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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
November 4, 2005 EFFECTIVE DATE November 18, 2005	Jay Johnson 781-4573	Woodlands Ventures/RRM Design Group	DRC2005-00019

SUBJECT
A request by Woodlands Ventures for a Minor Use Permit to allow the removal approximately 160 acres of eucalyptus trees in the Phase 1B development area of the Woodlands Village. The proposed project is within the Recreation land use category and is located is in the easterly end of the Woodlands Village between Camino Caballo and Mesa Road with Viva Way being the easterly boundary, approximately 2 miles west of the community of Nipomo. The site is in the South County planning area.

RECOMMENDED ACTION
Approve Minor Use Permit DRC2005-00019 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
The Environmental Coordinator is recommending the proposed project be found consistent with the certified 1998 Woodlands Final Environmental Impact Report (EIR).

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Recreation	None	091-221-001 and 091-261-025	4

PLANNING AREA STANDARDS:
Does the project conform with the Woodlands Specific Plan: Yes, see discussion.

LAND USE ORDINANCE STANDARDS:
Does the project conform to the Land Use Ordinance Standards: Yes, see discussion.

FINAL ACTION
This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on November 18, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

EXISTING USES:
Vacant portion of the Woodlands Village

SURROUNDING LAND USE CATEGORIES AND USES:
North and East: Residential Rural/residences and greenhouses
South: Residential Rural and Agriculture/scattered residences and crops
West: Recreation/Phase 1A of the Woodlands

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: CDF, Public Works, APCD, and the Nipomo Community Advisory Council	
TOPOGRAPHY: Level to moderate slopes	VEGETATION: Eucalyptus trees
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community system Fire Protection: CDF	ACCEPTANCE DATE: October 4, 2005

DISCUSSION

WOODLANDS SPECIFIC PLAN STANDARDS:

Table 6 – Minor Use Permit is required for mass tree removal. Trees are to be retained in the 100 foot perimeter buffer. Thinning is allowed in the buffer for dead trees, for fire safety or trail improvements. Select trees or clusters are to be saved in areas of the golf course, public park, and right-of-ways. Mitigation measures are required for biological resources, noise, aesthetics, fire safety, and erosion control.

Butterfly Habitat – Portions of this project are within close proximity of the monarch butterfly habitat area. This area shall be clearly marked and fenced for protection.

Noise – Construction work is limited to between 7am and 6pm Monday through Friday, between 8am and 5pm on Saturdays, and no work on Sundays.

Fire Safety – A fire safety plan shall be approved by CDF. An adequate water supply for fire flows shall exist prior to commencement of construction. Access for fire safety equipment shall be maintained during construction.

Archaeology – This site is within proximity of archaeological resources. Sensitive areas are to be fenced for protection. Workers should be aware of this should resources be unearthed. If so, construction activities shall cease and the procedures of Land Use Ordinance Section 22.10.040 shall be followed.

LAND USE ORDINANCE REQUIREMENTS:

The Land Use Ordinance requirements for tree removal are superseded by the specific plan.

STAFF COMMENTS:

Tree removal in the proposed area was anticipated in the specific plan. The issues associated with this project include: retention of healthy and structurally sound trees within the project buffer and other select areas of the site; construction activities; proper use or disposal of trees and by-products; haul routes; and proper environmental monitoring (includes raptor surveys). Construction activities must be consistent with the specific plan requirements and continued consideration of the neighborhood with regard to noise, traffic and dust. Procedures for construction activities and environmental monitoring were established with Phase 1A tree removal. These procedures have been successful and have been carried over as conditions of

approval for this permit. Local Nipomo Mesa roads are not to be used for truck traffic. The proposed haul route is Highway One south to Highway 166, and then easterly to Highway 101. Chipping, grinding and other similar activities are to continue in the designated areas in the southwesterly portion of the specific plan area, which is away from residential neighbors. Tree removal by-products (logs, chips, mulch) shall be handled in accordance with County Public Works, Solid Waste Division requirements, which includes delivery to large agricultural users for mulch, on-site use, and delivery to co-generation electricity plants, and from time-to-time pick-ups by for local residents for use in landscapes.

