EXHIBIT D - CONDITIONS OF APPROVAL
DRC2016-00063 / CAYUCOS SANITARY DISTRICT

Approved Development

1. This approval authorizes the Cayucos Sustainable Water Project, including:

    a. Construction of a new wastewater treatment plant, solar array, and landscaping in an approximately 8-acre development area. The treatment plant would have an annual average daily flow capacity of 0.30 and 0.40 million gallons per day serving the existing and buildout population in Cayucos.

    b. Underground installation of pipelines and conveyance infrastructure in the Toro Creek Road right-of-way from an existing lift station (Lift Station #5) to the treatment plant.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits,** plans submitted shall show all development consistent with the approved site plan, preliminary facility layout plan, and landscape plan.

Fire Safety

3. **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.

Public Works

Access

4. **At the time of application for construction permits,** the applicant shall submit fees and plans to the Department of Public Works to secure an Encroachment Permit to construct the project access driveways in accordance with County Public Improvement Standards for rural roads and for all proposed pipelines and conveyance infrastructure in the County right-of-way. The driveways design must accommodate the largest design vehicle to avoid off-tracking damage to the edge of pavement.

5. **At the time of application for construction permits,** the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

6. **At the time of application for construction permits,** the applicant shall submit complete drainage plans prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.

7. **At the time of application for construction permits**, the applicant shall show the 100-year flood hazard boundary on the project plans.

8. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 22.14.060.

9. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

10. **Mitigation Measure GEO-1: At the time of application for construction permits**, the applicant shall submit and development shall be consistent with a Design-Level Geotechnical Investigation and Report to provide final recommendations and geotechnical design criteria for specific project components, such as structures, foundations, pipelines, pump stations, loading conditions, excavations, grading, dewatering, drainage and other site work. The geotechnical design investigation shall include additional field exploration for specific structures, and include testing and analyses as needed to provide a basis for design criteria and construction recommendations in accordance with local (County of San Luis Obispo) regulations and the applicable California Building Code (CBC).

    As part of the geotechnical design investigation for the Project, creek crossings for pipelines shall be investigated and evaluated with respect to the methods of crossings. If horizontal directional drilling methods (HDD) are proposed, then HDD feasibility investigations shall be performed for each location where that method is being considered. The geotechnical design report shall include geotechnical design criteria for creek crossings, which may include recommendations for pipeline burial depths, methods of crossing, trench or trenchless design parameters, and lateral setbacks. Recommendations for specific crossings shall be incorporated into the Project plans and specifications prior to construction of the pipeline.

11. **Mitigation Measure GEO-2A**: The geotechnical design investigation for the project (Mitigation Measure GEO-1) shall include appropriate geologic fault evaluations of the Cambria fault to develop project-specific design parameters for pipeline sections crossing the fault. The fault evaluations shall be directed towards, but not necessarily be limited to, defining the location and width of the fault zone at the pipeline-fault crossings. Since the fault traces are concealed beneath young geologic deposits, the fault zones may be difficult to define with precision. Consequently, fault zone widths shall incorporate conservative assumptions for pipeline design.

    Pipeline crossings of fault traces shall be designed to accommodate potential flexure and horizontal and vertical offsets based on the results of the geologic fault evaluations (Mitigation Measure GEO-2A). Fault rupture mitigation strategies for pipelines may include measures such as flexible connections, gravel trench backfill, double lined pipes, strengthened pipes, automatic shutoff valves and similar measures to prevent the release of product to the environment.

12. **Mitigation Measure GEO-3**: Project structures shall be designed to resist lateral forces generated by earthquake shaking in accordance with the current building code, State pipeline safety standards and applicable design practice. The design-level geotechnical report (Mitigation Measure GEO-1) shall include recommendations for seismic data for design that may be updated for the new code requirements, additional subsurface information, or further site-specific analyses. Appropriate seismic ground motion parameters shall be estimated and incorporated into project design by the project engineer.

