

EXHIBIT E

CONDITIONAL USE PERMIT S030115U FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: agricultural resources; air quality; biological resources; cultural resources; drainage, erosion, and sedimentation; geologic stability; land use; public safety; public services; recreation; noise; transportation and circulation; visual resources; and water and wastewater. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with agricultural resources, air quality, biological resources, cultural resources, noise, transportation and circulation, and water and wastewater. Exhibits A and B Findings for the Final EIR are incorporated herein as though set forth in full in support of these findings to approve this Conditional Use Permit / Vesting Tentative Tract Map.

Conditional Use Permit

- B. The Amended Project is consistent with applicable county general and specific plans. The application for the Conditional Use Permit/ Vesting Tentative Tract Map was accepted as complete by the Department of Planning and Building on June 7, 2004, and is consistent with the plans and policies of the County in effect on that date.

On July 15, 2004, the Applicant requested a written interpretation by the County Department of Planning and Building of the language in the Salinas River Area Planning Area Standards pursuant to County Land Use Ordinance Section 22.02.020 to determine if the proposed project was consistent with Area Plan Standard A1, Rural Area, LUO Section 22.104.040. The Board finds that the Department's interpretation of that standard is correct as set forth in a written interpretation dated August 17, 2004. The proposed project is consistent with Section 22.104.040 in that it is a new land division prior to approval of a Specific Plan and is in compliance with the agricultural lands clustering standards of Section 22.22 of the LUO. The Board specifically finds that the proposed project is not subject to the provision of the second sentence of the standard, which is intended to apply only to a lot line adjustment which would not create any new lots, and that any other interpretation would render the first sentence of said standard meaningless, which provides: "All new land divisions that are proposed prior to approval of a specific plan required by Standard No. 2 shall cluster allowed residential density of the Santa Margarita Ranch property ownership shown in Figure 7.24 in accordance with agricultural lands clustering standards of the Land Use Ordinance Chapter 22.22.150." Notice of the written determination of the Department was provided to Santa Margarita Area

As directed by The Board of Supervisors 12/19/08

Residents Together (“SMART”) and was not appealed to the Planning Commission as provided in LUO Section 22.02.030.

The project is also consistent with the intent of the Planning Area Standard because it is locating the proposed project south and east of the existing town of Santa Margarita.

The project density is within that allowed by the Area Plan standard of 550 residential units.

The Framework for Planning, which is a part of the County adopted general plan, provides for internal general plan consistency by providing that where general policies in various general plan elements and/or LUO standards may differ, the Area Plan standards take precedence.

The approval of the project meets the legal requirements of Government Code Section 65589.5 (j), Public Resources Code Section 21159.26, and 14 Cal. Code Regs. Section 15092(c), in that the project is a housing development which complies with applicable, objective general plan and zoning standards and criteria in effect at the time that the application was determined to be complete, and the denial of the project or a reduction in density can only be based upon written findings supported by substantial evidence of both of the following: (1) that the project would have a specific, adverse impact upon the public health or safety, which is defined as a “significant, quantifiable, direct, and unavoidable impact, based upon objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and (2) that there is no feasible method to satisfactorily mitigate or avoid the adverse impact other than disapproval of the project or approval at a reduced density. The Board finds that such findings for denial of this project or a reduction in its density cannot be made and would not be supported by substantial evidence in the record.

The proposed project is consistent the Salinas River Area Plan Goal 5 in encouraging agriculture as an economic entity for its secondary benefit of maintenance of rural character. The property will result in permanent conservation of over 3,620 acres of agricultural land including 974 acres of existing irrigated vineyard and approximately 2,000 acres of grazing lands.

The proposed project is consistent with Salinas River Area Plan Goal 6 in encouraging retention of historical character and heritage. The preservation of permanent open space as found above is consistent with maintaining the historical character and heritage of the Ranch, and the location of the proposed home-sites so as to minimize visibility from public roads, being located on the interior of the site more than 2,000 feet from Highway 58 and Pozo Roads encourages the retention of the historical character and heritage of the Ranch.

The proposed project is consistent with Salinas River Area Plan Goal 9 in providing for local circulation that supports transportation needs in the North County. There

As directed by The Board of Supervisors 12/19/08

are specific circulation improvements required in the conditions of approval adopted concurrently herewith which meet the intent of this goal. The project is required to improve existing transit facilities in Santa Margarita to make them more convenient and user friendly for residents of the North County and Santa Margarita, making the use of alternative transportation more attractive to residents.

The proposed project is consistent with Salinas River Area Plan Goal 12 in preserving or minimizing impacts to native habitats, such as significant stands of oak woodlands, riparian vegetation and important wildlife corridors. Only 75-80 acres, or 2.1% of the 3,778 acres within the tract will be converted to residential uses; design restrictions in the form of identified building envelopes further avoid impacts to native habitats, oak woodlands riparian vegetation and important wildlife corridors. The proposed project protects the existing 1,400 acres of oak woodland within the tract boundaries; development is setback from all riparian corridors. Roads are located primarily on existing ranch roads, requiring minimal crossing of riparian areas. The continuation of pulse grazing management practices have lead to successful regeneration of native grasses and thousand of new oak saplings. The project will result in conversion of less than 80 acres of the entire project area of 3,788 acres, or approximately 2.1% of the total tract area. Oak replacement mitigation will also assure the preservation of important oak habitats.

Based upon the above findings, and those in Section C below, and the mitigations and project conditions adopted concurrently herewith, the Board finds that the project is consistent with the general, non-site specific goals within the general plan, including Environmental Goal 1, maintaining and protecting a living environment that is safe, healthful, and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources; Environmental Goal 2, balancing the capacity for growth allowed by the Land Use Element with the sustained availability of resources; Environmental Goal 6, providing for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizen's financial ability to provide them. Phasing of Urban Development Goal 11 is not applicable to this agricultural clustering project which is a rural subdivision; however the project is consistent with the capacities of existing public services and facilities. The project as conditioned satisfies Air Quality Goal 4 in determining and mitigating where feasible potential adverse air quality impacts of new development. The project as condition is consistent with Air Quality Goal 5 by encouraging the use of transportation alternatives, including a multi-use trail from the residential cluster into the town of Santa Margarita for convenience trips and enhancing existing bus shelters in the town. The proposed project is consistent with Distribution of Land Uses Goal 8 in providing for the perpetual preservation of open space, providing low density rural home sites, and maintaining agricultural uses. The proposed project is consistent with Distribution of Land Uses Goal 10 in encouraging the protection of agricultural land for the production of food, fiber and other agricultural commodities. The proposed project is consistent with Public Services and Facilities Goal 15 since new homes will be required to pay development fees which will be used to pay for current and future infrastructure projects, .The proposed project is consistent with Circulation Element Goal 1 in providing for privately

As directed by The Board of Supervisors 12/19/08

maintained streets and the project is consistent with and within the Growth Management Ordinance cap and the proposed density is consistent with the General Plan. The project is consistent with Circulation Element Goal 3 in being required to enhance the existing bus facilities in Santa Margarita as well as provide a multi-use trail link for the cluster residents to walk/bike into town for convenience needs. Energy Element Policy 1 and Energy Element Policy 2 are general policy goals for urban development and do not supercede the Area Plan standards findings above which allow an agriculture clustering project within the rural area, specifically including this site.

The proposed project, as found above and in section C below, and as conditioned concurrently herewith, is consistent with the following Agriculture Element Policies: Policy 11: the project is required to import Nacimiento Water for residential uses and therefore maintains water resources for production agriculture. Policy 17: the project includes agricultural buffers and protections for agricultural uses. Policy 18: the project has located new buildings, access roads and structures to protect agricultural lands and all development is located outside the existing vineyard and Class 1 and 2 soils. Policy 20: the project has been designed to ensure the long term protection of agricultural resources. Policy 21: the project site is subject to a specific planning area standards that prescribes the density calculation for the agricultural cluster from LUO Chapter 22.22 be utilized; and as found below, the project is consistent with the specific density of the area plan standard. Policy 22 is subject to the specific density for this property for agricultural clustering purposes as found below and does not supercede the planning area standard or specific density calculations under LUO Chapter 22.22. Policy 25: the project is consistent with this policy as found below in protecting unique or sensitive habitual areas, avoiding significant impacts on habitat and agricultural operations and adopting feasible alternatives and designs which avoid environmental damage or significant negative impacts on agriculture. The project is consistent with Open Space Element Policy 10 in utilizing a cluster land division that locates residential clusters on the least environmentally sensitive portions of the site. The project is consistent with Open Space Element Policy 17 in avoiding significant impacts on habitat. The project is consistent with Agriculture Element Policy 33, 34 and Open Space Policy 33 in protecting and avoiding sensitive archaeological and cultural sites where feasible, and through the mitigation measures adopted concurrently herewith.

- C. As amended, the Amended Project satisfies all applicable provisions of Title 22 of the County Code as set forth in Exhibit C. The required findings of Section 22.22.150g can be made as follows:

The proposed project is consistent with LUO Section 22.22.150G(1) in that the mitigation measures and conditions of approval set forth in Exhibits D and F, which are incorporated herein by this reference, will result in the continuation, enhancement and long-term preservation of agricultural operations consisting of the production of food and fiber on the subject site and in the surrounding area. The project approval and phased development will result in the permanent protection of more than 3,600 acres in agricultural open space easements, which will require the

As directed by The Board of Supervisors 12/19/08

protection and continued enhancement of agricultural operations. The easements are required to preserve an existing 974 acre vineyard operation and over 2,000 acres of grazing land. The proposed project is similar in material regards and conditions of approval to other County approved agricultural clusters, such as Varian Ranch, for which there are 20 years of successful experience demonstrating that this method of development, project design, and mitigation measures are successful in resulting in the continuation, enhancement and long-term preservation of agricultural operations on the site and in the surrounding area.

The proposed project is consistent with LUO Section 22.22.150G(2)a in that the proposed residential development has been located to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties. The project has been designed to locate the residential lots a sufficient distance from irrigated prime soils and existing vineyards. No prime soils will be converted due to residential development because no soil units within the cluster area qualify as prime soils. In order for the soil units to qualify as prime they would need to be irrigated. The area in the Remeck Field has not been irrigated and has historically been used for grazing. As conditioned, all building envelopes will be cattle fenced thereby creating adequate separation between the home sites and the cattle operations.

The proposed project is consistent with LUO Section 22.22.150G(2)b in that the project has been designed to minimize to the maximum extent feasible the need for the construction of new roads by clustering new development close to existing roads, and utilizes existing ranch roads on the site to serve the residential and agricultural uses.

The proposed project is consistent with LUO Section 22.22.150G(2)c in that the design of the project avoids the placement of roads or structures on any environmentally sensitive habitat areas. Only 75-80 acres of grazing land or 2.1% of the 3778 acres area within the Vesting Tentative Map will be converted to residential uses. The project identifies building envelopes within which future residential construction is to occur thereby avoiding impacts to natural and agricultural features. The design of the project creates spaces between adjacent home sites and/or building envelopes to create a network of interconnected spaces and wildlife corridors leading to larger open areas in the areas. This design provides for the movement of both wildlife and cattle without impact from the home sites, and provides greater flexibility to protect special plant species and habitat while maintaining viable agricultural areas. The location of the building envelopes protects the existing 1,400 acres of oak woodland stands within the Vesting Tentative tract, are setback from all riparian corridors, and maintains viable class 1 and 2 prime soils. By maintaining current pulse grazing practices, the project protects and enhances grassland habitat that has lead to successful regeneration of native grasses and thousands of new oak saplings in the tract area. Within the tract boundaries there are over 12,000 mature oak trees and many more young saplings. The worst case scenario would result in the removal of .02% of mature trees within the project site. Of the 79.2 acres of native perennial grassland converts to

As directed by The Board of Supervisors 12/19/08

residential uses by the project, other areas within the project which are equivalent are preserved. The project would preserve approximate 1,400 acres of oak woodlands on a permanent basis. Native perennial grassland is not a designated sensitive natural community type. The development areas do not include the *Danthonia californica* species and the development areas are typical of unfarmed grasslands across the Santa Lucia foothills from Pozo to the coast.

The proposed project is consistent with LUO Section 22.22.150G(2)d in that the project design minimizes impacts of non-agricultural structures and roads on public views from public roads and public recreation areas. The applicant modified the project to minimize the public view of future home sites by relocating specific lots and building envelopes. The clustered parcels are located on the interior of the site and are naturally screened from off site public views by existing topography and vegetation. As redesigned and as conditioned, the project would result in a maximum of eight homes potentially being visible from distant off-site public views from public roads. These partially visible home sites will be between 2,200 and 4,300 feet away from public roads and would be difficult to see while traveling on the roads. These sites will be restricted to 17 feet in height to minimize visual impacts.

The proposed project is consistent with LUO Section 22.22.150G(2)e in that the design of the project clusters proposed residential structures to the maximum extent feasible so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area. The staff recommended alternative and several other alternatives in the EIR would resemble traditional urban subdivisions thereby eliminating the rural character of the area. The proposed lots have been clustered in order to provide a sufficient distance from the existing vineyards. The area of the cluster site will continue to be pulse grazed. The home sites will be cattle fenced to minimize the agricultural and residential interface and the rotational grazing practices implemented by the Ranch will further reduce incompatibilities. The existing best management practices and the project conditions and mitigations adopted concurrently herewith will assure to the maximum extent feasible that the proposed residential structures do not interfere with the agricultural production while maintaining the rural character of the cluster area.

