



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
TREVOR KEITH, *DIRECTOR*

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December 15, 2020

JEFFREY EMRICK  
1415 S ELM ST  
ARROYO GRANDE, CA 93420

**SUBJECT:** Notice of Final County Action, Parcel Map SUB2015-00070

Dear Sir/Madam,

On **December 7, 2020**, the above-referenced application was approved by the **Subdivision Review Board** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

If you disagree with this action, pursuant to (County Real Property Ordinance Section 21.04.020 / County Land Use Ordinance Section 22.70.050 / County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042), and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted on the proper Department of Planning and Building appeal form, as provided on the County website, to the Clerk of the Board of Supervisors with a copy filed with the Department of Planning and Building. The original appeal form filed with the Clerk of the Board of Supervisors must be submitted with an original signature; a facsimile will not be accepted. The appeal fee is set by the current fee schedule and must accompany the copy of the appeal form filed with the Department of Planning and Building for your appeal to be accepted for processing.

If you have any questions regarding your project, please contact **Emi Sugiyama** at 805-781-5600.

Sincerely,

*Daniela Chavez*

Daniela Chavez, Secretary  
County of San Luis Obispo  
Department of Planning & Building

CC: ART WELDON  
PO BOX 369  
ARROYO GRANDE, CA 93421

**EXHIBIT A - FINDINGS  
WELDON (SUB2015-00070)**

*Environmental Determination*

- A. Also to be considered at the hearing will be adoption of the Mitigated Negative Declaration prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 1, 2020 for this project. Mitigation measures are proposed to address Aesthetics, Biological Resources, and Geology and Soils are included as conditions of approval.

*Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Rural Lands land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of three single-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a single-family residence and its allowable accessory uses within the Residential Rural land use category.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project site is not in close proximity to significant fish or wildlife habitats. The resulting parcels will use the land efficiently, will not hinder the use of the subject or adjacent parcels, and will maintain the character and parcel configuration pattern of the surrounding area.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

### *Road Improvements*

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within the time frame approved in the Subdivision Agreement and prior to issuance of a permit or other grant of approval for development on a parcel.

### *Adjustments*

- K. That there special circumstances or conditions affecting the subdivision because the existing parcel has a unique shape with a large, vertically oriented portion making up nearly half of its land area. Additionally, the parcel is dominated by steep slopes and oak woodland. These characteristics make an adjustment to the length to width ratio design standard necessary for the proposed project.
- L. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the length and width of the proposed would allow for safe access and would not create conditions which would have an adverse effect on the health of persons within the neighborhood.
- M. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the adjustment to the length to width ratio design standard will not result in parcels which do not allow for proper access.

**EXHIBIT B - CONDITIONS OF APPROVAL  
WELDON (SUB2015-00070)**

**Approved Project**

1. A Vesting Tentative Parcel Map (CO16-0156) to subdivide one, 177-acre parcel into two parcels of 80.67 and 96.35 (gross) acres. The proposed project also includes widening and paving of approximately 2430 linear feet of portions of a currently unpaved pathway into a driveway and the installation of new utility lines, water tank, and associated fixtures. The project includes three designated "building envelopes" of approximately 64,800 square feet on Parcel 1, and 15,500 and 45,000 square feet on Parcel 2. The project would result in the disturbance of approximately 2.5 acres of site disturbance. The parcel is within the Rural Lands land use category and is located at 6226 Ontario Road, approximately 0.5 miles north of community of Avila Beach, in the San Luis Bay Inland Sub Area of the San Luis Obispo Planning Area.
2. 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 the date a time extension request may be acted on.
3. This approval is valid for 24 months from the date of approval by the Review Authority. Up to six (6) one-year time extensions can be granted. These one-year extensions must be requested, one year at a time, prior to the expiration date of the map. Per the State Subdivision Map Act, Government Code section 66463.5, if a map expires, no further action can be taken by the County unless a new map is applied for and approved. It is the applicant's responsibility to track expiration dates.

**Access and Improvements**

4. Road and/or streets are to be constructed to the following standards, unless already constructed and acceptable or design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
  1. A private access road serving Parcels 1 and 2 shall be constructed to Cal Fire Standards within a minimum 25-foot private access, utility, and drainage easement with additional easement width as necessary to contain all elements of the roadway prism. The access road shall terminate in a Cal Fire standard cul-de-sac or other approved terminus.
  2. All driveway approaches along Ontario Road shall be constructed in accordance with County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways.
  3. The intersection of Ontario Road and the site access driveway shall be designed and constructed to provide standard left-turn channelization in accordance with Caltrans California Highway Design Manual, Chapter 400, and within necessary dedicated right-of-way easements.
5. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative.