COMMUNITY ADVISORY GROUP COMMENTS:

This project was discussed at the Nipomo Community Advisory Council on September 26, 2005. The council voted to accept the project and no recommendations were made.

AGENCY REVIEW:
Public Works – Recommends approval.

No other agencies responded.

Staff report prepared by Jay Johnson
and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

CEQA

A. The proposed project is consistent with the certified 1998 Woodlands Final Environmental Impact Report (EIR).

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan and the Woodlands Specific Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies satisfy all applicable provisions of Title 22 of the County Code.

D. 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 be detrimental or injurious to property or improvements in the vicinity of the use because requirements for construction activities will be met, trees and tree by-products will be used in accordance with County Public Works, Solid Waste Division requirements, local roads will not be used for hauling, trees will be surveyed for raptors prior to removal, the project buffer will be maintained, and select trees and tree clusters will be preserved.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because local roads will not be used for hauling, the project buffer will be maintained, and select trees and tree clusters will preserved.

F. The proposed project or use 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 because the project will use Highway One, which is capable of handling the traffic associated with the tree removal.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the removal of approximately 160 acres of eucalyptus trees in the Phase 1B area of the Woodlands Village. Tree removal shall be limited the area shown on the approved tree retention plan. Tree removal within the buffer area shall be limited to dead trees, structurally unsound trees, or trees required to be removed for fire safety or trail improvements. Mass grading is not authorized with this approval and is subject to Conditional Use Permit approval.

2. This approval does not authorized on-site commercial sale of wood or tree cutting by-products such as mulch or chips.

Site Development

3. The applicant shall retain healthy, structurally sound trees or tree clusters in golf course areas, right-of-ways, pocket parks and the large park site, where the trees will not interfere with utilities, traffic safety, drainage facilities, structural foundations, golf course play, or significantly prevent solar access for future residences.

4. Prior to tree cutting or tree removal, the applicant shall receive written authorization from the Department of Planning and Building to begin cutting or removal activities. The Department shall confirm that all applicable conditions of approval and Specific Plan requirements have been met prior to issuing written authorization. As necessary, fencing, signing or other protection (including identification of individual or groups of trees to be saved) shall be used to avoid tree cutting in sensitive areas.

5. Prior to tree removal in the large park site, the applicant shall conduct a field survey with staff to determine trees that can be saved in the park.

Truck Circulation

6. Local Nipomo Mesa roads shall not be used for truck circulation. Access shall be from Highway One.

Tree Disposal

7. All trees and tree by-products shall be handled in accordance with County Public Works, Solid Waste Division requirements, including but not limited to, delivery to large agricultural users for mulch, on-site use, delivery to co-generation electricity plants, and from time-to-time pick-ups by local residents for use in landscapes. Trees and tree by-products shall not be taken to landfills.

Monitoring

8. **Prior to start of tree cutting, tree removal, issuance of grading or building permits, or approval of tract improvements**, the applicant shall fund an environmental monitor to be approved by the county. This monitor shall be under contract with the county and will be responsible for verifying compliance with all mitigation measures and conditions

of approval, for all phases requiring environmental mitigation and as required by condition numbers 9, 15, 16, 17 and 19.

9. **Prior to start of tree cutting, tree removal or construction of improvements**, the applicant shall submit a copy of a monitoring program (or environmental quality assurance plan) prepared by the environmental monitor subject to approval by the Department of Planning and Building. The monitoring plan shall include the following:

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

Noise

10. **Mitigation Measure 4.5-1a:** All applicable plans shall show construction work will be limited to between 7:00 a.m. and 6:00 p.m. for Monday through Friday, between 8:00 a.m. and 5:00 p.m. on Saturday, with no work allowed on Sunday. The applicant shall notify all employees, contractors and/or subcontractors of this condition prior to their initiating work at the project site.

11. **Mitigation Measure 4.5-1b:** Prior to the beginning of any tree cutting, tree removal, grading or construction, the project sponsor shall notify all residences within 1,000 feet of the site boundary concerning the project construction schedule, particularly with respect to tree clearing.

12. The applicant shall continue to use the existing designated areas for chipping activities. Expansion or modification of the designated area shall be approved in advance by the Planning and Building Department.