The proposed project is consistent with LUO Section 22.22.150G(2)f in that the design of the project and the location of the lots and building envelopes will minimize risks to life and property due to geologic, flood and fire hazard and soil erosion. None of the lots are located in a geological or flood hazard overlay area. The continuation of rangeland management practices will ensure the fire hazards are reduced and the existing vineyards provide a significant beneficial effect on reducing regional fire hazards by serving as a firebreak for the cluster lots as well as the town of Santa Margarita. The project conditions and mitigations adopted concurrently herewith will also achieve the goal of minimizing risks to life and property due to fire hazards and soil erosion.

The proposed project is consistent with LUO Section 22.22.150G(3) in that it will not result in any significant adverse social impacts affecting on-site or off-site

As directed by The Board of Supervisors 12/19/08

agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices. The project will be a private development and not accessible to the general public, thereby minimizing to a less than significant level possible problems of trespass and vandalism. The private nature of the development means that there would not be unregulated and unmonitored public access to the site and ongoing agricultural areas and operations. The conditions of approval adopted concurrently herewith will assure the viability of on-going agricultural operations. As found above, the experience of the County with this model of development, including Varian Ranch, indicates that it does not result in significant adverse social impacts affecting on-site or off-site agricultural operations, including but limited to trespass, vandalism and complaints about agricultural practices.

The proposed project is consistent with LUO Section 22.22.150G(4) in that the water resources and all necessary services are adequate to serve the proposed development, including the residential uses as well as existing and proposed agricultural operations on the site and the site vicinity. The project as conditioned will use imported water from the Nacimiento Water Project to meet domestic water demand from the new residences. The existing vineyards are using a small portion of the known groundwater supply. The water supply information provided by Luhdorff and Scalmanini demonstrates that there is sufficient water to continue the agricultural uses on the subject site and in the site vicinity.

The proposed project is consistent with LUO Section 22.22.150C(5) in that the proposed development and the conditions, covenants and restrictions governing the individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space. The project conditions adopted concurrently herewith require permanent open space /agricultural open space easements on the undeveloped portions of the Tract.

- D. The establishment and subsequent operation or conduct of the use will not be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because as conditioned, the agricultural cluster subdivision does not generate activity that presents a potential threat to the surrounding property and buildings. The project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns. Conditions of approval related to traffic safety and agricultural operation interface have been applied to the project to address health, safety, and welfare concerns.
- E. The Amended Project as conditioned will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the agricultural cluster subdivision has been designed to maintain the historical rural and agricultural character and heritage of the Ranch. The design of the project and the location of the proposed home-sites minimize visibility of the project from off-site public views and the agricultural open space easement areas assure that the rural character of the area remains intact.

As directed by The Board of Supervisors 12/19/08

- F. The Amended Project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project. The traffic generated by the project will not cause the Level of Service of any intersections of roadway segments to degrade to an LOS D, E, or F. Furthermore, the project has access from Highway 58, a state maintained highway. The FEIR identified existing design deficiency's in the roads providing access to the project and the project has been conditioned to fix some of those deficiencies. Because fixing all of the design deficiencies is not feasible, a Statement of Overriding Considerations is required.

EXHIBIT F

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT S030115U

Approved Development

1. This approval authorizes a three phase Major Agricultural Cluster consistent with the Amended Project. The Amended Project subdivides a 3,778 acre area into 111 residential parcels with building envelopes. In addition, the Amended Project includes open space easement parcels totaling 3,620 acres, and a 2,417 acre remainder parcel. Phase One encompasses 1,518 acres and consists of 40 residential cluster lots. Phase Two encompasses 1,201 acres and consists of an additional 42 residential clustered lots. Phase Three encompasses 1,057 acres and consists of an additional 29 residential clustered lots. The Amended Project would include private agricultural and residential easements and paved roadways; water service improvements including a water tank, looped service main, and service lines to residential parcels; underground wire utilities; individual on-site septic systems and leach fields for parcels within the Amended Project area. The Amended Project is to incorporate the following:
 - a. An open space / agricultural open space easement parcel(s) shall be a minimum of 95 percent of the gross site area. The 95 percent calculation may not include any of the residential components of the project (i.e. road right of way, drainage basins etc.). Directly related infrastructure such as roads used for both residential and agricultural purposes and wells can be included in the 95% calculation. The open space parcel(s) shall comply with the minimum parcel size requirements of the Land Use Ordinance (maximum of three parcels).
 - b. Residential development should convert no more than 5 percent of the project site to non-agricultural uses.
 - c. Each residential cluster lot limited to one residence (no additional primary residence or secondary residences)
 - d. Fencing that would preclude cattle from accessing the residential building envelopes shall be installed and maintained by the developer and/or the owner of the open space / agricultural open space easement parcel(s).
 - e. For the life of the project the applicant shall maintain homesites buffered from the existing vineyards. The homesites shall be as identified on the building envelope plan set prepared for the Amended Project. The Ag Commissioner's Office shall review the building envelopes on the final map to ensure the envelopes are in substantial conformance with the building envelopes identified in the Amended Project.
 - f. Annexation to County Service Area 23 to accommodate the community water system that will be used for the proposed residences. Use of imported water (Nacimiento Water Project) at a 1:1 ratio for all residential development shall be provided through an annexation agreement secured through the Santa Margarita Ranch Mutual Water Company allowing land application for agriculture to offset the use of groundwater for residential units and an emergency intertie with the existing CSA 23 system. If this option is not feasible (ie annexation to CSA 23), the land application of Nacimiento water will nevertheless be allowable and the

As directed by The Board of Supervisors 12/19/08

- requirement to construct an emergency intertie with the existing CSA 23 system must still be completed. Appropriate permits must be obtained.
- g. Individual on-site septic systems and leach fields shall be required for each individual parcel within the Amended Project area. Leachfield may be located within the agricultural open space easement areas with appropriate licensing agreements.
 - h. All building envelopes and home site development shall be consistent with the lot development matrix and building envelope plan set prepared for the Amended Project.

Biological Resources

2. **Prior to improvement plan approval or any site disturbance**, the applicant shall contract with a County-approved biologist to develop a Native Perennial Grassland Restoration Plan to be approved by the County Planning and Building Department. The Plan would consist of enhancing the remaining Native Perennial grassland habitat found on-site or creating Native Perennial Grassland habitat within areas presently vegetated by California annual grassland. Specifically, the area of restoration shall include at least a 2:1 ratio (restoration area to impacted area) with at least 10 percent cover by purple needlegrass, deergrass, or California oatgrass, and should include open areas within blue oak woodland and coast live oak woodland. In addition, native forbs shall be established in the restoration areas representing the species composition and relative cover that is present in the areas to be lost. Other areas consisting of California Annual Grassland are also suitable for enhancement. In such areas, grassland management strategies such as seasonal mowing shall be employed, which will allow for a higher likelihood that perennial grasses could compete with the annual grasses found within these areas. The following measures shall be implemented.
 - A County-approved biologist shall develop a Plan that provides specific measures to enhance and maintain the remaining on-site occurrences of Native Perennial Grassland to be approved by the County Planning and Building Department. This Plan shall be focused on adaptive management principles, and shall identify detailed enhancement areas and strategies based on the parameters outlined below, with timing and monitoring long-term requirements. The Plan shall:
 - Provide an up-to-date inventory of on-site occurrences of Native Perennial Grassland habitat;
 - Define attainable and measurable goals and objectives to achieve through implementation of the Plan;
 - Provide site selection and justification;
 - Detail restoration work plan including methodologies, restoration schedule, plant materials (seed), and implementation strategies.
 - Provide a detailed maintenance plan to include mowing to provide a sufficient disturbance regime to keep non-native plant species from further reducing the extent of this habitat type on the property over time. This approach would also have the residual benefit of providing wildland fire protection. Enhancement and maintenance options shall employ recent techniques and effective strategies for increasing the overall area of Native Perennial Grassland on-site and shall

As directed by The Board of Supervisors 12/19/08

include but not be limited to reseeding disturbed areas with an appropriate native plant palette;

- o Define performance standards within the agriculture residential cluster subdivision project area, the restored area shall include at least a 2:1 ratio with at least 10 percent cover by native perennial grasses; and,
- o Provide a monitoring plan to include methods and analysis of results. Also, include methodology to determine success or failure of restoration enhancement and an adaptive management plan.

3. **Prior to improvement plan approval or any site disturbance**, the applicant shall contract with a County-approved biologist to conduct follow-up special-status plant surveys for San Luis Obispo mariposa lily and San Luis Obispo County morning glory shall be performed in the spring prior to commencement of ground disturbance in accordance with the Amended Project's Native Perennial Grassland Restoration Plan Condition of Approval 2. The survey for San Luis Obispo mariposa lily shall be required only on potential impact areas containing San Luis Obispo mariposa lily that are delineated on Figure 4.3-2 of the FEIR. The applicant shall submit to the County Planning and Building Department an updated San Luis Obispo mariposa lily population survey report of the Amended Project site conducted by a County-approved botanist.

The San Luis Obispo County morning glory has not previously been observed in the project area, but it is known to occur adjacent to the site southeast of Yerba Buena Creek in the Miller Flats area. Since suitable habitat exists, surveys shall be conducted prior to grading to determine whether this species exists in the project area.

The purpose of the follow-up special-status plant surveys is to provide accurate baseline information for the preparation of the San Luis Obispo mariposa lily and San Luis Obispo County morning glory mitigation and monitoring plan for construction areas. The follow-up will ensure a current and accurate assessment of the numbers of individuals that will be impacted by the Amended Project. The updated survey shall quantify the total number of individuals within each lot and road segment. Areas occupied by these species shall be flagged (and/or identified using a Global Positioning System) for future bulb and plant salvage and seed collection efforts.

4. **Prior to improvement plan approval or any site disturbance**, a mitigation and monitoring plan that addresses impacts to the San Luis Obispo mariposa lily and San Luis Obispo County morning glory (if present) shall be prepared County-approved biologist and approved by the County Planning and Building Department. The detailed mitigation and monitoring plan shall enhance the remaining occurrences of these species within the Amended Project area and describe a collection and restoration plan to mitigate for impacted areas. The mitigation and monitoring plan shall at a minimum to include the following:

- A worker education program that shall include identification of special-status plant species and their habitat, the limits of construction, efforts required to reduce impacts to these species, and a fact sheet summarizing this information;

- Description of a collection plan to ensure that all San Luis Obispo mariposa lily bulbs and seeds from San Luis Obispo County morning glory plants located within 25 feet of the Amended Project lots and roads will be removed by a County approved biologist during the appropriate season prior to clearing and grading activities associated with lot development and road construction;
- Description of proposed propagation techniques using collected material;
- Specific areas proposed for revegetation and rationale for why these sites are suitable;
- Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the San Luis Obispo mariposa lily and San Luis Obispo County morning glory such as annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed plant/seed/bulb collection, propagation, and reintroduction of San Luis Obispo mariposa lily and San Luis Obispo County morning glory into specified receiver sites;
- Success criteria based on the goals and measurable objectives to ensure a viable San Luis Obispo mariposa lily and San Luis Obispo County morning glory populations on the Amended Project site in perpetuity;
- An adaptive management program to address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs;
- Remedial measures to address negative impacts to San Luis Obispo mariposa lily and San Luis Obispo County morning glory and their habitat that may occur during construction activities, as well as post-construction when dwellings are occupied;
- An education program to inform residents of the presence of San Luis Obispo mariposa lily, San Luis Obispo County morning glory, and other sensitive biological resources on-site, and to provide methods that residents can employ to reduce impacts to species occurrences in protected open space / agricultural open space easement areas;
- Reporting requirements to track success or failure of the mitigation program and to ensure consistent data collection and reporting methods used by monitoring personnel; and,
- Maintenance and cost estimates.

As directed by The Board of Supervisors 12/19/08

The mitigation ratio (habitat area created to habitat area impacted) will be 2:1 for special-status plant species' habitat impacted by development of the Amended Project. Mitigation for the San Luis Obispo morning glory may also occur in mitigation area designated for the Valley Needlegrass Grassland as this is the preferred habitat for this species.

5. **Prior to improvement plan approval or any site disturbance**, the County Planning and Building Department will designate a monitor to oversee the installation of temporary fencing around habitat containing the San Luis Obispo mariposa lily and/or San Luis Obispo County morning glory occurrences prior to any construction activities in the vicinity by the applicant. Protective fencing shall remain in place throughout construction activities.
6. **Prior to improvement plan approval or any site disturbance**, runoff from the Amended Project must be detained in on-site detention basins. The applicant shall design a detention structure for the portion of the Amended Project site that drains to the unnamed tributary to Trout Creek. This detention structure shall be designed to comply with County criteria (reduction of the 50 year, 10 hour post-development peak flow to 2 year, 10 hour pre-development conditions), as well as reduce the 100-year 10-hour post-development runoff to 100 year 10 hour predevelopment conditions. A Drainage Study shall be prepared to identify detention volumes and release rates for the required facilities. The study should also address flow routing and relative times of concentration in the watershed at the detention facility compared with existing channels. The detention facility shall be located within a residential portion of the site, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.
7. **Prior to improvement plan approval or any site disturbance**, the County Planning and Building Department will designate a monitor to oversee the implementation of the following measures by the applicant to mitigate the loss of riparian/wetland habitat where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site, or development of lots as provided in the plans for the Applicants Amended Project.
 - Building envelopes shall be located so that all riparian and wetland habitat is buffered from development (including grading) by a minimum 200-foot setback from Trout, and portions of Tostada Creeks with aquatic habitat, or any other habitats found to support California red-legged frogs or Steelhead. Other wetlands and waters of the U.S. or state shall have a minimum setback of 100 feet where feasible. If seasonal pools contain Vernal Pool Fairy Shrimp, a minimum 200 foot setback shall be required. Setback requirements may be increased or reduced by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game, NOAA's National Marine Fisheries Service and/or Fish and Wildlife Service.

