undergrounding the existing drainage ditch).

3. The applicant offer for dedication to the public by certificate on the map or by separate document:

   a. For road widening purposes 10 feet along Badger Canyon Lane, to be described as 30 feet from the recorded centerline.

   b. A 20 foot radius property line return at the intersection of Badger Canyon Lane and Fox Canyon Lane.

4. A private easement be reserved on the map for access to lots 4, 5, 6, and 7.

5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

6. 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. Grading and erosion control plan for subdivision related improvement locations.
   d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

e. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.

7. 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.

8. 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.

9. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
   a. Submit a copy of all such permits to the Department of Public Works OR
   b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

10. Submit complete drainage calculations to the Department of Public Works for review and approval.

11. If calculations so indicate, drainage must be retained in a drainage basin(s) on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.

12. If a drainage basin(s) is required, the drainage basin along with rights of ingress and egress be:
   a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

13. 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

14. 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 at each leach line location 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.

Soils Report

15. A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.

16. 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.

Utilities

17. Electric and telephone lines shall be installed underground.

18. Cable T.V. conduits shall be installed in the street.

19. Gas lines shall be installed.

20. A 20 feet public utility easement on private property along all 20 foot wide public access easements, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

Design

21. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

22. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

23. **Prior to final map recordation**, the project shall comply with the Fire Safety Plan from CDF dated September 9, 2003 and the addendum dated January 7, 2005.

Parks and Recreation (Quimby) Fees

24. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

25. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing 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.

Easements

26. Open space easements in a form approved by County Counsel be recorded for the open space areas. The open space easements are to be maintained as such in perpetuity.

Other

27. **Prior to recordation of the final map**, the applicant shall submit a replanting plan, prepared by a qualified individual to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator's office. This plan shall show the approximate number of manzanita plants to be removed as a result of grading and site disturbance for construction of the access driveway and subdivision improvements. The plan shall also show the area and the number of manzanita to be replanted.

28. **Prior to recordation of the final map**, the applicant shall submit a replanting plan, prepared by a qualified individual to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator's office. This plan shall show the approximate area of straight-awned spineflower plants to be removed as a result of grading and site disturbance for construction of the access driveway and subdivision improvements. The plan shall also show the area and the number of straight-awned spineflower to be replanted. Replanting shall be done on the same lot as removed wherever possible.

29. **Prior to recordation of the final map**, the applicant shall submit a drainage plan for the proposed access driveway with the subdivision improvement plans, for review and approval by the Department of Planning & Building and Public Works Department. This plan shall, whenever feasible, direct drainage away from existing oak trees to avoid impacting the existing vegetation.

30. **Prior to recordation of the final map**, the applicant shall submit a sedimentation and erosion control plan for the proposed access driveway with the subdivision improvement plans for review and approval by the Department of Planning & Building and Public

Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.

31. **Prior to recordation of the final map,** the applicant shall submit a grading plan for the proposed access driveway with the subdivision improvement plans, which shows the amount of cut and fill and well as a practical plan and profile. This plan shall also show the existing trees with the number of trees to be removed and impacted.

32. Prior to recordation of final map and/or approval of subdivision improvement plans whichever occurs first, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval / Mitigated Negative Declaration measures. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; (6) action to be taken in the event of non-compliance and (7) that the length of the monitoring period shall be five years from the commencement of monitoring. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Additional Map Sheet

33. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

    a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

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

c. **At the time of application for construction permits**, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 25 feet above the existing ground surface and shall not silhouette against the horizon.

d. **At the time of application for construction permits,** the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys, etc. and darker green, grey, slate blue, or brown colors for the roof structures.