6. The applicant shall provide the county with an Engineer of Work Agreement retaining a registered civil engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works. The civil engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.
7. All public improvements shall be completed **prior to occupancy of any new structure.**

#### **Offers, Easements and Restrictions**

8. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
  - a. For future road improvement 60-foot wide road right-of-way along Ontario Road to be described as 60-feet from the State (Caltrans) right-of-way for southbound US 101, with additional width as necessary to contain all elements of the roadway prism.
  - b. A public utility easement along Ontario to be described as 10-feet beyond the right-of-way, plus those additional easements as required by the utility company, **shall be shown on the final map.**
9. The applicant shall reserve the following private easements by certificate on the map or by separate document:
  - a. A minimum 25-foot shared private access, utility, and drainage easement in favor of Parcel 1 with additional width as necessary to include all elements of the roadway prism and the cul-de-sac or other Cal Fire approved road terminus.
  - b. A shared private drainage easement in favor of Parcel 1 with a minimum area as shown on County Public Works D-1 series standard drawings. Easement shall be extended as necessary to include all drainage appurtenances (basins, inlets, pipes, swales, etc).
10. The applicant shall show the following restrictions by certificate on the map or by separate document:
  - a. Except at a County approved shared driveway location, access shall be denied to Ontario Road and this shall be by certificate and designation on the map.
  - b. If drainage basins are required, then the basin areas shall be indicated as a building restriction on the map.
11. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

#### **Improvement Plans**

12. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public

Works and the county Health Department for approval. The plans are to include, as applicable:

- a. Street plan and profile.
- b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- c. Utility plan.
  - i. Water plan to be approved jointly with County Environmental Health. Water facilities and appurtenances shall be constructed and service laterals stubbed to each new parcel.
  - ii. Sewer plan to be approved jointly with County Environmental Health. Sewer facilities and appurtenances shall be constructed and service laterals stubbed to each new parcel.
  - iii. New electric power, telephone and cable television service conduits and appurtenances shall be constructed and service conduits stubbed to each new parcel.
  - iv. New gas distribution mains and appurtenances shall be installed along the entire project frontage(s) and gas service laterals stubbed to each new parcel unless otherwise directed by the gas purveyor.
- d. Sedimentation and erosion control plan for subdivision related improvements.
- e. Stormwater control plan for subdivision related improvements (if subject to MS-4 requirements).
- f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
- g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
- h. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service.
- i. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- j. Trail plan, if required, to be approved jointly with County Parks.
- k. All grading shall be done in accordance with the County Public Improvement Standards and the California Uniform Building Code. Lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

### **Subdivision Grading**

13. Grading not associated with required public improvements shall be subject to the Subdivision Grading Process per Section 2.1.3 of the latest Public Improvement Standards.

### **Water and Wastewater (CSA 12 and Environmental Health)**

14. **Prior to application for grading or construction permits**, the applicant shall meet the conditions of the Conditional Intent to Provide Water Service letter from CSA 12, dated March 21, 2020 or the applicable equivalent conditions of any later or revised Conditional Intent to Provide Water Service letters. This condition does not apply to those permits which are required to fulfil the conditions outlined in the Conditional Intent to Provide Water Service letter.
15. **Prior to application for construction permits**, the applicant shall obtain a conditional intent to serve water letter from CSA 12 and must enter into a reimbursement agreement. Additional documents specific to the project may include resolution of application, Public Works Annexation Agreement, Pipeline Extension Performance Agreement, and General Conditions for Additions to District Facilities.
16. Should circumstances arise which permanently prevent the annexation of the project parcels in their entirety into CSA 12 water service, the applicant shall provide adequate notice to the Planning Department of the circumstances surrounding the change and the proposed future water service.
17. The applicant shall sign a Consent Authorization **prior to approval of any well permit**. All analytical results obtained pursuant to the County requirements shall be reported directly to the County of San Luis Obispo Public Works and Health Departments by the 10th day of the month following the month in which the analyses were completed.

### **Drainage & Flood Control**

18. **At the time of application for grading and / or construction permits**, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval. Drainage from onsite development (impervious roads and building sites), and the redirection of historic hillside flow patterns caused by the proposed onsite access road must be handled so it does not discharge or otherwise impact Ontario Road.
19. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.
20. All project related drainage shall be designed and constructed in accordance with the recommendations of the San Luis Creek Watershed Drainage Design Manual.