As directed by The Board of Supervisors 12/19/08

- The wetland and riparian habitat area buffer zones for preserved wetland and riparian areas shall be shown on all grading plans and shall be demarcated with highly visible construction fencing to ensure that these areas are not impacted during construction-related activities.
- Erosion control measures including, but not limited to straw wattles, silt fences, and fiber mats shall be implemented at the limits of grading to reduce sediments from entering the wetland and riparian habitat area buffer zones.
- Outlet structures shall minimize disturbance to the natural drainage and avoid use of hard bank structures. Where erosion of outlet structures is a concern and bank stabilization must be utilized, bioengineering techniques (e.g., fiber mats and rolls, willow wattling, and natural anchors) shall be used for bank retaining walls. If concrete must be used, then prefabricated crib wall construction shall be used rather than pouring concrete. Rock grouting shall only be used if no other feasible alternative is available as determined by Planning and Building.
- Disturbance to drainage bottoms due to the installation of any drain or outlet structures shall be minimized to the greatest extent possible and shall be permitted by all appropriate regulatory agencies as described below.
- A grease trap and/or silt basin shall be installed in all drop inlets closest to the creek to prevent oil, silt and other debris from entering the creek. Such traps/basins shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming;

If impacts to wetland and riparian habitat are not fully avoided, the following shall be implemented to mitigate impacts.

- The applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands.

For development of any roads which are proposed to cross Tostada Creek, the applicant shall consult with the U.S. Army Corps of Engineers and California Department of Fish and Game in designing creek crossings. Where appropriate, and if there is concurrence with U.S. Army Corps of Engineers and California Department of Fish and Game, pre-engineered bridge structures are recommended to minimize disturbance within the western portion of Tostada Creek.

It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design. As part of the permitting process, the applicant will be required to provide

As directed by The Board of Supervisors 12/19/08

compensatory habitat mitigation and monitoring program for impacts to jurisdictional areas. The Plan shall follow the minimum criteria below.

- A compensatory mitigation program at a minimum 2:1 ratio for the loss of any wetlands, including those not under federal or state jurisdiction but meeting one-parameter criteria (hydrology, vegetation, or soils), shall be designed. Regulatory agencies may require a greater mitigation ratio. At a minimum, the plan shall include the following components:
 - Mitigation plantings for the loss of existing wetland and riparian habitat shall be located in the drainages that are proposed to be modified or preserved as part of the Amended Project to the fullest extent feasible.
 - As part of the plan, the applicant shall include a mitigation-phasing section to ensure that all restoration plantings are in place with sufficient irrigation prior to final inspection.
 - Restoration/revegetation activities shall use native riparian and wetland species from locally collected stock.
 - Removal of native species in the creeks/drainages that are to be retained shall be prohibited; however, select willow cuttings and emergent plant division are permissible.
 - Prior to commencement of grading, the applicant shall file a performance security with the County to complete restoration and maintain plantings for a seven (7) year period.

- 8. **Prior to improvement plan approval or any site disturbance**, the applicant shall hire a County-approved biologist/arborist to prepare an Oak Tree Inventory, Avoidance and Protection Plan as outlined herein to be approved by the Planning and Building Department. The plan shall include the following items:
 - Comprehensive Oak Tree Inventory. This shall include the following information:
 - An inventory of all trees at least 5 inches in diameter at breast height within 50 feet of all proposed Amended Project impact areas. All inventoried trees shall be shown on maps. The species, diameter at breast height, location, and condition of these trees shall be documented in data tables.
 - Identification of trees which will be retained, removed, or impacted.
 - The location of proposed structures, utilities, driveways, septic tanks, leach fields, grading, retaining walls, outbuildings, and impervious surfaces shall be shown on maps. The applicant shall clearly delineate the building sites/building control lines containing these features on the project plans. In addition, the plans shall include any fenced areas for livestock or pets and clearance areas prescribed by CalFire.
 - A landscaping plan that describes the size and species of all trees, shrubs, and lawns proposed to be planted in the project area, including the limits of irrigated areas.
 - Revised drainage patterns that are within 100 feet upslope of any existing oak trees to remain. All reasonable efforts shall be made to maintain historic drainage

As directed by The Board of Supervisors 12/19/08

patterns and flow volumes to these trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage.

- **Oak Tree Avoidance Measures.** Grading and development within proposed lots shall avoid the removal of oak trees to the maximum extent possible. Such activities must minimize potential disturbance to oaks and their associated root zones to the maximum extent possible, with final site plans requiring approval from the County Planning and Building Department staff to ensure compliance with this provision.
- **Oak Tree Protection Guidelines.** Tree protection guidelines and a root protection zone shall be established and implemented for each tree to be retained that occurs within 50 feet of impact areas. The following guidelines shall be included:
 - A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, based upon tree species, age, and size. This area will vary from 1.0 to 1.5 times its diameter at breast height [as specified in Harris, Clark and Matheny (2004) Arboriculture]. At a minimum, the critical root zone shall be the distance from the trunk to the drip line of the tree.
 - All oak trees to remain within 50 feet of impact areas (construction or grading) shall be marked for protection and the root zone fenced prior to any grading. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. The project arborist must approve any work within the root protection zone.
 - Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above ground surface.
 - Unless previously approved by the County Planning and Building Department staff, the following activities shall be prohibited within the root zone of remaining oak trees: year-round irrigation (no summer watering, unless “establishing” a new tree or native compatible plant 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); or disturbance of soil that impacts roots (e.g., tilling).

Trimming oak branches shall be minimized, especially for larger lower branches, and the amount done in one season shall be limited to 10 to 30 percent of the canopy to reduce stress/shock. If trimming is necessary, the applicant shall use a County-approved arborist to do the work.

9. **Prior to improvement plan approval or any site disturbance**, the applicant shall replace 50 percent of the trees identified under the Amended Project as being removed or impacted per County and Kuehl Bill standards. A conservation easement or monetary contribution to the Oak Woodlands Conservation Fund shall be used for the remaining mitigation.

As directed by The Board of Supervisors 12/19/08

- Replacement. The County-approved arborist shall develop an oak tree replacement plan at a minimum 4:1 ratio for oak trees removed and a minimum replacement ratio of 2:1 for oak trees impacted (i.e., disturbance within the root zone area) to be approved by the County Planning and Building Department.
 - Replacement plantings shall be from regionally- or locally-collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54" tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two-foot diameter and 2-foot deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented after approved by the County. Average tree densities shall be no greater than one tree every twenty feet and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. Replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature native oak 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, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas on the Amended Project. A County-approved arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced within the Amended Project. Replacement trees shall be monitored and maintained by a County-approved arborist/botanist for at least ten (10) years or until the trees have successfully established as determined by the County's Environmental Coordinator. Annual monitoring reports will be prepared by a County-approved arborist/botanist and submitted to the County Planning and Building Department by October 15 each year. Annual monitoring reports will include specifics discussed below.
 - Tree Replacement Credit(s) may be given for those seedlings that are naturally regenerating on the site. Seedlings that are identified as replacement trees shall be monitored and maintained as prescribed for new trees plantings
 - The restored area shall be at a minimum equal in size to the area of oak woodlands lost or disturbed.
 - A County-approved arborist shall submit to the County an initial post-planting letter report, and thereafter annual monitoring reports shall be submitted. All trees planted as mitigation shall have an 80 percent survival rate after ten (10) years. If any trees planted as mitigation do not survive at ten (10) years from the time of planting, they will be replaced as soon as possible as determined by the arborist/botanist.

As directed by The Board of Supervisors 12/19/08

- A cost estimate for the planting plan, installation of new trees, and maintenance of new trees for a period of ten (10) years shall be prepared by a County-approved arborist. Prior to site grading/issuance of construction permits, a performance bond, equal to the cost of the estimate, shall be posted by the applicant. The replacement mitigation trees shall also have an overall survival rate of 80 percent after seven years from date of planting.
- Maintenance. Unless previously approved by the County Planning and Building Department, the following activities are not allowed within the root zone of newly planted oak trees:
 - Year-round irrigation (no summer watering, unless 'establishing' a new tree or native compatible plant 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); or
 - Disturbance of soil that impacts roots (e.g., tilling).

Trimming oak branches shall be minimized, especially for larger lower branches, and the amount done in one season shall be limited to 10 to 30 percent of the canopy to reduce stress/shock. If trimming is necessary, the applicant shall either use a qualified arborist or utilize accepted arborist's techniques.

- Conservation Easements and/or Contribution to the Oak Woodlands Conservation Fund. Replanting detailed above can account for up to 50 percent of the mitigation requirement. The remaining mitigation shall be in accordance with the County's Oak Woodland Mitigation Plan. Per the County's draft Plan, the mitigation shall be a minimum of a 2,000 square foot conservation easement per tree removed (based upon an average 50 foot diameter canopy). The oak conservation area shall be designated on-site and be managed by a third party determined by the County Planning and Building Department staff.
10. **Prior to improvement plan approval or any site disturbance**, the applicant shall conduct a U.S. Fish and Wildlife Service protocol wet season survey prior to 2010/2011 by a qualified and federally permitted biologist to complete protocol survey requirements to conclusively determine the presence or absence of Vernal Pool Fairy Shrimp within the Amended Project site. The wet season survey shall include surveys of project area per the U.S. Fish and Wildlife Service (1996) guidelines. A report consistent with current federal reporting guidelines shall be prepared to document the methods and results of surveys. Should the presence of Vernal Pool Fairy Shrimp or additional special-status wildlife species be determined, a map identifying locations in which these species were found shall be prepared and included in the report to be accepted by the U.S. Fish and Wildlife Service.

If the surveys produce a negative finding for the presence of Vernal Pool Fairy Shrimp, then no further mitigation would be required. If Vernal Pool Fairy Shrimp are identified

As directed by The Board of Supervisors 12/19/08

within project area, then the Amended Project's Condition of Approval 11 would be required.

11. **Prior to improvement plan approval or any site disturbance**, the applicant shall implement measures that minimize the Amended Project adverse effects on Vernal Pool Fairy Shrimp if they are identified during U.S. Fish and Wildlife Service protocol surveys outlined in Condition of approval 10. Subject to concurrence by and coordination with U.S. Fish and Wildlife Service, required measures may include the following:

- Avoidance of occupied habitats and a three hundred-foot setback from occupied habitats; and
- Where avoidance is not possible, compensatory mitigation for impacts to occupied habitats at a 3:1 ratio, and impacts to potentially suitable habitats in which VPFS were not found at a 2:1 ratio.

A U.S. Fish and Wildlife Service permitted biologist familiar with Vernal Pool Fairy Shrimp habitat "creation" techniques shall review Vernal Pool Fairy Shrimp compensatory mitigation areas. Enhancement of the on-site vernal pool/wetland habitat that is undisturbed by Amended Project may also be a part of the mitigation program for any impacted Vernal Pool Fairy Shrimp habitats. Upon approval from the U.S. Fish and Wildlife Service, an appropriate salvage and relocation methodology will be selected that will include the following:

- Shrimp cysts shall be collected during the dry season from the existing habitat and placed into storage;
- Topsoil shall also be removed and stored under conditions suitable to retain cysts, and used as a top dressing for created vernal pools as proposed in the Vernal Pool Fairy Shrimp mitigation plan;
- If topsoil is not used, preserved cysts would be added to the recreated vernal pool/wetlands in December or January, after sufficient pooling has occurred.

12. **Prior to improvement plan approval or any site disturbance**, the applicant shall implement Steelhead setbacks from their identified habitat shall be to avoid or minimize impacts to this federally listed species and its habitat. Prior to development, a Steelhead Protection Plan shall be prepared by a County-approved biologist to protect Steelhead within the on-site portions of Trout and Tostada Creeks to be approved by the County Planning and Building Department where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site, or development of lots as provided in the plans for the Applicants Amended Project. The plan shall include, but not be limited to the following:

- A 200 foot permanent buffer from the top of bank of Trout and the areas of Tostada Creeks with aquatic habitat and 100 foot buffer or minimum setback from ephemeral

As directed by The Board of Supervisors 12/19/08

drainages that are tributaries to Trout Creek shall be established where feasible and maintained in perpetuity. In the short term, this buffer will ensure construction activities do not increase the erosion potential in the area or facilitate construction related sediment from entering the creek. The buffer shall be demarcated with highly visible construction fencing for the benefit of contractors and equipment operators. In the long term, this buffer will minimize impacts to riparian habitats that are critical for Steelhead, and reduce the amount of sediment and pollutant runoff that would enter these waterways. Grading, landscaping, structures and other types of disturbance shall be prohibited within these buffer areas, with the exception of road improvements and road crossings, as detailed below.

- Road crossings of Trout and Tostada Creeks are allowable (if permitted by the appropriate agencies) if the following measures are implemented. The crossings must be designed following the NMFS Southwest Region's (2001) Guidelines for Salmonid Passage at Stream Crossings [<http://swr.nmfs.noaa.gov/hcd/MNFSSCG.PDF>]. Clear-span structures are recommended. Areas of temporary disturbance resulting from the construction or improvements to road crossings shall be restored using native vegetation at a minimum of 2:1 (area restored:area temporarily impacted). However, agency permitting for impacts to riparian and/or wetland resources may require a higher ratio in accordance with the Amended Project's Riparian/Wetland Habitat Condition of Approval 7.
- The applicant shall prepare and submit for approval to the County a sediment and erosion control plan that specifically seeks to protect waters and riparian woodland resources adjacent to construction site. Erosion control measures shall be implemented to prevent runoff into Trout and Tostada Creeks, ephemeral drainages, and wetlands. Silt fencing, straw bales, and/or sand bags shall be used in conjunction with other methods to prevent erosion and sedimentation of the stream channel. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.
- During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing will not be allowed in locations where the tainted water could affect sensitive biological resources.