Archaeology

13. **Mitigation Measure 4.8-1c:** In accordance with the County Land Use Ordinance, Section 22.10.040, in the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply within 50 yards of the discovered resource:

   a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and

disposition of artifacts may be accomplished in accordance with state and federal law.

b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so proper disposition may be accomplished.

14. **Mitigation Measure 4.8-1d**: If archaeological resources encountered are found to be important, the applicant shall provide reasonable funding and adequate time for recovery of such resource, or the equivalent avoidance measure as approved by the County.

Biological Resources

15. **Mitigation Measure 4.4-1c: Prior to tree cutting, tree removal or issuance of a construction permit,** the applicant shall retain a county-approved, qualified project biologist (wildlife biologist and/or botanist) or equivalent professional to oversee all aspects of project implementation that pertain to compliance with biologically-related mitigation measures (mainly described in this section), as applicable. The applicant shall work with the biologist so all employees, contractors, subcontractors, etc. are informed of any special biologically sensitive areas/ conditions that need to avoided during construction.

16. **Mitigation Measure 4.4-4a: Prior to issuance of any tree cutting, tree removal, construction or grading permit involving the disturbance of vegetation,** a county-approved qualified biologist shall be retained to: 1) conduct a contractor education program; 2) identify and stake all biologically sensitive areas; 3) monitor all construction activities in areas supporting sensitive biological resources; 4) scheduling and implement surveys for raptor nests; 5) inform the County, the project engineer and the project general contractor if there are construction activities that threaten significant biological resources for which no mitigation measures have been identified in this EIR; and 6) develop alternative and comparable mitigation measures, where possilble, to significantly reduce new potential impacts not previously identified. The resident engineer and contractor shall then cease such construction activities until appropriate mitigation measures are implemented.

17. **Mitigation Measure 4.4-4b: Prior to tree cutting, tree removal or issuance of a construction permit,** all sensitive habitat areas to be avoided shall be clearly marked on project maps and provided to the contractor by the project biologist. These areas shall be clearly designated as "no construction" or "limited construction" zones. These areas shall be flagged by the project biologist prior to construction activities. In some cases, resources may need to be fenced or otherwise protected from direct or indirect impacts, as determined by the project biologist.

18. The monarch butterfly habitat area shall not be encroached upon by construction activities.

19. **Mitigation Measure 4.4-3c: Prior to tree cutting, tree removal or issuance of any construction permit,** to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities

are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The project biologist shall also conduct periodic (monthly) surveys for raptors which move onto the site during construction. It is assumed that species using the site under these conditions will be somewhat resistant to construction-related disturbance; however, the results of the surveys will be passed immediately to the CDFG and the County, possibly with recommendations for variable buffer zones, as needed, around individual nests.

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

21. **Mitigation Measure 4.3-1g:** The applicant shall abide by the Air Pollution Control District approved Construction Activities Management Plan.

Fire Safety

22. **Prior to tree cutting, tree removal and construction activities** in areas that have flammable vegetation, the applicant shall meet with CDF/ County Fire, Fire Prevention Battalion Chief or his designee, to develop a Fire Prevention/Ignition Management Plan. The plan shall cover the following issues: spark arresters, clearance issues, fire weather, fire reporting, first aid firefighting, water supply, and fire department access.

23. **Mitigation Measure 4.7-1e: During the construction phase,** access to surrounding streets and highway shall be kept clear and unobstructed during tree removal and construction. With improvement plans and tree removal plans, the applicant shall submit the construction equipment circulation plan, which identified key routes to remain clear at all times for fire equipment access. All stored and parked construction equipment and materials shall be kept on the project site in such a way to avoid obstruction of traffic circulation, especially during traffic peak hours.

