Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED16-056 **DATE:** August 14, 2017

PROJECT/ENTITLEMENT: Stephenson Amending Parcel Map CO97-0236 and Conditional Use Permit SUB2015-00055/DRC2015-00015 (CO97-0236)

APPLICANT NAME: Nicholas Stephenson **Email:** protechlm@gmail.com
ADDRESS: PO Box 1496 Arroyo Grande, CA 93421
CONTACT PERSON: Tim Roberts, PE **Telephone:** 805 239-0664

PROPOSED USES/INTENT: Request by **Nicholas Stephenson** for approval of SUB2015-00055 to amend recorded map conditions of approval for a recorded lot (Parcel 4 of CO97-0236), and to approve Conditional Use Permit DRC2015-00015 to permit and remediate unpermitted grading and to create building pads for a primary and a secondary residence. Amendments to the recorded Parcel Map conditions include: expanding a recorded building control line to include the proposed pads; and, to modify oak tree removal limitations to reflect oak trees removed from the site. The Conditional Use Permit would authorize unpermitted grading that resulted in removal of 44 oak trees, and allow site restoration activities, drainage facility construction, and approximately 3,880 cubic yards of newly proposed grading to create two residential building pads. An as-built driveway access of approximately 1,800 linear feet would also be approved. The project will result in disturbance of approximately 5.75 acres in total on a 51.5-acre parcel. No additional oaks are proposed for removal. The proposed project is within the Residential Rural land use category and is located at 1180 Dairy Lane, approximately 600 feet west of Corbett Canyon Road and approximately 3.5 miles north of the City of Arroyo Grande. The site is in the Arroyo Grande Fringe area, in the San Luis Bay Inland Sub Area of the South County Planning Area.

LOCATION: 1180 Dairy Lane, Arroyo Grande, CA

LEAD AGENCY:
County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

OTHER POTENTIAL PERMITTING AGENCIES:

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☒ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

	Cindy Chambers (cchambers@co.slo.ca.us)		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.9) Using Form

Project Title & No. SUB2015-00055/CO97-0236, and Conditional Use Permit DRC2015-00015, ED16-056 Stephenson – Amendment to Parcel Map and Major Grading

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☐ Aesthetics	☒ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☒ Hazards/Hazardous Materials	☐ Transportation/Circulation
☐ Air Quality	☐ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water /Hydrology
☐ Cultural Resources	☐ Public Services/Utilities	☐ Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Cindy Chambers (cchambers@co.slo.ca.us) — Signature — 8-14-17
Prepared by (Print) — Signature — Date

James Caruso (jcaruso@co.slo.ca.us) — Signature — Ellen Carroll, Environmental Coordinator (for) — 8.14.17
Reviewed by (Print) — Signature — (for) — Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

Request by **Nicholas Stephenson** for approval of SUB2015-00055 to amend recorded map conditions of approval for a recorded lot (Parcel 4 of CO97-0236), and to approve Conditional Use Permit DRC2015-00015 to permit and remediate unpermitted grading and to create building pads for a primary and a secondary residence. Amendments to the recorded Parcel Map conditions include: expanding a recorded building control line to include the proposed pads; and, to modify oak tree removal limitations to reflect oak trees removed from the site. The Conditional Use Permit would authorize unpermitted grading that resulted in removal of 44 oak trees, and allow site restoration activities, drainage facility construction, and approximately 3,880 cubic yards of newly proposed grading to create two residential building pads. An as-built driveway access of approximately 1,800 linear feet would also be approved. The project will result in disturbance of approximately 5.75 acres in total on a 51.5-acre parcel. No additional oaks are proposed for removal. The proposed project is within the Residential Rural land use category and is located at 1180 Dairy Lane, approximately 600 feet west of Corbett Canyon Road and approximately 3.5 miles north of the City of Arroyo Grande. The site is in the Arroyo Grande Fringe area, in the San Luis Bay Inland Sub Area of the South County Planning Area.

Background

The 51.45-acre parcel was created as Parcel 4 of Parcel Map CO97-0236, recorded in June of 2000. The parcel map included an Additional Map Sheet with a recorded building control line (Figure 1) and botanical resource protection requirements for development on the lots. Parcel 4 was comprised primarily of steep slopes and oak woodland, and the building envelope was placed along the west property line where the grade is less than 10%, an area recommended by the Project Biologist with the lowest potential for impacting sensitive resources (Pismo clarkia and Wells manzanita). Site development requirements based on mitigations from the Mitigated Negative Declaration prepared for the subdivision, as recorded on the Additional Map Sheet, specified that all new development was required to be located inside the Building Control Line, including driveways and uninhabited structures.

The applicant began grading and tree removal activities in late 2013 or early 2014. County Code Enforcement case COD2014-00031 was opened in August 2014 to investigate unpermitted tree removal and was subsequently closed because no development was proposed. County Code Enforcement staff verified that oak trees were being removed but the applicant indicated that the clearing activity was for agricultural purposes. At that time, there was no County ordinance that

prevented oak tree removal for purposes of agriculture, and the applicable parcel map conditions which limited oak removal specifically pertained to development.

A new enforcement case, COD2014-0112, was opened in September 2014 for unpermitted grading. This case was subsequently closed upon finding that the earthwork did not meet the minimum threshold (more than 50 cubic yards of earthwork or one acre of vegetation removal) requirement for a grading permit. Continued activity on the site prompted a third Code Enforcement case in December, 2014 (COD2014-00229) for grading conducted without permits on slopes over 10% and over an area in excess of one acre. At this point, in addition to clearing approximately 14-15 acres for agricultural purposes, the applicant had cleared and graded an estimated 2-3 acres for roadway access and created a building pad at the top of the ridge ("SFR Pad Area" on Figure 2), outside the recorded building envelope. To access this building pad, a road was extended up a slope in excess of 25%, outside of the recorded building envelope. Six water storage tanks were installed at this ridgetop location. The Code Enforcement case is currently open and requires approval of discretionary permits for major grading and parcel map amendment to resolve and close the case.

The property owner's applications for DRC2015-00015 (Minor Use Permit for grading of 1-3 acres) and SUB2015-00055 (Map amendment to modify map conditions and expand a recorded Building Control Line) were accepted for processing on September 16, 2016. To protect the soils during upcoming 2016-2017 rains, an interim grading permit under PMT2016-01429 was issued on October 31, 2016 to allow limited remedial grading for slope stabilization, and installation of erosion control measures. This permit, issued in advance of environmental review and discretionary permits, was conditioned to follow the grading plans that were under review. The grading conducted under PMT2016-01429 exceeded the permitted scope and resulting in removal of additional sensitive resources. The work extended beyond the applicant's property line to remove native vegetation from an adjacent parcel (APN 044-261-044) owned by PG&E. This prompted issuance of a Stop Work Order (SWO) in January, 2017. This permit history and the areas referenced in Figure 2 are summarized in Table 1, below.

The Stop Work Order (SWO) revoked the discretionary application acceptance of September 16, 2016. A new topographic survey and an updated biological/botanical impact survey were required, and the additional unpermitted grading was required to be incorporated into the overall plans. Upon submittal of all required items the revised applications were accepted as complete for processing on June 9, 2017; the revised disturbance area increased to 5.75 acres and the Minor Use Permit was elevated to a Conditional Use Permit (CUP) requiring Planning Commission review.

Table 1 – Permit History				
Permit No.	**Date**	**Purpose/Issue**	**Area(s) of Figure 2**	**Status**
COD2014-00031	July 2014	Tree removal	Area 1	Closed 8/2014, ag-exempt
COD2014-00112	September 2014	Driveway grading	Area 2	Closed 9/2014, exempt per <50 cy grading
COD2014-00229	December 2014	Grading on slopes >10%, & area >1.0 acre disturbance	Area 3	Active / pending
DRC2015-00015	July 22, 2015	Grading permit for as-built remediation and new SFR pad grading	Areas 2, 3	Accepted 9/2016 Amended & Accepted 6/2017
SUB2015-00055	February 23, 2016	Relocate building envelope, amend parcel map conditions	Areas 2, 3	Accepted 9/2016 Amended & Accepted 6/2017
PMT2016-01429	October 31, 2016	Interim erosion control & site stabilization grading	Areas 2, 3	SWO 1/2017, Pending CEQA review & entitlement permit approvals
	October, 2016 – January, 2017	Access drive roadway (graded on >25% slope), water tank pad, and previously proposed SFR pad, southern portion of the property at ridgetop	Area 4	
		Veg. removal in the middle of the previously graded slope	Area 5	
		Northern edge of the ridgetop graded slope; soil pushed off the edge of the graded slope into a cluster of manzanitas and native vegetation	Area 6	
		Adjacent property, along southern edge of graded slope; 15,265 sf swath of native coastal scrub cleared	Area 7	

Project Description

The proposed grading activities will include remedial recontouring to fill in erosional features and to reestablish original sheet flow along the as-built driveway access road, and installation of permanent storm water conveyance structures (e.g., level spreader infiltrators and rip rap flow dissipation, etc.). Disturbed areas outside the proposed new Building Control Line will be revegetated and the road extending to the tank site and "upper pad area" will be eliminated. The remedial grading and storm water improvements will be conducted concurrently with the proposed site grading for the primary and secondary dwelling units. The applicant intends to establish a citrus orchard (orchard) within the previously-cleared eastern portion of the site in the future; access to the orchard site would be provided as part of a separate permit application that would require a Major Grading permit and CEQA review if proposed on slopes over 10%.

With the exception of the approximately 14 acres initially cleared for agricultural purposes on the east side of the ridge (Figure 3), all earthwork performed to date, including: construction of the driveway; grading in the southwestern corner; creation of, and restoration grading to remove the upper pad and roadway to the top of the ridge; areas impacted during remedial grading under PMT2016-01429; and, proposed new grading for residential pad creation outside the recorded building control line, is subject to, and is included in, the scope of CUP DRC2015-00015 and environmental review.

Baseline Conditions for Environmental Review

Section 15126 of the State California Environmental Quality Act (CEQA) Guidelines provides the following guidance for determining the baseline conditions for the assessment of a project's environmental effects:

> "*The Lead Agency should normally limit it's examination to changes in the existing physical conditions in the affected area as they exist at the time the Notice of Preparation is published* [for a project subject to an EIR], *or where no notice of preparation is published, at the time environmental analysis is commenced*."

In addition, Section 15004(b)(3) states:

> *"With private projects, the lead agency shall encourage the project proponent to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time".*

The "project" for CEQA compliance purposes consists of the discretionary permitting of as-built grading and vegetation removal as described in Table 1 above, and as depicted in Figure 2. Activities associated with enforcement cases COD2014-00031 and COD2014-00112 fell below the thresholds requiring discretionary approval by the County and therefore did not meet the definition of a project as described in Section 21065 of the CEQA Statutes. However, activities associated with enforcement case COD2014-00229 involved grading on slopes greater than 10 percent and grading of an area greater than one acre which requires approval of a Minor Use Permit. Therefore, the baseline conditions for CEQA compliance are those that existed in December, 2014 when the environmental analysis of unpermitted activities began for enforcement case COD2014-00229.

Figure 1 – Project Site Before Grading

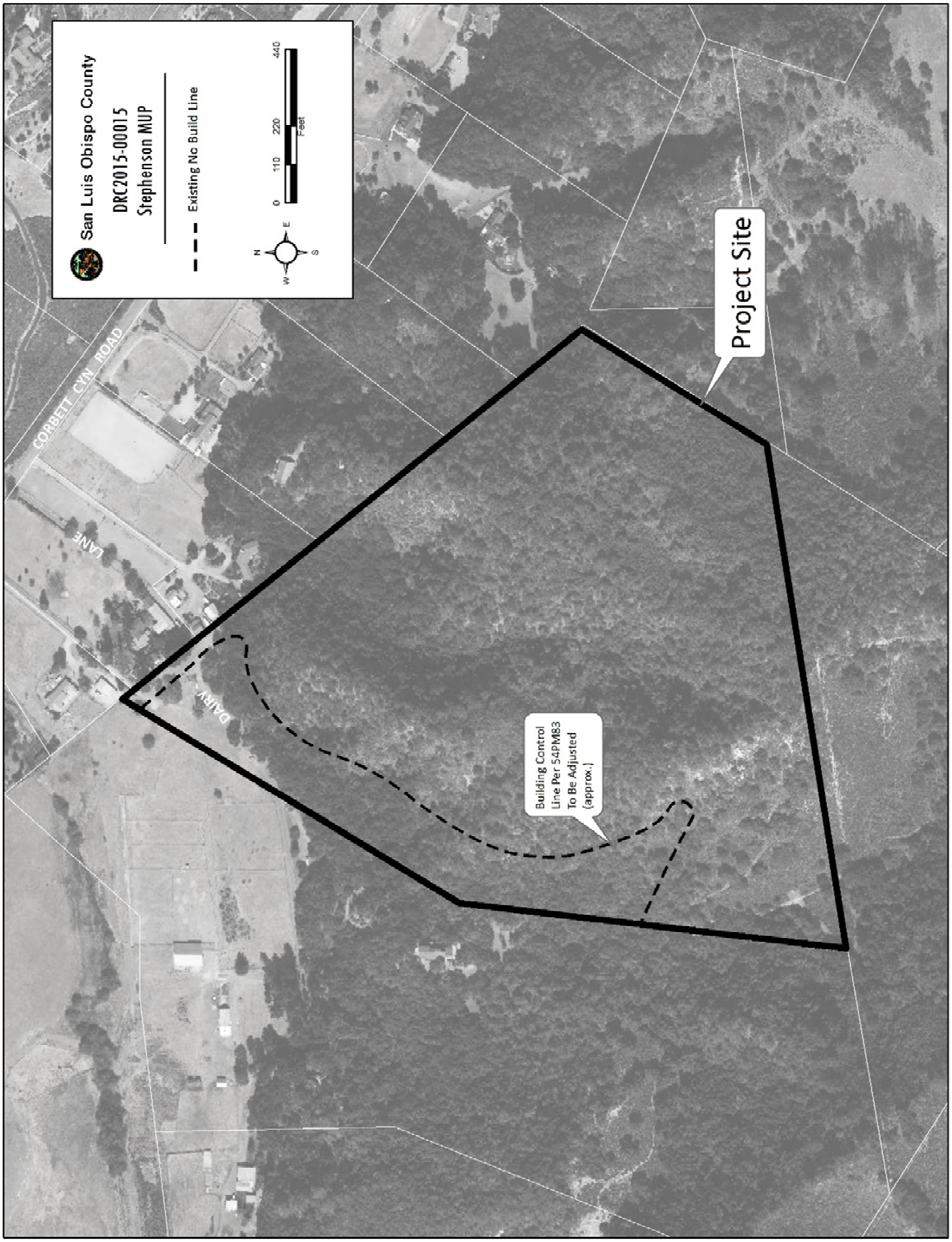


Figure 2 – Permit History and Summary of Previous Vegetation Clearing

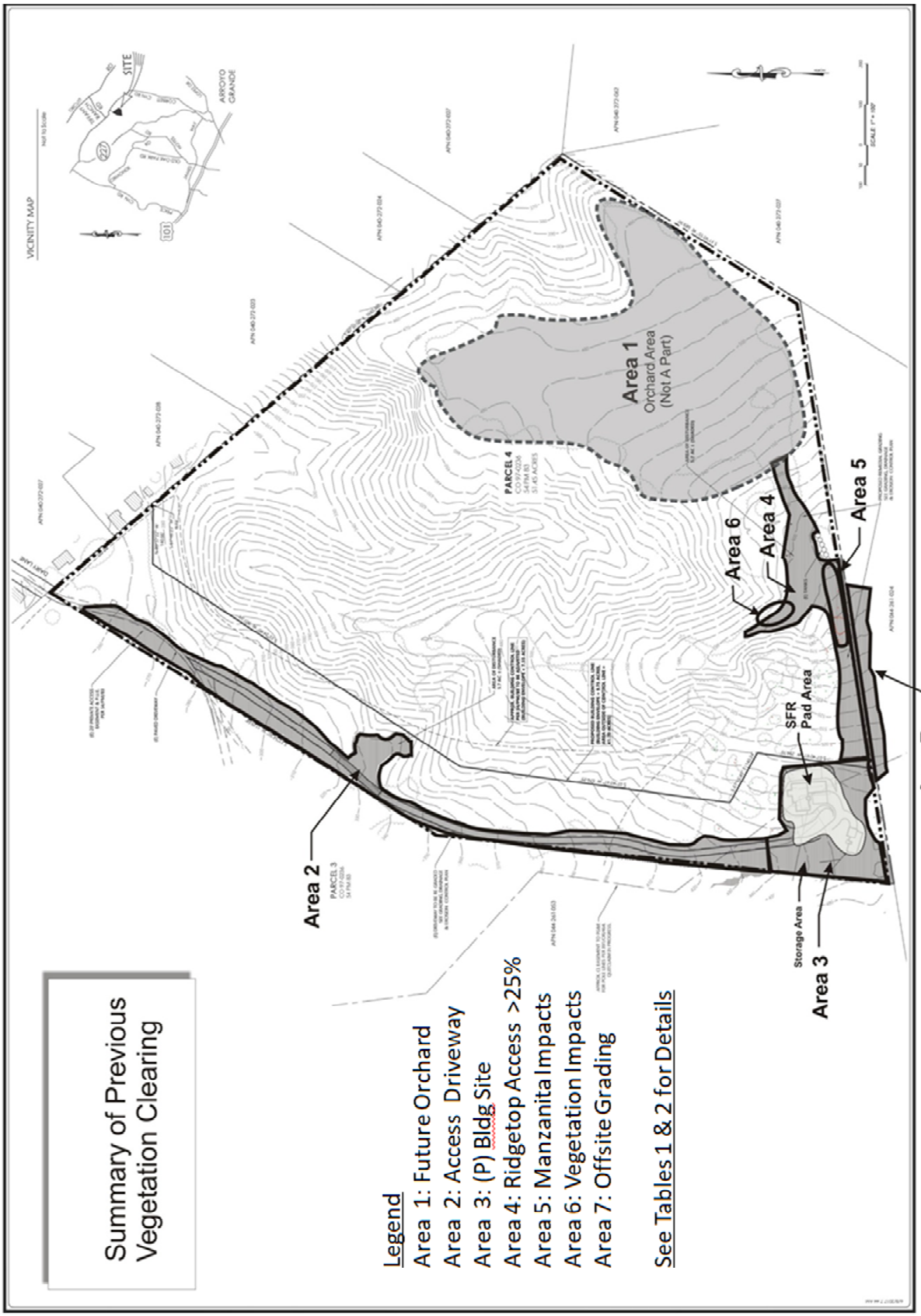
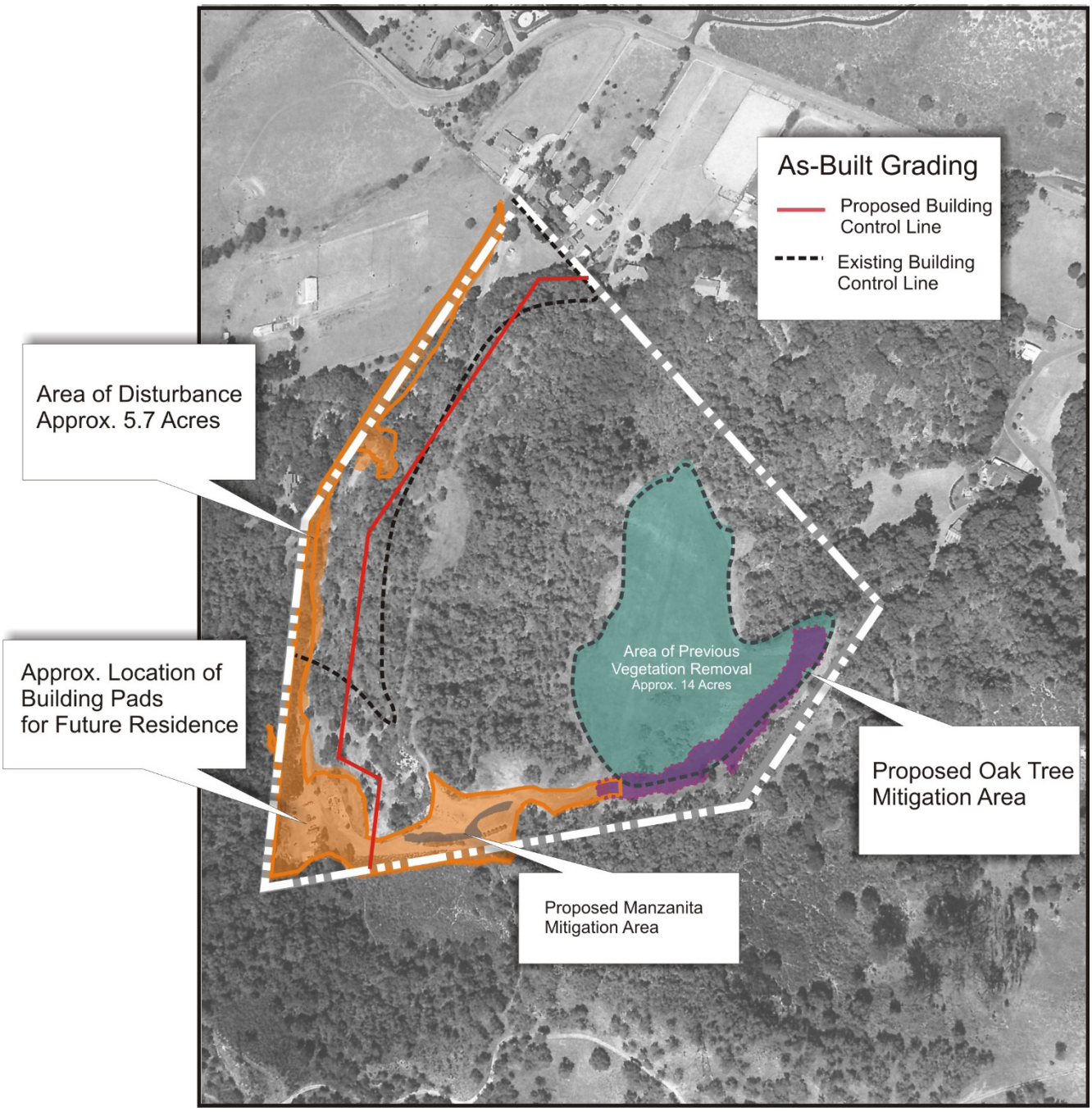