The applicant shall coordinate with the NOAA National Marine Fisheries Service and Army Corps of Engineers, and shall demonstrate compliance with Section 7 (federal nexus) and/or Section 10 (no federal nexus) of the federal Endangered Species Act (FESA), as applicable. This consultation may necessitate the issuance of a NOAA National Marine Fisheries Service Biological Opinion and/or the preparation of a Habitat Conservation Plan for Steelhead and their habitat. The applicant shall also coordinate with California Department of Fish and Game and other resource agencies, as applicable. The applicant shall implement all measures prescribed by these agencies.

As directed by The Board of Supervisors 12/19/08

The County Planning and Building Department will designate a monitor to oversee that these measures are implemented.

13. **Prior to improvement plan approval or any site disturbance**, the applicant shall hire a County-approved biologist to conduct capture and relocation efforts for the silvery legless lizard and coast horned lizard. Designated areas in permanent open space / agricultural open space easement shall be identified within the Amended Project site for release of captured legless lizards and coast horned lizards. Surveys shall be conducted by a County-approved biologist, and shall include the following minimum requirements:
 - Raking of leaf litter and sand under shrubs within suitable habitat in the area to be disturbed to a minimum depth of eight inches for the silvery legless lizard.
 - In addition to raking, “coverboards” shall be used to capture silvery legless lizards and coast horned lizards. Coverboards can consist of untreated lumber, sheet metal, corrugated steel, or other flat material used to survey for reptiles and amphibians. Coverboards shall be placed flat on the ground and checked regularly in the survey areas. Coverboards shall be placed in the survey area a minimum of two weeks, but preferably at least four weeks, before surveys begin and will be checked once a week during raking surveys. Captured lizards will be placed immediately into containers containing sand or moist paper towels and released in designated release areas no more than three hours after capture.
 - During all grading activities, a County-approved biologist shall be on-site to recover any silvery legless lizards that may be excavated/unearthed with native material. The unearthed lizards shall be immediately relocated and released to the designated release area.

14. **Prior to improvement plan approval or any site disturbance**, the applicant shall hire a County-approved biologist to conduct spring surveys for southwestern pond turtle before the onset of construction activities. The survey area shall include ponds located within the Amended Project area with ponded water as well as on-site drainage corridors. If any southwestern pond turtles are found within 1,000 feet of construction activities such as lot grading or road construction, the approved biologist shall contact California Department of Fish and Game to determine if moving any individuals is appropriate. If California Department of Fish and Game approves moving animals, the biologist shall be allowed sufficient time to move the animals from the work site before work activities begin. If California Department of Fish and Game does not recommend moving the animals, a 1,000 foot buffer from the pond, seasonal pool, in stream pools, and /or nesting site shall be implemented. No grading or other construction activities shall occur within the set buffer. Only the approved biologist shall participate in activities associated with the capture and handling of turtles.

15. **Prior to improvement plan approval or any site disturbance**, all initial ground-disturbing activities and tree removal shall be limited to the time period between September 1 and February 15 to avoid impacts to nesting special-status bird species, namely the state Fully Protected white-tailed kite and golden eagle, the federally-

As directed by The Board of Supervisors 12/19/08

threatened and Fully Protected bald eagle, other special-status bird species listed, and all birds protected under the Migratory Bird Treaty Act. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a County-approved biologist at the site two weeks prior to any construction activities. All potential nest locations shall be searched by the biologist including, but not limited to grassland, chaparral, central coastal scrub, and oak woodlands. If active nests are located, all construction work must be conducted outside a buffer zone from the nests to be determined by a qualified biologist. No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A County-approved biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction in the buffer zone. Surveys following the *Protocol for Evaluating Bald Eagle Habitat and Populations in California Bald Eagle* (Jackson and Jennings, 2004) shall be met.

16. **Prior to improvement plan approval or any site disturbance**, the applicant shall hire a County-approved biologist to determine whether any American badgers are present in the area prior to development and to prevent American badgers from becoming trapped in burrows during construction activities.

- A pre-construction survey for active American badger dens shall be conducted within one month of initial ground disturbance activities by a County-qualified biologist. To avoid the potential direct take of adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by a County-approved biologist between March 1 and June 30.

Construction activities during July 1 through March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers:

- A County-approved biologist shall conduct a biological survey of the entire development area prior to the start of ground clearing or grading activity. The survey shall cover the entire area proposed for development. Surveys shall focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as den characteristics) shall be used to assess the presence of badgers. If no fiber optic scope is available, occupation of the potential dens by badgers can be ascertained by dusting the den openings with a fine layer of dust for three successive nights and looking for footprints or other evidence of occupation. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
 - If American badger dens are found, the County-approved biologist shall establish and clearly mark an appropriate buffer zone to protect the den. No grading or construction activities shall occur within the buffer zone until the biologist can safely close the badger den and has removed the buffer zone markings.
17. **Prior to any development on the site**, all landscaped plants included in the landscape plan for the project shall be on the County's approved plant list. To ensure that project

As directed by The Board of Supervisors 12/19/08

landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a County Planning and Building staff prior to implementation. All invasive plant species shall be removed from the landscaping plan.

18. **Prior to any development on the site**, the applicant shall prepare a lighting plan to include any night lighting of public areas to be kept to the minimum necessary for safety purposes. Exterior lighting within 100 feet of open space shall be shielded and aimed as needed to avoid spillover into open space / agricultural open space easement areas. Decorative lighting shall be low intensity and be less than 25 watts. The plan will be submitted to the County Planning and Building Department for approval.
19. **Prior to any development on the site**, roadway widths adjacent to open space/agricultural open space easement areas shall be reduced to the minimum width possible, while maintaining CalFire Requirements for emergency access, with slower speed limits introduced. Posted speed limits should be 25 mph or less.
20. **Prior to issuance of construction permits**, the applicant should avoid known California red-legged frogs breeding sites and potential movement corridors, if feasible. If avoidance cannot be achieved, the following mitigation measures are required to reduce direct and indirect impacts on the California red-legged frogs.

Subject to concurrence by and coordination with the U.S. Fish and Wildlife Service, required measures shall include the following:

- At least 45 days prior to the onset of activities, the applicant shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the U.S. Fish and Wildlife Service that the biologist(s) is qualified to conduct the work.
- A County -approved biologist shall survey the work site and suitable habitat within 330 feet of work sites two weeks before the onset of activities. If California red-legged frogs, tadpoles, or eggs are found, relocations shall be conducted only if authorized by the U.S. Fish and Wildlife Service. If U.S. Fish and Wildlife Service approves moving animals, the County-approved biologist shall be allowed sufficient time to move California red-legged frogs from the work site before work activities begin. Only County-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs. All conditions specified by the U.S. Fish and Wildlife Service exemption or authorization shall be implemented regarding relocation of this species.
- If California red-legged frogs are found during the preconstruction surveys within 330 feet of any work area, and for any areas already known to be occupied by California red-legged frogs, work within 330 foot of these habitats must be limited to the period between April 30 to July 30 *or* the work area must be surrounded by exclusionary fencing to reduce impacts to frogs that are in upland areas during the rainy season or

As directed by The Board of Supervisors 12/19/08

juvenile dispersal. The exclusionary fencing shall be at least three feet high and keyed into the ground, made of solid mesh (such as silt fence; orange construction fence is not suitable) and shall be maintained throughout the construction period. This fencing can also function for erosion and sedimentation control. An approved biologist must survey the project limits for California red-legged frogs each morning prior to the start of work. Any California red-legged frogs found within the work area shall be relocated, if authorized by the U.S. Fish and Wildlife Service. If relocations are not authorized by the U.S. Fish and Wildlife Service, the fence shall be modified to allow the frog to pass through to suitable habitat, and work shall not commence until it has left.

- Before any construction activities begin on the Amended Project, a County-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frogs and its habitat, the importance of the California red-legged frogs and its habitat, the general measures that are being implemented to conserve the California red-legged frogs as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- A County-approved biologist shall be present at the work site until such time as all removal of California red-legged frogs, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or applicant shall designate a person to monitor the on-site compliance with all minimization measures. The U.S. Fish and Wildlife Service approved biologist shall ensure that this individual receives training outlined above and in the identification of California red-legged frogs. The monitor and the County-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by U.S. Fish and Wildlife Service during review of the proposed action. If work is stopped, U.S. Fish and Wildlife Service, and the Army Corps of Engineers as applicable, shall be notified immediately by the County-approved biologist or County biological monitor.
- During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas.
- All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from any riparian habitat or water body. The applicant, and Army Corps of Engineers as applicable, shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- A County-approved biologist shall ensure that the spread or introduction of invasive non-native plant and animal species, especially bullfrogs shall be avoided to the

As directed by The Board of Supervisors 12/19/08

maximum extent possible. Invasive exotic plants and animals in the development shall be removed and destroyed.

- Amended Project riparian and wetland areas shall be revegetated with an appropriate assemblage of native riparian wetland and upland vegetation suitable for the area. A species list and restoration and monitoring plan shall be included with the project proposal for review and approval by U.S. Fish and Wildlife Service, and the Army Corps of Engineers as applicable. Such a plan must include, but not be limited to: location of the restoration, species to be used, restoration techniques, time of year the work will be done, identifiable success criteria for completion, and remedial actions if the success criteria are not achieved.
 - Stream contours shall be returned to their original condition at the end of project activities, unless consultation with U.S. Fish and Wildlife Service has determined that it is not beneficial to the species or feasible.
 - The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary for development. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.
 - A 330 foot buffer shall be established around water bodies with confirmed occurrences of CRLF. This includes the portions of Trout Creek, Tostada Creek with aquatic vegetation which are within the cluster development area. Landscaping, grading for structures, structures, and other types of non agricultural disturbance shall be prohibited within these buffer areas. Road crossings, improvements to widen the existing ranch road to CalFire requirements, and driveways are allowed within the buffer area. A reduced buffer may be allowed as approved by the Department of Fish and Game. The buffer shall be demarcated with highly visible construction fencing for the benefit of contractors and equipment operators.
 - Areas of temporary disturbance resulting from the construction or improvements to road crossings shall be restored using native vegetation at a minimum of 2:1 (area restored to area temporarily impacted). However, agency permitting for impacts to riparian and/or wetland resources may require a higher ratio.
 - Restrictions on the use of pesticides near water bodies with confirmed occurrences of California red-legged frogs.
21. **Prior to occupancy or final inspection / establishment of the use**, the applicant shall prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the project site to be approved by the Planning and Building Department. Similarly, the brochure shall inform potential homebuyers of the potential for coyotes to prey on domestic animals.

As directed by The Board of Supervisors 12/19/08

22. **For the life of the project**, the applicant shall provide a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the project site. Similarly, the brochure shall inform potential homebuyers of the potential for coyotes to prey on domestic animals.

Grading, Drainage, Sedimentation and Erosion Control

23. **Prior to improvement plan approval or any site disturbance**, the applicant shall design the Yerba Buena Drainage System to comply with County criteria (reduction of the 50 year, 10 hour post-development peak flow to 2 year, 10 hour pre-development conditions) for the proposed detention structure for the portion of the Amended Project site draining to Yerba Buena creek. A Drainage Study shall be prepared by a qualified hydrologist to identify detention volumes and release rates for the proposed facilities. The study shall also address flow routing and relative times of concentration in the watershed at the detention facility compared with the existing channel. The detention facility shall be located within the residential portion of the project site, in an area that does not contain oak trees, special status species or habitat, identified cultural resources, or prime agricultural soils.

The design of all facilities must be reviewed and approved by County Public Works staff.

24. **Prior to improvement plan approval or any site disturbance**, the applicant shall have a grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes prepared and implemented in accordance with the Amended Project's Riparian/Wetland Habitat Condition of Approval 7. It must include the following:
- Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Yerba Buena, Santa Margarita and Trout Creeks (including the unnamed tributary to Trout Creek) during grading and construction activities.
 - Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project.
 - Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by Planning and Building, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

- Temporary storage of construction equipment and equipment washing areas shall be limited to a minimum of 100 feet from Trout Creek and 50-feet from the unnamed tributary to Trout Creek, wetlands, and waters of the U.S.
- After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the County Planning and Building Department and the Air Pollution Control District (APCD). These methods may include the importation of topsoil to be spread on the ground surface in areas having soils that can be transported by the wind and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. At a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodible soils.
- Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to issuance of grading permits.
- Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.
- Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- Cut and fill benches shall be constructed at regular intervals.
- Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
- The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a County Planning and Building Department approved erosion control plan is in place and all measures therein are in effect.
- The applicant shall post a bond with the County and hire a Planning and Building - qualified geologist or soils engineer prior to issuance of grading permits, and to ensure that erosion is controlled and mitigation measures are properly implemented.

As directed by The Board of Supervisors 12/19/08

25. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:

- Limits of the 100 year flood inundation and any other flood hazard combining designation information.
- Complete drainage calculations for county Public Works review and approval.
- Retention and/or detention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
- All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
- Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
- Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
- Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

26. **At the time of application for construction permits**, in accordance with the applicable building codes, Amended Project lot investigations shall be performed prior to construction in areas determined to have a moderate or higher landslide hazard. Investigations and practices shall include the following:

- Prior to issuance of any building permits, a qualified geotechnical engineer and/or engineering geologist shall prepare thorough Amended Project lot geologic/geotechnical studies, and a slope stability analysis which shall incorporate lot-specific recommendations. The slope stability analysis shall at a minimum meet the requirements of CDMG 1997 (Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117). In addition, the stability analysis shall meet the requirements of the County Planning and Building Department.
- During grading, engineering geologists and geotechnical engineers shall confirm preliminary findings reported in the preliminary studies.