### **Stormwater Pollution Prevention Plan (SWPPP)**

21. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0

acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

### **Stormwater Control Plan (SWCP)**

22. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.

### **Parks and Recreation (Quimby) Fees**

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

### **Covenants, Conditions and Restrictions**

24. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate inspection, operation, and maintenance (Maintenance) of the below project features in a form acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate:
- a. Maintenance of all private access roads in perpetuity.
  - b. Maintenance of all drainage and flood control facilities including basins, inlets, pipes, fencing, landscaping, and related drainage appurtenances in a viable condition on a continuing basis into perpetuity.
  - c. If stormwater treatment facilities are required, maintenance of all stormwater quality facilities for public or common area improvements as stipulated in the Stormwater Operations and Maintenance Plan recorded with the County Clerk-Recorder's Office.
  - d. Maintenance of all common areas within the subdivision in perpetuity.
  - e. Maintenance of public road frontage improvements, landscaping, and driveway sight distance in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
  - f. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.



### **Inclusionary Housing**

25. Subsequent residential development is subject to the inclusionary housing fee pursuant to Section 22.12.080.C.3.a and D.2. As an alternative, **prior to filing the final parcel map or tract map**, the applicant may enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080.

### **Fees**

26. **Prior to recordation of final map**, the applicant shall pay any outstanding fees associated with Planning Department case number SUB2015-00070.

### **Additional Map Sheet**

27. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be **recorded with the final parcel or tract map**. The additional map sheet shall include the following:
- a. If improvements are bonded for, all public improvements (access, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
  - b. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
  - c. Notification that the owner(s) of all lots are responsible for on-going maintenance of drainage and flood control improvements including basins, pipes, manholes, inlets, headwalls, sediment control devices, fencing, landscaping, etc. in a viable condition on a continuing basis into perpetuity, and indicating the proposed maintenance mechanism. The improved areas shall be indicated as a building restriction.
  - d. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
  - e. The property owner shall be responsible for the operation and maintenance of public road frontage landscaping in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
  - f. The property owner shall be responsible for the operation and maintenance of public road frontage landscaping and driveway sight distance in a viable condition and on a continuing basis into perpetuity.
  - g. The additional map sheet shall contain any final conditions of approval having not been met at time of map recordation for this project as they are shown in the Notice of Final Action.

### **Miscellaneous**

28. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
29. This subdivision is also subject to the applicable standard conditions of approval for all subdivisions using individual wells, community water (CSA 12) and private septic sanitary systems a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
30. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.
31. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

### **Fire Protection**

32. The applicant shall obtain a fire safety clearance letter from County Fire/Cal Fire establishing fire safety requirements consistent with current Fire Safety Code, **prior to filing the final parcel or tract map and prior to the issuance of any grading or construction permits.**

### **Environmental Mitigations**

33. *Screening Landscape (Mitigation Measure AES-1 a)*  
To provide visual screening for the proposed development, the applicant shall submit and implement the following:
  - a. **At the time of application for subdivision improvement plans and/or construction permits**, the applicant shall submit a landscape plan to the County Department of Planning and Building for review and approval. The landscape plan shall be developed and signed by a licensed landscape architect and shall include fast growing, evergreen vegetation that will help screen the water tank, walls (sound walls, retaining, noise blocking/ highway facing house facades) and blend the entire new development (such as the main structures, driveways, access roads, accessory structures) into the existing environment when viewed from Ontario Road and U.S. 101. Criteria for landscaping as follow:
    - i. General landscaping should include various tree types and understory vegetation to create a more natural setting around the development. Screening plants shall cover 75% of the critical elements (sound walls, retaining walls, noise blocking/ highway facing house facades, water tanks) as seen from Ontario Road and U.S. 101, upon maturity or 10 years, whichever occurs first.
    - ii. Screening plants shall include evergreen trees capable of growing to a minimum height of 25 feet tall at maturity. Trees shall be planted from a minimum 15-gallon container size. Shrubs shall be planted among the screen trees. Shrubs shall be planted from five-gallon containers. All landscaping plants shall be

native to the area and utilize plants identified in the County's Approved Plant List.

- iii. Trees and shrubs within the screen planting area shall be maintained in perpetuity. Trees and shrubs within the screen planting area that die shall be replaced.