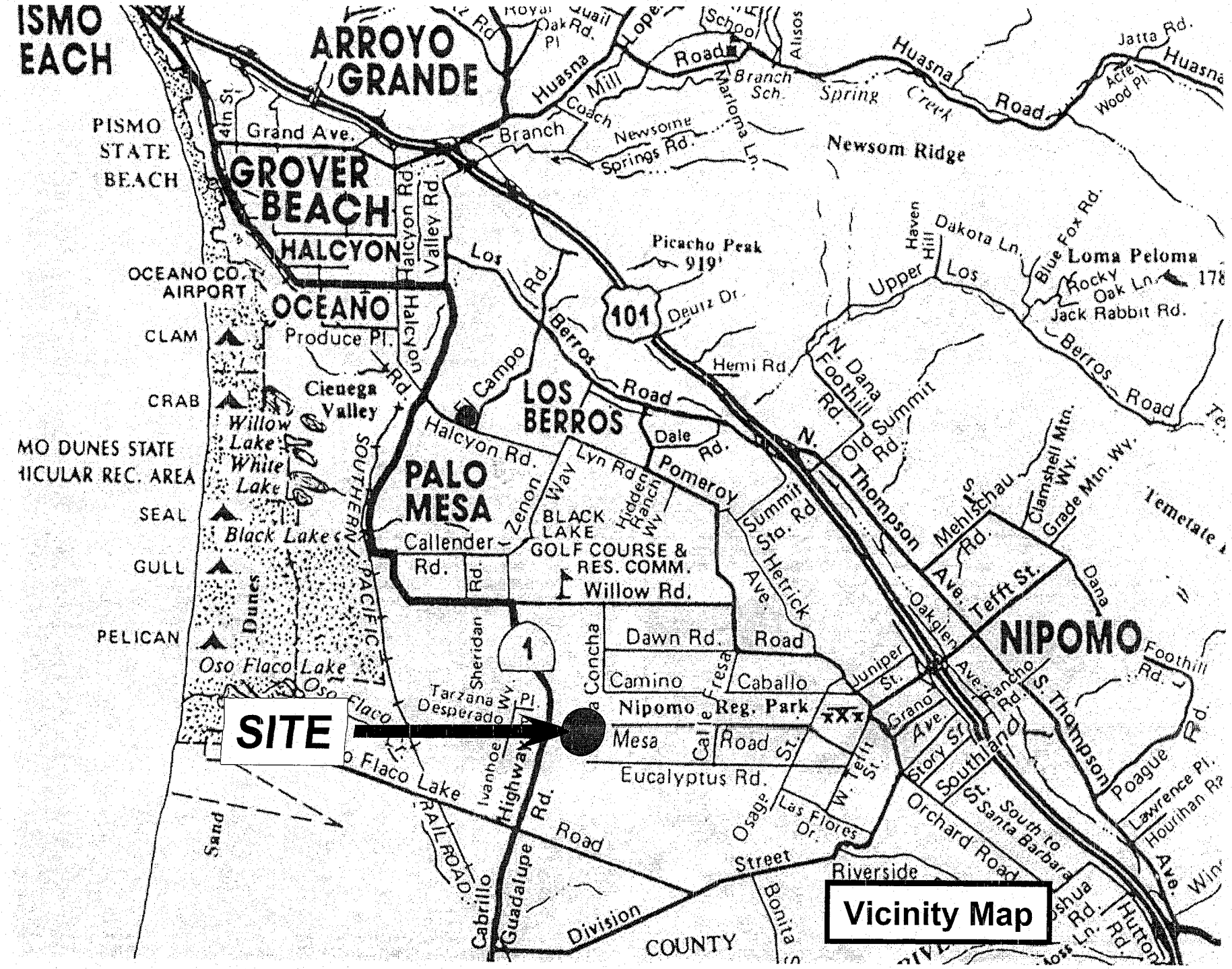
24. **Mitigation Measure 4.7-1f:** As required by the County of San Luis Obispo Fire Department, access for fire equipment shall be maintained **during construction**.

25. **Mitigation Measure 4.7-1g: During tree removal and construction**, adequate water supplies for fire flow must be identified as a part of the fire safety plan and be fully available **prior to the commencement of any tree cutting, tree removal or construction work**.

Permit Validity and Compliance

26. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

27. 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.