All applicable recommendations of final geologic and geotechnical investigations prepared for the Amended Project shall be implemented. These recommendations may include: avoidance of or setbacks from historic landslide deposits or areas susceptible to a potential for landslides; the restriction of grading in areas with landslide hazards; drainage improvements to ensure potential landslide areas do not become saturated; excavating standard keyways and benches in a stair-step configuration; water addition

As directed by The Board of Supervisors 12/19/08

or drying-out as needed to bring soils to an acceptable moisture content; limitations on cut and fill slope gradients; and/or removal and backfilling or potential landslide areas.

27. **At the time of application for construction permits**, the applicant shall submit a soils/foundation report as part of the application for any proposed Building Permit(s).

To reduce the potential for foundation cracking, one or more of the following shall be implemented and/or as recommended by a qualified engineer:

- Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
- Removal and recompaction of loose soils.
- Removal of the highly expansive material and replacement with non-expansive compacted import fill material.
- The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
- Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.
- Where necessary, construction on transitional lots shall include over excavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.

28. **At the time of application for construction permits**, appropriate techniques to minimize liquefaction potential shall be prescribed by an engineering geologist and implemented by the applicant prior to issuance of Building Permits. Suitable measures to reduce liquefaction impacts shall include one or more of the following as recommended by a qualified engineer: specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the ground characteristics. All on-site structures shall comply with applicable methods of the Uniform Building Code in accordance with the Amended Project's Condition of Approval 29.

29. **Prior to issuance of construction permits**, above-ground structures shall be designed and built according to the latest UBC Seismic Zone 4 standards.

30. **Prior to issuance of construction permits**, a grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared. It must include the following:

As directed by The Board of Supervisors 12/19/08

- Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Yerba Buena, Santa Margarita and Trout Creeks (including the unnamed tributary to Trout Creek) during grading and construction activities.
- Grading associated with the residential cluster, except for roads and road crossings shall be prohibited within 100 feet of Trout Creek and within 50-feet of the unnamed tributary to Trout Creek, wetlands, and waters of the U.S. where feasible so as not to prevent existing or future agricultural operations, improving and maintaining existing ranch roads, installing utilities, and improving crossings to allow access to the proposed homesites site or development of lots as provided in the plans for the Applicants Amended Project
- Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by Planning and Building, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- Temporary storage of construction equipment and equipment washing areas shall be limited to a minimum of 100 feet from Trout Creek and 50-feet from the unnamed tributary to Trout Creek, wetlands, and waters of the U.S.
- After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the County Planning and Building Department and the Air Pollution Control District (APCD). These methods may include the importation of topsoil to be spread on the ground surface in areas having soils that can be transported by the wind and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. At a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodible soils.
- Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to issuance of grading permits.
- Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
- Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.

As directed by The Board of Supervisors 12/19/08

- Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
 - Cut and fill benches shall be constructed at regular intervals.
 - Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
 - The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a County Planning and Building Department approved erosion control plan is in place and all measures therein are in effect.
 - The applicant shall post a bond with the County and hire a Planning and Building - qualified geologist or soils engineer prior to issuance of grading permits, and to ensure that erosion is controlled and mitigation measures are properly implemented.
31. **Prior to issuance of construction permits**, an engineering geologist or a soils engineer shall observe construction activities to review the potential for subsurface water on lots located on any of the following soils: Arnold-San Andreas complex (30-75 percent slopes), Hanford and Greenfield fine sandy loams (2-9 percent slopes), Hanford and Greenfield gravelly sandy loams (0-2 percent slopes and 2-9 percent slopes), Oceano loamy sand (2-9 percent slopes), San Andreas sandy loam (15-30 percent slopes), or San Andreas-Arujo sandy loams (9-15 percent slopes). As determined necessary by a qualified engineer, subdrains shall be installed within foundations, soft soils, or roadways, to alleviate ponding of water.
32. **Prior to issuance of construction permits**, low Impact Development (LID) design technologies shall be employed by individual lot developers to the maximum extent practicable. LID is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control storm water runoff where it is generated to reduce downstream impacts. The following LID practices shall be implemented, as feasible, to re-establish pre-development runoff conditions:
- Bioretention cells;
 - Tree boxes to capture and infiltrate street runoff;
 - Vegetated swales, buffers and strips;
 - Roof leader flows directed to planter boxes and other vegetated areas;
 - Permeable pavement;
 - Impervious surface reduction and disconnection;

As directed by The Board of Supervisors 12/19/08

- Soil amendments to increase infiltration rates; and
- Rain gardens, rain barrels, and cisterns.

Only natural fiber, biodegradable materials shall be used.

Since LID is intended to mimic the pre-development regime through both volume and peak runoff rate controls, the flow frequency and duration for the post-development conditions should be identical (to the greatest degree possible) to those for the pre-development conditions.

33. **Prior to issuance of construction permits**, the applicant shall integrate into the Amended Project design other available technologies and techniques to remove pollutants from site runoff prior to entering the drainage courses. Such techniques shall include reduced slope grading, drainage through vegetative zones (e.g., bio-swale) and other options to intercept pollutants being conveyed toward drainage paths. Technological solutions such as gravelly filter blankets or particulate filters (e.g. Fossil Filters) should also be installed as pollutant-removal solutions. Only natural fiber, biodegradable materials shall be used.
34. **Prior to occupancy or final inspection / establishment of the use**, all areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices.

Cultural Resources

35. **Prior to improvement plan approval or any site disturbance**, the applicant shall ensure that all new roads on the ranch shall follow the natural topography to the extent possible, without substantial cuts or fills; the roads shall be as narrow as allowed by County requirements, with no verges. Signage must be subdued, and not mar or interfere with the views. Historic types of fencing shall be used.
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36. **Prior to improvement plan approval or any site disturbance**, the applicant shall, to the extent feasible; ensure that all cultural sites within Tract 2586 shall be avoided during development. To ensure avoidance, the boundaries of all sites within or adjacent to the housing cluster shall be defined through a program of systematic subsurface boundary testing using shovel probes, surface test units, and other appropriate sampling units. The type and distribution of sampling units shall be determined by a qualified professional archaeologist (and reviewed and approved by the County Environmental Coordinator), who will carry out the boundary testing in the presence of a Native American monitor. Adjustments of locations of improvements or lot boundaries shall occur if possible in order to avoid cultural resources. After site boundaries are defined, an exclusion zone shall be placed around each site. An exclusion zone is a fenced area where construction equipment and personnel are not permitted. The exclusion zone fencing shall be installed (and later removed) under the direction of a qualified archaeologist and shall be placed five meters beyond the defined site boundary to avoid

As directed by The Board of Supervisors 12/19/08

inadvertent damage to sites during installation. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually. If avoidance cannot be achieved, other forms of mitigation, such as data recovery, will lessen the impacts but will not mitigate the loss of integrity to a less than significant level.

If avoidance of an archaeological site(s) is not possible, as determined by the Environmental Coordinator, data recovery excavation shall be completed prior to issuance of grading permits. A data recovery plan shall be submitted by a qualified archaeologist for review by the County Environmental Coordinator. Data recovery shall be funded by the applicant, shall be performed by a County-qualified archaeologist, and shall be carried out in accordance with a research design consistent with the requirements of the California Office of Historic Preservation Planning Bulletin 5, *Guidelines for Archaeological Research Design*. At a minimum, data recovery shall include:

- Mapping of site boundaries and the distribution of surface remains;
 - Surface collection of artifacts;
 - Excavation of a sample of the cultural deposit to characterize the nature of the site and retrieve a representative sample of artifacts and other remains within the proposed impact area;
 - Monitoring of excavations at Native American sites by a tribal representative;
 - Technical studies and analysis of the recovered sample, including radiocarbon dating, typological and technical analysis of tools and debris, identification and analysis of preserved faunal and floral remains, and other studies appropriate to the research questions outlined in the research design;
 - Cataloguing and curation of all artifacts and records detailing the results of the investigations at a county approved curation facility;
 - Submission of a final technical report detailing the results of the investigations; preparation of an interpretive report suitable for distribution to the general public.
37. **Prior to improvement plan approval or any site disturbance**, the applicant shall hire a County-approved archaeologist to test isolated artifacts and determine whether or not isolated artifacts within or adjacent to the Amended Project represent more substantial buried components. Such testing shall involve hand excavation of shovel probes and/or other sampling units. The type and distribution of sampling units shall be determined by a qualified professional archaeologist (and reviewed and approved by the County Environmental Coordinator), who will carry out the isolate testing in the presence of a Native American monitor. If isolate testing reveals the presence of a buried site, then, work shall be carried out in accordance with the Amended Project's Avoidance or Mitigative Data Recovery Condition of Approval 37.

As directed by The Board of Supervisors 12/19/08

38. **Prior to improvement plan approval or any site disturbance**, the applicant shall have an archaeological resource monitoring plan prepared by a qualified archaeologist shall be submitted for review by the County Environmental Coordinator. The plan shall include a list of personnel involved in monitoring activities, and descriptions of monitoring methods, resources expected to be encountered, circumstances that would result in halting work, procedures for halting work, and procedures for monitoring reporting.
39. **During improvement construction or other site disturbance**, an archaeologist and a Native American representative shall conduct an orientation for construction workers to describe site avoidance requirements, the possibility of exposing unexpected archaeological resources, and the steps to be taken if such a find is encountered.
40. **During improvement construction or other site disturbance**, a qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil consistent with the monitoring plan. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually. In the event that archaeological remains are encountered during construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented.
41. **During improvement construction or other site disturbance**, In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:
- The County Environmental Coordinator is notified.
 - State Health and Safety Code Section 7050.5 requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - The County Coroner is contacted to determine that no investigation of the cause of death is required, and
 - If the coroner determines the remains to be Native American, the coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public resources Code Section 5097.98.

If the Native American Heritage Commission is unable to identify a most likely descendent; or if the most likely descendent fails to make a recommendation within 24 hours after being notified by the commission; or if the landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the

As directed by The Board of Supervisors 12/19/08

landowner, then the landowner or his authorized representatives shall reinter the Native American human remains and associated grave items with appropriate dignity on the property in a location not subject to further subsurface disturbance. However, any such activity shall be supervised by a Chumash representative if a most likely descendent is either not identified or fails to respond to notification.

42. **Prior to any development on the site**, the project archaeologist will complete a final report summarizing findings, describing important resources discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, an itemized inventory of recovered materials, and site records. The report also should discuss the importance of the recovered materials. The reports will be prepared by a professional archaeologist and distributed to the appropriate agencies, and information center.
43. **Prior to any development on the site**, off-road recreational vehicle use, unauthorized collecting of artifacts and other activities that could destroy or damage archaeological or historical sites shall be prohibited and shall be punishable by fine. The applicant shall prepare a brochure for all homebuyers and other occupants describing the cultural sensitivity of the area and explaining the prohibitions. Informational material shall be general in content and shall not include any information that could lead to the identification or location of sensitive cultural resources.
44. **Prior to any development on the site**, the applicant shall fund an annual inspection of cultural resources within the Amended Project, during which the condition of the sites shall be assessed and any degradation of integrity from vandalism, erosion, or other factors shall be identified. A qualified professional archaeologist and/or a Native American representative trained in site assessment shall carry out the annual site inspections and prepare a brief report for the County, with recommendations for addressing any apparent site degradation. The applicant shall also develop a list of threatened and sensitive cultural resources sites on other lands within the Amended Project area, and shall retain a qualified archaeologist to inspect and report to the County Environmental Coordinator on the condition of those sites annually.
45. **Prior to any development on the site**, non-agricultural open space should be left in natural grasses, with native trees and other flora because the native flora of the ranch is a key character defining feature of the historic landscape and a critical element of the historic viewshed in accordance with Amended Project's Oak Tree Replacement, Monitoring, and Conservation Condition of Approval 8. This requirement does not preclude future intensification of agricultural activities (i.e. vineyards, orchards, etc) within these areas.
46. **Prior to any development on the site**, the current local historic place names indicate the history of the ranch and the people who impacted the landscape. These names shall be retained and incorporated into any development. New place names shall reflect the historical usage.

As directed by The Board of Supervisors 12/19/08

47. **At the time of application for construction permits**, the Architecture and Landscape Guidelines shall incorporate the design principles, plans, and massing of historic ranch structures, such as sandstone or adobe construction, gable roofs, shiplap siding, and natural landscaping in accordance with Amended Project's Oak Tree Replacement, Monitoring, and Conservation Condition of Approval 8. The County will have final approval over the project design elements, based in part on consultation with a qualified historian.
48. **Prior to issuance of construction permits**, the applicant shall submit an archaeological resource monitoring plan prepared by a qualified archaeologist for review and approval by the County Environmental Coordinator. The plan shall include a list of personnel involved in monitoring activities, and descriptions of monitoring methods, resources expected to be encountered, circumstances that would result in halting work, procedures for halting work, and procedures for monitoring reporting.
49. **Prior to issuance of construction permits**, an archaeologist and a Native American representative shall conduct an orientation for construction workers to describe site avoidance requirements, the possibility of exposing unexpected archaeological resources, and the steps to be taken if such a find is encountered.
50. **Prior to issuance of construction permits**, a qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil consistent with the approved monitoring plan. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually. In the event that archaeological remains are encountered during construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented.
51. **Prior to issuance of construction permits**, in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:
 - The County Environmental Coordinator is notified.
 - State Health and Safety Code Section 7050.5 requires that there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - The County Coroner is contacted to determine that no investigation of the cause of death is required, and
 - If the coroner determines the remains to be Native American, the coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with

As directed by The Board of Supervisors 12/19/08

appropriate dignity, the human remains and any associated grave goods as provided in Public resources Code Section 5097.98.

If the Native American Heritage Commission is unable to identify a most likely descendent; or if the most likely descendent fails to make a recommendation within 24 hours after being notified by the commission; or if the landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner, then the landowner or his authorized representatives shall reinter the Native American human remains and associated grave items with appropriate dignity on the property in a location not subject to further subsurface disturbance. However, any such activity shall be supervised by a Chumash representative if a most likely descendent is either not identified or fails to respond to notification.