e. **During grading/construction for the proposed subdivision improvements and construction**, the applicant shall limit the manzanita (Wells' manzanita – *[Arctostaphylos wellsii]* removal to those areas shown on the attached Exhibit F. The applicant shall replace, in kind at a 3:1 ratio, all manzanita removed as a result of the development of the project. All other construction and grading activities shall avoid impacts to the remaining manzanita on the subject property. Prior to additional manzanita removal, sufficient cuttings shall be taken by a qualified nurseryman (familiar with native plants) for nursery propagation and replanting a comparable area on the subject property. Replanting density shall be one cutting at 6' on center. Prior to issuance of constructions permits, replanting area(s) shall be clearly shown on construction plans.

f. **Prior to commencement of any vegetation removal or grading work**, all manzanita to remain within 25 feet of the project limits shall be staked and/or flagged for protection. These areas to be protected shall be shown on all applicable constructions plans. The protection devices shall be installed prior to any vegetation removal and remain in place throughout the grading and construction phases.

g. The newly planted manzanita shall be maintained until successfully established. This shall include protection (e.g. caging) from animals (e.g. deer, rodents), regular weeding, (minimum of once early Fall and once early Spring) of at least a three foot radius out from the plant and adequate watering (e.g. drip-irrigation system). Watering should be controlled so only enough is used to initially establish the manzanita, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g. planting tablets, initial deep watering) shall be used.

h. Once the new manzanita has been planted by a qualified individual familiar with native plants, and prior to final inspection of the grading permit, the applicant shall retain this individual (e.g. landscape contractor, arborist, nurseryman, botanist) to prepare a letter describing how and when the above planting and protection

measures have been completed. This letter shall be submitted to the Environmental Coordinator for review and approval.

i. During grading/construction for the proposed project, the applicant shall limit the straight-awned spineflower *[Chorizanthe rectispina]* removal to those areas shown on the attached Exhibit G. All other construction and grading activities shall avoid impacts to the remaining straight-awned spineflower on the subject property. Prior to additional straight-awned spineflower removal, sufficient cuttings shall be taken by a qualified nurseryman (familiar with native plants) for nursery propagation and replanting a comparable area on the subject property. Replanting density shall be one cutting at 8' on center. Prior to issuance of constructions permits, replanting area(s) shall be clearly shown on construction plans.

j. The newly planted straight-awned spineflower shall be maintained until successfully established. This shall include protection (e.g. caging) from animals (e.g. deer, rodents), regular weeding, (minimum of once early Fall and once early Spring) of at least a three foot radius out from the plant and adequate watering. Watering should be controlled so only enough is used to initially establish the straight-awned spineflower, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g. planting tablets, initial deep watering) shall be used.

k. Once the new straight-awned spineflower has been planted by a qualified individual familiar with native plants, and prior to final inspection of the grading permit, the applicant shall retain this individual (e.g. landscape contractor, arborist, nurseryman, botanist) to prepare a letter describing how and when the above planting and protection measures have been completed. This letter shall be submitted to the Environmental Coordinator for review and approval.

l. To minimize impacts to the sensitive habitat, the applicant agrees to the following during construction and for the life of the project:

   i. All native vegetation removal shall be shown on all applicable grading/construction or improvement plans, and reviewed/approved by the County (Planning and Building Dept.) before any work begins.
   ii. Vegetation removal of native habitat shall be limited to what is shown on the county-approved tentative tract map/additional map sheet.
   iii. Vegetation clearance for fire safety purposes shall be limited to the building envelopes established with the tentative tract map and minimum setbacks required by CDF. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

m. The applicant shall show the building envelopes as shown on Exhibit A and open space easements as shown on Exhibit E on an additional map sheet. All new development, including primary residences, storage buildings, leach fields, water tanks, and other accessory uses shall be constructed within the building envelopes. In addition, all other activities including vegetation clearance, horse pens, and other

similar uses must be conducted within the building envelopes shown for Lots 4, 5, 6, and 7. No soil disturbance or activities except passive recreation are allowed outside of the building envelopes on Lots 4, 5, 6, and 7, nor within the designated open space on Lots 1, 2, and 3.