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RES. COMM.
Hidden Ranch Wy.
Summit
Sta. Rd
Hetrick
Ave.
Callender
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Willow Rd.
Sheridan
Dawn Rd.
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Camino
Caballo
Nipomo Reg. Park
Mesa
Road
Eucalyptus Rd.
Tarzana
Desperado
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Ivanhoe
Highway
Rd.
Road
Cabrillo
Guadalupe
Division
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COUNTY
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Bonita
Las Flores
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Osage
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W. Tefft
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Orchard Road
Story St.
Southland
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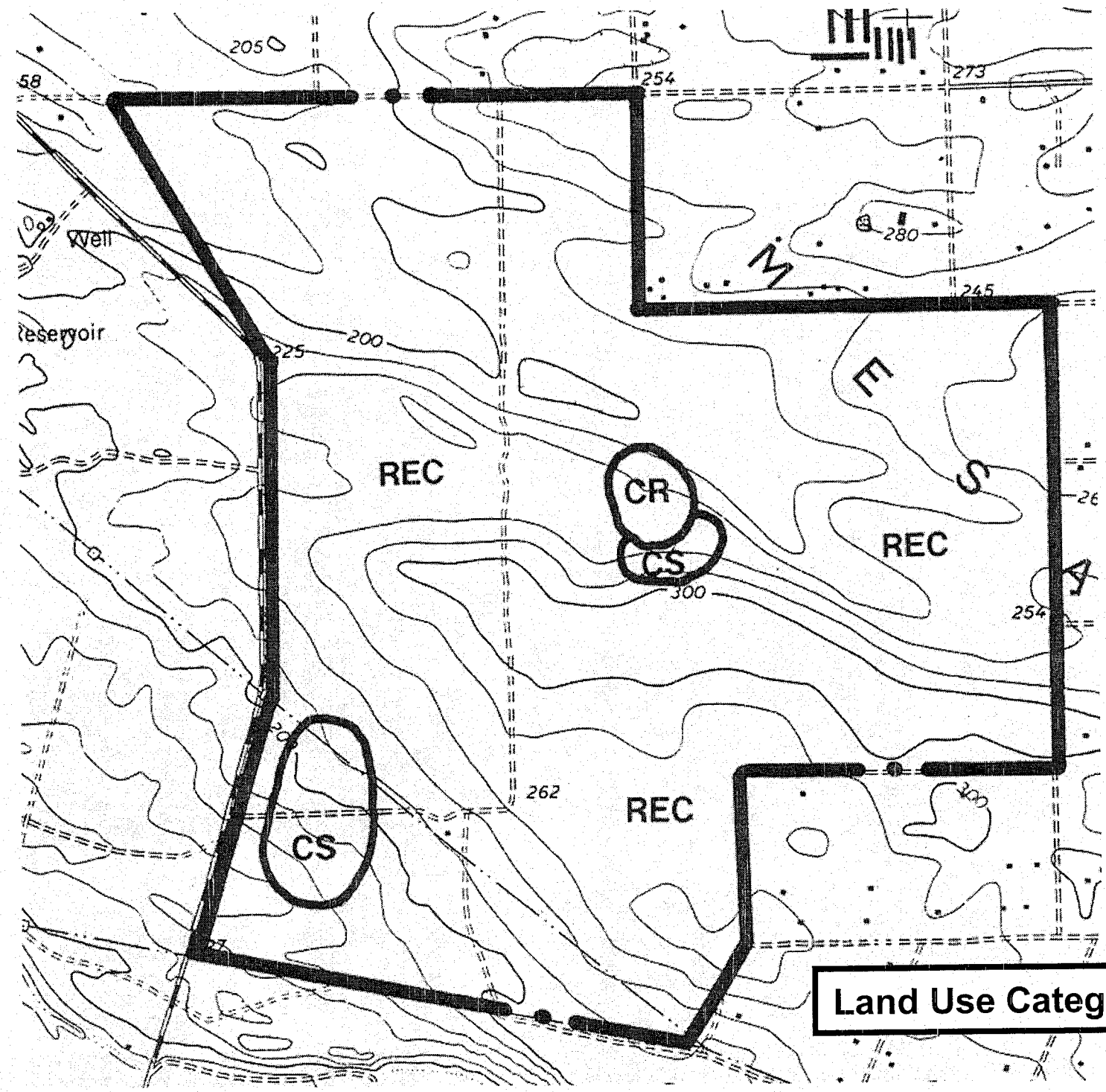
SITE
Vicinity Map