52. **Prior to occupancy or final inspection / establishment of the use**, the project archaeologist will complete a final report summarizing findings, describing important resources discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, an itemized inventory of recovered materials, and site records. The report also should discuss the importance of the recovered materials. The reports will be prepared by a professional archaeologist and distributed to the appropriate agencies, and information center.
53. The current local historic place names indicate the history of the ranch and the people who impacted the landscape. **For the life of the project**, these names shall be retained and incorporated into any development. New place names shall reflect the historical usage.
54. **For the life of the project**, non-agricultural open space should be left in natural grasses, with native trees and other flora because the native flora of the ranch is a key character defining feature of the historic landscape and a critical element of the historic viewshed. This requirement does not preclude future intensification of agricultural activities (i.e. vineyards, orchards, etc) within these areas
55. **For the life of the project**, off-road recreational vehicle use, unauthorized collecting of artifacts, and other activities that could destroy or damage archaeological or historical sites shall be prohibited and shall be punishable by fine. The applicant shall prepare a brochure for all homebuyers and other occupants describing the cultural sensitivity of the area and explaining the prohibitions. Informational material shall be general in content and shall not include any information that could lead to the identification or location of sensitive cultural resources. Homebuyers and other occupants shall acknowledge receipt and understanding of such prohibitions in writing.

Paleontology Resources

56. **Prior to improvement plan approval or any site disturbance**, the applicant shall retain a qualified accredited paleontologist to prepare a Paleontological Resource Monitoring Plan based on the specific construction plans. The monitoring plan shall

As directed by The Board of Supervisors 12/19/08

detail the procedures for monitoring construction in areas of high or unknown sensitivity, collecting fossil remains and relevant geographic and stratigraphic data, stabilizing and preserving recovered specimens, and cataloguing and curating the collection in accordance with the Amended Project's Condition of Approval 58 and 59. The monitoring plan shall include provisions for collecting a representative sample of invertebrates from the identified site at the Amended Project site prior to construction, documenting the site according to the standards developed by the National Research Council (1987), and assessing the potential of this site to contain significant vertebrate remains and shall include the following:

- A standard sample (3–12 cubic meters) of matrix from each site will be taken for identification of microvertebrates (rodents, birds, rabbits), especially when the potential for microvertebrates is high. The monitors also will determine whether the fossils are part of an archaeological deposit. If the fossils are found with cultural material, the site then will be considered an archaeological discovery.
- Significant fossils found during construction shall be preserved by prompt removal whenever feasible. Due to the potential for rapid deterioration of exposed surface fossils, preservation by avoidance is not an appropriate measure. When a significant fossil cannot be removed immediately, stabilization is needed to prevent further deterioration prior to removal. The fossil location must be stabilized under the direction of a professional paleontologist.
- At the time of collecting, each specimen or group of specimens will be clearly located and plotted on a USGS topographical quadrangle map. Field methods, other excavation activities, and working conditions during monitoring of the paleontological resources will be recorded in a field notebook or on a paleontological resources record or worksheet such as those developed by the National Research Council (1987).
- Recovered specimens will be stabilized and prepared for identification. Sedimentary matrix with microfossils will be screen washed and sorted to identify the contained fossils. Removal of excess matrix during preparation reduces long-term storage requirements. Competent qualified specialists will classify individual specimens to the lowest identifiable taxon, typically to genus, species, and element. Batch identification and batch numbering (e.g., "mammal, 25 specimens") should be avoided.
- Paleontological specimens will be cataloged according to current professional standards, and a complete list of collected specimens must be prepared. A complete set of field notes, geologic maps, and stratigraphic sections must accompany the fossil collections.
- All fossil remains recovered during construction and operation must be curated by a recognized, nonprofit paleontological specimen repository with a permanent curator, such as a museum or university. Specimens must be stored in a fashion that allows researchers to retrieve specific individual specimens in the future. In addition to the

As directed by The Board of Supervisors 12/19/08

LACM and UCMP, qualified research facilities include California State Polytechnic University, San Luis Obispo; the Santa Barbara Museum of Natural History; or Santa Barbara City College.

57. **Prior to issuance of construction permits**, the applicant shall submit a Paleontological Resource Monitoring Plan based on the specific construction plans, shall be prepared by a qualified accredited paleontologist in accordance with the Amended Project's Condition of Approval 41 for review and approval of the County Environmental Coordinator. The monitoring plan shall detail the procedures for monitoring construction in areas of high or unknown sensitivity, collecting fossil remains and relevant geographic and stratigraphic data, stabilizing and preserving recovered specimens, and cataloguing and curating the collection. The monitoring plan shall include provisions for collecting a representative sample of invertebrates from the identified site at the Amended Project site prior to construction, documenting the site according to the standards developed by the National Research Council (1987), and assessing the potential of this site to contain significant vertebrate remains.
58. **Prior to issuance of construction permits**, if paleontological resources are found during excavations or other ground disturbance, work shall cease temporarily in the immediate area of the discovery. Ground disturbance may be redirected to another area so that the significance of the fossil find may be assessed. If an accredited paleontologist is not already on site, a vertebrate paleontologist with regional experience will be contacted to inspect the excavation, assess the significance of the fossil find, recover any exposed fossils of significance, and recommend additional mitigation measures, if necessary.

A standard sample (3–12 cubic meters) of matrix from each site will be taken for identification of microvertebrates (rodents, birds, rabbits), especially when the potential for microvertebrates is high. The monitors also will determine whether the fossils are part of an archaeological deposit. If the fossils are found with cultural material, the site then will be considered an archaeological discovery.

Significant fossils found during construction shall be preserved by prompt removal whenever feasible. Due to the potential for rapid deterioration of exposed surface fossils, preservation by avoidance is not an appropriate measure. When a significant fossil cannot be removed immediately, stabilization is needed to prevent further deterioration prior to removal. The fossil location must be stabilized under the direction of a professional paleontologist.

At the time of collecting, each specimen or group of specimens will be clearly located and plotted on a USGS topographical quadrangle map. Field methods, other excavation activities, and working conditions during monitoring of the paleontological resources will be recorded in a field notebook or on a paleontological resources record or worksheet such as those developed by the National Research Council (1987).

Recovered specimens will be stabilized and prepared for identification. Sedimentary matrix with microfossils will be screen washed and sorted to identify the contained

As directed by The Board of Supervisors 12/19/08

fossils. Removal of excess matrix during preparation reduces long-term storage requirements. Competent qualified specialists will classify individual specimens to the lowest identifiable taxon, typically to genus, species, and element. Batch identification and batch numbering (e.g., "mammal, 25 specimens") should be avoided.

Paleontological specimens will be cataloged according to current professional standards, and a complete list of collected specimens must be prepared. A complete set of field notes, geologic maps, and stratigraphic sections must accompany the fossil collections.

All fossil remains recovered during construction and operation must be curated by a recognized, nonprofit paleontological specimen repository with a permanent curator, such as a museum or university. Specimens must be stored in a fashion that allows researchers to retrieve specific individual specimens in the future. In addition to the LACM and UCMP, qualified research facilities include California State Polytechnic University, San Luis Obispo; the Santa Barbara Museum of Natural History; or Santa Barbara City College.

59. **Prior to issuance of construction permits**, a qualified paleontological monitor shall observe any initial excavation, grading, or other ground disturbance which extends below the upper soil layers in *in situ* sedimentary rock where paleontological sensitivity is high or unknown consistent with the approved monitoring plan. Any excavation into *in situ* older Quaternary Alluvium, Paso Robles, Monterey, Santa Margarita, Vaqueros, Atascadero, or Toro formations should be monitored. The areas covered by late Quaternary strata should be monitored if excavation is undertaken below the uppermost few feet of sediment, because these strata have yielded vertebrate remains elsewhere in San Luis Obispo County. Shallow excavations in the Quaternary deposits are unlikely to yield significant fossils and do not need monitoring. Paleontologists who monitor excavations must be qualified and experienced in salvaging fossils and authorized to temporarily divert equipment while removing fossils. They must be properly equipped with tools and supplies to allow for rapid removal and preparation of specimens, and trained in safe practices when working around construction equipment. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually.

60. **During improvement construction or other site disturbance**, a qualified paleontological monitor shall observe any initial excavation, grading, or other ground disturbance which extends below the upper soil layers in *in situ* sedimentary rock where paleontological sensitivity is high or unknown. Any excavation into *in situ* older Quaternary Alluvium, Paso Robles, Monterey, Santa Margarita, Vaqueros, Atascadero, or Toro formations should be monitored. The areas covered by late Quaternary strata should be monitored if excavation is undertaken below the uppermost few feet of sediment, because these strata have yielded vertebrate remains elsewhere in San Luis Obispo County. Shallow excavations in the Quaternary deposits are unlikely to yield significant fossils and do not need monitoring. Paleontologists who monitor excavations must be qualified and experienced in salvaging fossils and authorized to temporarily divert equipment while removing fossils. They must be properly equipped with tools and supplies to allow for rapid removal and preparation of specimens, and trained in safe

As directed by The Board of Supervisors 12/19/08

practices when working around construction equipment. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually.

61. **During improvement construction or other site disturbance**, if paleontological resources are found during excavations or other ground disturbance, work shall cease temporarily in the immediate area of the discovery. Ground disturbance may be redirected to another area so that the significance of the fossil find may be assessed. If an accredited paleontologist is not already on site, a vertebrate paleontologist with regional experience will be contacted to inspect the excavation, assess the significance of the fossil find, recover any exposed fossils of significance, and recommend additional mitigation measures, if necessary.
62. **Prior to any development on the site**, the project paleontologist will complete a final report summarizing findings, describing important fossil localities (vertebrate, megainvertebrate, or plant) discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, site geology and stratigraphy, an itemized inventory of recovered specimens, faunal lists, and site records. The report also should discuss the importance of the recovered fossil materials. The reports will be prepared by a professional paleontologist and distributed to the appropriate agencies, museums, colleges, or universities.
63. **Prior to occupancy or final inspection / establishment of the use**, the project paleontologist will complete a final report summarizing findings, describing important fossil localities (vertebrate, megainvertebrate, or plant) discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, site geology and stratigraphy, an itemized inventory of recovered specimens, faunal lists, and site records. The report also should discuss the importance of the recovered fossil materials. The reports will be prepared by a professional paleontologist and distributed to the appropriate agencies, museums, colleges, or universities.

Public Services

64. **Prior to improvement plan approval or any site disturbance**, the applicant shall design, with the guidance of the CalFire, the road widths and circulation, as well as the placement of fire hydrants and installation of automatic sprinkler systems. A road system that allows unhindered CalFire access and maneuvering during emergencies shall be provided. Specifically, the following measures are required:
 - Amended Project roads must be an all weather surface at least 20 feet in width unless otherwise approved by CalFire, unobstructed by parking. Cul-de-sacs and turnouts must be to CalFire standards. As the on-site roads are proposed to be a private system, there must be on-going, legally binding provisions in effect to maintain the roads to CalFire approval.
 - Road grades on all roads shall not exceed 16 percent, per the Uniform Fire Code.

As directed by The Board of Supervisors 12/19/08

- All fire apparatus access roads and driveways shall be designed and maintained to support the imposed loads of 20 tons at 25 mph, and shall be provided with a surface so as to provide all-weather driving capabilities and maintain 90 percent compaction.
65. **Prior to any development on the site**, the applicant shall provide for a new CalFire Fire Station to be located near the Amended Project site either through the construction of the station or through the payment of in lieu fees, as determined in consultation with the Public Works Department and CalFire. .
66. **Prior to any development on the site**, the applicant shall prepare and submit a Fire/Vegetation Management Plan to the CalFire that will meet the following requirements:
- The plan must set forth requirements to assure ongoing protection of all structures and roads, both prior to and after lot sales.
 - The plan shall require 100 feet of clearance from chaparral brush to structures throughout the development, and 30 feet of clearance from grasslands to structures throughout the development.
 - Vegetation within the first 30 feet of all structures must be strictly irrigated and controlled, with specific shrub species eliminated. No conifer (except Monterey pine, single specimen), eucalyptus, juniper, cypress, pampas grass, acacia, or palm trees shall be allowed within the 100-foot zone. Coastal live oak (*Quercus* sp.), California sycamore, Toyon and shrubs/trees approved by the CalFire will be acceptable within the 100-foot zone as well as the 30-foot zone.
 - The plan shall outline vegetation management standards within the 30-foot buffer zone, such as:
 - Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses shall be mowed elsewhere.
 - Trees must be limbed up to one third of their height to a maximum of 10 feet.
 - Flammable native shrubs shall not be planted or allowed to grow in continuous masses. Small clusters will be allowed as long as the minimum space between clusters is observed.
 - Prior to any development on the site, the Fire/Vegetation Management Plan must clearly state exactly what management practices must be accomplished, date of annual compliance, and responsibility for cost of compliance.
 - The plan must also include a Wildland Emergency Response check list (approved by CalFire) to be made available to all residents.