Figure 3 – As Built Grading and Proposed Mitigation Areas



ASSESSOR PARCEL NUMBER(S): 044-261-054

Latitude: 35 degrees 10' 35.7" N Longitude: 120 degrees 34' 18.3" W **SUPERVISORIAL DISTRICT** # 3

B. EXISTING SETTING

PLAN AREA: South County **SUB**: San Luis Bay (South) **COMM:** Rural

LAND USE CATEGORY: Residential Rural

COMB. DESIGNATION: Renewable Energy

PARCEL SIZE: 51.5 acres

TOPOGRAPHY: Steeply sloping

VEGETATION: Oak woodland

EXISTING USES: Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Rural; residential	*East:* Residential Rural; single-family residence(s)
South: Residential Rural; Utility corridor vacant	*West:* Residential Rural; single-family residence(s)

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☐	☒	☐
e) Impact unique geological or physical features?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project site is located in a semi-rural area of the County on Dairy Lane, south of Corbett Canyon Road, a rural collector providing the primary access to ranches and vineyards in the area. Corbett Canyon Road exhibits dips and curves as it extends south from its intersection with Carpenter Canyon Road past Dairy Lane. The visual qualities of Corbett Canyon Road in the vicinity of the project site consist of smaller ranchettes fronting the roadway with a backdrop of oak-covered hillsides that include the project site. Views of the project site from Corbett Canyon Road are partially obscured by vegetation (Figures 4 and 5).

The project site features a ridge running generally north-south rising from just south of Corbett Canyon Road towards the highest point at the project's south property line. The access drive from Dairy Lane to the north follows along the westerly boundary within the existing building control line, and slopes gently to moderately upward towards the southwest to the proposed building site area (south of the building control line). Slopes between the central ridge and the building control line are in excess of 25%, and heavily vegetated with oak woodland and chaparral. To the east side of the ridge, the slope moderates to gently rolling in the area of the proposed orchard. Existing vegetation includes oak woodlands and patches of sage scrub over the steeper terrain, and ruderal grasses in the areas of disturbance.

South of the site, the adjacent undeveloped parcels form a broad utility corridor owned by PG&E; this area is similarly sloping and wooded terrain. To the east and north are smaller lots partly steep and

wooded with single-family residential development on the flatter northerly portion close to Corbett Canyon Road. Along the west boundary of the project lies another large residentially-developed parcel that takes access from Dairy Lane; the majority of this property is also in oak woodland and chaparral/sage scrub and moderately sloping.

Figure 4 – View of the Project Site from Corbett Canyon Road Looking Southwest

Figure 5 – View of the Project Site from Corbett Canyon Road Looking West

Impact. The project site is not visible from public view areas due to intervening topography.

Impacts to aesthetic and visual resources are considered less than significant because:

- No existing oak trees will be removed as part of the remedial grading (see Section 4. Biological Resources).
- The remedial grading has been designed to conform with the natural topography and will be planted with native vegetation.
- The Building Control line will be extended to the south and slightly up-slope to include a natural bowl where the single family residence and secondary dwelling will be constructed. This area is not visible from a public road and none of the structures will silhouette above the ridgeline.
- The relocated no-build line will ensure that any additional development will be in areas of the site that are not visible from a public road.

Mitigation/Conclusion. Impacts to public views as a result of the project will be less than significant. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☒	☒
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☒
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☐	☒
e) Other: _____	☐	☐	☐	☒

Agricultural Resources

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Residential – Rural

State Classification: Not prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? Yes, Edna Valley AG Preserve

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Pismo-Rock outcrop complex (30 - 75% slope). This steeply to very steeply sloping shallow sandy soil is considered Very poorly drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

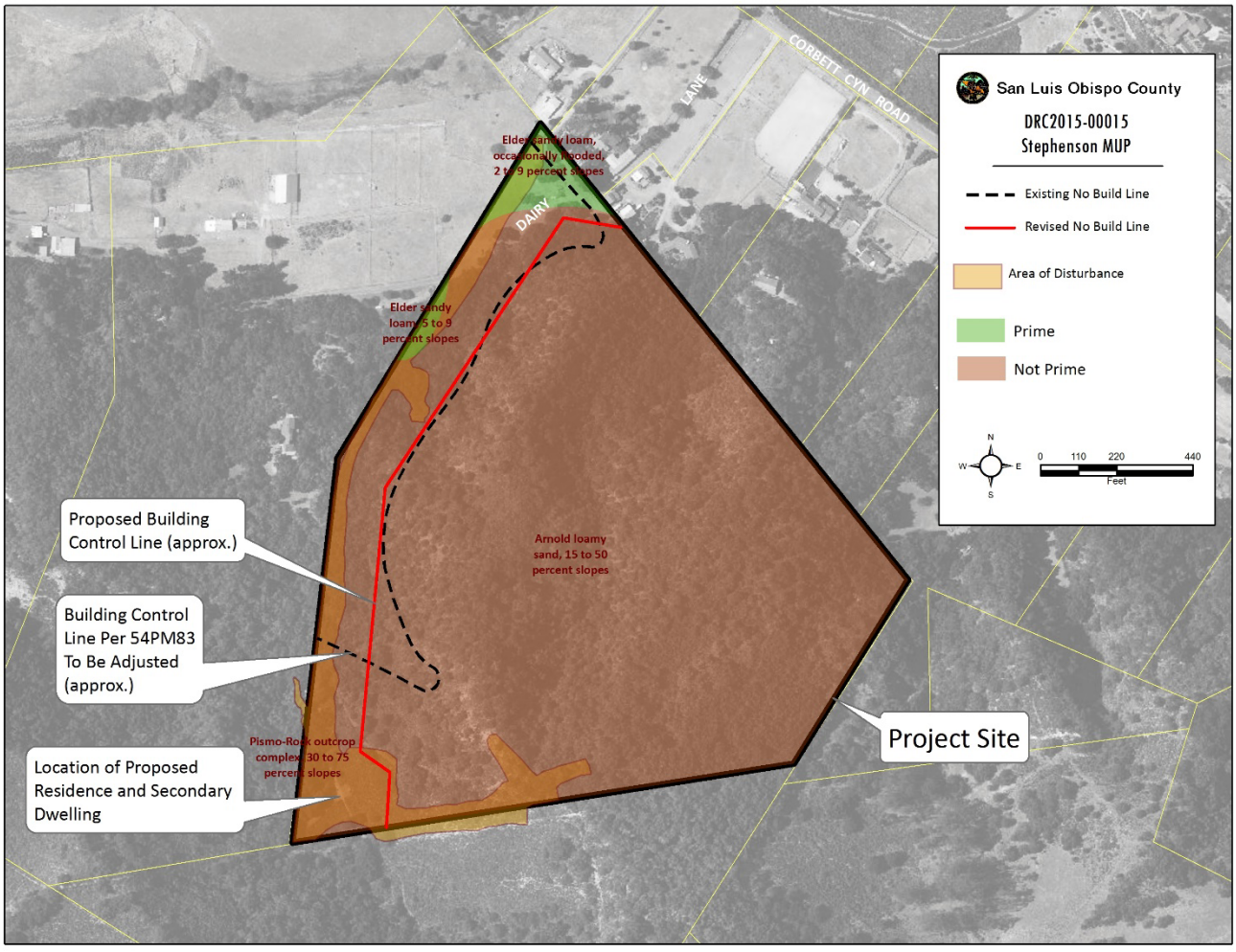
Elder sandy loam (5 - 9 % slope). This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slight. The soil is considered Class III without irrigation and Class II when irrigated.

Elder sandy loam, occasionally flooded (2 - 9% slope). This gently sloping, coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: flooding. The soil is considered Class III without irrigation and Class II when irrigated.

Arnold loamy sand (15 - 50 % slope). This moderately to steeply sloping sandy soil is considered moderately drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

The project is located in a predominantly non-agricultural area with no agricultural activities currently occurring on the property or immediate vicinity. Owing to the steep topography and dense oak vegetation, there are currently no agricultural operations on the project site. The applicant has cleared a 14-acre portion of the site for purposes of developing an orchard or vineyard which is not a part of the application.

Figure 6 – Soils and Important Farmland Classifications

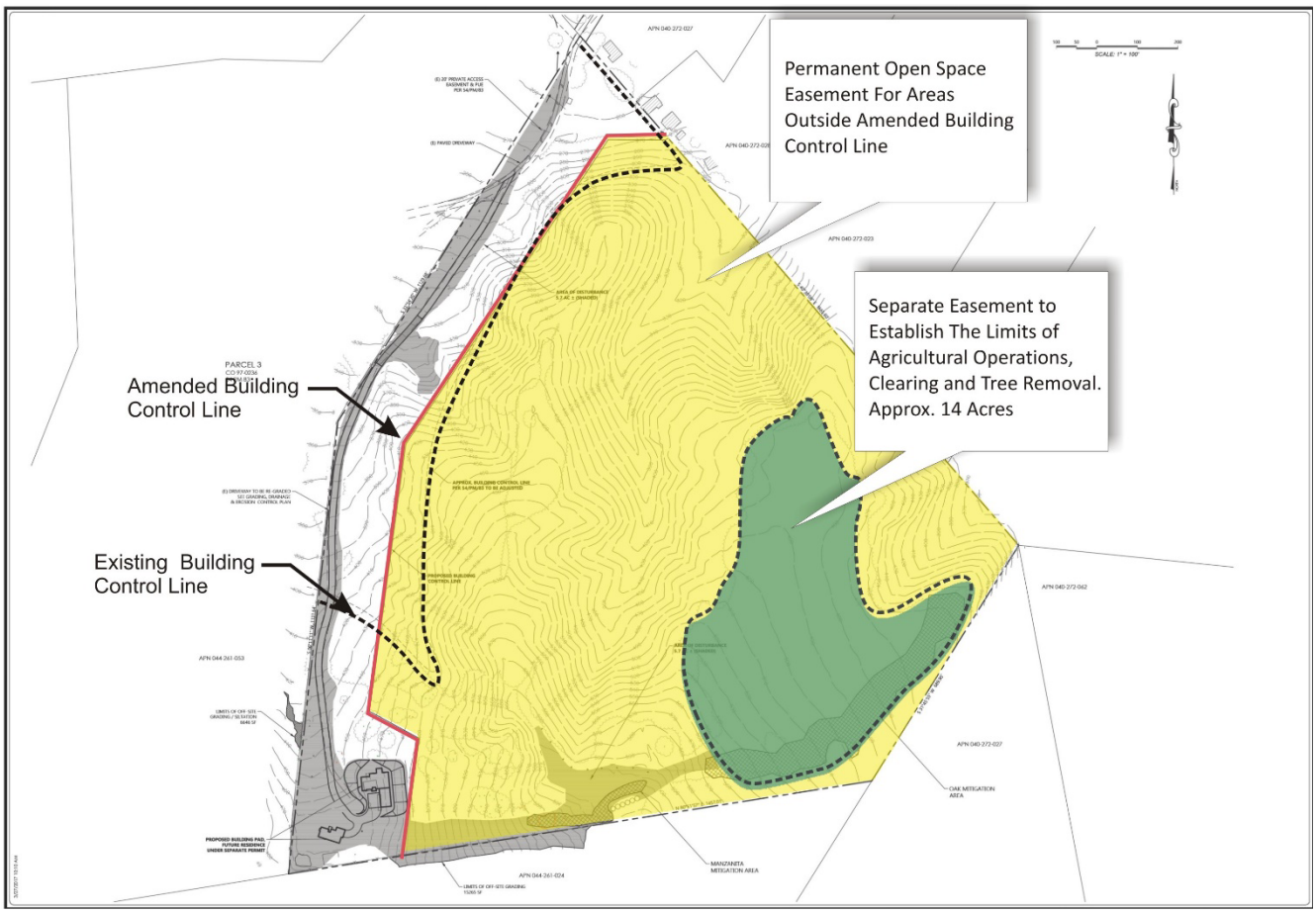


Impact.

Conversion of Prime Farm Land. As shown in Figure 6, the project site contains a small area of Prime farmland in the northwest corner in the level area along Dairy Lane. The remedial grading and residential construction will not affect this portion of the project site. Initially, the applicant proposed a 5,000 square foot accessory structure for this area adjacent to an existing well, which would result in the permanent conversion of 5,000 square feet to a non-agricultural use; this structure is not currently proposed and is not a part of the project. The remaining areas where remedial grading, restoration activities and housing construction will occur, including the area where the Building Control Line will be extended, do not contain Prime farmland as defined by Table SL-2 of the County's Conservation and Open Space Element.

The applicant intends to utilize the cleared area on the east side of the ridge for an orchard or vineyard. To protect the remaining oak trees on the project site, and as part of the remediation for the previous oak tree removal, the project will be conditioned to record an open space easement over the area outside of the amended building control line (Figure 7). The purpose of the open space easement is to help ensure no additional oak tree removal occurs and to provide for oak tree replacement. The 14+/- acres on the east side of the ridge will be recorded as a separate easement that will allow for agricultural crops in this area, with a metes and bounds legal description that permits no expansion of the clearing or additional tree removal. Access to the ag field would require slope stabilization and erosion control, and a separate grading permit if grading is proposed on slopes over 10%.

Figure 7 – Open Space and Agriculture Easements (For Illustration Only)



Impair the Agricultural Use Of Other Property Or Result in Conversion To Other Uses. Surrounding properties consist of suburban ranchettes and larger ranches on parcels ranging in size from 10 acres to over 50 acres. The remedial grading activities and housing construction to be located in the expanded building envelope are not expected to adversely impact the agricultural use of properties in the area, or result in the conversion of existing agricultural lands to other uses.

Conflict With Existing Zoning or Williamson Act Program. The project site is within the *Rural Residential* land use category (zoning) where the construction of residences is an allowed use. The project site is located within an Agricultural Preserve but is not subject to a Williamson Act Contract.

Mitigation/Conclusion. The project is expected to have a less than significant impact on agricultural resources because:

- The project site is composed of steep hillsides with dense vegetation;
- Soils where the Building Control Line will be extended, including the location where residential construction and remedial grading will occur, do not contain Prime Agricultural Land as defined by the County Conservation and Open Space Element;
- The portion of the project site containing prime soils is of a size, shape and location which makes it unsuitable for agriculture;
- Future agricultural operations will be confined to the area previously cleared of native vegetation through easement restrictions

No mitigation measures are necessary.

3. AIR QUALITY *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☐	☒	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	☐	☐	☒	☐
GREENHOUSE GASES				
f) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*	☐	☐	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
h) Other: _____	☐	☐	☐	☒

Air Quality

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of

California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

The project proposes to disturb soils that have been given a wind erodibility rating of 1-5, which is considered "low" to "moderate.

Construction-Related Impacts. The project will result in remedial grading as well as creation of building pads and the construction of a single family residence and a secondary dwelling. The project will result in the disturbance of about 5.7 acres including about 3,880 cubic yards of combined cut and fill. Construction activities and remedial grading will result in temporary construction-related traffic amounting to about three trips per day for the duration of construction. Grading and excavation activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NOx and ROG) associated with these activities would contribute to periodic high ozone levels in the southern portion of the County. However, the project is expected to be moving less than 1,200 cubic yards/day of material, and therefore will fall below the general thresholds triggering construction-related mitigation. The project is also not in close proximity to sensitive receptors that might otherwise result

in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

Naturally Occurring Asbestos. According to the APCD web map, the project is not located in a candidate area for the potential presence of naturally occurring asbestos (NOA).

Operational Impacts. Following construction, the access drive will be used periodically by occupants of the single family residence and secondary dwelling. The resulting emissions from motor vehicles is expected to be fall below APCD thresholds of significance for operational impacts.

Greenhouse Gases. As discussed above, motor vehicle trips associated with operation of the project are expected to generate emissions that fall below the APCD threshold for operational impacts. With regard to greenhouse gas emissions, using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

Mitigation/Conclusion. The project will have a less than significant impact on air quality. No mitigation measures are necessary beyond ordinance requirements for dust control and air quality applicable through grading permit.

4. BIOLOGICAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species* or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐
c) Impact wetland or riparian habitat?	☐	☐	☐	☒
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

* **Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: Coastal Oak Woodland

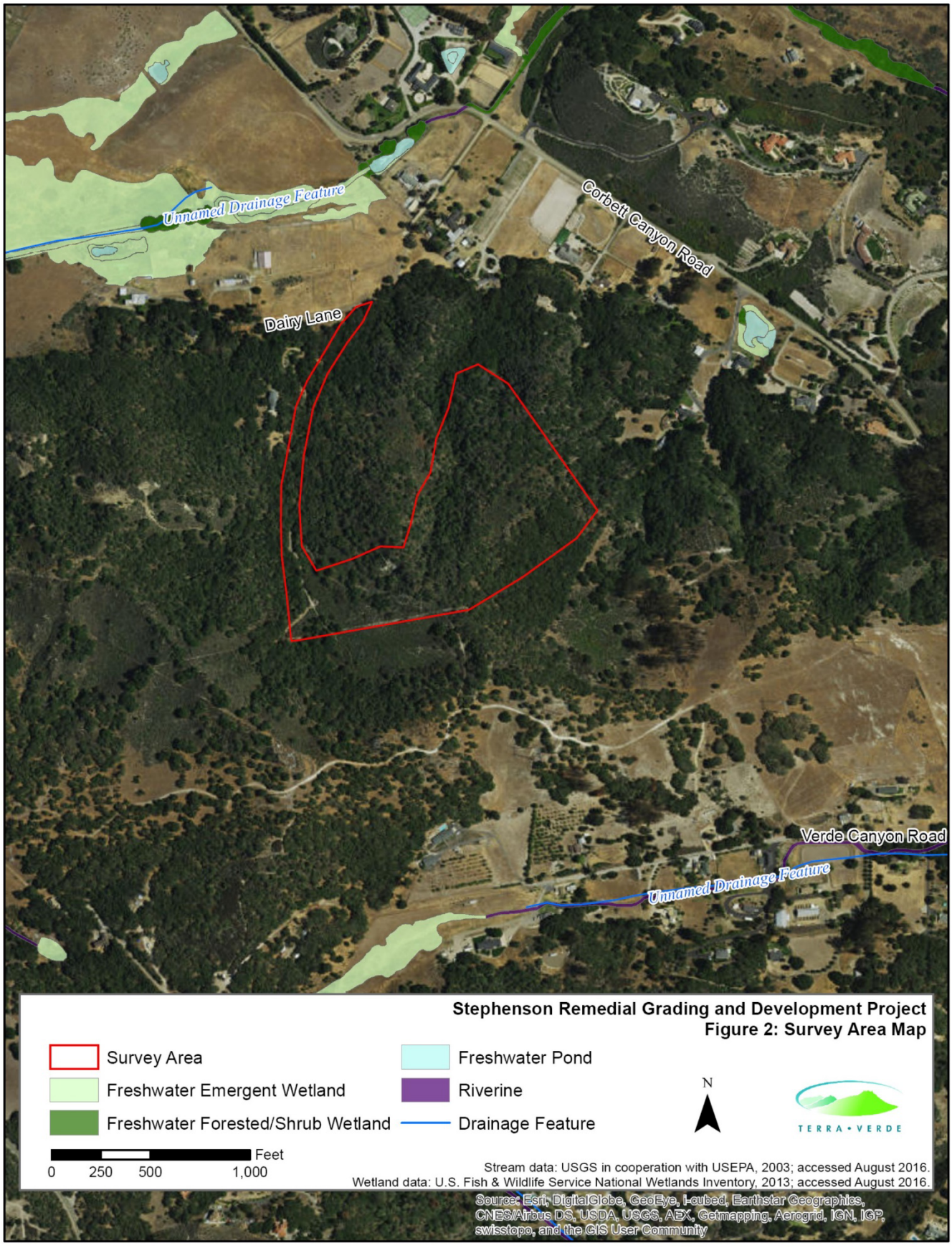
Name and distance from blue line creek(s): Unnamed creek 900 feet to the northwest

Site's tree canopy coverage: Approximately 33% within the biological resources survey area.

A biological resources assessment (BRA) was prepared for the project site in September, 2016 (Terra Verde Environmental Consulting, LLC). The BRA covered the areas of proposed remedial grading and vegetation removal and the area included in the proposed revised Building Control Line (Figure 8). Terra Verde conducted a field survey of the project site on May 10, 2016 which included a comprehensive botanical survey of the site and prior violation areas. Based on current site conditions, the potential for sensitive species was narrowed to eight plant species, three wildlife species, and migratory nesting birds. Two special-status plant species were identified during the survey and no special-status wildlife species were observed. The suitable habitat for special-status plant and wildlife species is discussed in further detail below.

Following the Stop-Work Order in January, 2017, Terra Verde conducted another survey and provided an updated assessment (Terra Verde, January 2017). The purpose of the updated assessment was to provide an updated inventory of oaks, manzanitas, and sensitive habitat areas within 50 feet of the current limits of disturbance at the site and to recommend amended restoration and/or mitigation measures as necessary.

Figure 8 – BRA Study Area



Vegetation Communities. A large majority of the survey area currently consists of non-native annual grasses and areas with sparse to very limited vegetation cover due to past disturbances (i.e., ruderal). These areas were classified as ruderal/non-native annual grassland and include the proposed future orchard area, remedial grading areas along the existing access road as well as the proposed building envelopes and driveway access area. Non-native species were identified on site within these areas, including a number of invasive plant species. For the purposes of this BRA, invasive species are those with a California Invasive Plant Council (Cal-IPC) ranking of "high".

Vegetation communities identified within the remaining areas of the site were classified using the second edition of *A Manual of California Vegetation* (MCV; Sawyer et al. 2008) and included the following: coast live oak woodland, Santa Margarita manzanita stands, coastal sage scrub, and non-native annual grassland. A total of 89 vascular plant species were identified within the survey area during the field survey. Of those 89 plants, 23 are non-native (26 percent) which reflects a moderate level of disturbance on the property. A comprehensive list of all the plant species observed within the survey area is included in Appendix B of the BRA. Six sensitive vegetation communities were identified in the CNDDB as potentially occurring within the survey area; however, none of them were observed on site.

Coast Live Oak Woodland (5.53 acres)

Stands of coast live oak woodland were documented throughout the survey area with intermittent to continuous canopy cover. The shrub and herbaceous layers in this community are sparse in the western and southern portions of the property in the vicinity of the SFR and guest house building footprints and the orchard access road due to the vegetation clearing/removal activities. The understory is much denser with mature herbs and shrubs including intermixed chaparral vegetation further to the east surrounding the proposed orchard. This community typically occurs in alluvial terraces, canyon bottoms, stream banks, slopes, and flats. Coast live oak woodlands provide habitat for nesting birds, small mammals, and other wildlife and are considered suitable habitat for a number of special-status plant species known to occur on the property.

This species composition was used in determining the community classification, which most closely corresponds with the *Quercus agrifolia* Woodland Alliance, Coast live oak woodland, in the MCV classification system.

Santa Margarita Manzanita Stands (1.09 acres)

Several nearly-monotypic stands of Santa Margarita manzanita (*Arctostaphylos pilosula*) exist along the northern and central portions of the survey area bordering the proposed future orchard area. Santa Margarita manzanita is listed by the California Native Plant Society (CNPS) on the California Rare Plant Rank (CRPR) 1B.2 list. Santa Margarita manzanita forms a continuous shrub canopy layer, with mock heather (*Ericameria ericoides*) occurring occasionally along the edges and an herbaceous layer that is sparse to absent. This chaparral community typically occurs on slopes that are steep and rarely flooded. This community provides habitat for nesting birds, small mammals, and other wildlife.

This species composition is not formally defined in the MVC classification system but most closely corresponds with the *Arctostaphylos glandulosa* Shrubland Alliance, Eastwood manzanita chaparral.

California Sagebrush Scrub (0.64 acres)

A small patch of coastal sage scrub was observed in the southern portion of the survey area adjacent to the graded slope. This community is characterized by a dominance of California sage (*Artemisia californica*) and black sage (*Salvia mellifera*) with co-occurrences of mock heather and deerweed (*Acmispon glabor*) in varying density throughout. A few individuals of Santa Margarita manzanita were also observed in association with this community. This

community provides valuable habitat to small mammals, reptiles, and nesting birds. Further, this community is considered suitable habitat for a number of special-status plants that have been observed on the property.

This species composition was used in determining the community classification, which most closely corresponds with the Artemisia californica Shrubland Alliance, California sagebrush scrub, in the MCV classification system.

Ruderal/Non-native Annual Grassland (11.31 acres)

Large areas of non-native, annual grassland were observed throughout the survey area. Specifically, this community was observed within the proposed orchard area in the central portion of the property between scattered oak trees and manzanitas, within the SFR and guest house building footprints, along the access road to the proposed future orchard in the southern portion of the property, and ruderal portions of the survey area (i.e., existing water tank pad, etc.). This community is characterized by a dominance of non-native, annual and perennial grasses including rye grass (Festuca perennis), barley (Hordeum vulgare), and bromes (Bromus spp.) that are commonly used for erosion control. This community was observed on site in varying cover and distribution. Particularly dense stands of this community were observed throughout the orchard area in the central portion of the property; however, more heavily disturbed areas including the SFR and guest house building footprints, access roads, and other ruderal areas were observed with lower cover and establishment of other non-native/invasive species.

This species composition does not correspond to any natural community classification defined in MCV, but may provide marginally suitable forage and cover habitat for various wildlife.

Historical and Recent Past Site Disturbances. Based on historical and current aerial photographs, applicant's plans submitted between 2015-2017, conditions observed during the 2016 field surveys, and the findings of Holland and Keil (2015) and McCleod (1998), it is apparent that chaparral vegetation and oak trees have been cleared and/or removed. Previous vegetation removal is described in Table 2 and illustrated by Figures 9 and 10 which includes estimated numbers and locations of oaks impacted/removed and acreages of sensitive plant species and plant communities impacted/removed.

As noted previously, CEQA significant impacts are determined by evaluating the significance of the impact or potential impact that a proposed project will have on the environmental setting beyond the established baseline environmental setting. Site disturbance, vegetation clearing or grading that occurred prior to the date of establishment of baseline for CEQA purposes are considered to be within the baseline for the analysis of changes. When such activity is determined to be an unpermitted activity that should have been subject to a discretionary permit, conditions may be imposed through the discretionary permit process for restoration or remediation. However, such unpermitted activities affecting the environmental setting that occurred prior to baseline establishment is not a change in the baseline, whereas any activity affecting the environmental setting that occurs after the established baseline would be changes to the baseline that may result in required mitigation under CEQA depending on whether those activities result in significant environmental impacts. In this particular case, the baseline for CEQA review was established with submittal of discretionary permits, after unpermitted grading and tree removal had occurred. Further unauthorized vegetation removal occurred under a subsequent interim grading permit issued to set up erosion control, and that activity occurring post-establishment of baseline is therefore potentially mitigable under CEQA. Table 2 provides a summary of these activities relative to the project's CEQA baseline.

Table 2 – Summary of Previous Vegetation Clearing & As-Built Grading

After 1998 – Parcel Creation

The recorded building envelope for the parcel was established in a configuration aligned to preserve a grove of Wells manzanita identified in a Botanical Survey by Malcom McLeod (Sept. 18, 1998) (Figure 9). The report initially provided a recommendation for a building envelope that corresponds to the amended envelope proposed in this application. The final building envelope stopped short of the Wells manzanita grove, identified with blue in the map excerpted from the biological report, in Figure 9 below. All of the Wells manzanita in that location were removed during as-built grading.

Area	Impact Location	Description of Impacts	Manzanita Removed
(Figure 9)	Generally east of the access drive in the SW portion of Parcel 4.	Removal of Wells manzanita.	Unknown

Between 2013 and 2014

Agricultural clearing and tree removal for a proposed orchard (exempt from discretionary permitting and CEQA).

Area (See Figure 10)	Impact Location	Description of Impacts	Oak/Manzanita[1] Impacts	Oaks/Manzanita Removed
1	Future orchard, eastern central portion of the property.	Oak trees removed, chaparral vegetation removed, area graded. Grading & tree removal in this area is considered ag-exempt under this application.	Unknown	Approximately 70 oak trees removed and 1 acre of Santa Margarita manzanita

Mid-2014 through Mid-2016

Unpermitted grading, clearing, and tree removal under COD2014-00229 (subject to discretionary entitlement applications and environmental review). This work was performed prior to application submittal and is therefore under the baseline for CEQA purposes. Mitigation is limited to habitat restoration for proposed erosion control grading under the remediation Grading Permit.

Area (See Figure 10)	Impact Location	Description of Impacts	Oak/Manzanita[1] Impacts	Oaks/Manzanita Removed
2	Along the west property line (PL) to create a driveway from Dairy Lane extending outside the recorded building control line, to the southwesterly corner.	Oak trees trimmed/removed, driveway graded, trenching for drainage along east side.	Approximately 30 oak trees impacted.	27 oak trees removed
3	Cleared area in the southwestern corner to create an unpermitted vehicle parking and storage area	Oak trees trimmed/removed, entire area cleared & graded.	Approximately 3 oaks impacted	7 oak trees removed
4	Access drive roadway (graded on >25% slope), water tank pad, and previously proposed SFR pad, southern portion of the property at ridgetop	Oak trees removed, chaparral vegetation removed, road graded.	Unknown	9 oak trees removed

Table 2 – Summary of Previous Vegetation Clearing & As-Built Grading				
Between October 2016 and January 2017 Activities undertaken under PMT2016-01429 for interim remedial erosion control and site stabilization grading resulted in new disturbance extending beyond the limits of the permitted area. These activities resulted in a stop work order. Activities occurring outside the limits of the temporary permit are considered new impacts to the baseline, because they are subject to discretionary approval and were not covered by the interim grading permit. New impacts to native vegetation during this time period were largely limited to two areas: 1) approximately 15,265 sf of native coastal scrub in a 700-foot-long swath along the southern property line on the adjacent property, and 2) within an island of remnant chaparral/scrub vegetation in the middle of the graded slope, west of the water tanks, which was identified for protection on the interim grading plans.				
Area (See Figure 10)	**Impact Location**	**Description of Impacts**	**Oak/Manzanita[1] Impacts**	**Oaks/Manzanita Removed**
5	Manzanitas on the steep slope below the ridgetop, identified on plans to be protected	Strip remnant chaparral/scrub vegetation cleared	None	4 manzanitas removed
6	Northern edge of the ridgetop graded slope	Soil pushed off the edge of the graded slope into a cluster of manzanitas and native vegetation	3 manzanitas impacted	None
7	Adjacent property, along southern edge of graded slope	Grading and vegetation removal was done on adjacent property owned by PG&E. Roughly 15,265 sf of native coastal scrub cleared.	None	None

Notes: Source Terra Verde

1. Manzanita impacts were not considered or documented for the grading/clearing that occurred between 2013 and 2015 due to infeasibility of identifying past impacts; however, the original BRA identified a 4:1 mitigation ratio for any impacted manzanitas. As such, any identifiable impacts to manzanitas that occurred between August 2016 and January 2017 were tallied.
2. The Applicant indicated that this tree fell due to natural causes and was then removed from the site (pers. comm., January 25, 2017); the entire tree was removed prior to the January 2017 survey.

Figure 9 – Area of Wells Manzanita Removal Identified By McLeod

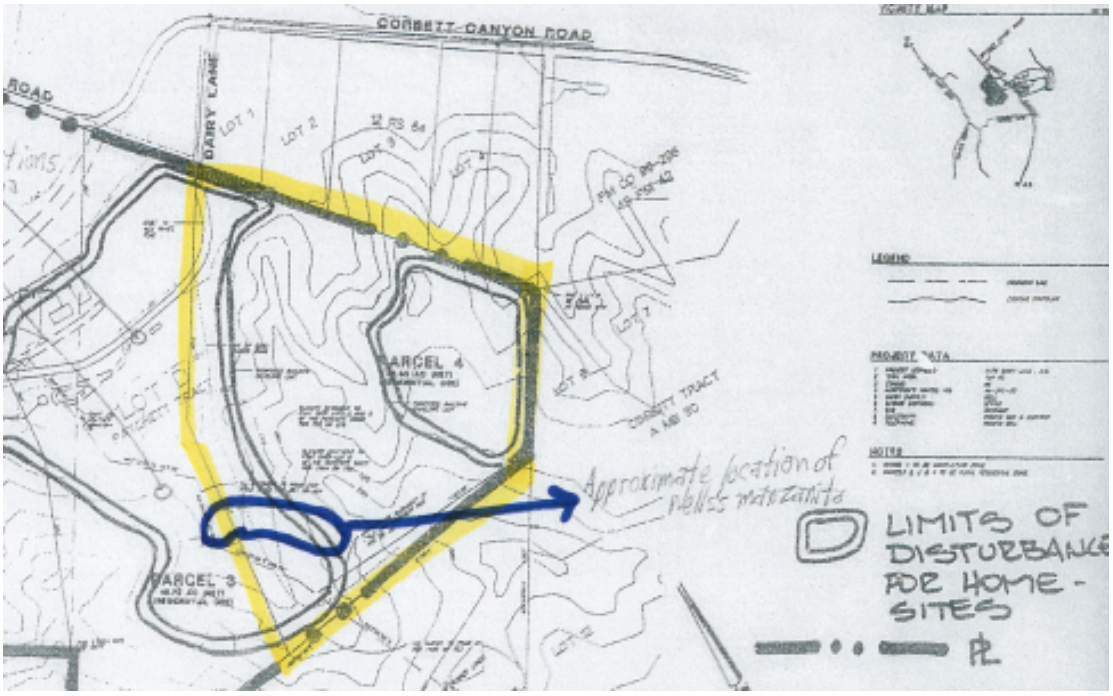
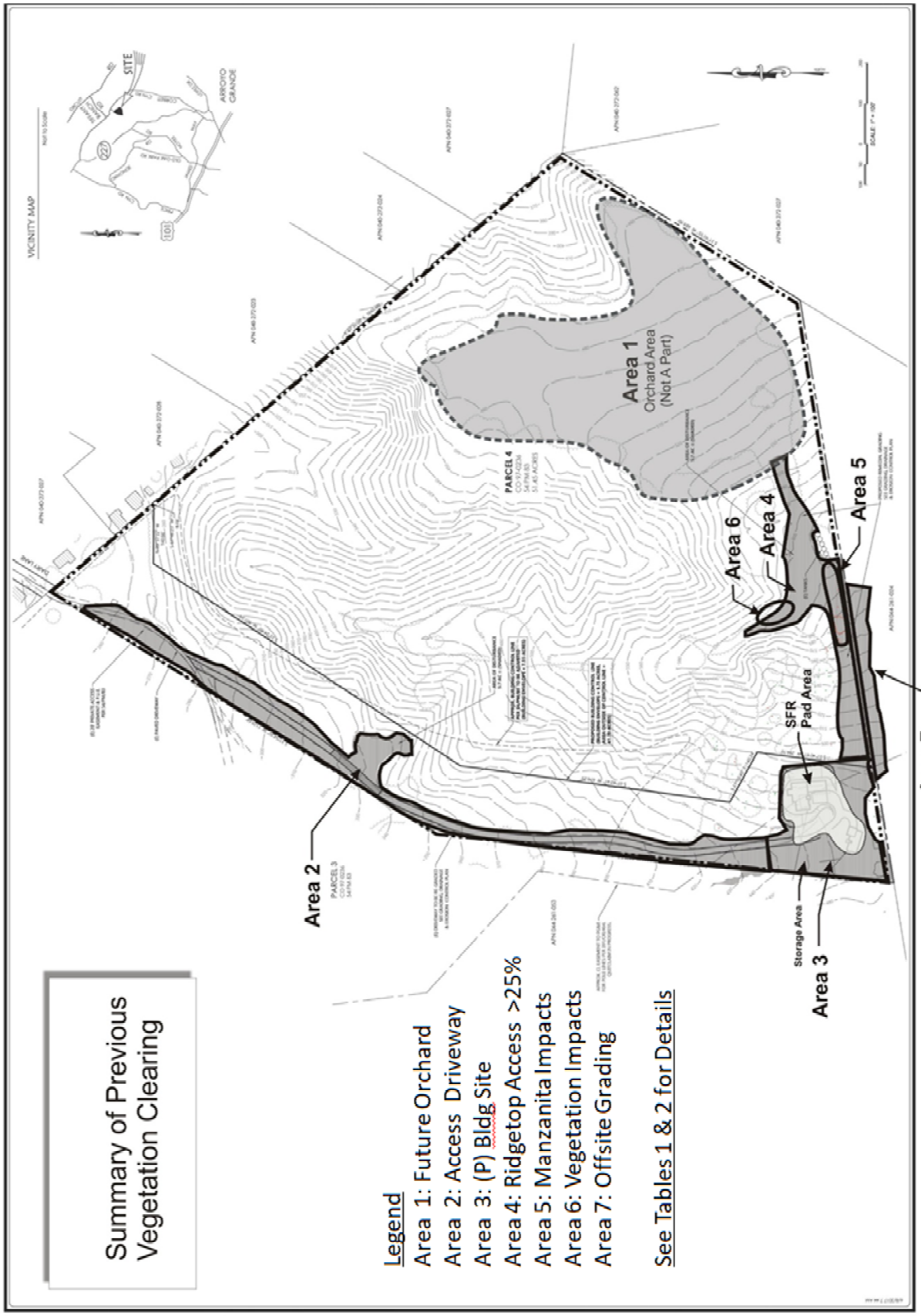


Figure 10 – Previous Vegetation Removal



Wildlife. During the field survey, all identifiable signs of wildlife and suitable habitat for sensitive wildlife species were documented. A comprehensive list of all wildlife species observed on site is included in Appendix B of the BRA.