n. There shall be no cutting, alteration or disturbance of the existing wetland area (as shown on the attached Exhibit C) during or after construction.

o. **Prior to issuance of grading or construction permits**, building envelopes shall be clearly delineated on all construction plans. Prior to any construction work beginning, including any vegetation clearing, where wetland area has been identified on Exhibit C, sturdy high-visibility fencing shall be installed to protect this area. This fencing shall be placed as far away as possible and no closer than 25 feet from the edge of existing wetland edge. No construction work (including storage of materials) shall occur outside of the building envelopes. Any required fencing shall remain in place during the entire construction period and checked as needed by the Environmental Monitor.

p. The applicant agrees to have the wetland area monitored and maintained continuously every 5 years by a qualified individual (approved by the county). **Prior to final inspection**, the applicant agrees to secure a bond with the county to cover the costs of monitoring and maintaining the site for a minimum 10-year period.

q. **Prior to issuance of grading or construction permits**, to minimize potential sedimentation within the wetland areas to be protected as shown on Exhibit C, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the wetland. At a minimum, straw wattles (or comparably effective devices [as determined by the Environmental Monitor]) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.

r. **Prior to issuance of grading or construction permits**, the applicant shall pay an in-lieu fee as directed by County Public Works into a wetland restoration fund for impacts to the wetland along the road shoulder.

s. **Prior to final inspection of construction permit**, the applicant shall replace, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, the applicant shall plant, in kind at a 2:1 ratio, all oak trees impacted as a result of the development of the project. No more than 29 oak trees shall be removed as a result of the development of the project and no more than 29 additional oak trees shall be impacted, but not removed (as shown on the attached Exhibit B). Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

t. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

u. These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

v. Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.

w. All oak trees identified to remain (see attached Exhibit B) shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g. pavement); disturbance of soil that impacts roots (e.g., tilling).

x. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of the remaining oaks. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (6 inches in diameter and smaller) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

y. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental drainage plan for review and approval by the Department of Planning & Building and Public Works Department. This plan shall, whenever feasible, direct drainage away from existing oak trees to avoid impacting the existing vegetation.

z. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.

aa. **Prior to issuance of grading or construction permits**, the applicant shall submit plans that incorporate all mitigation measures listed in the soils engineering report and slope stability analysis.

bb. **Prior to issuance of a grading or building permit**, the applicant shall provide a written statement from the water purveyor that an on-site well is installed, tested and certified to meet minimum capacity requirements and Health Department approval.

cc. The applicant shall include a note on the additional map sheet stating that each new lot will be limited to one primary residence, and that no secondary residences will be permitted.

dd. Prior to issuance of construction permits for Lot 5, an engineered septic system shall be designed to serve the proposed development.

ee. Prior to issuance of construction permits on any of the lots of the Tract, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval / Mitigated Negative Declaration measures for the individual lot that is the subject of the construction permit. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; (6) action to be taken in the event of non-compliance and (7) that the length of the monitoring period shall be five years from the commencement of monitoring. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Covenants, Conditions and Restrictions

34. 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. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.

b. **At the time of application for construction permits**, the applicant shall clearly delineate the height of new development above the existing natural ground surface on the project plans. New development shall not exceed 25 feet above the existing ground surface and shall not silhouette against the horizon.

c. **At the time of application for construction permits,** the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and

Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys, etc. and darker green, grey, slate blue, or brown colors for the roof structures.

d. **During grading/construction for the proposed subdivision improvements and construction**, the applicant shall limit the manzanita (Wells' manzanita – *[Arctostaphylos wellsii]* removal to those areas shown on the attached Exhibit F. The applicant shall replace, in kind at a 3:1 ratio, all manzanita removed as a result of the development of the project. All other construction and grading activities shall avoid impacts to the remaining manzanita on the subject property. Prior to additional manzanita removal, sufficient cuttings shall be taken by a qualified nurseryman (familiar with native plants) for nursery propagation and replanting a comparable area on the subject property. Replanting density shall be one cutting at 8' on center. Prior to issuance of constructions permits, replanting area(s) shall be clearly shown on construction plans.