13. **Mitigation Measure GEO-4.** The design-level geotechnical report (Mitigation Measure GEO-1) shall include evaluations of liquefaction potential and estimated liquefaction-induced settlement based on field exploration, testing and analysis of site conditions for final project components (WRRF and pipelines). The potential effects of other seismically induced ground failures shall also be evaluated, including lateral spreading and seismic densification. Engineering design measures shall be provided where estimated ground deformations exceed typical foundation and structural design parameters. seismic densification.

    The liquefaction, lateral spreading and seismic settlement evaluations shall be conducted in accordance with guidelines published by the California Geologic Survey (formerly the California Division of Mines and Geology) and relevant local and professional standards. At a minimum, the liquefaction hazard evaluation and mitigation study shall be undertaken in a manner consistent with the Guidelines for Evaluation and Mitigation of Seismic Hazards in California, Chapter 6, Analysis of Liquefaction Hazards (CGS Special Publication 117A, 2008).

14. **Mitigation Measure GEO-5.** The design-level geotechnical report (Mitigation Measure GEO-1) shall include evaluations of landsliding, creek bank instability and other types of slope instability settlement based on field exploration, testing and analysis of site conditions for final project components (WRRF and pipelines). The potential impact of slope instability on the construction and operation of the WRRF shall be evaluated as part of the geotechnical design investigation and report (Mitigation Measure GEO-1). Mitigation measures to reduce the potential for damage due to slope movement shall be developed for the depths and types of slope movements that may impact the pipelines at the locations identified in the landslide evaluations.

15. **Mitigation Measure GEO-6: At the time of application for construction and/or grading permits,** the applicant shall submit to the Department of Planning and Building for review and approval an Erosion Control Plan (ECP) prepared by a geotechnical or civil engineer, consistent also with Mitigation Measure WQ-1. The ECP shall include elements of a Storm Water Pollution Prevention Plan (SWPPP) and shall describe measures intended to reduce erosion and deposition in to local creeks and the Pacific Ocean.

16. **Mitigation Measure GEO-7.** Testing of samples in a geotechnical laboratory is the standard method of quantifying the expansibility of materials, and shall be performed as part of design-level geotechnical studies for the selected WRRF site and pipeline routes (Mitigation Measure GEO-1). If expansive materials are identified, then appropriate design and construction measures shall be provided to mitigate the adverse effects. The design-level geotechnical investigation shall provide specific recommendations to address expansive soil conditions for the design of foundations, flatwork, pavement, pipelines and other site work.

Conditions required to be completed prior to issuance of construction permits

17. **Prior to issuance of construction permits**, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

18. **Mitigation Measure AG-1**: **Prior to the issuance of construction and/or grading permits,** the Cayucos Sanitary District shall provide evidence to the County Department of Planning and Building that a farmland conservation easement, a farmland deed restriction, or other

farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of 2:1 for direct project impacts. The area conserved shall be shall be of a quality that is reasonably similar to that of farmland within the project limits (as determined by the County Agricultural Commissioner or designee).

19. **Mitigation Measure AQ-4: Prior to issuance of construction permits,** the applicant shall submit an Odor Monitoring and Complaint Response Plan for review and approval by the SLOAPCD and shall obtain all necessary permits and/or approvals from SLOAPCD.

20. **Mitigation Measure HZ-2: Prior to issuance of construction permits,** to mitigate impacts related to an untreated wastewater spill, the applicant shall modify its existing Sanitary Sewer Management Plan to include WRRF and pipeline operations.

21. **Mitigation Measure HZ-3**: **Prior to issuance of construction permits,** the applicant shall provide a written Fire Safety and Evacuation Plan whose contents shall be in accordance with California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

22. **Mitigation Measure TR-1**: **Prior to issuance of construction permits,** the applicant shall submit a traffic management plan for review and approval by the County of San Luis Obispo Public Works Department. The traffic management plan shall be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan shall include:

    - Advertisement. An advertisement campaign informing the public of the proposed construction activities shall be developed. Advertisements shall occur prior to beginning work and periodically during the course of project construction.
    - Property Access. Access to parcels along the construction area shall be maintained to the greatest extent feasible. Affected property owners shall receive advance notice of work adjacent to their property access and when driveways would be potentially closed.
    - Schools. Any construction adjacent to schools shall ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
    - Buses, Bicycles and Pedestrians. The work zone shall provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
    - Intersections. Traffic control (i.e. use of flag men) shall be used at intersections that are determined to be unacceptably congested due to construction traffic.