Mammals

Sign of three small mammal species was identified within the survey area. Based on the size, shape, and number of the underground burrows, they are most likely from California ground squirrel (*Otospermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*), both common species. In addition, several large stick mounds were noted around the perimeter of the survey area and are sign of woodrat (*Neotoma* sp.) occupancy. The Monterey dusky-footed woodrat (*Neotoma macrotis luciana*) is a California species of special concern (SSC) that typically builds stick houses within woodland areas; however, they are often opportunistic and may be found in a variety of habitats. This species was not directly observed; however, due to the occurrences of woodrat houses, the presence of Monterey dusky-footed woodrat is assumed.

In addition, large and commonly observed mammals such as black-tailed deer (Odocoileus hemionus columbianus), coyote (Canis latrans), and bobcat (Lynx rufus) are assumed to traverse the survey area regularly. However, these animals are primarily nocturnal, accustomed to human behavior, and would be expected to avoid any construction activity. Although no individuals or sign were observed, marginally suitable habitat for American badger (Taxidea taxus), a SSC, was identified within the survey area.

Reptiles

Several western fence lizards (Sceloporus occidentalis) were observed within the survey area and no special-status reptiles were identified. Suitable habitat for additional reptiles, such as California legless lizard (Anniella pulchra pulchra), a SSC, is present with the survey area, particularly within the loose soils of scrub communities, ruderal grasslands, and oak woodland leaf litter. This species is nearly always found underground and they are often difficult to detect. Legless lizards and other, more common, subsurface herpetofauna may be encountered during ground disturbing activities. Moderately suitable habitat for coast horned lizard (Phrynosoma blainvillii [SSC]) is also present on site.

Amphibians

The absence of aquatic habitat within the project area greatly limits the potential for amphibians to occur on site. Oak woodland leaf litter (e.g., areas with moist and/or decomposing organic material), provide the highest quality habitat for common amphibian species (i.e., ensatina [Ensatina eschscholtzii], arboreal salamander [Aneides lugubris], etc.); however, these areas are only minimally present and limited to margins of existing access roadways due the level of disturbance that has occurred within the survey area.

Avian Species

Several avian species were observed during the field survey and many can be expected to nest on site during the appropriate time of year (typically February through September). Oak woodland communities offer particularly suitable nesting habitat and are found both within and surrounding the survey area. Raptors (e.g., red-tailed hawk [Buteo jamaicensis]) as well as nonraptor species would be expected to utilize the oak trees on site for nesting. Low structure vegetation, such as manzanitas, coyote brush, and ruderal grasslands, offer lower suitable habitat for nesting; however, avian species may also utilize these communities during the nesting season. No special-status avian species were observed during the survey.

Sensitive Resources. For the purposes of this analysis, a sensitive resource is defined as a resource that is of management concern to county, state, and/or federal resource agencies. The results of the desktop review indicated that 109 sensitive species (65 plants and 44 wildlife species) and 6 sensitive vegetation communities have the potential to occur within the survey area. All occurrences of special-status species and sensitive habitat types previously documented in the CNDDB within a five-mile radius of the project site were plotted on two maps using GIS (see Appendix A of the BRA). As previously discussed, an analysis was conducted to determine which of these regionally occurring special-status species has potential to occur within the survey area (see Appendix C of the BRA). After the field survey, the potential sensitive species were narrowed to eight plant species, three wildlife species, and migratory nesting birds, based on site conditions.

Coast Live Oak Trees and Woodland

Although coast live oaks are not a state or federally listed botanical species, the evaluation of impacts to oak woodlands is required by Senate Bill 1334 and the addition of Section 21083.4 to the California Public Resources Code (PRC). PRC Section 21083.4 requires that California lead agencies certify completion of project environmental review under the California Environmental Quality Act (CEQA). As part of this project, the County's CEQA review requires the evaluation of potential significant effects to oaks greater than 5 inches DBH, as measured at a height of four feet six inches above ground. Impacts include any ground disturbance within the critical root zone (i.e., 1.5 times the edge of canopy/drip line), trunk damage, or any pruning of branches that are three inches in diameter or greater. Mitigation ratios for removed and impacted trees are 4:1 and 2:1, respectively. Oak woodland is present within the survey area.

Sensitive Plant Species

An appropriately timed botanical survey was conducted within the survey area. The following six special-status plant species were previously observed by Holland and Keil (2015) but were not observed during the 2016 survey: Hoover's bent grass (Agrostis hooveri), San Luis mariposa lily (Calochortus obispoensis), Saint's daisy (Erigeron santarum), mesa horkelia (Horkelia cuneata var. puberula), Fuzzy prickly phlox (Linanthus californicus subsp. tomentosum), and chaparral ragwort (Senecio aphanactis) (see Appendix A - Figure 5 of the BRA). Two additional species observed by Holland Keil in 2015 were also observed during the 2016 survey: Santa Margarita manzanita (Arctostaphylos pilosula) and Lompoc ceanothus (Ceanothus cuneatus var. fascicularis). Specifically, Santa Margarita manzanita was observed along the access driveway, graded slope, and as a component of the chaparral intermixed with the oak woodland surrounding the proposed orchard site. Lompoc ceanothus was observed immediately adjacent to the south side of the graded slope in the southern portion of the property. Suitable habitat for two other special-status plant species was also observed: southern curly-leaved Monardella (Monardella sinuata subsp. sinuata) and black-flowered figwort (Scrophularia atrata) within the coastal sage scrub and chaparral areas of the site.

Hoover's bent grass (Agrostis hooveri), CRPR 1B.2

Hoover's bent grass is a perennial herb that is endemic to California. This species typically occurs in closed-cone coniferous forests, chaparral, woodlands, and grasslands in sandy soil at elevations below 610 m. The typical blooming period is from April to July (CNPS 2016, Jepson eFlora 2016).

Holland and Keil (2015) observed this species along the margins of the coast live oak woodland surrounding the proposed orchard site. This species was not observed during the 2016 survey, which included a small portion of the previously mapped rare plant area (Holland and Keil 2015); however, Hoover's bent grass is assumed to be present along the margins of the oak woodland surrounding the proposed orchard site.

San Luis mariposa lily (Calochortus obispoensis), CRPR 1B.2

San Luis mariposa lily is a perennial bulb that is endemic to San Luis Obispo County. This species typically occurs on serpentine soils in chaparral and coastal scrub communities at elevations between 75 and 730 m. The typical blooming period is from May to July (Jepson eFlora 2016). This species is threatened by grazing, development and recreational activities (CNPS 2016). Holland and Keil (2015) observed two individuals of this species at one location at the edge of the northwestern margin of the proposed orchard site. This species was not observed during the 2016 survey, which included the same area; however, San Luis mariposa lily is assumed to be present within the undisturbed coastal scrub and chaparral communities throughout the project site.

Saint's daisy (Erigeron sanctorum), CRPR 4.2

Saint's daisy is a perennial herb that is endemic to California. This species typically occurs on sandy sites in coastal scrub and woodland habitat at elevations below 50 m. The typical blooming period is from March to June (Jepson eFlora 2016). This species is threatened by development (CNPS 2016).

Holland and Keil (2015) observed this species in a matrix of coast live oak woodland/chaparral communities along the fringes of previously cleared areas in the southern part of the subject property. This species was not observed during the 2016 survey; however, Saint's daisy is assumed to be present along the margins of these communities throughout the project site.

Mesa horkelia (Horkelia cuneata var. puberula), CRPR 1B.1

Mesa horkelia is a perennial herb that is endemic to California. This variety typically occurs in dry, sandy, and gravelly coastal chaparral at elevations between 70 and 870 m. The typical blooming period is from March to July (Jepson eFlora 2016).

Holland and Keil (2015) observed this species along the western margins of the coast live oak woodland surrounding the orchard (Occurrence number 96: CNDDB 2016). This species was not observed during the 2016 survey, which included a portion of the same area; however, mesa horkelia is assumed to be present along the western margins of the oak woodland surrounding the proposed orchard site.

*Fuzzy prickly phlox (Linanthus californicus subsp. tomentosum)***,** CRPR 4.2

Fuzzy prickly phlox is a perennial subshrub that occurs in southeastern San Luis Obispo County and in the western portions of Santa Barbara and Ventura counties. This species typically occurs in scrub, forest, and coastal strand communities at elevations below 1,500 m. The typical blooming period is from January to July (Jepson eFlora 2016).

Holland and Keil (2015) observed two individuals of this species in an area that had been cleared in the southern portion of the subject property. It is unknown whether the individuals had established from seed following clearing activities or were persistent individuals that were re-sprouting following the disturbance. Common prickly phlox (*Linanthus californicus*) was observed on site; however, this subspecies was not observed during the 2016 survey.

Chaparral ragwort (Senecio aphanactis), CRPR 2.2

Chaparral ragwort is an annual herb that is native to California. This species typically occurs in chaparral, cismontane woodlands, coastal scrub, and drying alkaline flats at elevations between 20 and 800 m. The typical blooming period is from January to April (Jepson eFlora 2016).

Holland and Keil (2015) observed this species just above the orchard access road in the southern portion of the property. This species was not observed during the 2016 survey, which

included a portion of the same area; however, chaparral ragwort is assumed to be present along the existing access road to the proposed orchard site in the southern portion of the property.

Santa Margarita manzanita (Arctostaphylos pilosula), CRPR 1B.2

Santa Margarita manzanita is a shrub that is endemic to California. This species typically occurs on shale outcrops and slopes in chaparral at elevations between 30 and 1,250 m. The typical blooming period is from December to March (Jepson eFlora 2016). This species is threatened by development (CNPS 2016).

Holland and Keil (2015) observed this species along the access roads and as a component of the chaparral and coast live oak woodland. This species was also observed during the 2016 field survey. Similarly, several individuals and stands of this species were identified along the access driveway, graded slope, and intermixed with the oak woodland surrounding the proposed orchard.

Lompoc ceanothus (Ceanothus cuneatus var. fascicularis), CRPR 4.2

Lompoc ceanothus is a shrub that is endemic to California. This species typically occurs on sandy substrates in coastal chaparral at elevations less than 275 m. The typical blooming period is from February to May (Jepson eFlora 2016). This species is threatened by development (CNPS 2016).

A few individuals of this species were observed immediately adjacent to the south side of the graded slope in the southern portion of the property. This species is assumed to be present in varying density within the coastal scrub and chaparral communities throughout the project site.

Southern curly-leaved monardella (Monardella sinuata subsp. sinuata), CRPR 1B.2

Southern curly-leaved monardella is an annual herb that is endemic to California. This species typically occurs in sandy soils of coastal strand, dune and sagebrush scrub, and coastal chaparral and oak woodlands at elevations less than 300 m. The typical blooming period is from April to September. The nearest known occurrence is located 3.3 miles to the west (CNDDB 2016).

Marginally suitable habitat for this species was observed on site along the margins of the oak woodland surrounding the orchard. However, due to the distance of the nearest known occurrence to the survey area, southern curly-leaved monardella is not expected to occur on site.

Black-flowered figwort (Scrophularia atrata), CRPR 1B.2

Black-flowered figwort is a perennial herb that is endemic to California. This species typically occurs in closed coned coniferous forests, coastal dunes, coastal scrub, and riparian scrub at elevations between 10 and 500 m. The typical blooming period is from March to July (Jepson eFlora 2016). According to CNDDB records, three documented occurrences are located within five miles of the survey area. A herbarium specimen was collected in 2001 approximately 2.7 miles west of the survey area (CCH 2016).

Marginally suitable habitat occurs on site; however, black-flowered figwort is perennial and was not observed during the late-season field survey. As such, this species is not expected to occur on site.

Pismo clarkia (Clarkia speciosa subsp. immaculata), California - Rare, Federal - Endangered, CRPR 1B.1

Pismo clarkia is an annual herb that is endemic to San Luis Obispo County. This subspecies typically occurs in sandy coastal hills at elevations less than 100 m. The typical blooming

period is from May to July. This subspecies is threatened by development and possibly grazing. Pismo clarkia was observed by McLeod (1998) on the neighboring parcel (Holland and Keil 2015) but was not documented on the project site in 1998 or in 2015. Suitable habitat was observed along the access driveway, existing access road to the proposed orchard site, and margins of the proposed orchard area; however, this species was not observed during the 2016 survey. A nearby reference population of Pismo clarkia was observed in bloom during the same day as the field survey. As this species was not found on site in spite of availability of suitable habitat over a two-year period of surveys, it is not expected to occur on site.

Sensitive Wildlife Species

No sensitive wildlife species were identified within the survey area; however, suitable habitat for American badger, Monterey dusky-footed word rat, silvery legless lizard, coast horned lizard, and migratory nesting birds were determined to be present on site and are discussed in detail below.

Sensitive Mammal Species

American badger (Taxidea taxus), State Status - Species of Special Concern

American badger is a non-migratory species that occurs throughout most of California. It occurs in open and arid habitats including grasslands, meadows, savannahs, open-canopy desert scrub, and open chaparral. This species requires friable soils in areas with low to moderate slopes. American badger is known to occur in nearly every region of California except for the North Coast region which includes Del Norte, Humboldt, Mendocino, Sonoma, and Marin counties. This species occurs at elevations that range from approximately 0 to 3,600 m. American badger typically breeds from May through September, but individuals may not breed every year. Marginally suitable habitat for American badger is present within the survey area. Three occurrences of this species have been documented within five miles of the survey area. The nearest occurrence was documented in 1991 approximately 1.2 miles west of the survey area (CNDDB 2016). However, no burrows or sign of badger were observed.

*Monterey dusky-footed woodrat (Neotoma macrotis luciana)***,** State Status – Species of Special Concern

This species is known only from the Santa Lucia Mountains in southeastern Monterey and portions of San Luis Obispo County. Woodrats typically occur in dense chaparral, hardwood conifer, mixed forests, and riparian woodlands. In most instances, this species constructs its nests in inaccessible areas, such as thorny thickets, poison oak patches, or nettles (CDFG 2005).

The oak woodland, sagebrush scrub and chaparral habitat areas on site provide highly suitable habitat. This species was not directly observed; however, several occupied woodrat houses were observed and presence of this species is assumed.

Sensitive Reptile Species

Silvery legless lizard (Anniella pulchra pulchra), State Status - Species of Special Concern Silvery legless lizard requires sandy or loose loamy soils within coastal dune scrub, coastal sage scrub, chaparral, woodland, riparian, or forest habitats. It requires cover such as logs, leaf litter, or rocks and will cover itself with loose soil. Relatively little is known about the specific behavior and ecology of this species, but it is thought to be a diurnal species that breeds between the months of March and July. It gives live birth to young in the early fall. This species occurs from Antioch in Contra Costa County south through the Coast, Transverse, and Peninsular Ranges, along the western edge of the Sierra Nevada, and in parts of the San Joaquin Valley and Mojave Desert to El Consuelo in Baja. Silvery legless lizard is known to occur at elevations that range from approximately 0 to 1,800 m. Population declines have

been attributed to agricultural development, sand mining, use of off-road recreational vehicles, and habitat loss through spread of invasive, non-native vegetation such as iceplant (*Carpobrotus* spp.).

This species has not been documented within five miles of the survey area (CNDDB 2016) but is known to occur in similar habitat in the region. No silvery legless lizards were observed during field surveys, although detection of this species is difficult as they dwell in thick duff and quickly retreat underground when disturbed. Suitable habitat for this species exists in the survey area (e.g., sandy soils, chaparral, and oak duff, etc.). As such, presence of this species is assumed.

Coast horned lizard (Phrynosoma blainvillii), State Status – Species of Special Concern

The coast horned lizard typically occurs in the valleys, foothills, and semiarid mountains of western and southern California from sea level to 2,438 m. This species inhabits grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose, sandy soil. It is frequently found along sandy washes with scattered shrubs and along dirt roads, and frequently found near native ant hills. The breeding season is from May to September. The nearest CNDDB occurrence of this species was documented in 2007 approximately 3.0 miles east of the survey area, and is presumed extant (CNDDB 2016). The oak woodlands and open, sandy areas surrounding the stands of Santa Margarita manzanita provide suitable habitat for coast horned lizard. As such, there is moderate potential for this species to occur in the survey area.

Migratory Nesting Birds

The federal Migratory Bird Treaty Act (MBTA) and the Convention for the Protection of Migratory Birds and Animals, agreements between the United States and Canada and the United States and Mexico, respectively, afford protection for migratory birds by making it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. Certain game birds have been omitted from this protection. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of larger raptors and other birds of prey.

Suitable nesting habitat is provided by the oak woodland, coastal sage scrub and chaparral communities on site. No active nests were observed during the field survey, the likelihood of the presence of nesting birds during the typical avian nesting season (February 1 through September 15) is considered very high.

Impacts. The proposed remedial/restoration grading and pad development in the area where the Building Control Line will be extended have the potential to result in direct impacts to coast live oak trees, Santa Margarita manzanita, Lompoc ceanothus, and rare plant sensitive habitat areas previously identified by Holland and Keil (2015). The proposed project has the potential to cause short- and long-term impacts to special-status wildlife species including American badger, Monterey dusky-footed woodrat, silvery legless lizard, coast horned lizard, and migratory nesting birds. Each have potential, however low, to occur on site based on the presence of at least marginally suitable habitat and/or CNDDB-documented occurrences within or in close proximity to the survey area. Direct impacts to wildlife could result from take (e.g., injury, death) via construction-related disturbances such as trampling or crushing from equipment or construction crews. Indirect impacts to wildlife species could result from noise, harassment, dust, or other disruption during construction activities or through modifications to the species' habitat. Impacts to these species potentially occurred as a result of the 2013-2014 vegetation clearing/removal activities; however, as stated previously, that activity

occurred prior to the establishment of baseline for determination of impacts under CEQA such that it is infeasible to evaluate those impacts.

Temporary direct and indirect impacts are expected to occur as a result of construction related grading and development and use of temporary access routes and staging areas, etc. In addition, direct impacts to oaks and manzanitas as a result of trimming and/or impacts to the critical root zone would cause temporary impacts.