e. **Prior to commencement of any vegetation removal or grading work**, all manzanita to remain within 25 feet of the project limits shall be staked and/or flagged for protection. These areas to be protected shall be shown on all applicable constructions plans. The protection devices shall be installed prior to any vegetation removal and remain in place throughout the grading and construction phases.

f. The newly planted manzanita shall be maintained until successfully established. This shall include protection (e.g. caging) from animals (e.g. deer, rodents), regular weeding, (minimum of once early Fall and once early Spring) of at least a three foot radius out from the plant and adequate watering (e.g. drip-irrigation system). Watering should be controlled so only enough is used to initially establish the manzanita, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g. planting tablets, initial deep watering) shall be used.

g. Once the new manzanita has been planted by a qualified individual familiar with native plants, and prior to final inspection of the grading permit, the applicant shall retain this individual (e.g. landscape contractor, arborist, nurseryman, botanist) to prepare a letter describing how and when the above planting and protection measures have been completed. This letter shall be submitted to the Environmental Coordinator for review and approval.

h. During grading/construction for the proposed project, the applicant shall limit the straight-awned spineflower *[Chorizanthe rectispina]* removal to those areas shown on the attached Exhibit G. All other construction and grading activities shall avoid impacts to the remaining straight-awned spineflower on the subject property. Prior to

additional straight-awned spineflower removal, sufficient cuttings shall be taken by a qualified nurseryman (familiar with native plants) for nursery propagation and replanting a comparable area on the subject property. Replanting density shall be one cutting at 8' on center. Prior to issuance of constructions permits, replanting area(s) shall be clearly shown on construction plans.

i. The newly planted straight-awned spineflower shall be maintained until successfully established. This shall include protection (e.g. caging) from animals (e.g. deer, rodents), regular weeding, (minimum of once early Fall and once early Spring) of at least a three foot radius out from the plant and adequate watering. Watering should be controlled so only enough is used to initially establish the straight-awned spineflower, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g. planting tablets, initial deep watering) shall be used.

j. Once the new straight-awned spineflower has been planted by a qualified individual familiar with native plants, and prior to final inspection of the grading permit, the applicant shall retain this individual (e.g. landscape contractor, arborist, nurseryman, botanist) to prepare a letter describing how and when the above planting and protection measures have been completed. This letter shall be submitted to the Environmental Coordinator for review and approval.

k. To minimize impacts to the sensitive habitat, the applicant agrees to the following during construction and for the life of the project:

   i. All native vegetation removal shall be shown on all applicable grading/construction or improvement plans, and reviewed/approved by the County (Planning and Building Dept.) before any work begins.
   ii. Vegetation removal of native habitat shall be limited to what is shown on the county-approved tentative tract map/additional map sheet.
   iii. Vegetation clearance for fire safety purposes shall be limited to the building envelopes established with the tentative tract map and minimum setbacks required by CDF. Where feasible, all efforts will be made to retain as much of this vegetation within the setback as possible (e.g. remove/trim only enough vegetation to create non-contiguous islands of native vegetation).

l. The applicant shall show the building envelopes as shown on Exhibit A and open space easements as shown on Exhibit E on an additional map sheet. All new development, including primary residences, storage buildings, leach fields, water tanks, and other accessory uses shall be constructed within the building envelopes. In addition, all other activities including vegetation clearance, horse pens, and other similar uses must be conducted within the building envelopes shown for Lots 4, 5, 6, and 7. No soil disturbance or activities except passive recreation are allowed outside of the building envelopes on Lots 4, 5, 6, and 7, nor within the designated open space on Lots 1, 2, and 3.

m. There shall be no cutting, alteration or disturbance of the existing wetland area (as shown on the attached Exhibit C) during or after construction.