23. **Mitigation Measure VIS-1**: **Prior to issuance of construction permits,** to mitigate post-construction disturbed soil on the pipeline trenches in the Coastal Zone, the applicant shall submit to the Department of Planning and Building for review and approval a restoration plan that uses native seed species and is consistent with Coastal Plan policy 30.

24. **Mitigation Measure VIS-2: Prior to issuance of construction permits,** to mitigate short-term impacts on visual resources until planting matures, the applicant shall submit a final

landscaping plan consistent with the preliminary landscape plan evaluated in the EIR. The landscape plan shall emphasize native plant materials and shall include sufficient planting to screen views of the project from Toro Creek Road. The planting shall be designed to achieve substantial screening of the WRRF within 7 years.

25. **Mitigation VIS-3**: **Prior to issuance of construction permits,** to mitigate potentially significant impacts from a new source of substantial light or glare which would adversely affect nighttime views in the area, the applicant shall submit a final lighting plan for the WRRF. The plan shall include proper shielding, proper orientation, and minimum height standards to achieve safe light levels on the ground. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Conditions to be completed prior to commencing work

Public Works

Repair roadway damage

26. **Prior to commencing any work**, the applicant must enter a Roadway Repair Agreement with the Department of Public Works, in a form acceptable by County Counsel, to maintain and restore County roadways if damaged by the project's construction activities. At a minimum the agreement must:

    a. Identify roadway operational constraints specific to the proposed construction route and provide corrective recommendations to be designed and constructed by the applicant prior to commencing construction activities.
    b. Establish baseline road conditions by video log, photo log, or equivalent.
    c. Establish the current Pavement Condition Index (PCI).
    d. Assign maintenance and response timing responsibilities to the applicant for ongoing roadway repairs during the construction phase of work.
    e. Assign maintenance and timing responsibilities to the applicant for roadway restoration to original or near-original conditions prior to project final.

27. **Mitigation Measure AQ-2:** Prior to starting any ground-disturbing construction activities for the new influent, effluent, or RW pipelines to CSA-10, the applicant shall conduct a geologic evaluation for naturally occurring asbestos (NOA) along the pipeline routes following the Guidelines for Geologic Investigations of Naturally Occurring Asbestos in California (California Geologic Survey [CGS] Special Publication 124, 2002) to determine whether the construction of the pipelines has the potential to disturb NOA, and if so, how many acres. If no NOA is expected to be disturbed, the applicant shall submit a request for an exemption from CARB's Asbestos ATCM, along with the geologic evaluation report. If NOA is expected to be disturbed, the SLOAPCD must be notified and preparation and approval of an Asbestos Dust Mitigation Plan and Asbestos Health and Safety Program may be required.

28. **Mitigation Measure HZ-5:** Prior to construction activities that involve soil disturbance, the CSD shall develop and implement a Soil Sampling and Analysis Plan to determine the presence and extent of any residual herbicides, pesticides, and fumigants on historically-farmed land in agricultural areas that would be disturbed during ground-disturbing activities associated with the project. The Plan shall be prepared in consultation with the San Luis Obispo County Department of Environmental Health Services and the work shall be conducted by an appropriate California-licensed professional and samples sent to a California

Certified laboratory. At a minimum, the Plan shall document the areas proposed for sampling, the procedures for sample collection, the laboratory analytical methods to be used, and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment or disposal of any contaminated soils. The Plan shall be submitted to the Department and the San Luis Obispo County Department of Environmental Health Services for review and approval at least 60 days before construction. Results of the laboratory testing and recommended resolutions for excavation, handling, dust control, and treatment/disposal of material found to exceed regulatory Practices shall be submitted to the Department prior to construction.

Conditions to be completed during construction

Archaeological Resources

29. **During construction,** in the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and a qualified archaeologist will be contacted for professional advice.

