

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, December 9, 1999

PRESENT: Commissioners Wayne Cooper, Diane Hull, Doreen Liberto-Blanck, Cliff Smith,
Chairman Pat Veersart

ABSENT: None

RESOLUTION NO. 99-100
RESOLUTION RELATIVE TO THE GRANTING
OF A DEVELOPMENT PLAN

WHEREAS, The County Planning Commission of the County of San Luis Obispo, State of California, did, on the 9th day of December, 1999, grant a Development Plan to GEORGE WIDMARK to allow cluster subdivision of a 162.65 acre parcel into 31 parcels ranging in size from 2.5 acres to 2.8 acres each and 15 open space parcels totaling 81.33 acres, with one 6,000 square foot building site on one of the open space parcels, in the Residential Rural Land Use Category. The property is located in the county at 951 Eucalyptus Road, immediately southeast of the intersection of Eucalyptus Road and Indiana Way, approximately 0.4 miles west of the Nipomo URL, APN: 092-161-001, in the South County Planning Area. County File Number: TR 2262/S970128U.

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 9th day of December, 1999, does hereby grant the aforesaid Permit No. TR 2262/S970128U.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with,

EXHIBIT A
FINDINGS - Development Plan

- A. The proposed project or use is consistent with the land use element of the general plan because cluster subdivisions are allowed in the Residential Rural land use category and the South County Area allows less open space than required by the Land Use Ordinance where important resources are protected.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of the Land Use Ordinance.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or detrimental or injurious to property or improvements in the vicinity of the use because a monarch butterfly preserve will be provided, steep slopes will be preserved, and bluff setbacks can be met.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because trails will be provided, the project will have 2.5 acre parcels with lot widths similar to the neighboring properties, the bluff setbacks apply to other properties in the area.
- E. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project.
- F. The proposed project qualifies as a TDC receiver site because the additional density will not create significant unavoidable adverse environmental impacts; the site is not within an agricultural preserve; the site is within 10 miles of an Urban Reserve Line; project footprint will not be located on slopes 30 percent or greater; the project footprint is not located in a Sensitive Resource Area, Flood hazard, Geologic Hazard Area, Earthquake Fault Zone, or a Very High Fire Hazard Area; the project footprint is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat; and the development will comply with county standards for water, wastewater and access.
- G. The proposed project qualifies for a 75% density bonus under the county's TDC program because the project is within 5 miles of Nipomo and the applicant will be providing additional trails, buffers and landscape beyond what is normally required.
- H. On the basis of the Initial Study and all the comments received, there is no substantial evidence that the project will have a significant effect on the environment.

EXHIBIT B
CONDITIONS OF APPROVAL - Development Plan

Subdivision Related Approvals

1. This approval authorizes a cluster division of a 162.65 acre site into 31 clustered lots ranging from 2.5 acres to 2.8 acres each and 15 open space parcels totaling 81.33 acres with one 6,000 square foot building site on one of the open space parcels.
2. This approval is effective for a period of 24 months from the date of the approval of the tentative map by the Planning Commission. Development Plan time extensions shall run concurrently with the Tentative Map time extensions thereafter, until expiration of the tentative map. Time extensions for the tentative map must be requested by the applicant or agent and are subject to further review.
3. Further design and improvement requirements for the project shall be established through the approval of the Tentative Map in accordance with the approved development plan.
4. Any significant revisions in the Tentative Map not authorized by this approval shall require reconsideration by the Planning Commission.

Phasing

5. The project is approved as a phased project. With each phase the cumulative open space shall be at a minimum 50% of the site area (not including area to be recorded with future phases). This may require the final map to include open space lot(s) that exceed 50% for that phase. After the time the 15 open space parcels shown on the tentative map have recorded, subsequent phases may record without including an open space parcel.

Open Space Agreement

6. **Prior to recordation of the final map**, the applicant shall record an open space easement, in a form approved by County Counsel, for the open space portions shown on the final map. The open space parcels shall total a minimum of 81.33 acres for the entire project. The areas to be covered by the easement shall be consistent with Section 22.04.036. Each parcel is to be held in single ownership or transferred to a public trust or conservancy agency approved by the Planning Director. The open space area is to be maintained as such in perpetuity.