n. **Prior to issuance of grading or construction permits,** building envelopes shall be clearly delineated on all construction plans. Prior to any construction work beginning, including any vegetation clearing, where wetland area has been identified on Exhibit C, sturdy high-visibility fencing shall be installed to protect this area. This fencing shall be placed as far away as possible and no closer than 25' from the edge of existing wetland edge. No construction work (including storage of materials) shall occur outside of the building envelopes. Any required fencing shall remain in place during the entire construction period and checked as needed by the Environmental Monitor.

o. The applicant agrees to have the wetland area monitored and maintained continuously every 5 years by a qualified individual (approved by the county). **Prior to final inspection,** the applicant agrees to secure a bond with the county to cover the costs of monitoring and maintaining the site for a minimum 10-year period.

p. **Prior to issuance of grading or construction permits,** to minimize potential sedimentation within the wetland areas to be protected as shown on Exhibit C, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the wetland. At a minimum, straw wattles (or comparably effective devices [as determined by the Environmental Monitor]) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.

q. **Prior to issuance of grading or construction permits,** the applicant shall pay an in-lieu fee as directed by County Public Works into a wetland restoration fund for impacts to the wetland along the road shoulder.

r. **Prior to final inspection of construction permit,** the applicant shall replace, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, the applicant shall plant, in kind at a 2:1 ratio, all oak trees impacted as a result of the development of the project. No more than 29 oak trees shall be removed as a result of the development of the project and no more than 29 additional oak trees shall be impacted, but not removed (as shown on the attached Exhibit B). Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

s. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

t. These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

u. Replacement oak trees shall be from either vertical tubes or deep, one-gallon container sizes.

v. All oak trees identified to remain (see attached Exhibit B) shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g. pavement); disturbance of soil that impacts roots (e.g., tilling).

w. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of the remaining oaks. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species. Smaller trees (6 inches in diameter and smaller) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.

x. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental drainage plan for review and approval by the Department of Planning & Building and Public Works Department. This plan shall, whenever feasible, direct drainage away from existing oak trees to avoid impacting the existing vegetation.

y. **Prior to issuance of grading or construction permits**, the applicant shall submit a supplemental sedimentation and erosion control plan for review and approval by the Department of Planning & Building and Public Works Department. The plan shall include best management practices which can include, but are not limited to: avoiding grading during the wet-weather months, revegetation plans that allow slope stabilization prior to the wet season, and following existing contours to the greatest extent feasible.

z. **Prior to issuance of grading or construction permits**, the applicant shall submit plans that incorporate all mitigation measures listed in the soils engineering report and slope stability analysis.

aa. **Prior to issuance of a grading or building permit**, the applicant shall provide a written statement from the water purveyor that an on-site well is installed, tested and certified to meet minimum capacity requirements and Health Department approval.

bb. Each new l ot will be limited to one primary residence, and that no secondary residences will be permitted.

cc. Prior to issuance of construction permits for Lot 5, an engineered septic system shall be designed to serve the proposed development.

dd. Prior to issuance of construction permits on any of the lots of the Tract, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with County Conditions of Approval / Mitigated Negative Declaration measures for the individual lot that is the subject of the construction permit. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; (6) action to be taken in the event of non-compliance and (7) that the length of the monitoring period shall be five years from the commencement of monitoring. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Miscellaneous

35. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

36. 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.

37. The subdivider shall as a condition of approval of this tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and 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 subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.

2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:

   A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.

   B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.

   C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.

3. 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 community sewers may become available.

4. 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.

5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 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.

6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for

each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.

8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

9. Any existing reservoir or drainage swale on the property shall be delineated on the map.

10. 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.

11. Required public utility easements shall be shown on the map.

12. Approved street names shall be shown on the map.

13. 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.

14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.

15. Any private easements on the property shall be shown on the map with recording data.

16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.

17. 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.

18. 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.

19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.