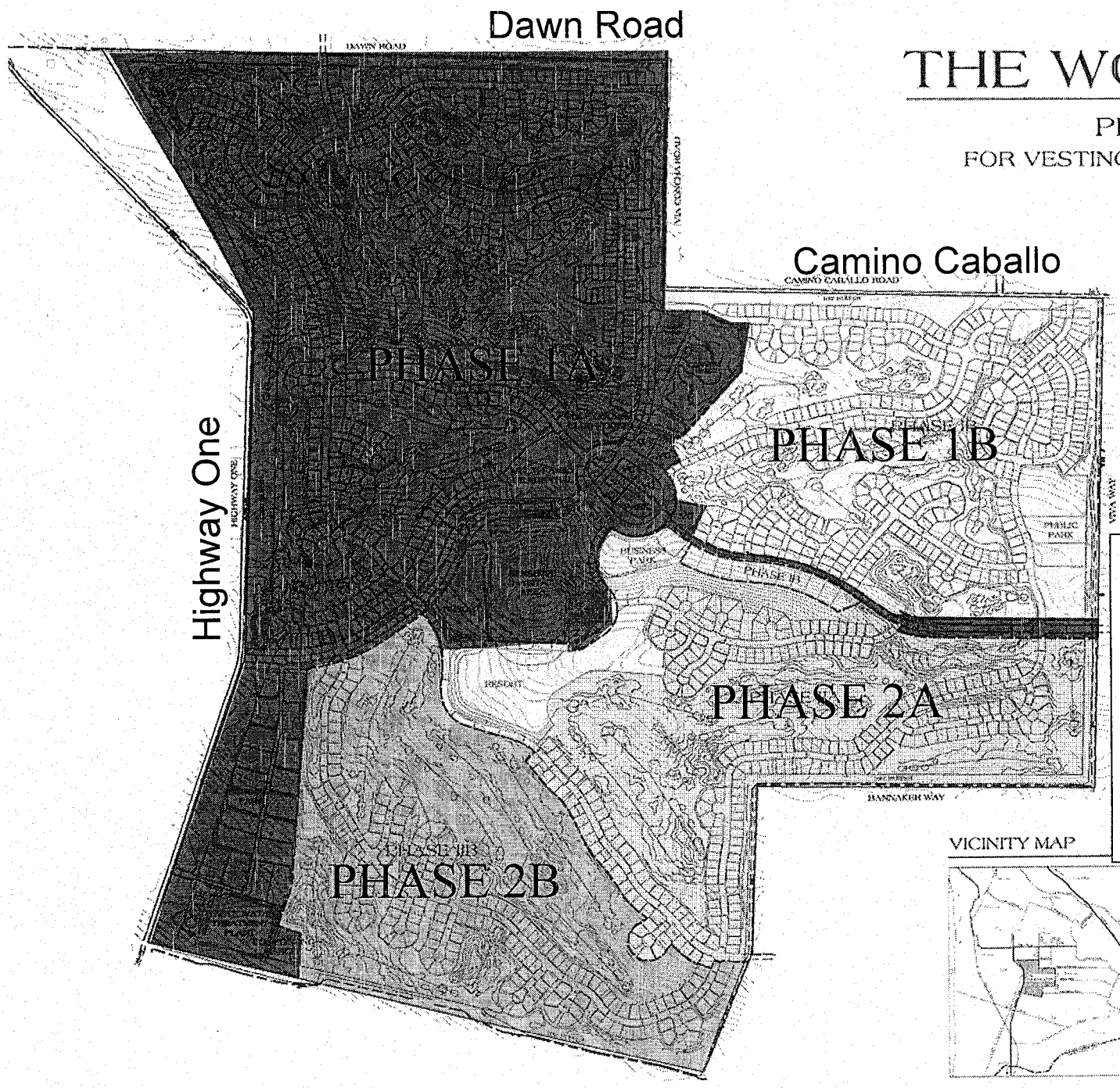


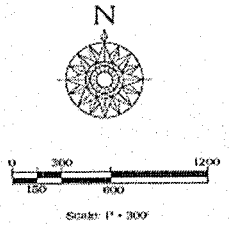
Land Use Category Map

THE WOODLANDS

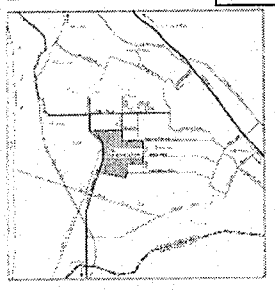
PHASING MAP

FOR VESTING TENTATIVE MAP #2341





VICINITY MAP



PREPARED BY:

RRM DESIGN GROUP

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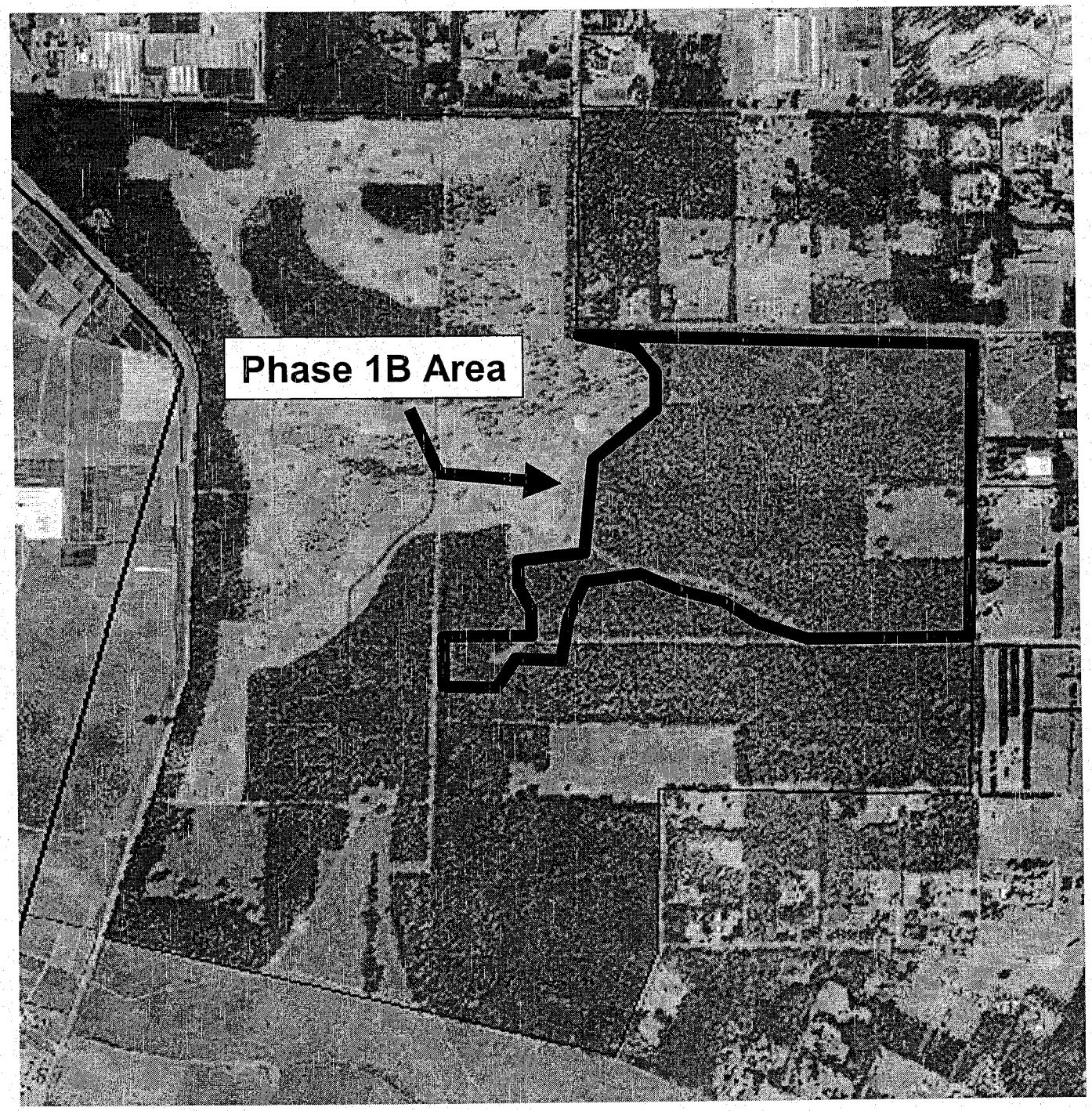