34. *Landscape Plan Cost Estimate/ Bonding (Mitigation Measure AES-1 b)*  
**Prior to issuance of subdivision improvement plans and/or construction permits,** the Applicant shall obtain a cost estimate for the required landscape screening plan to determine the costs of landscape installation and/or landscape maintenance for 5 years. The Cost Estimate shall be prepared by a qualified individual familiar with estimating costs to install and maintain the required landscaping (e.g., landscape contractor, etc.). The Applicant will work with the County to determine an acceptable financial mechanism to establish a means to assure funding for installation and maintenance of the required landscape plan. The County will release its interest or obligation in the financial mechanism once the measure has been completed to the satisfaction of the County.
35. *Landscape Performance & Monitoring (Mitigation Measure AES-1 c)*  
**Prior to final inspection of subdivision improvement and/or construction permits,** the approved landscape plan shall be implemented, and the applicant shall provide a letter to the San Luis Obispo County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct at a minimum an annual site visit and assessment of the planting success for 5 years. At the end of the 5 year monitoring period, the monitoring report shall be submitted to the San Luis Obispo County Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant. If it is determined that the success criteria have not been met, then the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The plan shall include additional monitoring requirements (as recommended by the landscape architect) to ensure the required screening is achieved.
36. *Exterior Colors & Material Palette (Mitigation Measure AES-2)*  
**Prior to issuance of construction permits and/or approval of subdivision improvement plans,** the Applicant shall provide architectural elevations and a color board showing all exterior colors and finish materials that match the above requirements. These shall also be specified on applicable construction/ improvement drawings for County review and approval. Once County review is complete, Applicant shall adhere to the approved colors and materials during construction.
37. *Wall Treatments (Mitigation Measure AES-3)*  
**Prior to issuance of construction permits and/or approval of subdivision improvement plans,** the Applicant shall incorporate all of the following elements on all applicable construction/ improvement drawings for County review and approval:

- a. Retaining walls, sound walls, and noise blocking/ highway facing house facades that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Ontario Road and U.S. 101. Landscaping that will either screen from in front or grow over from above the wall shall be established. Landscape materials shall be from the County's approved plant list and be considered non-invasive and drought-tolerant.

38. *Cut and Fill Slopes (Mitigation Measure AES-4)*

**Prior to issuance of construction permits and/or approval of subdivision improvement plans**, the Applicant shall incorporate all of the following elements on all applicable construction/ improvement drawings for County review and approval:

- a. To reduce visual impacts from grading activities, cut or fill area that will be visible from Ontario Road and U.S. 101 shall be minimized to maximum extent possible and blended with adequate and appropriate landscaping. For these visible slopes, the Applicant shall:
  - i. Delineate the vertical height of all cut and fill slopes on the project construction drawings;
  - ii. Recontour the edge of the cut slopes and fills so they are rounded off to a minimum radius of five feet;
  - iii. Stockpile sufficient topsoil to be reapplied or re-keyed over these areas to provide at least 8" of stabilized topsoil for the reestablishment of vegetation;
  - iv. As soon as the grading work has been completed, reestablished cut and fill slopes with non-invasive, fast-growing vegetation;
  - v. Any exposed roots for adjacent screening shrubs or trees, shall be cleanly cut just below the new surface grade.

39. *Botanical / Biological Survey (Mitigation Measure BIO-1)*

**Prior to issuance of any grading or construction permits associated with this project**, surveys shall be conducted to monitor for the presence of any candidate, sensitive, or special status plant species, as identified in the Botanical Assessment (McGovern, 2017), or any candidate, sensitive, or special status wildlife species identified by CNDDDB and known to exist within one half mile of the project parcels. Survey findings shall be reviewed by the Planning and Building Department and, dependent on survey findings, recommended mitigation shall be implemented.

40. *Native Trees – Avoidance Measures (Mitigation Measure BIO-2)*

To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design and shall be included on project plans **prior to issuance of any grading or construction permit**:

- a. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;
- b. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.
- c. When located in "high" or "very high" fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;
- d. Locate all non-native landscaping that requires summer watering and leach lines outside the trees' dripline and root zone;
- e. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/ canopy;
- f. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak's root zones.

41. *Native Tree (Oaks) – Replacement/Planting (Mitigation Measure BIO-3)*

- a. **Prior to the issuance of a construction permit**, the applicant shall show the below measures on all applicable construction drawings and submit to the County for review and approval.

If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

- i. The applicant will be replacing "in-kind" trees at the following ratios:
  - 1. For each tree identified as impacted, two (2) seedlings will be planted.
  - 2. For each tree identified for removal, four (4) seedlings will be planted.

Protection of newly planted trees is needed and shall include the following measures on the Plan:

- ii. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than five years.
- iii. Caging to protect roots from burrowing animals will be installed when the tree is planted and be made of material that will last no less than five years for oak trees.

Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

1. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur on site;
2. Height of shelter will be no less than three (3) feet;
3. Base of shelter will be buried into the ground;
4. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
5. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

b. **Prior to the commencement of any site disturbance**, the Applicant shall retain a qualified biologist to perform a pre-construction survey. The completed survey report shall be submitted to the County for review/approval.

42. *Geology Review (Mitigation Measure GEO-1)*

**Prior to issuance of any grading or construction permits associated with the project**, the applicant shall demonstrate compliance on the grading plans with all recommendations of the Soils Engineering Report (GeoSolutions, 2018) for the project, including Review of Soils Engineering Report and Engineering Geology Report (June 25, 2020). Prior to issuance of construction permit applicant shall receive approval from County geologist. During project construction and prior to final inspection, the applicant shall implement and comply with all recommendations of the Soils Engineering Report (GeoSolutions, 2018) and any additional recommendations from County geologist for the project.

43. *Future Septic Systems (Mitigation Measure GEO-2)*

**Prior to issuance of any grading or construction permits associated with the project**, the following shall be submitted for review:

- a. Soil borings at leach line location(s) showing that there is adequate separation or plans for an engineered wastewater system that shows how the basin plan criteria can be met;
- b. Soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a County-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required;
- c. Soil borings at leach line location(s) showing that there is adequate separation (including piezometer tests taken during the end of the rainy season), and plans for an engineered wastewater system (of acceptable design by RWQCB) that shows how the CPC/Basin Plan criteria can be met; and

- d. In the case that proposed leach lines are located on or within close proximity of steep slopes where some potential of effluent daylighting exists, a registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location and depth of the leach lines will have no potential for daylighting of effluent.

44. *Naturally Occurring Asbestos (NOA) (Based on APCD review)*

**Prior to issuance of any grading or construction permit**, the applicant shall provide evidence that a geologic evaluation of the areas proposed for disturbance has been conducted in order to determine if the area disturbed is exempt from the regulation for areas with Naturally Occurring Asbestos. An exemption request shall be filed with the APCD.

If the site is not exempt, the applicant must comply with all regulations outlined in the Asbestos Air Toxics Control Measures. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

45. *Construction Permit Requirements (Based on APCD review)*

**Prior to application for grading or construction permits**, the applicant shall contact the SLOAPCD Engineering Division for specific information regarding permitting requirements. Plans provided at the time of application for construction permits shall reflect the requirements and recommendations outlined by the APCD.

46. *Dust Control Measures (Based on APCD review)*

At the time of application for grading or construction permits, plans shall include all applicable fugitive dust control measures and shall provide a designated monitor to ensure compliance with the dust control measures in order to minimize dust complaints, reduce visible emissions below the 20% opacity limit, and to prevent transport of dust offsite.

**Applicable Title 21 and Title 22 Standard Conditions**

47. **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 lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

48. **During ground disturbing activities**, in the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

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

1. Each parcel shall have its own private well(s) for a domestic water supply approved by Environmental Health Services, except as set forth in 2d.
2. Operable water facilities shall exist prior to the filing of the final land division map. Evidence of adequate and potable water, shall be submitted to Environmental Health Services including the following:
  - A. Well Completion Report- The well log generated by the driller at the time the well is constructed.
  - B. Water Quality- A complete chemical analysis, to include general mineral, general physical and inorganics, shall be submitted for evaluation for each of the wells developed. Site evaluations may trigger additional testing requirements by Environmental Health Services. (Within last 5 years)
  - C. Production- On individual private wells, a minimum of a four hour pump test with draw down and recovery data by a **licensed** and **bonded** well driller or pump testing company, shall be submitted for review and approval for each well proposed for the subdivision. (Within last 5 years)
  - D. Shared Well System- A shared well system means a private water system consisting of 2, 3, or 4 service connections serving parcels that are at least 2.5 acres. When a shared well system is proposed the applicant shall contact Environmental Health Services for assistance in properly designing a shared water well system. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department) shall be provided to Environmental Health Services prior to finaling the map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.
6. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.



7. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning Department for review and approval **prior to the issuance of a building permit.** Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.
8. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
9. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
10. Any existing reservoir or drainage swale on the property shall be delineated on the map.
11. Prior to submission of the map "checkprints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
12. Required public utility easements shall be shown on the map.
13. Approved street names shall be shown on the map.
14. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of the land proposed.
15. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to recordation of the map.
16. Any private easements on the property shall be shown on the map with recording data.
17. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to recordation of the map.
18. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
19. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
20. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

**STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER**

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.