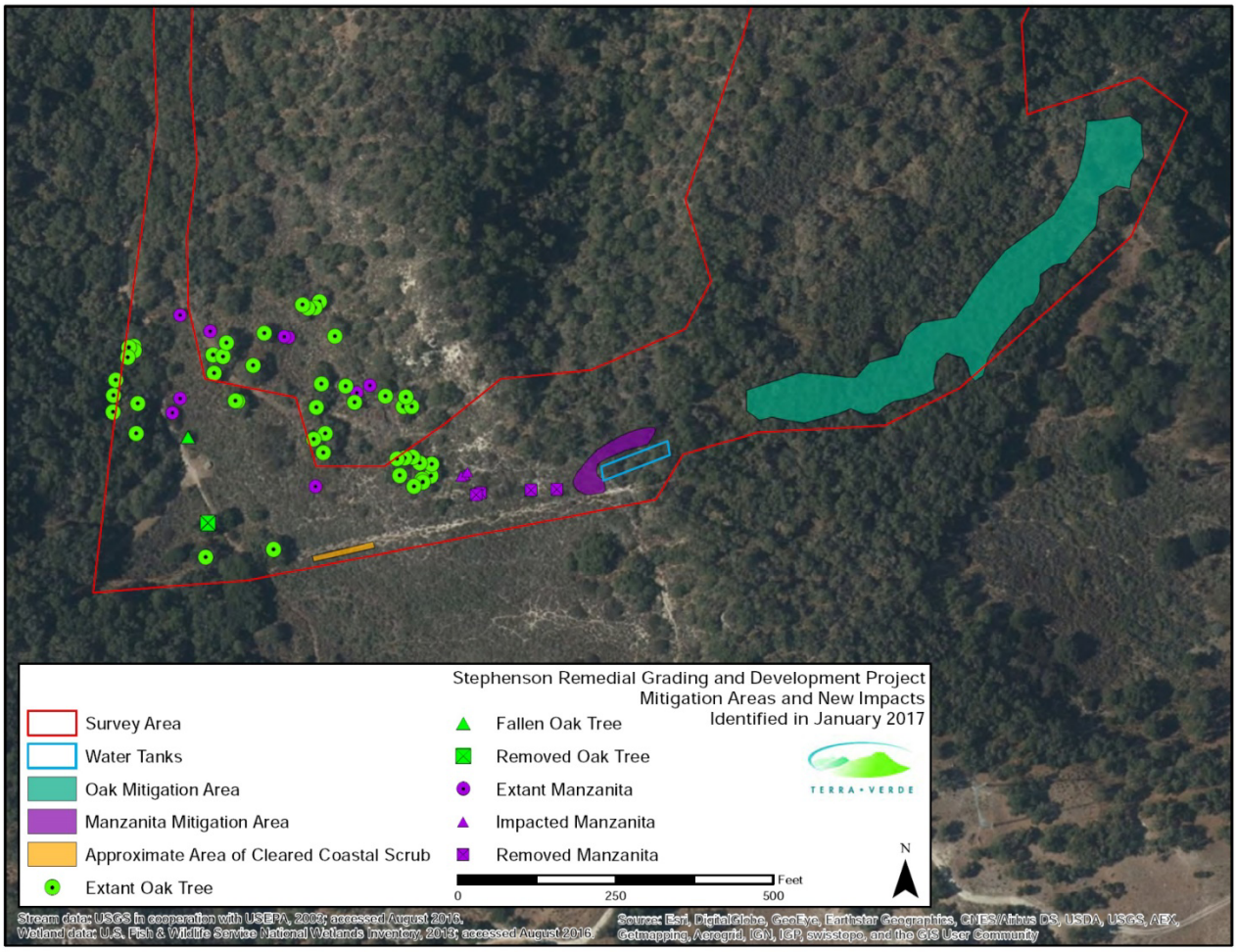
Permanent impacts will occur as a result of conversion from undeveloped land to permanent structures; this includes construction of the SFR, guest house, and access driveway. Permanent impacts also include removal of native vegetation, including individual oak trees and manzanitas. The removal of four manzanitas that occurred between August 2016 and January 2017 will be mitigated at an 8:1 ratio, as described below. No further removal or clearing of individual oak trees, manzanitas, or native vegetation are expected to occur as a result of the currently proposed grading efforts. Any permanent impacts to oak trees and manzanitas will require mitigation.

The total area of project disturbance that is subject to a grading permit is estimated to be 5.7 acres. Since the 2013 - 2014 vegetation clearing was conducted for agricultural purposes prior to the implementation of the current County Ordinance No. 3325, which prohibits clearcutting of oak woodlands and limits the removal of native trees for agricultural purposes, this prior activity is not assessed. Rather, the following section is focused on the impacts of grading and vegetation removal that occurred between December 2014 and January 2017, forming the basis of Code Enforcement case number COD2014-00229, to be addressed through the proposed entitlements. These impacts include: Grading and clearing on the top of the ridge and up the slope along the south property line, the southwest corner, and along the west property line to create and widen the access road from Dairy Lane. Between October 2016 and January 2017, the "interim" remedial grading authorized (PMT2016-01429) to stabilize slopes for the coming winter resulted in additional, unauthorized vegetation removal including manzanita near the south property line and 15,265 square feet of coastal scrub and chaparral on the adjacent property; these impacts are also addressed in this assessment. The "interim" grading authorized under PMT2016-01429 was subsequently suspended pending project approval.

The applicant is proposing to plant Santa Margarita manzanita on site to mitigate for recent, quantified impacts (between October 2016 and January 2017) and to offset prior impacts (December 2014-August 2016). The applicant will be required to restore native coastal scrub vegetation on the adjacent property owned by Pacific Gas and Electric (PG&E). Additionally, oak tree mitigation will be required for any impacts that occur during the implementation of proposed project activities. These native planting efforts will be conducted as part of the long-term restoration plan for the site as discussed below.

The additional impacts associated with the interim grading and clearing that occurred between October 2016 and January 2017 were readily identifiable by comparing the results of the 2016 biological survey (e.g., maps, photographs, site description, etc.) to the current site conditions, which were documented during the 2017 survey (Figure 11). The interim "Phase 1" remedial grading area that resulted in additional vegetation removal is likely to be re-disturbed in the final restoration to address erosion and to restore normal sheet flow, which should be retained in site and not directed toward adjacent properties. The specific impacts associated with the interim grading that has occurred since August 2016 include: 1) removal of four manzanitas, 2) impacts to three manzanitas, and 3) removal of approximately 15,265 square feet of native coastal scrub vegetation. Additionally, one oak tree reported by the Applicant to have fallen was removed from the graded home site prior to the January 2017 site visit. No additional impacts are anticipated to occur in association with the remedial grading and stabilization proposed to complete the project.

Figure 11 – Impacts Occurring Between August 2016 and January 2017 and Mitigation Areas



Permits to construct residential homes (single-family residence and guest house) are currently suspended, but will be pursued by the Applicant once grading that includes remediating the as-built activity is approved. Grading under this Conditional Use Permit will include pad grading and utilities for the structures. Anticipated impacts associated with the residential development are addressed here, to support the anticipated permitting process. Specifically, development has the potential to result in direct impacts to coast live oak trees, Santa Margarita manzanita, Lompoc ceanothus, and rare plant sensitive habitat areas previously identified by Holland and Keil (2015).

Impacts to Unique or Special-status Species or Their Habitats. Proposed remedial grading activities have the potential to impact three Santa Margarita manzanitas located along the northern edge of the graded slope, as well as Lompoc ceanothus and other special-status plant species identified by Holland and Keil (2015). Additionally, as-built impacts resulted in the removal of four manzanitas and impacts to three manzanitas between August 2016 and January 2017. As such, mitigation measures are recommended for these as-built and anticipated impacts to manzanitas and other special-status plants.

A mitigation ratio for the removal of manzanitas was not designated in the original BRA (Terra Verde, 2016) because no removals were anticipated. However, four manzanitas have since been removed, in violation of grading and development permits. In general, mitigation ratios for removal of sensitive species are two times the ratio for impacts to that species. As such, a mitigation ratio of 8:1 is recommended to offset the unpermitted removal of four manzanitas between August 2016 and January 2017. This ratio is based off of the 4:1 mitigation ratio described above, and included in the

original version of this BRA, for impacts to manzanitas. Based on as-built impacts (4 removed and 3 impacted), a total of 44 mitigation manzanitas need to be established on site. Any additional impacts that occur as a result of Phase 1 and Phase 2 activities shall be tallied and added to the final mitigation count. A suitable mitigation area has been identified on site for the establishment of manzanitas.

Proposed construction activities related to constructing the single-family residence (SFR) and guest house could result in direct impacts to sensitive wildlife including American badger, Monterey duskyfooted woodrat, silvery legless lizard, coast horned lizard, and migratory nesting birds. Likewise, elevated noise levels, increased traffic and human activity, and construction-related disturbance associated with implementation of the project may result in indirect impacts to these species.

Migratory nesting birds are likely to occur within the survey area during the prime nesting season (February 15 to August 31). Construction activities related to the Use Permit may have the potential to impact nesting birds.

Proposed construction activities related to constructing the SFR, guest house, and drainage facilities as well as the remedial grading activities could result in secondary impacts to surrounding wildlife habitat and sensitive resource areas due to storm water runoff (i.e., silt and sedimentation) and risk of upset. Additionally, recent as-built impacts that occurred since August 2016 have resulted in the removal of approximately 15,265 square feet of native, coastal scrub habitat outside the approved limits of disturbance and on the adjacent property. As such, mitigation measures shall be implemented to minimize the potential for impacts to areas outside the permitted disturbance area.

Effects Relating to Extent, Diversity, or Quality of Native or Other Important Vegetation.

The proposed project could result in direct and indirect impacts to oak trees. Per Section 21083.4 of the PRC, if the County determines that there may be a significant effect to oak woodlands (e.g., oak trimming or removal), the County must require one of the following four methods of impact mitigation under CEQA: 1) conservation of existing oak woodlands, 2) planting and subsequent success monitoring of an appropriate number of trees, 3) contribution to the Oak Woodlands Conservation Fund, or 4) other measures established by the County. The County requires mitigation for impacts to, or removal of, native oak trees with a diameter at breast height (DBH) of five inches or greater, as measured at a height of four feet six inches above ground. Impacts include any ground disturbance within the critical root zone of one and one-half times the canopy/drip line diameter, trunk damage, or any pruning of branches three inches in diameter or greater. Mitigation ratios to removed and impacted trees are 4:1 and 2:1, respectively.

The currently proposed project has the potential to impact approximately 13 oak trees. Additionally, the grading under PMT2016-01429 that occurred between October 2016 and January 2017 included the removal of one oak tree from the middle of the graded home site. This removal may not be subject to mitigation, as the Applicant has indicated that it fell from natural causes prior to removal. In total, as-built and anticipated impacts may result in up to 13 impacted oaks and 1 removed oak (as-built impact for the tree removed from the home site), for a total of 30 mitigation trees. An area has been identified on site that would be suitable for the establishment of at least 30 mitigation trees, as needed.

A Stop Work Order is currently in place on the property resulting from grading occurring outside the approved area. To ensure compliance with grading limits and erosion control plan requirements during subsequent permit issuance for remedial grading and erosion control activities, a mitigation measure requiring the applicant to provide funding for an Environmental Monitor is added under the Water / Hydrology section. The Monitor will be responsible for overseeing compliance with all project mitigations and conditions of approval to ensure that additional impacts are avoided.

Effects on Wetland or Riparian Habitat. Based on the project description, no impacts to wetland or riparian resources are expected.

Effects on Movement of Resident or Migratory Fish and Wildlife Species. Based on the project description, no adverse impacts to the movement of resident or migratory fish or wildlife species are expected.

Mitigation/Conclusion. The implementation of the following mitigation measures will assist in minimizing impacts to sensitive botanical resources on site and avoidance of sensitive wildlife resources if found during these activities. These measures shall be applicable to both the Phase 1 remedial grading activities and Phase 2 development project.

BIO-1 1.1. No oak trees shall be removed as part of the remedial grading, residential pad creation, access and utility installation, or residential development authorizations.

1.2. **Prior to grading permit issuance**, all native oak trees (*Quercus* sp.) expected to be trimmed or impacted within the critical root zone as a result of project activities will be identified and included on development plans.

1.3**.** The following avoidance and minimization measures shall be implemented where project construction impacts oak trees on the site, or where remediation work or revegetation is conducted within 50 feet of the existing oak canopy:

a. All native oak trees within 50 feet of proposed grading and remediation activities (DBH>5 in) will be fenced and avoided at the drip line with a sturdy, high visibility fencing. Fencing shall be shown on grading plans and installed in the field prior to issuance of permits.

b. No ground disturbance shall occur within the drip lines of fenced trees.

c. No construction materials or vehicles may be stored within the fenced area surrounding the trees.

d. An arborist certified by the International Society of Arboriculture (ISA) will be hired for all removal of existing roots and branch trimming.

e. Pavement within the driplines of existing trees shall not exceed 25 percent coverage.

f. In the event that impacts to roots or limbs of oak trees occur, the Applicant shall provide mitigation (on site) per the County's guidelines (e.g., 2:1 for impacted trees). This shall include development of an oak tree replacement plan and establishment of an oak tree planting site that shall be protected in perpetuity.

g. A final list of oak trees impacted as part of the project shall be submitted to the County by the certified arborist following all site grading and remedial improvements on site.

h. All replacement trees will have supplemental irrigation installed and maintained for no less than seven years.

BIO-2 2.1: No Santa Margarita manzanitas shall be removed as part of the remedial grading, residential pad creation and utility installation, and residential development authorizations.

2.2: **Prior to grading permit issuance**, all Santa Margarita manzanitas as well as the California sagebrush scrub habitat area and rare plant sensitive habitat area identified by Holland and Keil (2015) will be identified and included on grading and development plans (see Appendix A – Figure 5 of the BRA). Further, the following avoidance and minimization measures shall be implemented:

a. All Santa Margarita manzanitas and rare plant sensitive habitat areas including the California sagebrush scrub habitat area on site shall to be preserved with high visibility fencing during all construction activities. Fencing shall be shown on grading plans and installed prior to issuance of grading permits.

b. No ground disturbance shall occur within the drip lines of fenced manzanitas or within the rare plant sensitive habitat areas.

c. No construction materials or vehicles may be stored within the fenced off rare plant sensitive habitat areas.

d. Any manzanitas impacted via trimming shall be mitigated at a 4:1 ratio on site within a location that will be protected in perpetuity. A restoration plan approved by the County will be developed in order to document the survival of the replacement manzanitas. This plan can be combined with the oak tree mitigation requirements outlined in Measure 1 and will include the voluntary manzanita plantings currently proposed by the applicant.

e. A final list of manzanitas impacted as part of the project shall be submitted to the County by the certified arborist and/or a qualified biologist following all site grading and remedial improvements on site.

f. Manzanitas shall be mitigated by replacement at a ratio of 8:1 to offset the unpermitted removal of four manzanitas between August 2016 and January 2017. Based on as-built impacts (4 removed and 3 impacted), a total of 44 mitigation manzanitas need to be established on site. Any additional impacts that occur as a result of Phase 1 and Phase 2 activities shall be tallied and added to the final mitigation count. A suitable mitigation area has been identified on site for the establishment of manzanitas.

BIO-3 **Prior to construction**, an environmental awareness training shall be presented by a qualified biologist to all construction personnel prior to start of Project activities. The environmental sensitivity orientation shall include an overview of special-status species and sensitive resources with potential to occur on the Project site, habitat requirements, and their protection status.

BIO-4 **4.1. Within 15 days prior to the onset of project activities within the work areas for American badger**, a qualified biologist shall conduct a pre-construction survey. If no badger dens are discovered, the biologist shall provide a report to County Planning and Building clearing this requirement for permit issuance.

4.2: If badger dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to project implementation. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated to prevent re-occupation during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from ground disturbance activities. If these dens cannot be avoided after the breeding season has concluded, the above measures will be followed to discourage continued use of the den.

BIO-5 **Within 2 weeks prior to the initiation of initial project activities**, a qualified biologist shall conduct a pre-activity, day time survey to ensure special-status wildlife species (e.g., coast

horned lizard, legless lizard, etc.) are not impacted. In the event sensitive wildlife species are found, they shall be: a) allowed to leave the area on their own volition; b) relocated (as permitted) to suitable habitat areas located outside the work area(s); or c) resources agencies will be contacted for further guidance. The biologist shall report findings and recommendations to County Planning and Building.

BIO-6 **Within 2 weeks prior to initial project activities**, to protect Monterey dusky-footed woodrat, all woodrat houses within the project area shall be flagged and fenced with an avoidance area of no less than 10 feet. The biologist shall report findings and recommendations to County Planning and Building.

BIO-7 **Within one week prior to activity beginning between February 1 and September 1:** During construction, project activities shall avoid vegetation clearing and grading during the typical avian nesting season (February 1 to September 15). If avoiding construction during this season is deemed infeasible, a qualified biologist shall survey the area within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged. A non-disturbance buffer of 50 feet will be placed around nests of non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

BIO-8 **During construction**, all temporarily disturbed areas including access routes, staging areas, and stockpile areas shall be stabilized using acceptable BMPs to avoid and/or minimize erosion and site run-off. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, silt fencing, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project and an appropriate native seed mix for erosion control shall be applied, as necessary. These general BMP measures shall be outlined on all project plans **prior to permit issuance.**

BIO-9 **Following construction and before final inspection**, all areas where unpermitted grading has occurred and areas where new disturbance has occurred under the remedial and residential grading permit shall be seeded with a site-specific coastal scrub seed mix. Specifically, the following species are recommended for seeding the area of unpermitted grading and clearing along the graded slope and on the adjacent property:

- California sagebrush (Artemisia californica)
- Black sage (Salvia mellifera)
- Coyote brush (Baccharis pilularis)
- Mock heather (Ericameria ericoides)
- Deerweed (Acmispon glaber)
- Sticky monkeyflower (Mimulus aurantiacus)
- California poppy (Eschscholzia californica)

BIO-10 **Following construction and before final inspection**, the removal of 15,265 square feet of coastal scrub from the adjacent property a shall be mitigated by the planting of a site-specific coastal scrub seed mix on a suitable area of at least 30,530 square feet which shall include the disturbed/cleared area. The following species are recommended:

- California sagebrush (Artemisia californica)
- Black sage (Salvia mellifera)
- Coyote brush (Baccharis pilularis)
- Mock heather (Ericameria ericoides)
- Deerweed (Acmispon glaber)
- Sticky monkeyflower (Mimulus aurantiacus)
- California poppy (Eschscholzia californica)

BIO-11 All structural drainage control features (level spreaders, outlet energy dissipators) shall be permanently maintained to ensure the complete restoration of natural drainage patterns at the site.

BIO-12 **Prior to grading and construction permit Issuance,** the following general measures to minimize impacts are required to be reproduced on plans and shall be implemented **during construction**:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits;

b. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants from contaminating natural vegetation communities;

c. During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

d. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

e. All construction phases will abide by the State's Construction General Permit (CGP) and site specific Storm Water Pollution Prevention Plan (SWPPP) prepared by a certified Qualified SWPPP Developer (QSD) and implemented during all phases of remediation and construction by a certified Qualified SWPPP Practitioner (QSP).

5. CULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☐	☒
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Cause a substantial adverse change to a Tribal Cultural Resource?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Cultural Resources

Setting. The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. Although the project site is located in an area that was historically occupied by native peoples, impacts to archaeological or paleontological resources are not expected and a cultural survey was not conducted because:

- There is a lack of physical features on the project site typically associated with prehistoric occupation.
- No archaeological resources have been reported by previous studies of properties within a ¼ mile radius of the project site.
- The areas of remedial grading have been previously disturbed.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☒	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☒

* **Per Division of Mines and Geology Special Publication #42**

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Very steeply sloping

Within County's Geologic Study Area? No

Landslide Risk Potential: High

Liquefaction Potential: Low to moderate

Nearby potentially active faults? Yes Distance? 400 feet to the northeast

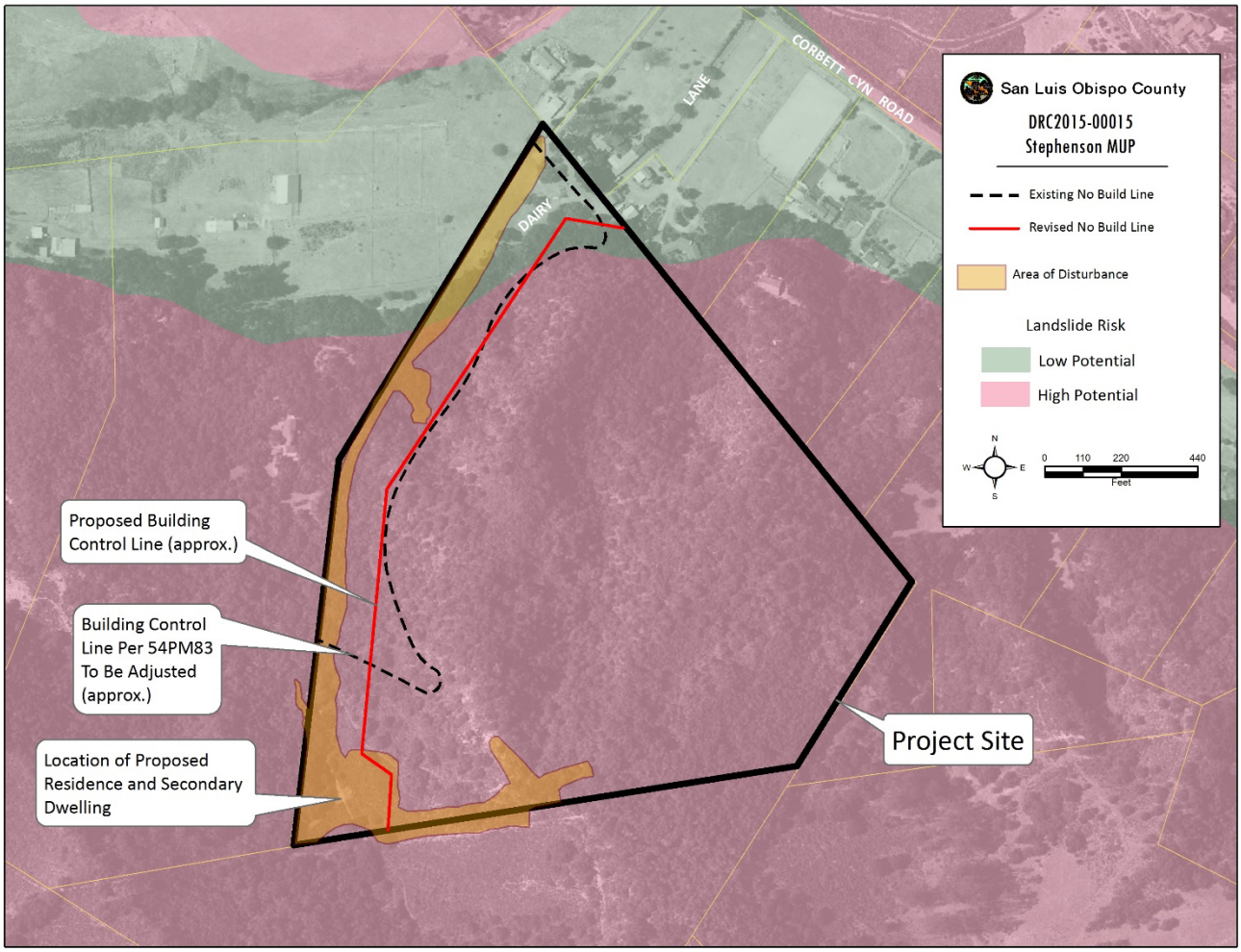
Area known to contain serpentine or ultramafic rock or soils? Potentially

Shrink/Swell potential of soil: Negligible

Other notable geologic features? None

GEOLOGY - The topography of the project site is moderate to steep. The project site is not subject to the Geologic Study Area designation. Liquefaction potential during a ground-shaking event is considered low. However, landslide risk over the majority of the project site is considered high (Figure 12), including the area where the Building Control Line will be extended. The project is not within an area known to contain serpentine or ultramafic rock or soils.

Figure 12 – Landslide Risk



DRAINAGE/EROSION – As described in the Natural Resource Conservation Service Soil Survey, soils on the project site are considered moderately to poorly drained. For areas where drainage is identified as a potential issue, the LUO Sec. 22.52.080 includes a provision to prepare a drainage plan to minimize potential drainage impacts. As part of the project's Post-Construction Requirements, this plan will be required to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

An Engineering Geology Evaluation of the Existing Graded Site Improvements was prepared in 2015 (Geosolutions, Inc., July 14, 2015). The purpose of this evaluation was to discuss the conditions for the access roadway and the originally proposed upper pad on the top of the ridge. In addition, it was to provide recommendations for proposed improvements with respect to observed conditions and the California Building Code. The evaluation included a review of available geologic publications and maps pertinent to the Site. Field reconnaissance mapping was conducted at the site on July 8, 2015. At that time, field density testing was performed in the fill areas of the Driveway and Upper Pad, and representative soil samples were also obtained. The current project as defined by the "AG Road As-Built Grading Plan for Parcel 4 of CO 97-0236" prepared by Granite Ridge Surveying undated, was reviewed. That study concluded the following:

- No landslide or other evidence of gross instability was mapped or observed at the site locations. General Site liquefaction hazard at the site is considered very low due to the competent nature of the resistant sandstone units exposed across the disturbed area. No springs were observed during this site investigation.

- There is a very low potential for ground rupture to occur along the roadway or in the graded pads due to their composition of massive sandstone and lack of known faults in the site area. The closest known Quaternary active fault is the West Huasna fault located approximately 2.25 miles east of the site. The graded pads are not located within an Earthquake Fault Zone. No known faults cross the subject property.

- The fill at the site is interpreted to consist of original borrow material generated during excavation being spilled onto the adjacent slopes. Based upon the field observations, no tight horizontal bond between fill soils and processed original ground soils was obtained. However, compaction of the fill soils within the driveway alignment appeared to have been obtained. Proper compaction appeared verified by compaction testing completed during the field investigation, there is a low to moderate potential for gross instability and differential settlement depending upon the establishment of the surface vegetation and diversion of concentrated drainage away from the spill fills along the roadway.

The recommendations of the geotechnical study were used to inform the grading, drainage and erosion control measures submitted for the project. The grading and drainage plan includes recontouring to fill in erosional features and to reestablish original sheet flow along the existing access road on site, and the Installation of permanent storm water conveyance structures (e.g., level spreader infiltrators and rip rap flow dissipation, etc.). The remedial grading including erosion control and storm water improvements will be installed concurrent with grading to construct the residential pads in the expanded building envelope area in the southwest corner.

Impacts

Erosion and Sedimentation. The project will result in the disturbance of approximately 5.7 acres and 3,880 cubic yards of cut and fill (2,180 cy cut + 1,700 cy fill) to create building sites for the single family residence and secondary dwelling, and to accomplish the remedial grading. The remaining 480 cy will be used to fill erosional features on existing disturbed areas.

The project was referred to the Building Division and the Department of Public Works for review. Although the project site is not located within a Geologic Study Area, it does include the development of habitable structures within the area of the proposed expanded Building Control Line. Grading activities are subject to the provisions of the California Building Code and County standards for grading and road construction. A complete grading and drainage plan will be required prior to building permit issuance in accordance with Section 22.52.110 of the Land Use Ordinance. In addition, the project is required to provide a complete erosion and sedimentation control plan in accordance with Section 22.52.120. The recommendations of the Public Works and Building Departments will be incorporated as conditions of approval.

Slope Stability. A slope stability screening analysis was submitted as part of the project application (Geosolutions, Inc., September 23, 2016). The purpose of the screening review was to perform a preliminary valuation of the area where the Building Control Line will be extended and dwellings are proposed, and to decide if further investigation is warranted or confirm that the site area is generally stable. The basis for the study is the Special Publication I17A as published by the California Geological Survey.

Based upon the review performed, the potential for gross stability, surficial instability, and erosion to occur within the building pad area is very low. This was confirmed by both a review of the site specific reports issued previously by this company, and the published geologic map by Hall. No evidence of slope instability was observed on-site, nor nearby in natural slopes or constructed slopes of similar composition and configuration. Therefore, based upon the conclusions that there is a low potential for gross instability, surficial instability or erosion, it is concluded that the geologic site conditions are favorable for maintaining slope stability. It is assumed that future ground disturbance, site development, and grading will be conducted in accordance with the requirements of the County of San Luis Obispo, and the California Building Code. This will require proper ground preparation, compaction, constructed slope configuration, as designed, constructed, and verified by professional grading observation and testing. No further investigation for slope stability is considered necessary based upon the evaluation performed. The Slope Stability Screening Review underwent peer review by the County Geologist (letter from Brian Papurello, October 27, 2016) who concurred with the findings and recommendations. The County Geologist recommended a project condition requiring the project engineering geologist to review and verify the project improvement plans prior to issuance of grading and/or building permits.

No significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur. The project site is not located within extractive zone and no mineral resources are known to be present within the project site.

Conclusion/Mitigation Measures. The project is not expected to result in adverse impacts associated with grading, erosion and sedimentation because:

- The project will be required to submit a complete grading and drainage and erosion prevention plan to demonstrate compliance with County regulations relating to the prevention of erosion and the protection of surface water quality in accordance with relevant State and federal laws including, but not limited to, the Clean Water Act (CWA, 33 USC 1251-1376), the National Pollutant Discharge Elimination System (NPDES), the Basin Plan adopted by the Central Coast Regional Water Quality Control Board, the Porter-Cologne Water Quality Control Act (California Water Code §§ 13000 et seq.) and the California Building Code.

- Project grading and drainage plans will be verified by an engineering geologist prior to issuance of the grading permit for building pad creation.

- The project is required to be enrolled in the State's Construction Stormwater General Permit (CGP). Enrollment in the CGP requires preparation of a Construction Stormwater Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer (QSD) and construction Best Management Practices (BMPs) designed by the QSD are to be implemented and monitored by a Qualified SWPPP Practitioner (QSP).

Compliance with existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect water quality.

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	☐	☐	☒	☐
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☒	☐	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☒	☐	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☒

Setting. The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous

materials sites. A search of the Cortese database conducted in October, 2016 revealed no active sites in the vicinity, including the project site.

The project is not within an Airport Review area.

According to the County Fire/CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in a *Very High Fire Hazard Severity Zone*. Based on the County's fire response time map, it will take approximately 5 - 10 minutes to respond to a call regarding fire or life safety. *Refer to the Public Services section for a further discussion of project impacts on fire protection facilities.*

Impact. Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with the requirements of a SWPPP and standard best management practices would also address this impact (refer to Section 13 Water).

The project has been reviewed by County Fire/CalFIRE (Tony Gomes, September 12, 2015) for code requirements relating to fire protection. As proposed, the plans submitted meet County Fire/CalFire's standards for emergency access and their comments will be incorporated into conditions of project approval. In addition, the project is required to comply with the California Building Code. County Fire/CalFIRE will also review the planned residential building improvements prior to permit issuance and completion for installation of adequate fire safety measures.

Regarding road impacts, the project has been reviewed by County Public Works, which is discussed further in the Transportation section.

The project is not expected to conflict with any regional emergency response or evacuation plan.

Mitigation/Conclusion. The project will be conditioned to meet County Fire/CalFIRE standards. Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.

8. NOISE

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project is located in a semi-rural area where ranchettes are the prevailing land use. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with home ownership. Sensitive receptors in the vicinity of the project site include single family residences to the north on lots ranging in size from 2 – 5 acres or more.

The Noise Element includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to remain within an acceptable threshold. The project site is about 600 feet south of Corbett Canyon Road which is a minor source of transportation-related noise due to the low traffic volumes and distance to the project site. The Noise Element establishes a threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels[a] along transportation noise sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. For Corbett Canyon Road, these distances have not been modeled.

Impact.

Construction Impacts. Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. The nearest ranch houses are at least 500 feet from of the nearest area of construction and/or remedial

[a] The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in A-weighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

grading. Therefore, construction activities could result in temporary adverse noise impacts to surrounding residences. County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts. With regard to transportation-related noise sources, the proposed residence and secondary unit are at least ¼ mile from the nearest significant source of transportation noise (Corbett Canyon Road) and are not expected to be adversely impacted by road noise.

Following construction, noise generated by the project would be comparable to the background noise generated by surrounding rural residences.

Mitigation/Conclusion. No significant noise impacts are anticipated. Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. No additional mitigation measures are recommended.

9. POPULATION/HOUSING *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. Based on the project description (remedial grading and the construction of a 5,000 square foot accessory structure, one single family residence and one secondary dwelling), the project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects). No additional mitigation measures beyond the ordinance requirements are necessary.

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☐	☒	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☒

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: (Approximately 4.6 miles to the southwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: Very High Response Time: 5-10 minutes

Location: (Approximately 4.0 miles to the southwest)

School District: Lucia Mar Unified School District.

Water and wastewater services will be provided by an on-site well and septic system. Police protection is provided by the County Sheriff which has a sub-station at 1681 Front Street in Oceano. The nearest County fire stations are located at 4671 Broad Street, about five miles to the north, and at 2391 Willow Road on the Nipomo Mesa, about five miles to the south. Emergency response times to the project site are 5 – 10 minutes. The project is located within the Lucia Mar School District.

Impact. To mitigate the demand for new or expanded public facilities caused by development, the County has adopted development impact fees in accordance with Government Code Section 66000 et seq.. Under this program private development is required to pay a fee that is proportional to the incremental demand for a particular facility needed to serve such development. The amount of the fees must be justified by a supporting study (fee justification study) which identifies the new or expanded facilities needed to serve expected demand into the future and apportions these costs to new development. New development is required to pay the appropriate fees for new or expanded public facilities commensurate with the type and size of development. The project's direct and cumulative impacts are within the general assumptions for allowable uses for the subject property that was used to estimate the county's impact fees. As discussed in Section 7, Hazards and Hazardous Materials, the project will be required to incorporate required fire protection measures in compliance with existing regulations. Project impacts to local roadways are discussed in Section 12, Transportation/Circulation.

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact. Payment of applicable fees will reduce the cumulative impacts to less than significant levels. No mitigation measures beyond what is required by ordinance and code is required.

11. RECREATION

	Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	*Increase the use or demand for parks or other recreation opportunities?*	☐	☐	☒	☐
b)	*Affect the access to trails, parks or other recreation opportunities?*	☐	☐	☒	☐
c)	*Other* _____	☐	☐	☐	☒

Setting. Regional county parks serving the project site include Biddle Park and Lopez Lake Recreational Area.

The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks. The Quimby fee for the subject property was paid with the recordation of the subdivision map creating this parcel. The current parcel map application is proposing only to modify the building envelope of the recorded lot, and will not create a new parcel.

Impact. As discussed in Section 9, Population and Housing, no additional population is expected to be attracted to the county as a result of the project. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Level of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☐	☒	☐
d) Provide for adequate emergency access?	☐	☒	☐	☐
e) Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?	☐	☐	☒	☐
f) Conflict with an applicable congestion management program?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☒

Setting. The project site is accessed by Dairy Lane, a rural road, and by Corbett Canyon Road, a rural collector. Dairy Lane is a narrow, two lane gravel roadway serving local ranches. Traffic counts taken in 2010 indicate Corbett Canyon Road experiences an afternoon peak hour traffic volume of 1,700 vehicle trips and is operating at an acceptable level of service.

The as-built private driveway serving the proposed new residence and secondary dwelling extends south and west from Dairy Lane.

A referral was sent to Public Works. The Public Works Department will require that roadway improvements meet County and CalFIRE standards.

Impacts.
Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on Corbett Canyon Road. Based on the project information, it is expected that as many as 3 workers may be arriving and leaving the project site on a typical construction work day. Assuming 1,700 trips on Corbett Canyon Road during the afternoon weekday peak hour, traffic will increase by less than 1% per day for a construction timeframe of three to four months. The temporary increase in traffic on Corbett Canyon Road will not reduce the currently-acceptable level of service.

Operational Impacts. The Institute of Traffic Engineer's manual estimates an average of 10 daily trips per residential unit. As proposed, the project may result in a maximum of 2 residential units. Therefore, the project is estimated to generate 20 trips per day (or estimated 2 trips during the peak hour). Assuming 1,700 trips on Corbett Canyon Road during the afternoon weekday peak hour, traffic will increase by less than 1% per day. This amount of additional traffic is not expected to result in a significant change to the existing road service levels.

The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion.

No significant traffic impacts are expected and no mitigation measures are required.

13. WASTEWATER

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

Setting. Soil types for the project site are provided in Section 2, Agricultural Resources, based on the Natural Resource Conservation Service (NRCS) Soil Survey map. Table 3 below provides the main limitation(s) of these soils for wastewater treatment by septic leach fields.

Table 3 -- Soil Suitability for Septic Leach Fields

Soil	Rating	Reasons for Rating	Acreage of Project Site
Elder Sandy Loam, 2 -9 percent slopes, occasionally flooded	Very Limited	Slow percolation; seepage;	0.30
Elder Sandy Loam, 5 – 9 percent slopes	Very Limited	Slow percolation; seepage;	0.96
Arnold loamy sand, 15 to 50 percent slopes	Very Limited	Slope; shallow depth to bedrock; seepage;	48.7
Pismo-Rock outcrop complex, 30 -75 percent slopes	Not Rated	Rock	0.002

Source: NRCS Web Soil Survey, 2015

"Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Impacts.

Soils in the area where the residences are proposed consist primarily of Arnold loamy sand which has a very limited capacity for septic systems due to shallow bedrock, seepage and slope.

Shallow Depth to Bedrock – indicates that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, chances increase for the effluent to infiltrate cracks that could lead directly to groundwater sources or near wells without adequate filtering, or allow effluent to daylight where bedrock is exposed to the earth's surface.

Steep Slopes – where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. In this case, the proposed leach lines are on or located 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.

Seepage, Bottom Layer - Saturated hydraulic conductivity (Ksat) governs the leaching and seepage potential of the soil. When this rate is high, transmission of fluids through the soil and underlying materials is unimpeded and leaching and seepage may become environmental, health, and performance concern.

A soil percolation report was not submitted as part of the project application.

Mitigation Measures/Conclusions

Impacts/Mitigation. Based on the following project conditions or design features, wastewater impacts are considered less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The project's maximum of two residential units would be expected to generate less than one acre-foot of wastewater per year;
- ✓ Parcel Map CO97-0236 was required to submit soils percolation testing for review by County Environmental Health for septic suitability prior to lot creation;
- ✓ The soil's slope in the location of the extended building envelope is less than 15%;
- ✓ The leach lines will be located within the building envelope outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Due to limited availability of information relating to the shallow depth to bedrock characteristic in the extended building envelope area, the following additional information will be needed prior to issuance of a building permit for individual dwellings: 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.

Based on the above discussion, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the County compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER & HYDROLOGY

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) Violate any water quality standards?	☐	☐	☒	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?	☐	☐	☒	☐
e) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☒	☐	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☐	☒
QUANTITY				
h) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
i) Adversely affect community water service provider?	☐	☐	☒	☐
j) Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?	☐	☐	☒	☐
k) Other: _____	☐	☐	☐	☒

Setting. The project proposes to obtain its water needs from an on-site well. The Environmental Health Division previously reviewed the project for water availability at the time of parcel creation and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is moderate to steeply sloping. The closest creek from the proposed development is approximately 900 feet away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

However, the County geologist has observed that the soils are highly erosive in this location.