Biological Resources

7. Prior to final tract map approval, the applicant shall offer to the County or an appropriate non-profit organization approved by the Environmental Coordinator, a permanent open space or conservation easement over the Monarch Preserve, as shown in Exhibit A, to assure that this parcel remain in permanent open space in perpetuity. This approximately two acre parcel shall be maintained in its present condition as a eucalyptus grove to provide an autumnal roosting site for monarch butterflies. There will be no changes made to the tree stand within the Monarch Preserve that would affect the site's usefulness as Monarch butterfly habitat. The easement shall allow the County or appropriate non-profit organization, upon 24-hour notice, to regularly visit the eucalyptus grove in order to verify its suitability as an autumnal roosting site for monarch butterflies. The terms and conditions of the easement shall be reviewed and approved by the Environmental Coordinator.

8. **Prior to final tract map approval**, the applicant shall install a fence between Lots 1, 2, 3 and 13 and the Monarch Preserve, consistent with Exhibit A of the Negative Declaration, to give additional protection against ingress from those lots.
9. All fire places within the new homes of the project shall conform with the latest EPA fire place standards.
10. All wood-burning appliances on Lots 1-4 and 11-13 shall meet an EPA emission rate of 2.4 grams per hour or cleaner.
11. The applicant shall maintain a fence between Lots 1, 2, 3 and 13 and the Monarch Preserve, consistent with Exhibit A of the Negative Declaration.

Air Quality

12. **During all ground disturbing activities on the project site related to road grading, parcel grading, tree removals, utility trenching, etc.**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on all grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of grading activities.
 - a. Reduce the amount of disturbed area where possible
 - b. Before any grading on the site occurs, a reliable water source shall be available on the project site to support dust suppression activities.
 - c. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency may be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - d. All dirt stock pile areas should be sprayed as needed and/or maintained to prevent airborne dust from leaving the area.
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established.
 - f. All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD.
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- j. Before any grading on the site occurs, a reliable water source shall be available on the project site to support dust suppression activities sufficient to prevent airborne particulate matter from leaving the site.

Agricultural Compatibility

13. **Prior to final tract map approval**, the developer shall enter into an agreement with the County, in a form acceptable to the County Council, whereby the developer agrees, on behalf of himself and his successors in interest, that:

Agricultural buffers, as recommended by the County Agricultural Commissioner, shall be provided between future homesites on the property and the proposed agricultural land uses located to the north of Eucalyptus Road. These buffer areas, as shown on the attached Exhibit B, shall include the following:

- a. Horizontal setback buffer of 175 feet in width along a portion of the northern property line where it adjoins the adjacent agricultural land. In the event farming on the adjacent agricultural land is permanently discontinued, the setback requirement shall no longer be in effect.
14. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

Landscape

15. Prior to recordation of the final map for bluff top lots, the applicant shall submit a landscape plan to the Development Review Section for review and approval for the buffer area. The plan shall be prepared consistent with Section 22.04.186.
16. All revegetation and landscape enhancement plans shall use plant material from the county approved plant list.

Setbacks

17. Bluff top lots are subject to the setback requirements of the South County Area Plan for structures and septic systems.
18. Buildings on Lots 25-32 shall be setback 105 feet from the top of the bluff.

Drainage

19. Drainage is to be directed away from the bluff edge.

Use of Open Space

20. Except for the Monarch Preserve on Lot 33 and the bluff edge where slopes exceed 15%, this development plan authorizes the open space parcel to be used for passive recreation,

equestrian uses, and crop production (does not include greenhouses). Tree removal on the open space parcel is limited as follows:

- a. Monarch preserve - hazardous, dead or severely diseased and consistent with condition number 13.
- b. Tree buffers (75 feet along Eucalyptus Road and 50 feet along Indiana Way) - consistent with condition number 22.
- c. Bluff - hazardous, dead or severely diseased and be replaced with native vegetation.
- d. Other portions of the open space parcels - hazardous, dead or severely diseased, or as approved with a Tree Removal Permit to accommodate an authorized use, to develop trails and drainage facilities, or to be replaced with native vegetation. Consideration shall be given to erosion control and visual impacts and wildlife habitat.

Tree Buffers

21. Trees within the buffer areas along Eucalyptus Road (75 feet wide), Indiana Way (50 feet wide) and the easterly property line (10 feet wide) as shown on the tentative map shall not be removed unless they are determined to be hazardous, dead or severely diseased, or to be replaced with trees approved by the Development Review Section.

Water Storage Tanks

22. Prior to issuance of construction permits, the applicant shall submit water tank and screening plans to the Development Review Section for review and approval.