As directed by The Board of Supervisors 12/19/08

67. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.
68. **At the time of application for construction permits**, individual property developers shall provide the following structural safeguards:
- *Class A Roofs.* All Amended Project structures shall have non-wood Class A roofs, with the ends of tile blocked, spark arresters visible from the street, proper vent screens, and non-combustible gutters and down spouts. No combustible paper in or on attic insulation shall be allowed.
 - *Design of Accessory Features.* Decks, gazebos, patio covers, and fences, must not overhang slopes and must be of one-hour fire retardant construction. Front doors shall be solid core, minimally 1 ¾ inch thick. Garage doors shall be noncombustible.
 - *Power Lines.* All new power lines shall be installed underground in order to prevent fires caused by arcing wires.
 - *Fire Walls.* Structures along the perimeter or exposed to internal open space areas shall have one hour rated exterior fire walls, with exterior walls being more than 2 inches thick, and must not contain vinyl or plastic window frames or rain gutters or down spouts.
69. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to provide a minimum fire flow as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
70. **At the time of application for construction permits**, the applicant shall implement measures to reduce solid waste generation to the maximum extent feasible:
- Prior to construction, the contractor shall arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials shall be located on-site. The applicant, or authorized agent thereof, shall arrange for pick-up of recycled materials with a waste collection provider or shall transport recycled materials to the appropriate service center. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris may all be recycled.
 - The contractor shall designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors shall be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.
 - The contractor shall use recycled materials in construction wherever feasible.

As directed by The Board of Supervisors 12/19/08

The above construction waste recycling measures shall be incorporated into the construction specifications for the contractor.

71. **Prior to occupancy or final inspection / establishment of the use** the applicant shall develop a long term plan for recycling with specific collection goals for each recyclable material category and a method to track quantities of materials. The goal shall be a 50 percent waste stream diversion. The applicant shall provide this plan prior to final occupancy. The plan shall include, at a minimum upon concurrence of the Public Works Department, the following items:

- Description of all activities which shall reduce solid waste generation by a minimum of 50 percent;
- Methodology for monitoring activities for program effectiveness/efficiency;
- Compilation and provision of quarterly diversion updates/reports to the County 30 days after the end of each calendar quarter listing the amount of wastes disposed and recycled by tons;
- Listing of solid waste/recycling/service providers utilized to provide recycling/composting/waste reduction programs; and
- Annual evaluation of program submitted to the Public Works Department.

Visual

72. **Prior to improvement plan approval or any site disturbance**, the applicant shall avoid the removal of oak trees where feasible. New roads shall be designed around existing trees by using modified street design, off-street parking, bulb-outs, or split lanes. Home sites should be located where oak trees are less dense on the lot.

72. **For the life of the project**, no more than 100 trees shall be removed for the purposes of establishment of any components of the residential cluster subdivision, including all future development of the parcels

73. **Prior to improvement plan approval or any site disturbance**, if streetlights will be installed on-site the applicant shall design streetlights to be pedestrian in scale, not to exceed a height of 10 feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination.

74. **Prior to improvement plan approval or any site disturbance**, the applicant shall preserve hillsides and natural topography when grading to the maximum extent feasible. Grading transitions should be gentle rather than abrupt.

75. **Prior to improvement plan approval or any site disturbance**, the applicant shall blend all new roads into the landscape and follow existing topography and vegetation

As directed by The Board of Supervisors 12/19/08

patterns. Cut and fill slopes shall be contoured to conform to the prevailing adjacent landforms and landscapes and drainage swales should be used rather than curbs. Utility service for new development shall be underground.

76. **Prior to any development on the site**, the applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines.

Tract landscaping. Landscaping guidelines shall describe the following elements:

- Landscaping shall emulate and be compatible with the surrounding natural environment; only natural fiber, biodegradable materials shall be used;
- Fuel management techniques shall be used, including, but not limited to, fire resistive landscaping, defensible space features, and strictly controlled vegetation within defensible space;
- Fire-resistant vegetation shall be used in tract landscaping.

Individual House Landscaping. Landscaping Plans for individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into the surrounding area while preserving identified viewsheds. Individual lot landscaping plans shall incorporate plants consistent with the San Luis Obispo County Approved Plant List. Only natural fiber, biodegradable materials shall be used.

Roofing and Feature Color and Material. Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

Avoidance of Visual Prominence. Building heights shall be consistent with the heights identified in the Lot Development Matrix.

Understory and Retaining Wall Treatment. Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect.

77. **Prior to any development on the site**, water tanks associated with residential uses shall be placed below grade to reduce their visual profile. The tanks shall be placed at a depth such that the tanks do not silhouette against the sky. If burying water tanks is infeasible, natural building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces.
78. **At the time of application for construction permits**, the removal of oak trees shall be avoided where feasible. New roads shall be designed around existing trees by using

As directed by The Board of Supervisors 12/19/08

modified street design, off-street parking, bulb-outs, or split lanes. Home sites should be located where oak trees are less dense on the lot.

79. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All new lighting shall be oriented away from sensitive uses, and should be hooded, shielded, and located to direct light pools downward and prevent glare. The following standards shall also be implemented:
- All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the County.
 - Lighting shall be used for safety and security to illuminate building entrances, parking and loading areas, and pedestrian walkways.
 - Light fixtures with exposed light bulbs shall generally be avoided.
 - All light fixtures shall be shielded to confine the spread of light within the Amended Project boundaries.
80. **At the time of application for construction permits**, the applicant shall clear the project site of all excess construction debris upon completion of each phase of development.
81. **At the time of application for construction permits**, grading should preserve hillsides and natural topography to the maximum extent feasible. Grading transitions should be gentle rather than abrupt.
82. **At the time of application for construction permits**, new roads shall be blended into the landscape and follow existing topography and vegetation patterns. Cut and fill slopes shall be contoured to conform to the prevailing adjacent landforms and landscapes and drainage swales should be used rather than curbs. Utility service for new development shall be underground.

Public Safety

83. **Prior to improvement plan approval or any site disturbance**, the applicant shall protect properties located adjacent to the water tank area in the event of tank failure. This protection shall include a berm or diversionary structure that can withstand the force of water flowing against it, as determined by a qualified engineer. Future property owners of lots in the vicinity of the tanks shall be informed of the potential risk of property damage and a notice shall be recorded on the property Title describing the risk of tank failure.

As directed by The Board of Supervisors 12/19/08

84. **Prior to improvement plan approval or any site disturbance**, the applicant shall ensure that all chemicals are to be stored in a locked and labeled enclosure. The enclosure shall be properly placarded in accordance to County of San Luis Obispo Fire Department requirements. Emergency telephone numbers shall be properly displayed in and near the chemical storage areas. Material Safety Data Sheets shall be kept within the enclosure in a location accessible to all who handle the chemicals. All chemicals shall be used in a manner consistent with their purpose. Personnel who handle chemicals shall be trained in their proper use, storage, and disposal.

85. **At the time of application for construction permits**, the applicant shall implement defensible space features, including security lighting, in common areas, subject to the review and approval of the Sheriff's Department. In addition, individual lot developers shall incorporate structural defensible space features, including burglary-resistant hardware, into individual building plans.

House numbers and street signs shall be lighted to County standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency.

Air Quality

86. **Prior to improvement plan approval or any site disturbance**, the applicant shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

87. **Prior to improvement plan approval or any site disturbance**, the applicant shall submit a Construction Management Plan for County approval that shows how the project will not exceed continuous working of more than four acres at any given time (according to the APCD, any project with a grading area greater than 4 acres of continuously worked area will exceed the 2.5 ton PM₁₀ quarterly threshold). The Dust Control Monitor shall verify in the field during tract improvements that the Construction Management Plan is being followed.

88. **Prior to improvement plan approval or any site disturbance**, the applicant shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the areas that will be disturbed. At a minimum, the geologic evaluation must include:

- A general description of the property and the proposed use;
- A detailed site characterization which may include:
 - A physical site inspection;
 - Evaluation of existing geological maps and studies of the site and surrounding area;
 - Development of geologic maps of the site and vicinity;

As directed by The Board of Supervisors 12/19/08

- Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization; and
- A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys:
- A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;
- A description of the sampling procedures used;
- A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;
- An archive of collected rock samples for third party examination; and
- A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.
- Off site geological evaluation of adjacent property.

If naturally occurring asbestos is not present, an exemption request must be filed with the APCD. If naturally occurring asbestos is found, the applicant shall comply with all requirements outlined in the State ARB's Asbestos Air Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to: 1) an Asbestos Dust Mitigation Plan which must be approved by APCD before construction begins, and 2) an Asbestos Health and Safety Program.

The Asbestos Dust Mitigation Plan shall specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include one or more provisions addressing: track-out prevention and control measures; adequately watering or covering with tarps active storage piles; and controlling for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days.

An Asbestos Health and Safety Program shall be required if grading were to occur in serpentine or ultramafic rock deposits with such concentrations of asbestos present that there is potential to exceed the Cal OSHA asbestos permissible exposure limit (PEL: 0.1 fiber/cc). If required, the Asbestos Health and Safety Program shall be designed by a certified asbestos consultant to ensure the personal protection of workers. The Asbestos Health and Safety Program will include, but will not be limited to, an air monitoring plan

As directed by The Board of Supervisors 12/19/08

approved by the APCD to include: air monitoring in the worker breathing zone, the use of respirators, and/or decontamination.

89. **During improvement construction or other site disturbance**, the applicant shall provide the proposed rate of material movement and a construction equipment schedule to the APCD. In addition, the applicant shall implement the following measures to mitigate equipment emissions:

- All construction equipment and portable engines shall be properly maintained and tuned according to manufacturer's specifications;
- All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB-certified motor vehicle diesel fuel;
- The applicant shall maximize to the extent feasible, the use of diesel construction equipment meeting the California Air Resources Board's 1996 (or newer) certification standard for off-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas to remind drivers and operators of the 5 minute idling limit;
- The applicant shall electrify equipment where feasible;
- The applicant shall substitute gasoline-powered for diesel-powered equipment where feasible;
- The applicant shall use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, where feasible; and
- The applicant shall apply Best Available Control Technology (CBACT) as determined by the APCD.

90. **During improvement construction or other site disturbance**, the applicant shall implement the following measures shall be implemented to reduce PM₁₀ emissions during Amended Project construction:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible;

As directed by The Board of Supervisors 12/19/08

- All dirt-stock-pile areas shall be sprayed daily as needed;
 - Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
 - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - 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 shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
 - Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
91. **During improvement construction or other site disturbance**, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation if importation, exportation, or stockpiling of fill material is involved. Trucks transporting material shall be tarped from the point of origin.
92. **Prior to any development on the site**, the applicant shall work with APCD to define a fee, due at issuance of individual building permits, to assist in the implementation of off-site emission reduction measures. The fee shall be similar to and not exceed the South County Air Quality Mitigation Fee. Off-site emission reduction measures may include, but would not be limited to:
- Developing or improving park-and-ride lots;
 - Retrofitting existing homes in the project area with APCD-approved wood combustion devices;

As directed by The Board of Supervisors 12/19/08

- Retrofitting existing homes in the project area with energy-efficient devices;
- Constructing satellite worksites;
- Funding a program to buy and scrap older, higher emission passenger and heavy-duty vehicles;
- Replacing/re-powering transit buses;
- Replacing/re-powering heavy-duty diesel school vehicles (i.e. bus, passenger or maintenance vehicles);
- Funding an electric lawn and garden equipment exchange program;
- Retrofitting or re-powering heavy-duty construction equipment, or on-road vehicles;
- Re-powering marine vessels;
- Re-powering or contributing to funding clean diesel locomotive main or auxiliary engines;
- Installing bicycle racks on transit buses;
- Purchasing particulate filters or oxidation catalysts for local school buses, transit buses or construction fleets;
- Installing or contributing to funding alternative fueling infrastructure (i.e. fueling stations for CNG, LPG, conductive and inductive electric vehicle charging, etc.);
- Funding expansion of existing transit services;
- Funding public transit bus shelters;
- Subsidizing vanpool programs;
- Subsidizing transportation alternative incentive programs;
- Contributing to funding of new bike lanes;
- Installing bicycle storage facilities; and
- Providing assistance in the implementation of projects that are identified in City or County Bicycle Master Plans.

93. **At the time of application for construction permits**, the applicant shall increase building energy efficiency ratings by at least 10 percent above what is required by Title 24 requirements. Potential energy consumption reduction measures include, but are not limited to:
- Using roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs and/or installing photovoltaic roof tiles;
 - Using high efficiency gas or solar water heaters;
 - Using built-in energy efficient appliances;
 - Installing double-paned windows;
 - Installing door sweeps and weather stripping if more efficient doors and windows are not available;
 - Installing low energy interior lighting;
 - Using low energy street lights (i.e. sodium); and
 - Installing high efficiency or gas space heating.
94. **At the time of application for construction permits**, the applicant shall plant shade trees native to the Santa Margarita Ranch to shade the southern exposure of on-site homes and structures, decreasing indoor temperatures and reducing energy demand for air conditioning. The landscape plan shall be submitted to the San Luis Obispo APCD for review and comment. County Planning and Building shall review project landscaping plans for consistency with this mitigation measure.
95. **At the time of application for construction permits**, all new homes shall be constructed with outdoor electrical outlets to encourage the use of electric appliances and tools.
96. **At the time of application for construction permits**, all new homes shall be constructed with internal wiring/cabling that allows telecommuting, teleconferencing, and telelearning to occur simultaneously in at least three locations in each home. This control measure seeks to reduce emissions by promoting telecommuting for any employee whose job can accommodate working from home.
97. **At the time of application for construction permits**, all new homes shall only be permitted to install APCD-approved wood burning devices, as applicable. Approved devices include:
- All EPA-certified phase II wood burning devices;

As directed by The Board of Supervisors 12/19/08

- 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;
- Pellet-fueled wood heaters; and
- Dedicated gas-fired fireplaces.

“Backyard” green waste burning shall be prohibited due to nuisance and negative health effects.

98. **Prior to issuance of construction permits**, the applicant shall submit grading plans, the proposed rate of material movement and a construction equipment schedule to the APCD. In addition, the applicant shall implement the following measures to mitigate equipment emissions:

- All construction equipment and portable engines shall be properly maintained and tuned according to manufacturer's specifications;
- All off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB-certified motor vehicle diesel fuel;
- The applicant shall maximize to the extent feasible, the use of diesel construction equipment meeting the California Air Resources Board's 1996 (or newer) certification standard for off-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas to remind drivers and operators of the 5 minute idling limit;
- The applicant shall electrify equipment where feasible;
- The applicant shall substitute gasoline-powered for diesel-powered equipment where feasible;
- The applicant shall use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, where feasible; and
- The applicant shall apply Best Available Control Technology (CBACT) as determined by the APCD.