Projects involving more than one acre of disturbance are required to enroll in the State's Construction General Stormwater Permit (CGP) with required preparation of a Storm Water Pollution Prevention Plan (SWPPP) to control and minimize on-site sedimentation and erosion. The CGP requires that erosion and sedimentation control measures Best Management Practices (BMPs) be implemented, maintained, and evaluated for effectiveness year-round throughout the project. The permittee shall follow construction site BMP guidance according to the QSD, California Stormwater Quality Association (CASQA), and similarly recognized expert guidance.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed Distance? Approximately 900 feet to the northwest

Soil drainage characteristics: Moderately drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Moderate

However, the geotechnical study of the site concludes that the soils are highly erodible.

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120, CZLUO Sec. 23.05.036) to minimize these impacts. Projects involving more than one acre of disturbance are required to enroll in the State's Construction General Stormwater Permit (CGP) with required preparation of a Storm Water Pollution Prevention Plan (SWPPP) to control and minimize on-site sedimentation and erosion. The CGP requires that erosion and sedimentation control measures Best Management Practices (BMPs) be implemented, maintained, and evaluated for effectiveness year-round throughout the project. The permittee shall follow construction site BMP guidance according to the QSD, California Stormwater Quality Association (CASQA), and similarly recognized expert guidance. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 5.7 acres of site disturbance is proposed and the movement of approximately 3,880 cubic yards of material;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will be disturbing over an acre and will be required to enroll in the CGP and have a QSD prepare a SWPPP, which will be implemented during and throughout construction;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;

- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

Impact -- Water Quantity

Based on the project description, water usage is estimated as follows:

2 Single Family Residences x 0.85 afy = 1.7 afy

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Based on available water information, there are no known constraints to prevent the project from obtaining its water demands.

Mitigation/Conclusion. As specified above for water quality, the project phases will be regulated by the County Land Use Ordinance and State Construction General Stormwater Permit. These regulations and/or required plans will be developed and reviewed by engineers, planners, the Qualified SWPPP Developer and implemented by the Qualified SWPPP Practitioner. The permittee shall follow those design, implementation, and maintenance requirements to adequately address surface water quality impacts during construction and throughout permanent, post-construction use of the project. The State Construction General Stormwater Permit requires continual evaluation of the BMPs, which may need changes based on weather and building schedules. Enrollment in the CGP, use of professional support services, and oversight by County and State inspectors will assure the project protects water quality during construction and afterward. Based on the proposed amount of water to be used and the water source, no significant impacts from water use are anticipated.

In order to monitor compliance with State and County requirements and ensure that all project conditions and mitigation measures are completed through pre-construction, grading, construction, and restorative vegetation establishment, the project mitigation measures will include a requirement for an Environmental Compliance Monitor (see Mitigation Measure ENM-1 in Exhibit B). With this mitigation measure incorporated into project conditions, no significant impacts to water quality are anticipated.

.

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☐	☒
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

Setting/Impact. Surrounding uses are identified on Page 2 of this Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, General Plan, etc.). Referrals were sent to external agencies to review for policy consistencies (e.g., CalFIRE for Fire Code, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent with the surrounding uses (being residential and ranch uses on 10+ acre parcels) as summarized on page 2 of the Initial Study.

The proposed project is subject to the following Planning Area Standard(s) as found in the County's LUO:

1. LUO Section 22.98.054 – Arroyo Grande Fringe Standards. The subdivision application for project is not creating a new parcel but modifying the terms of the parcel map that created the lot. Proposed uses are consistent with the uses in this standard.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the County's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://resources.ca.gov/ceqa/ for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☐	County Environmental Health Services	**Not Applicable**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other County Geologist	**Attached**
☐	Other ____	**Not Applicable**

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

County documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Coastal/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☐ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☒ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☐ Energy Wise Plan
- ☒ South County Area Plan/South County sub area and Update EIR
- ☐ Design Plan
- ☐ Specific Plan
- ☒ Annual Resource Summary Report
- ☐ Circulation Study

Other documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Special Biological Importance Map
- ☒ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

- CalFIRE letter of September 12, 2015, Tony Gomes
- Public Works letter of August 2, 2015
- County Geologist (LandSet Engineers) letter of October 27, 2016
- San Luis Obispo County Traffic Counts:

  http://www.slocounty.ca.gov/PW/Traffic/Traffic_Counts.htm
- State of California Department of Toxic Substances Control Envirostor "Cortese List", October 2016
- http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST
- Natural Resources Conservation Service Web Soil Survey
- San Luis Obispo Air Pollution Control District 2012 CEQA Air Quality Handbook
- Project plans and application
- Terra Verde Environmental Consultants, LLC, Biological Resources Assessment Stephenson Remedial Grading and Development Project, September, 2016
- Terra Verde Environmental Consultants, LLC, Mended Biological Resources Assessment Stephenson Remedial Grading and Development Project, January, 2017
- GeoSolutions, Inc., Engineering Geology Evaluation of the Roadway Improvements, 1175 Dairy Lane, September 6, 2016
- GeoSolutions, Inc., Slope Stability Screening Review CUP DRC2015-00015, September 21, 2016

Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Biological Resources

BIO-1 1.1. No oak trees shall be removed as part of the remedial grading, residential pad creation, access and utility installation, or residential development authorizations.

1.2. **Prior to grading permit issuance**, all native oak trees (*Quercus* sp.) expected to be trimmed or impacted within the critical root zone as a result of project activities will be identified and included on development plans.

1.3**.** The following avoidance and minimization measures shall be implemented where project construction impacts oak trees on the site, or where remediation work or revegetation is conducted within 50 feet of the existing oak canopy:

a. All native oak trees within 50 feet of proposed grading and remediation activities (DBH>5 in) will be fenced and avoided at the drip line with a sturdy, high visibility fencing. Fencing shall be shown on grading plans and installed in the field prior to issuance of permits.

b. No ground disturbance shall occur within the drip lines of fenced trees.

c. No construction materials or vehicles may be stored within the fenced area surrounding the trees.

d. An arborist certified by the International Society of Arboriculture (ISA) will be hired for all removal of existing roots and branch trimming.

e. Pavement within the driplines of existing trees shall not exceed 25 percent coverage.

f. In the event that impacts to roots or limbs of oak trees occur, the Applicant shall provide mitigation (on site) per the County's guidelines (e.g., 2:1 for impacted trees). This shall include development of an oak tree replacement plan and establishment of an oak tree planting site that shall be protected in perpetuity.

g. A final list of oak trees impacted as part of the project shall be submitted to the County by the certified arborist following all site grading and remedial improvements on site.

h. All replacement trees will have supplemental irrigation installed and maintained for no less than seven years.

BIO-2 2.1: No Santa Margarita manzanitas shall be removed as part of the remedial grading, residential pad creation and utility installation, and residential development authorizations.

2.2: **Prior to grading permit issuance**, all Santa Margarita manzanitas as well as the California sagebrush scrub habitat area and rare plant sensitive habitat area identified by Holland and Keil (2015) will be identified and included on grading and development plans (see Appendix A – Figure 5 of the BRA). Further, the following avoidance and minimization measures shall be implemented:

a. All Santa Margarita manzanitas and rare plant sensitive habitat areas including the California sagebrush scrub habitat area on site shall to be preserved with high visibility fencing during all construction activities. Fencing shall be shown on grading plans and installed prior to issuance of grading permits.

b. No ground disturbance shall occur within the drip lines of fenced manzanitas or within the rare plant sensitive habitat areas.

c. No construction materials or vehicles may be stored within the fenced off rare plant sensitive habitat areas.

d. Any manzanitas impacted via trimming shall be mitigated at a 4:1 ratio on site within a location that will be protected in perpetuity. A restoration plan approved by the County will be developed in order to document the survival of the replacement manzanitas. This plan can be combined with the oak tree mitigation requirements outlined in Measure 1 and will include the voluntary manzanita plantings currently proposed by the applicant.

e. A final list of manzanitas impacted as part of the project shall be submitted to the County by the certified arborist and/or a qualified biologist following all site grading and remedial improvements on site.

f. Manzanitas shall be mitigated by replacement at a ratio of 8:1 to offset the unpermitted removal of four manzanitas between August 2016 and January 2017. Based on as-built impacts (4 removed and 3 impacted), a total of 44 mitigation manzanitas need to be established on site. Any additional impacts that occur as a result of Phase 1 and Phase 2 activities shall be tallied and added to the final mitigation count. A suitable mitigation area has been identified on site for the establishment of manzanitas.

BIO-3 **Prior to construction**, an environmental awareness training shall be presented by a qualified biologist to all construction personnel prior to start of Project activities. The environmental sensitivity orientation shall include an overview of special-status species and sensitive resources with potential to occur on the Project site, habitat requirements, and their protection status.

BIO-4 4.1 **Within 15 days prior to the onset of project activities** within the work areas for American badger, a qualified biologist shall conduct a pre-construction survey. If no badger dens are discovered, the biologist shall provide a report to County Planning and Building clearing this requirement for permit issuance.

4.2: If badger dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to project implementation. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated to prevent re-occupation during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from ground disturbance activities. If these dens cannot be avoided after the breeding season has concluded, the above measures will be followed to discourage continued use of the den.

BIO-5 **Within 2 weeks prior to the initiation of initial project activities**, a qualified biologist shall conduct a pre-activity, day time survey to ensure special-status wildlife species (e.g., coast horned lizard, legless lizard, etc.) are not impacted. In the event sensitive wildlife species are found, they shall be: a) allowed to leave the area on their own volition; b) relocated (as permitted) to suitable habitat areas located outside the work area(s); or c) resources agencies will be contacted for further guidance. The biologist shall report findings and recommendations to County Planning and Building.

BIO-6 **Within 2 weeks prior to initial project activities**, to protect Monterey dusky-footed woodrat, all woodrat houses within the project area shall be flagged and fenced with an avoidance area of no less than 10 feet. The biologist shall report findings and recommendations to County Planning and Building.

BIO-7 **Within one week prior to activity beginning between February 1 and September 1:** During construction, project activities shall avoid vegetation clearing and grading during the typical avian nesting season (February 1 to September 15). If avoiding construction during this season is deemed infeasible, a qualified biologist shall survey the area within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged. A non-disturbance buffer of 50 feet will be placed around nests of non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

BIO-8 **During construction**, all temporarily disturbed areas including access routes, staging areas, and stockpile areas shall be stabilized using acceptable BMPs to avoid and/or minimize erosion and site run-off. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, silt fencing, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project and an appropriate native seed mix for erosion control shall be applied, as necessary. These general BMP measures shall be outlined on all project plans **prior to permit issuance.**

BIO-9 **Following construction and before final inspection**, all areas where unpermitted grading has occurred and areas where new disturbance has occurred under the remedial and residential grading permit shall be seeded with a site-specific coastal scrub seed mix. Specifically, the following species are recommended for seeding the area of unpermitted grading and clearing along the graded slope and on the adjacent property:

- California sagebrush (Artemisia californica)
- Black sage (Salvia mellifera)
- Coyote brush (Baccharis pilularis)
- Mock heather (Ericameria ericoides)
- Deerweed (Acmispon glaber)
- Sticky monkeyflower (Mimulus aurantiacus)
- California poppy (Eschscholzia californica)

BIO-10 **Following construction and before final inspection**, the removal of 15,265 square feet of coastal scrub from the adjacent property a shall be mitigated by the planting of a site-specific coastal scrub seed mix on a suitable area of at least 30,530 square feet which shall include the disturbed/cleared area. The following species are recommended:

- California sagebrush (Artemisia californica)
- Black sage (Salvia mellifera)
- Coyote brush (Baccharis pilularis)
- Mock heather (Ericameria ericoides)
- Deerweed (Acmispon glaber)
- Sticky monkeyflower (Mimulus aurantiacus)
- California poppy (Eschscholzia californica)

BIO-11 All structural drainage control features (level spreaders, outlet energy dissipators) shall be permanently maintained to ensure the complete restoration of natural drainage patterns at the site.

BIO-12 Prior to grading and construction permit Issuance, the following general measures to minimize impacts are required to be reproduced on plans and shall be implemented **during construction**:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits;

b. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants from contaminating natural vegetation communities;

c. During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

d. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

e. All construction phases will abide by the State's Construction General Permit (CGP) and site specific Storm Water Pollution Prevention Plan (SWPPP) prepared by a certified Qualified SWPPP Developer (QSD) and implemented during all phases of remediation and construction by a certified Qualified SWPPP Practitioner (QSP).

Geology and Soils

GEO-1 At the time of application for residential construction permits, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. The project is required to be enrolled in the State's Construction Stormwater General Permit (CGP). Enrollment in the CGP requires preparation of a Construction Stormwater Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer (QSD) and construction Best Management Practices (BMPs) designed by the QSD are to be implemented and monitored by a Qualified SWPPP Practitioner (QSP).

GEO-2 At the time of application for grading or construction permits, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance. Project improvement plans shall be reviewed

and verified by the project engineering geologist, prior to issuance of grading and/or building permits.

Hazards and Hazardous Materials

HAZ-1 All access and road design criteria will meet the San Luis Obispo County Department of Public Works standards and requirements.

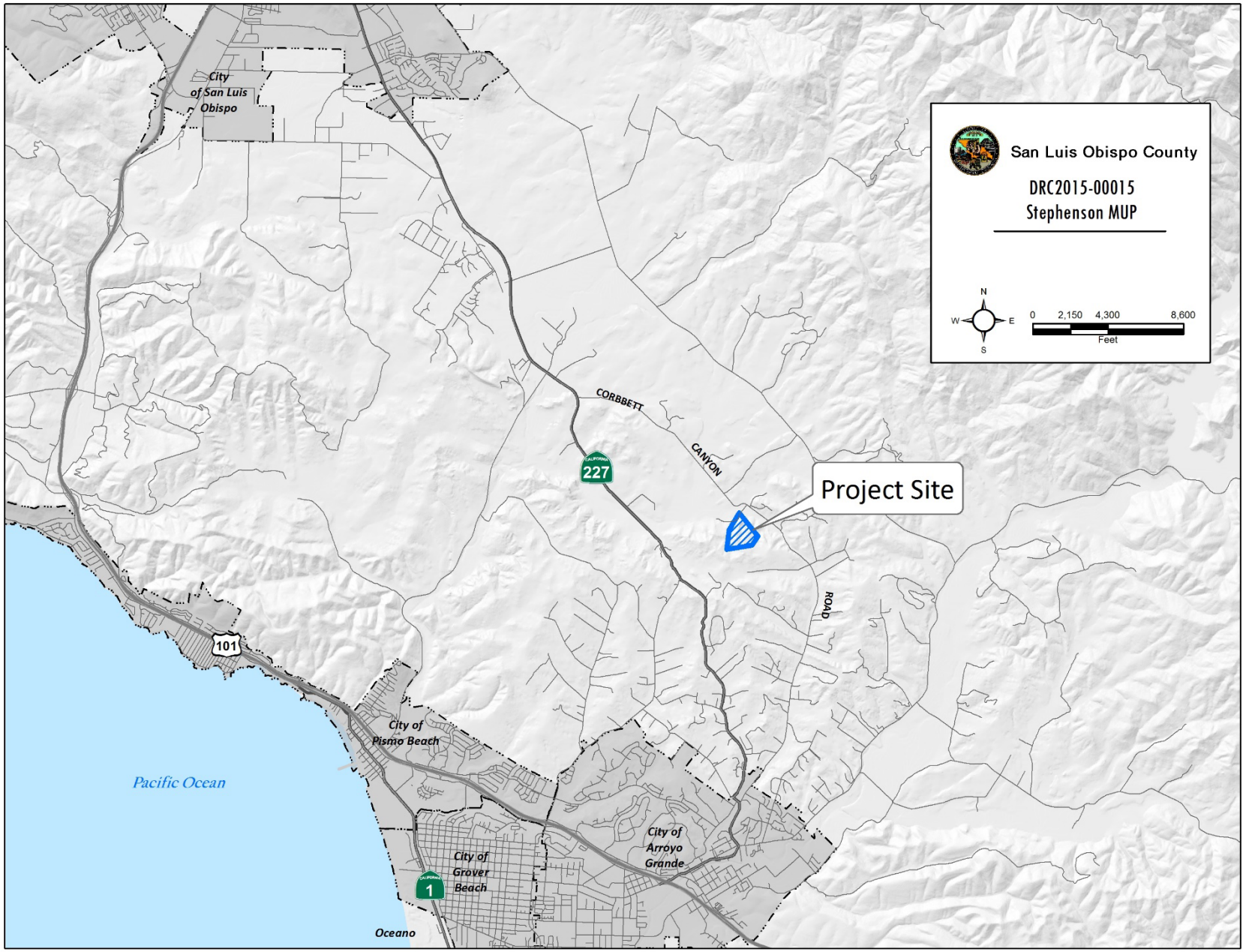
Environmental Compliance Monitoring

ENM-1 At the time of application for grading or construction permits, the following is required:

a. The Applicant shall provide the funding for a County Environmental Monitor to oversee and monitor compliance with County Conditions of Approval and mitigated Negative Declaration measures. The Environmental Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction and operational stages of the project.

b. The Environmental Monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental conditions of approval/mitigation measures; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) authority to stop work; and (5) action to be taken in the event of non-compliance. The Environmental Monitor shall be under contract to the County of San Luis Obispo, and, the entire expense of retaining and supervising the Environmental Monitor, including the County's administrative and overhead fees, shall be paid by the Applicant.

c. The Applicant shall also be responsible for funding work required by mitigation measures requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The County's Environmental Monitor will coordinate with specialists to ensure their availability at appropriate times (prior to issuance of construction permits, during construction or post-approval, etc.).


San Luis Obispo County
DRC2015-00015
Stephenson MUP
N
W
E
S
0 2,150 4,300 8,600
Feet
City of San Luis Obispo
CORBBETT
CANYON
ROAD
227
Project Site
101
City of Pismo Beach
Pacific Ocean
City of Arroyo Grande
City of Grover Beach
1
Oceano

DATE: November 21, 2016
REVISED: January 3, 2017
REVISED: AUGUST 11, 2017

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR STEPHENSON: SUB2015-00055/CO97-0236 AMENDING PARCEL MAP & DRC2015-00015 MAJOR GRADING CONDITIONAL USE PERMIT / ED16-056

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

Project Description:

A request by **Nicholas Stephenson** for approval of SUB2015-00055 to amend recorded map conditions of approval for a recorded lot (Parcel 4 of CO97-0236), and to approve Conditional Use Permit DRC2015-00015 to permit and remediate unpermitted grading and to create building pads for a primary and a secondary residence. Amendments to the recorded Parcel Map conditions include: expanding a recorded building control line to include the proposed pads; and, to modify oak tree removal limitations to reflect oak trees removed from the site. The Conditional Use Permit would authorize unpermitted grading that resulted in removal of 44 oak trees, and allow site restoration activities, drainage facility construction, and approximately 3,880 cubic yards of newly proposed grading to create two residential building pads. An as-built driveway access of approximately 1,800 linear feet would also be approved. The project will result in disturbance of approximately 5.75 acres in total on a 51.5-acre parcel. No additional oaks are proposed for removal. The proposed project is within the Residential Rural land use category and is located at 1180 Dairy Lane, approximately 600 feet west of Corbett Canyon Road and approximately 3.5 miles north of the City of Arroyo Grande. The site is in the Arroyo Grande Fringe area, in the San Luis Bay Inland Sub Area of the South County Planning Area.

Note:	The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

ED16-056 Mitigation Measures:

BIO-1 1.1. No oak trees shall be removed as part of the remedial grading, residential pad creation, access and utility installation, or residential development authorizations.

1.2. **Prior to grading permit issuance**, all native oak trees (*Quercus* sp.) expected to be trimmed or impacted within the critical root zone as a result of project activities will be identified and included on development plans.