30. **During construction,** in the event archaeological resources are found to include human remains the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

31. **Mitigation Measure AQ-1**: The following standard SLOAPCD dust control measures shall be implemented:

    a. The amount of the disturbed area shall be minimized;
    b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water or an APCD-approved dust suppressant shall be used whenever possible;
    c. All dirt stock pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
    d. 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, non-invasive, grass seed and watered until vegetation is established;
    e. 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;
    f. 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;
    g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
    h. 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;
    i. Wheel washers and/or rumble strips shall be installed where vehicles enter and exit unpaved roads onto streets; and
    j. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. The name and telephone number of such

persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

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32. **Mitigation Measure AQ-3:** The applicant shall implement the following idling control techniques:

    California Diesel Idling Regulations

    a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
        - Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
        - Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
    b. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
    c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.

    Diesel Idling Restrictions Near Sensitive Receptors (i.e., Morro Bay High School and Residential Dwellings along the Pipeline Routes)

    In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
    b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
    c. Use of alternative fueled equipment is recommended; and
    d. Signs that specify the no idling areas must be posted and enforced at the site.

33. **Mitigation Measure BIO-1**: Within one week of ground disturbance or vegetation removal activities, if work occurs between March 1 and August 31, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until

chicks are fledged. Occupied nests of special status bird species shall be mapped using GPS or survey equipment and submitted in monitoring reports. If nesting birds are located, no construction activities shall occur within 100 feet of nests (or other setback distance determined by a qualified ornithologist) until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Occupied nests of special status bird species shall be monitored every two weeks to document nest success and check for compliance with buffer zones.

34. **Mitigation Measure BIO-2:** Limits of grading shall be clearly delineated in the field prior to initiation of construction activities to demonstrate avoidance in impacting the area identified in the Biological Technical Report as habitat for club-haired mariposa lily.

35. **Mitigation Measure BIO-3:** To mitigate adverse impacts to potentially present status reptiles and amphibians western pond turtle, foothill yellow-legged frog, coast range newt, and two-striped garter snake, in addition to Mitigation Measure BIO-4, the following shall be implemented:

    - Construction Plans shall show how construction at stream crossings will utilize low-flow periods, incorporate sediment retention devices and minimize time and area of disturbance.

    - A pre-construction survey would be conducted within 48 hours prior to starting work in or within 50 feet of habitats likely to support sensitive reptiles and amphibians such as seasonal drainages and riparian. The survey would be conducted by a qualified biologist approved to relocate sensitive species should they occur. If sensitive reptile or amphibian species are located during the pre-construction survey, a biologist would monitor ground-breaking work conducted within 50 feet of habitat.

    - Qualified biologists will brief all project personnel prior to participating in construction activities. At a minimum, the briefing will include a description of the project components and techniques, a description of the listed species occurring in the project area, and the general and specific measures and restrictions to protect the species during implementation of the project.

    - Post construction re-vegetation plans for work areas disturbed within 100 feet of ESHA at Toro Creek Bridge shall be submitted for County approval and implemented upon completion of pipeline work in that area. The re-vegetation plan shall use only native plant species pursuant to Coastal Policy 30. The species shall be selected to provide permanent erosion control and soil cover pursuant to Coastal Policy 21.

36. **Mitigation Measure BIO-4:** To mitigate adverse impacts to potentially present California red-legged frog (CRLF), the following shall be implemented:

    - **Pre-construction Survey.** Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured bywork activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration,

distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.

- **Pre-construction Training**. Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current 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.

- **Biologist Present during Construction.** A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.

- **Trash Removal.** During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to occupancy or final inspection, whichever occurs first, all trash and construction debris will be removed from work areas.

- **Equipment Maintenance.** During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

- **Revegetation.** Prior to occupancy or final inspection, whichever occurs first, for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native riparian, wetland and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.

- **Land Restoration.** Prior to occupancy or final inspection, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.