99. **Prior to issuance of construction permits**, the following measures shall be implemented to reduce PM₁₀ emissions during construction:
- Reduce the amount of the disturbed area where possible;
 - Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible;
 - All dirt-stock-pile areas shall be sprayed daily as needed;
 - Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
 - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - 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 shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
 - Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
100. **Prior to issuance of construction permits**, If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin.

As directed by The Board of Supervisors 12/19/08

101. **Prior to issuance of construction permits**, The applicant shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
102. **Prior to issuance of construction permits**, prior to commencement of tract improvements, a Construction Management Plan shall be submitted by the applicant for county approval that shows how the project will not exceed continuous working of more than four acres at any given time (according to the APCD, any project with a grading area greater than 4 acres of continuously worked area will exceed the 2.5 ton PM₁₀ quarterly threshold). In addition, the Construction Management Plan shall include a schedule for construction-related trips to occur during non-peak hours to reduce peak hour and congestion-related emissions. The Dust Control Monitor shall verify in the field during tract improvements that the Construction Management Plan is being followed.
103. **Prior to issuance of construction permits**, the applicant shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the areas that will be disturbed. At a minimum, the geologic evaluation must include:
 - A general description of the property and the proposed use;
 - A detailed site characterization which may include:
 - A physical site inspection;
 - Evaluation of existing geological maps and studies of the site and surrounding area;
 - Development of geologic maps of the site and vicinity;
 - Identification and description of geologic units, rock and soil types, and features that could be related to the presence of ultramafic rocks, serpentine, or asbestos mineralization; and
 - A subsurface investigation to evaluate the nature and extent of geologic materials in the subsurface where vertical excavation is planned; methods of subsurface investigation may include, but are not limited to borings, test pits, trenching, and geophysical surveys;
 - A classification of rock types found must conform to the nomenclature based on the International Union of Geological Science system;
 - A description of the sampling procedures used;
 - A description of the analytical procedures used, which may include mineralogical analyses, petrographic analyses, chemical analyses, or analyses for asbestos content;
 - An archive of collected rock samples for third party examination; and

- A geologic evaluation report documenting observations, methods, data, and findings; the format and content of the report should follow the Guidelines for Engineering Geologic Reports issued by the State Board of Registration for Geologists and Geophysicists.
- Off site geological evaluation of adjacent property.

If naturally occurring asbestos is not present, an exemption request must be filed with the APCD. If naturally occurring asbestos is found, the applicant must comply with all requirements outlined in the State ARB's Asbestos Air Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to: 1) an Asbestos Dust Mitigation Plan which must be approved by APCD before construction begins, and 2) an Asbestos Health and Safety Program.

The Asbestos Dust Mitigation Plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include one or more provisions addressing: track-out prevention and control measures; adequately watering or covering with tarps active storage piles; and controlling for disturbed surface areas and storage piles that will remain inactive for more than seven (7) days.

An Asbestos Health and Safety Program would be required if grading were to occur in serpentine or ultramafic rock deposits with such concentrations of asbestos present that there is potential to exceed the Cal OSHA asbestos permissible exposure limit (PEL: 0.1 fiber/cc). If required, the Asbestos Health and Safety Program shall be designed by a certified asbestos consultant to ensure the personal protection of workers. The Asbestos Health and Safety Program will include, but will not be limited to, an air monitoring plan approved by the APCD to include: air monitoring in the worker breathing zone, the use of respirators, and/or decontamination.

104. **Prior to issuance of construction permits**, the applicant shall improve nearby transit amenities to help expand the interest and use of transit, thus reducing vehicle trips, fossil fuel consumption, and related GHG impacts:
1. Provide Regional Transit Authority (RTA) approved transit shelters for the three unsheltered RTA bus stops in the community of Santa Margarita.
 2. Work with RTA to include bus stops at the two project entrances for the Santa Margarita Lake Shuttle.

Noise

105. **During improvement construction or other site disturbance**, construction noise which will cross a property line shall be limited to the hours between 7 a.m. and 6 p.m. on weekdays and 9 a.m. to 5 p.m. on weekends.

As directed by The Board of Supervisors 12/19/08

106. **During improvement construction or other site disturbance**, additional noise attenuation techniques shall be employed as needed to ensure that noise remains within levels allowed by the County of San Luis Obispo noise standards. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.
- All construction equipment shall have properly maintained sound-control devices. No equipment shall have an unmuffled exhaust.
 - Contractors shall implement appropriate additional noise attenuation techniques including, but not limited to, siting the stationary construction equipment away from residential areas to the extent possible and notify adjacent residents in advance of construction work.
107. **During improvement construction or other site disturbance**, stationary construction equipment that generates noise that exceeds 60 dBA CNEL at the boundaries of adjacent residential properties shall be baffled. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
108. **During improvement construction or other site disturbance**, upon completion of each phase of development, the developer shall clear the project site of all excess construction debris.
109. **Prior to issuance of construction permits**, hours of construction noise which will cross a property line shall be limited to the hours between 7 a.m. and 6 p.m. on weekdays and 9 a.m. to 5 p.m. on weekends.
110. **Prior to issuance of construction permits**, the following measures shall be incorporated into contract specifications to reduce the impact of construction noise.
- All construction equipment shall have properly maintained sound-control devices. No equipment shall have an unmuffled exhaust.
 - Contractors shall implement appropriate additional noise attenuation techniques including, but not limited to, siting the stationary construction equipment away from residential areas to the extent possible, and notifying adjacent residents in advance of construction work.
111. **Prior to issuance of construction permits**, stationary construction equipment that generates noise that exceeds 60 dBA CNEL at the boundaries of adjacent residential properties shall be baffled. All construction equipment powered by internal combustion engines shall be properly muffled and maintained. Unnecessary idling of internal combustion engines shall be prohibited. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.

Wastewater

112. **Prior to any development on the site**, the applicant shall prepare a Septic Tank Maintenance Plan. The Plan shall require a minimum tank cleaning frequency of once every five years, delineate proposed groundwater monitoring locations (up gradient and down gradient of the Amended Project), and recommended frequency of collection and analysis. The applicant shall install groundwater monitoring wells, which shall be sited and designed by a qualified hydrogeologist. At a minimum, three groundwater monitoring wells shall be located up gradient of the Amended Project and three shall be located downgradient.
113. **Prior to any development on the site**, the applicant shall develop and submit septic tank and leach field site plans for each proposed lot, as well as percolation tests and borings in accordance with County leach field design/ construction requirements. The applicant shall demonstrate sufficient leach field percolation for each proposed residential unit and lot, in accordance with County standards. Leachfields may be located on the open space / agricultural open space easement parcel(s) with the proper licensing agreement.
114. **At the time of application for construction permits**, if waste water flows exceed 2,500 gallons per day, sewage disposal shall be in accordance with the waste discharge requirements issued by the Regional Water Quality Control Board.

Agricultural Resources

115. The Agricultural Department shall review the additional map sheet to ensure that the building envelopes are in substantial conformance with the envelopes of the Amended Project. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffers on the project plans.
116. **Prior to any development on the site**, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the Amended Project aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential injury from interaction with livestock and nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, the notification shall identify that adjoining agricultural land is permanently protected for agricultural uses, and that future agricultural uses may vary from current uses and might include processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, and/or changes in irrigation patterns and water use. The establishment of new agricultural uses, if established in accordance with standard agricultural practices, will not be considered a nuisance from the time of establishment.

As directed by The Board of Supervisors 12/19/08

117. **Prior to any development on the site**, all existing oak trees located between the Amended Project lots and vineyards shall be retained for screening/buffering purposes. Should oak tree removal be required for safety reasons, trees shall be replaced in accordance with Amended Project's Oak Tree Replacement, Monitoring, and Conservation Condition of Approval 8.
118. **Prior to any development on the site**, the applicant shall include cattle fencing located at or within the building envelope lines identified on the tentative tract map, and as further defined by each site plan. The developer and/or open space / agricultural open space easement owner shall pay to maintain the cattle fence so that it effectively keeps the cattle out of the residential building envelope. Each homeowner shall install a cattle guard and/or gate at the point where their driveway enters their building envelope. The cattle fencing must come to the edge of the cattle guard/gate so as to form a complete closure.
119. **For the life of the project**, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the Amended Project aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential injury from interaction with livestock and nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. In addition, the notification shall identify that adjoining agricultural land is permanently protected for agricultural uses, and that future agricultural uses may vary from current uses and might include processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, and/or changes in irrigation patterns and water use. The establishment of new agricultural uses, if established in accordance with standard agricultural practices, will not be considered a nuisance from the time of establishment.
120. **For the life of the project**, all existing oak trees located between Amended Project lots and vineyards shall be retained for screening/buffering purposes. Should oak tree removal be required for safety reasons, trees shall be replaced in accordance Amended Project's Oak Tree Replacement, Monitoring, and Conservation Condition of Approval 8.
121. **For the life of the project**, the agriculture operator or open space / agricultural open space easement parcel(s) owner shall maintain the existing fencing located between the outer perimeter of Amended Project residential lots and vineyards, or install new no-climb fencing to reduce trespass potential.
122. **For the life of the project**, the property owner shall maintain buffered home site locations as identified on the building envelope plan set prepared for the Amended Project.

As directed by The Board of Supervisors 12/19/08

123. **For the life of the project**, the area proposed for agricultural land and/or open space preservation shall not be developed with structural uses other than:
- One dwelling unit, residential accessory structures, a ranch/farm headquarters (with no residential component), and farm support housing in compliance with Section 22.30.480 B. and C. Such development shall be limited to a total of 2.5 acres.
 - Areas set aside for the preservation of historic buildings identified by the Land Use Element, to be delineated on the recorded map
 - Agricultural accessory structures or agricultural processing uses essential to the continuing agricultural production of food and fiber in the immediately surrounding area. Such development shall not occupy an aggregate area of the site larger than five acres.

Water

124. **Prior to improvement plan approval or any site disturbance**, the residential portion of the site shall be annexed to CSA 23 for water service. Use of imported water (Nacimiento Water Project) at a 1:1 ratio for all residential development through an annexation agreement secured through the Santa Margarita Ranch Mutual Water Company allowing land application for agriculture to offset the use of groundwater for residential units and an emergency intertie with the existing CSA 23 system. This includes approval by the Local Agency Formation Commission. If this option is not feasible (annexation to CSA 23), the land application of Nacimiento water will nevertheless be allowable and the requirement to construct an emergency intertie with the existing CSA 23 system must still be completed. Appropriate permits must be obtained.
125. **Prior to any development on the site**, residents shall be prohibited from installing water softeners which require on-site regeneration or are self-regenerating. Off-site regenerated water softeners shall be allowed if they are regenerated outside the Amended Project site.
126. **Prior to any development on the site**, the Santa Margarita Ranch Mutual Water Company shall annually include a written statement with resident water bills that describes methods to prevent degradation of water quality in septic systems. The flyer shall state that chemicals, paints, solvents, pesticides, herbicides, or other household hazardous wastes shall not enter drains.
127. **At the time of application for construction permits**, the applicant shall implement water conservation measures, including, but not limited to:
- Using available and proven technologies and equipment that provide adequate performance with a substantial water savings. This may include the installation of high efficiency washing machines and ultra-low flush toilets and/or the use of micro sprinklers or drip tape for domestic and agricultural irrigation, installation of hot water pipe circulating systems or "point-of-use" water heaters. Installation of these water conservation measures shall be included in CC&Rs for residential lots and monitored by a homeowners association or similar entity;

As directed by The Board of Supervisors 12/19/08

- Implementing tiered commodity rates for water sales that increase with higher water usage to financially encourage each resident to conserve water;
- Establishing low water use landscaping on all common landscaped areas greater than 0.1 acres, including low water use irrigation methods such as drip irrigation;
- Limiting total residential irrigated landscape areas to 1,500 square feet and limiting turf (lawn) areas to no more than 20 percent of residential irrigated landscape areas (or 300 square feet at maximum); and
- Providing and updating an educational brochure regarding water conservation.

Fees

128. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Other Agency Review

129. **Prior to issuance of a construction permit**, site and building plans/water storage shall be reviewed by the following agencies. Provide the Department of Planning and Building with letter or other verification that these agencies have reviewed the project, together with any requirements imposed before issuance of a building permit:
- CalFire
 - County Health Department
 - County Air Pollution Control District
 - Regional Water Quality Control Board
 - Agriculture Department

Time Frame

130. The Development Plan / Conditional Use Permit shall run concurrently with the Tract Map.

Miscellaneous

131. 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.

As directed by The Board of Supervisors 12/19/08

132. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water system and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
133. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
134. All conditions contained herein that pertain to the residential components of the project shall apply only to the area within the 676 acre cluster area. They do not apply to the existing and future agricultural operations contained within the agricultural open space easement / Open Space Parcel(s) areas.

Indemnification Clause

135. The applicant shall as a condition of approval of this conditional use permit at his sole expense, defend any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.
136. Prior to any site disturbance on the site, the applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to include Native American monitor(s) to ensure compliance with County Conditions of Approval and EIR mitigation measures. The monitor shall assist the County in condition compliance and mitigation monitoring for all stage of the project development including review of tract improvement plans, monitoring during tract improvements, and review and development of subsequent residential development. The monitor will prepare a working monitoring plan that reflects the County-approved environmental and cultural resource mitigation measures / conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental and cultural resource mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental and cultural resource sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. 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.