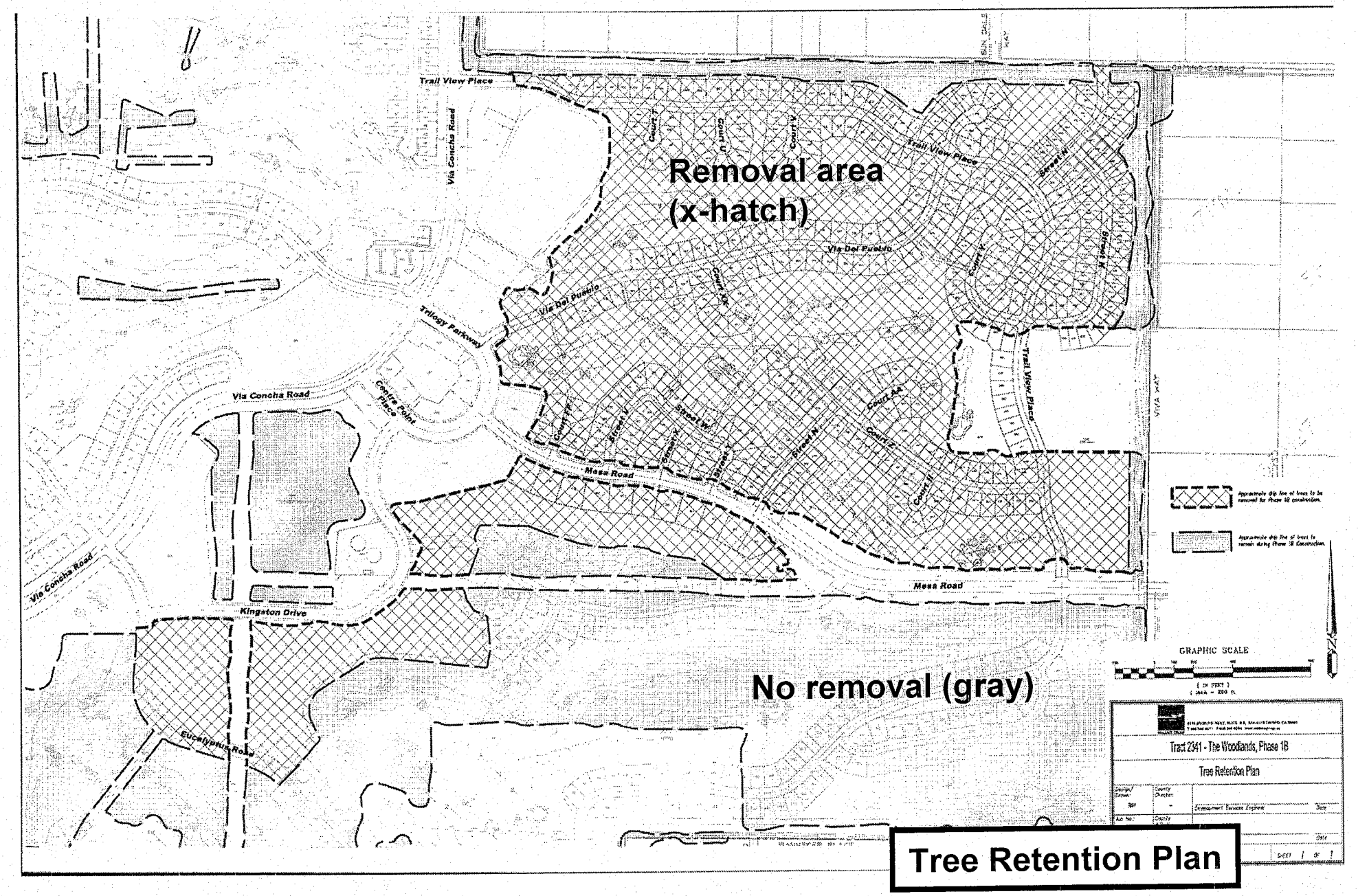
SEPTEMBER 23, 2002


Phase 1B Area



Tree Retention Plan