- **Work Scheduling.** Prior to commencement of grading/construction activities, the applicant shall make all efforts to schedule work activities for times of the year when

impacts to the CRLF would be minimal. As examples: a) work that would affect large pools that may support breeding would be avoided, to the maximum extent practical, during the breeding season (November through May); b) isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall) would be avoided to the maximum extent practical. When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

- **Sedimentation and Erosion Control.** Prior to issuance of construction permit(s), sedimentation and erosion control plans shall be submitted using Best Management Practices (BMPs) to minimize sediment from entering nearby water bodies or prominent drainage courses, consistent with Mitigation Measure WQ-1: During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.

- **Water impoundment**. Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.

- **Completion Report.** Prior to occupancy or final inspection, whichever occurs first, the applicant shall submit to the County and USFWS, a project completion report form, completed by the USFWS-approved biologist. The report form shall identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

37. **Mitigation Measure BIO-5:** To mitigate potential adverse effects to water quality and special status species habitat in project area creeks, in addition to measures described in measure WQ-1 including appropriate best management practices (BMPs) utilized within the construction areas to prevent excess sediment from entering Toro Creek or Willow Creek, Storm Water Pollution Prevention Plan (SWPPP) implementation, and long-term measures identified in the SWPPP, the following additional measures are required:

- The applicant shall prepare a spill containment and spill clean-up plan that includes provisions for response to frack-out of pipeline bore spills within 100 feet of ESHA. Directional drill activities within 100 feet of ESHA shall be specified in the plan to require on-site monitoring.
- The edge of riparian vegetation will be shown on construction plans and boundaries of the work area will be shown on construction plans. Limits of grading will be clearly delineated in the field prior to initiation of construction activities.
- All hazardous materials required to operate and maintain equipment will be properly used in accordance with manufacturer's specifications.
- The contractor will follow an approved spill prevention plan, including procedures to ensure that all equipment is properly maintained and free of leaks and all necessary repairs incorporate proper spill containment.
- Hazardous materials will be properly stored and managed in secured areas located outside riparian corridors.
- Mobile equipment will be staged, repaired, and maintained 300 feet from top of bank of Toro Creek and Old Creek, or on existing paved road surfaces. Fueling of equipment will be conducted in pre-designated areas at least 300 feet from the top of bank drainages, or on existing paved road surfaces. Spill containment materials will be placed around the

equipment before refueling. Standing equipment will be outfitted with drip pans and hydrocarbon absorbent pads.

38. **Mitigation Measure BIO-6:** Prior to installation of conveyance structures adjacent to road bridges over Willow Creek, Old Creek, or Paul Alva Creek, a qualified biologist shall conduct a survey of the bridge to determine if roosting bats are present. If possible, the survey shall be conducted during the non-breeding season (November through March). If a colony of bats is found roosting in any structure, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.) If the bats are not part of an active maternity colony, passive exclusion measures may be implemented with approval from CDFW. November is the best time of the year to exclude bats from a roost because it is after the breeding season and before winter hibernation (not all species hibernate).

39. **Mitigation Measure BIO-7:** To avoid impacts to overwintering monarchs, tree trimming/removal and construction activities that affect eucalyptus trees near or within the overwintering grove shall not be conducted during the overwintering season from October 1 through March 31. If construction activities must be conducted during this period, overwintering monarch surveys shall take place within one week of habitat disturbance. If surveys do not locate clustering monarchs, construction activities may be conducted. If clustering monarchs are located, no construction activities shall occur within 100 feet of the edge of the overwintering grove.

40. **Mitigation Measure CUL-2:** To avoid any adverse effect on CA-SLO-879/H, the proposed pipelines along Toro Creek Road shall be placed only on the north side of the road and shall be directionally drilled under the maximum depth of cultural deposits. Three bore pits shall be installed along the pipeline alignment in previously disturbed areas, where cultural materials are sparse and lack integrity. The exact location of the bore pits and segment to be directionally drilled shall be dictated in the Final Cultural Resources Impact Assessment Report prepared for the project by Applied Earthworks. All work related to pipeline installation along Toro Creek Road shall be monitored by an archaeologist and Native American representatives. If at any point, the pipeline design requirements specified in the Cultural Resources Impact Assessment Report cannot be met, the project shall be halted and San Luis Obispo County and other responsible agencies contacted to determine the next course of action t

41. **Mitigation Measure CUL-3:** To minimize potential impacts due to inadvertent discovery of cultural resources in site and pipeline areas with no evidence of resources, and consistent with LUO sections 22.05.140 and 23.10.040, the applicant shall prepare and implement a pre-construction Worker Education Program to train workers to recognize cultural resources and understand the procedures for stopping work and reporting the discovery.

42. **Mitigation Measure N-1**: The CSD shall require construction contractors to adhere to the following noise attenuation requirements:

    - Construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
    - All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
- Stationary combustion equipment such as pumps or generators operating within 100 feet of any residence shall be shielded with a noise protection barrier.

43. **Mitigation Measure WQ-1:** To mitigate impacts identified in Impact WQ-3 related to construction stage erosion and sedimentation, the Project will be required to comply with the General Permit including but not limited to compliance with 1) the State General Construction Activity Permit, as most recently modified by the State Water Resources Control Board (SWRCB), and 2) County standards under the Stormwater Ordinance Title 19 chapter 19.09, ensuring that construction-related sediment or other contaminants that could adversely affect receiving water would be reduced to a less-than-significant impact.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Public Works

Access

44. **Prior to occupancy or final inspection,** all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

45. **Prior to final inspection**, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

46. **Prior to completion of the project**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Repair roadway damage

47. **Prior to final inspection**, the applicant shall meet with the Public Works to review the baseline road conditions and identify County road sections that may have been damaged by project construction activities. The applicant must complete the roadway restoration repairs in accordance with the Roadway Repair Agreement and to the satisfaction of Public Works.

48. **Mitigation Measure HZ-1**: Prior to final occupancy/operation of the project, a Hazardous Materials Business Plan in accordance with California Health and Safety Code Sections 25503 and 25505 shall be submitted to, and approved by, the San Luis Obispo County Department of Environmental Health

49. **Mitigation Measure CUL-1:** To mitigate potential effects to tribal cultural resources, the CSD shall place portions of parcels 8 and 10 owned by the CSD between Toro Creek Road and Toro Creek in a conservation easement in favor of an appropriate entity to protect and manage the land for the type of historic agriculture uses that have occurred on the property, and preclude deep ripping agricultural activities such as used for vineyard installation. Additionally, the Cultural Resource Impact Assessment Report shall include a full technical analysis of all artifacts and other cultural remains collected during the Phase II study.

50. **Prior to final inspection,** the applicant shall record an agricultural conservation restrictive covenant, or an agricultural conservation easement granted to an appropriate public or non-profit entity approved by the County, on the remainder of the subject parcels outside the area of the proposed development and any future public lot. Said restrictive covenant or easement shall restrict the use of the property to open space, utilities, agricultural uses and up to 4 single family residences (two per parcel) on building envelopes of up to 5 acres per unit, including ancillary uses that do not significantly affect the visual, biological, cultural and agricultural resources; the boundaries and terms of the covenant or easement shall be subject to approval by the Director of Planning and Building. This covenant or easement may be used to satisfy the requirements of Mitigation Measure AG-1 / Condition #18 (farmland conservation), and CUL-1 (tribal cultural resources) / Condition #49.

On-going conditions of approval (valid for the life of the project)

Public Works

Access

51. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

52. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of road landscaping and maintaining County driveway sight distance standards in a viable condition and on a continuing basis into perpetuity.

Drainage

53. **On-going condition of approval (valid for the life of the project),** 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.

Time Limits

54. 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 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once the Planning Director verifies in accordance with Section 23.02.044 that the use is occurring on the subject site in accordance with all applicable provisions of this title and adopted conditions.

55. 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 23.10.160 of the Land Use Ordinance.

56. **Mitigation Measure GRO-1**: To avoid potentially significant growth inducing effects, the CSD shall limit the sale of tertiary treated water for domestic use to water purveyors serving lots within the Urban Reserve Line for Cayucos as set by the County and LAFCO.