1.3. The following avoidance and minimization measures shall be implemented where project construction impacts oak trees on the site, or where remediation work or revegetation is conducted within 50 feet of the existing oak canopy:

a. All native oak trees within 50 feet of proposed grading and remediation activities (DBH>5 in) will be fenced and avoided at the drip line with a sturdy, high visibility fencing. Fencing shall be shown on grading plans and installed in the field prior to issuance of permits.

b. No ground disturbance shall occur within the drip lines of fenced trees.

c. No construction materials or vehicles may be stored within the fenced area surrounding the trees.

d. An arborist certified by the International Society of Arboriculture (ISA) will be hired for all removal of existing roots and branch trimming.

e. Pavement within the driplines of existing trees shall not exceed 25 percent coverage.

f. In the event that impacts to roots or limbs of oak trees occur, the Applicant shall provide mitigation (on site) per the County's guidelines (e.g., 2:1 for impacted trees). This shall include development of an oak tree replacement plan and establishment of an oak tree planting site that shall be protected in perpetuity.

g. A final list of oak trees impacted as part of the project shall be submitted to the County by the certified arborist following all site grading and remedial improvements on site.

h. All replacement trees will have supplemental irrigation installed and maintained for no less than seven years.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-2 2.1: No Santa Margarita manzanitas shall be removed as part of the remedial grading, residential pad creation and utility installation, and residential development authorizations.

2.2: **Prior to grading permit issuance**, all Santa Margarita manzanitas as well as the California sagebrush scrub habitat area and rare plant sensitive habitat area identified by Holland and Keil (2015) will be identified and included on grading and development plans (see Appendix A – Figure 5 of the BRA). Further, the following avoidance and minimization measures shall be implemented:

a. All Santa Margarita manzanitas and rare plant sensitive habitat areas including the California sagebrush scrub habitat area on site shall to be preserved with high visibility fencing during all construction activities. Fencing shall be shown on grading plans and installed prior to issuance of grading permits.

b. No ground disturbance shall occur within the drip lines of fenced manzanitas or within the rare plant sensitive habitat areas.

c. No construction materials or vehicles may be stored within the fenced off rare plant sensitive habitat areas.

d. Any manzanitas impacted via trimming shall be mitigated at a 4:1 ratio on site within a location that will be protected in perpetuity. A restoration plan approved by the County will be developed in order to document the survival of the replacement manzanitas. This plan can be combined with the oak tree mitigation requirements outlined in Measure 1 and will include the voluntary manzanita plantings currently proposed by the applicant.

e. A final list of manzanitas impacted as part of the project shall be submitted to the County by the certified arborist and/or a qualified biologist following all site grading and remedial improvements on site.

f. Manzanitas shall be mitigated by replacement at a ratio of 8:1 to offset the unpermitted removal of four manzanitas between August 2016 and January 2017. Based on as-built impacts (4 removed and 3 impacted), a total of 44 mitigation manzanitas need to be established on site. Any additional impacts that occur as a result of Phase 1 and Phase 2 activities shall be tallied and added to the final mitigation count. A suitable mitigation area has been identified on site for the establishment of manzanitas.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-3 **Prior to construction**, an environmental awareness training shall be presented by a qualified biologist to all construction personnel prior to start of Project activities. The environmental sensitivity orientation shall include an overview of special-status species and sensitive resources with potential to occur on the Project site, habitat requirements, and their protection status.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-4 4.1 **Within 15 days prior to the onset of project activities** within the work areas for American badger, a qualified biologist shall conduct a pre-construction survey. If no badger dens are discovered, the biologist shall provide a report to County Planning and Building clearing this requirement for permit issuance.

4.2: If badger dens are discovered, they will be inspected to determine if they are currently occupied. If dens are determined to be inactive by the qualified biologist, they will be excavated by hand to prevent re-occupation prior to project implementation. If the qualified biologist determines that potential dens may be active during the non-breeding season, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated to prevent re-occupation during construction. If badgers are found during their breeding and rearing season (May to December), dens shall be avoided by a 150-foot buffer to protect them from ground disturbance activities. If these dens cannot be avoided after the breeding season has concluded, the above measures will be followed to discourage continued use of the den.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-5 Within 2 weeks prior to the initiation of initial project activities, a qualified biologist shall conduct a pre-activity, day time survey to ensure special-status wildlife species (e.g., coast horned lizard, legless lizard, etc.) are not impacted. In the event sensitive wildlife species are found, they shall be: a) allowed to leave the area on their own volition; b) relocated (as permitted) to suitable habitat areas located outside the work area(s); or c) resources agencies will be contacted for further guidance. The biologist shall report findings and recommendations to County Planning and Building.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-6 Within 2 weeks prior to initial project activities, to protect Monterey dusky-footed woodrat, all woodrat houses within the project area shall be flagged and fenced with an avoidance area of no less than 10 feet. The biologist shall report findings and recommendations to County Planning and Building.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-7 Within one week prior to activity beginning between February 1 and September 1: During construction, project activities shall avoid vegetation clearing and grading during the typical avian nesting season (February 1 to September 15). If avoiding construction during this season is deemed infeasible, a qualified biologist shall survey the area within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged. A non-disturbance buffer of 50 feet will be placed around nests of non-listed, passerine

species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation with the local CDFW biologist, and/or the USFWS.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-8 **During construction**, all temporarily disturbed areas including access routes, staging areas, and stockpile areas shall be stabilized using acceptable BMPs to avoid and/or minimize erosion and site run-off. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, silt fencing, and/or other industry standards. BMPs shall be installed and maintained for the duration of the project and an appropriate native seed mix for erosion control shall be applied, as necessary. These general BMP measures shall be outlined on all project plans **prior to permit issuance.**

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-9 **Following construction and before final inspection**, all areas where unpermitted grading has occurred and areas where new disturbance has occurred under the remedial and residential grading permit shall be seeded with a site-specific coastal scrub seed mix. Specifically, the following species are recommended for seeding the area of unpermitted grading and clearing along the graded slope and on the adjacent property:

- California sagebrush (Artemisia californica)
- Black sage (Salvia mellifera)
- Coyote brush (Baccharis pilularis)
- Mock heather (Ericameria ericoides)
- Deerweed (Acmispon glaber)
- Sticky monkeyflower (Mimulus aurantiacus)
- California poppy (Eschscholzia californica)

BIO-10 **Following construction and before final inspection**, the removal of 15,265 square feet of coastal scrub from the adjacent property a shall be mitigated by the planting of a site-specific coastal scrub seed mix on a suitable area of at least 30,530 square feet which shall include the disturbed/cleared area. The following species are recommended:

- California sagebrush (Artemisia californica)
- Black sage (Salvia mellifera)
- Coyote brush (Baccharis pilularis)

- Mock heather (Ericameria ericoides)
- Deerweed (Acmispon glaber)
- Sticky monkeyflower (Mimulus aurantiacus)
- California poppy (Eschscholzia californica)

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-11 All structural drainage control features (level spreaders, outlet energy dissipators) shall be permanently maintained to ensure the complete restoration of natural drainage patterns at the site.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

BIO-12 **Prior to grading and construction permit Issuance,** the following general measures to minimize impacts are required to be reproduced on plans and shall be implemented **during construction**:

a. The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits;

b. Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants from contaminating natural vegetation communities;

c. During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

d. Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

e. All construction phases will abide by the State's Construction General Permit (CGP) and site specific Storm Water Pollution Prevention Plan (SWPPP) prepared by a certified Qualified SWPPP Developer (QSD) and implemented during all phases of remediation and construction by a certified Qualified SWPPP Practitioner (QSP).

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

GEO-1 **At the time of application for residential construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. The project is required to be enrolled in the State's Construction Stormwater General Permit (CGP). Enrollment in the CGP requires preparation of a Construction Stormwater Pollution Prevention Plan (SWPPP) by a Qualified SWPPP Developer (QSD) and construction Best Management Practices (BMPs) designed by the QSD are to be implemented and monitored by a Qualified SWPPP Practitioner (QSP).

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

GEO-2 **At the time of application for grading or construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance. Project improvement plans shall be reviewed and verified by the project engineering geologist, prior to issuance of grading and/or building permits.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

HAZ-1 All access and road design criteria will meet the San Luis Obispo County Department of Public Works standards and requirements.

Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

ENM-1 a. The Applicant shall provide the funding for a County Environmental Monitor to oversee and monitor compliance with County Conditions of Approval and mitigated Negative Declaration measures. The Environmental Monitor shall assist the County in condition compliance and mitigation monitoring for all applicable construction and operational stages of the project.

b. The Environmental Monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental conditions of approval/mitigation measures; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) authority to stop work; and (5) action to be taken in the event of non-compliance. The Environmental Monitor shall be under contract to the County of San Luis Obispo, and,

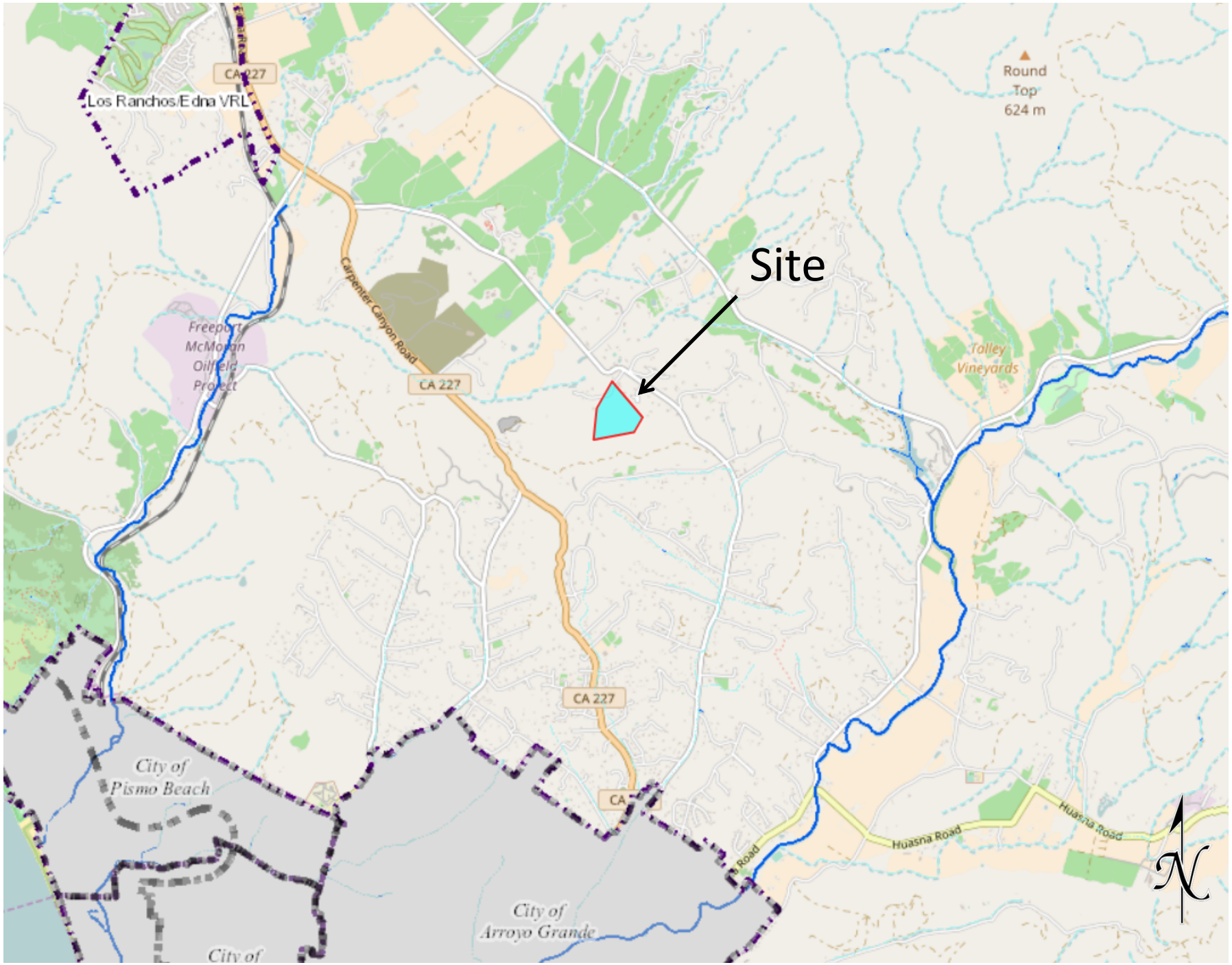
the entire expense of retaining and supervising the Environmental Monitor, including the County's administrative and overhead fees, shall be paid by the Applicant.

c. The Applicant shall also be responsible for funding work required by mitigation measures requiring use of individuals with special expertise (e.g., botanist, wildlife biologist). The County's Environmental Monitor will coordinate with specialists to ensure their availability at appropriate times (prior to issuance of construction permits, during construction or post-approval, etc.).

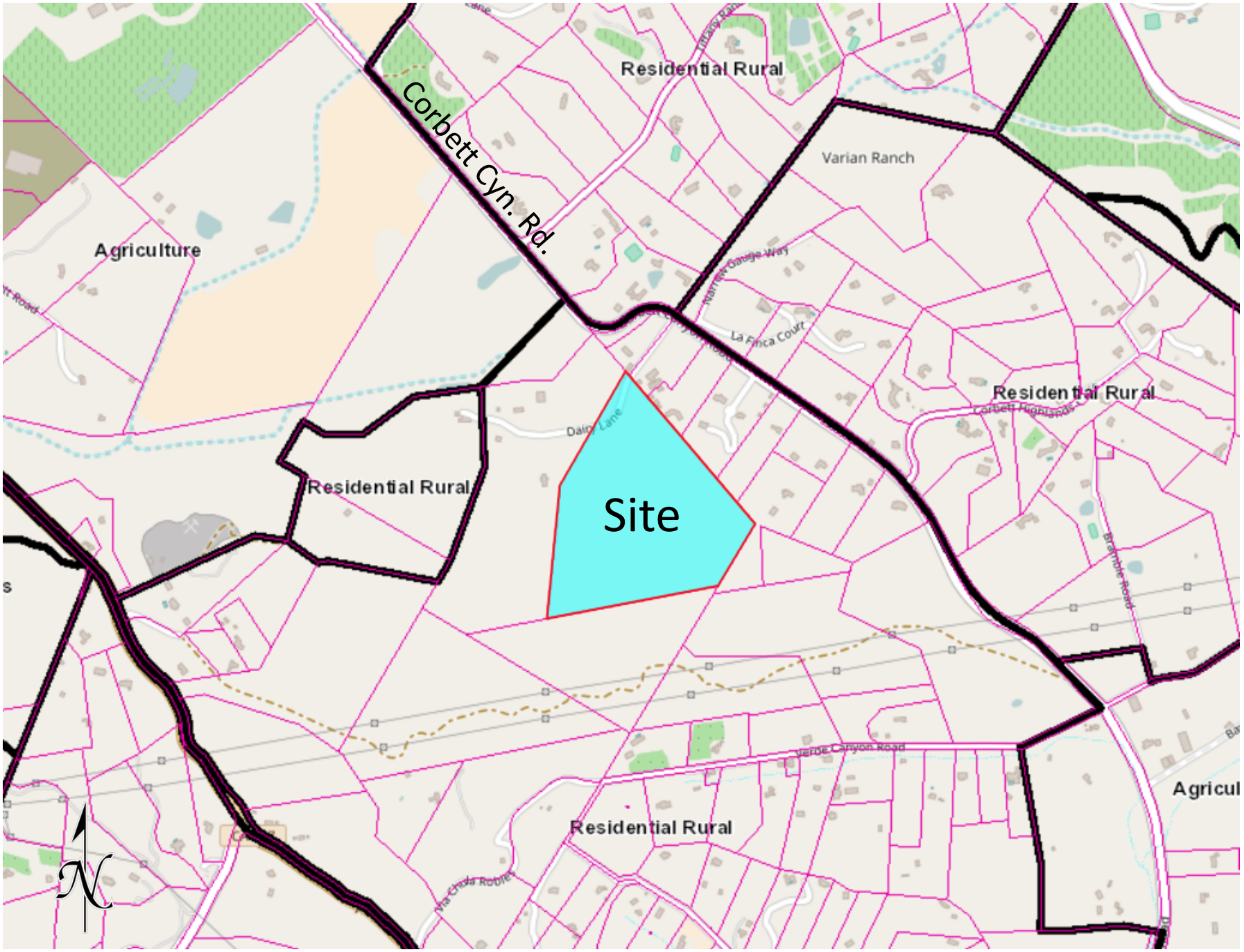
Monitoring: Requirements will be shown on an additional map sheet of the amended Parcel Map, and on plans for permitting grading or development on the site. Department of Planning and Building will verify compliance prior to issuance of grading permits, and prior to map recordation.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

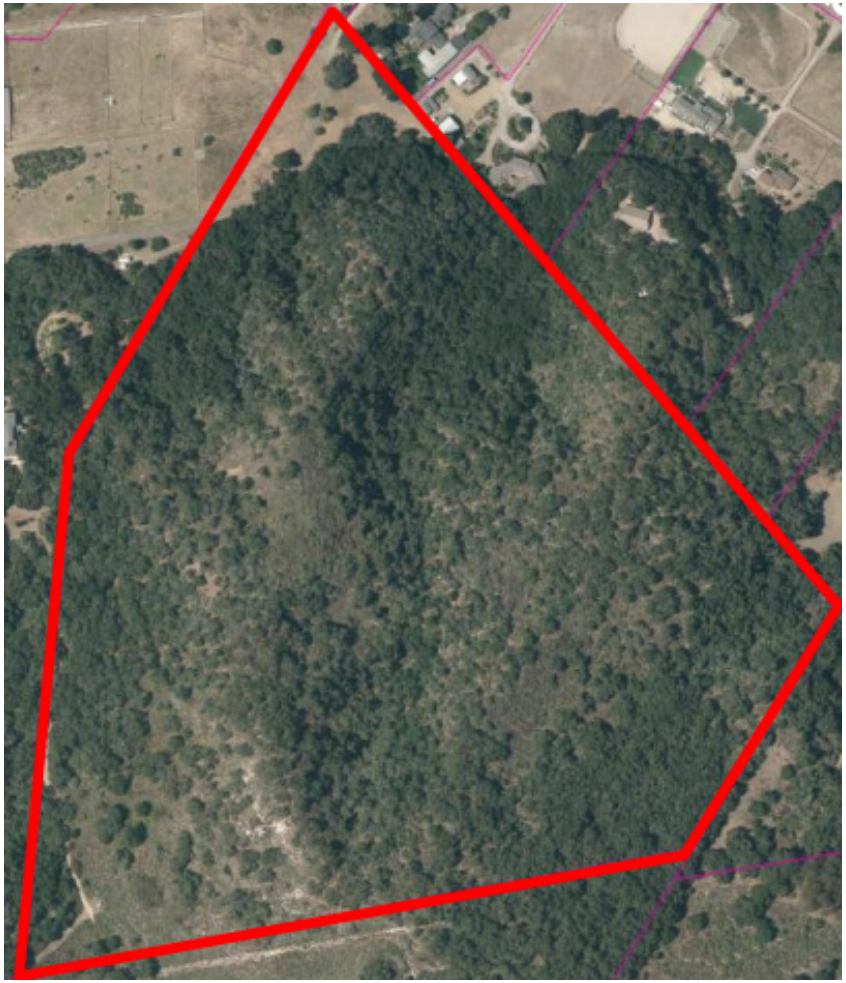
	N. Stephenson	8.11.17
Signature of Owner(s)	**Name (Print)**	**Date**



SUB2015-00055 / DRC2015-00015 – STEPHENSON – VICINITY MAP



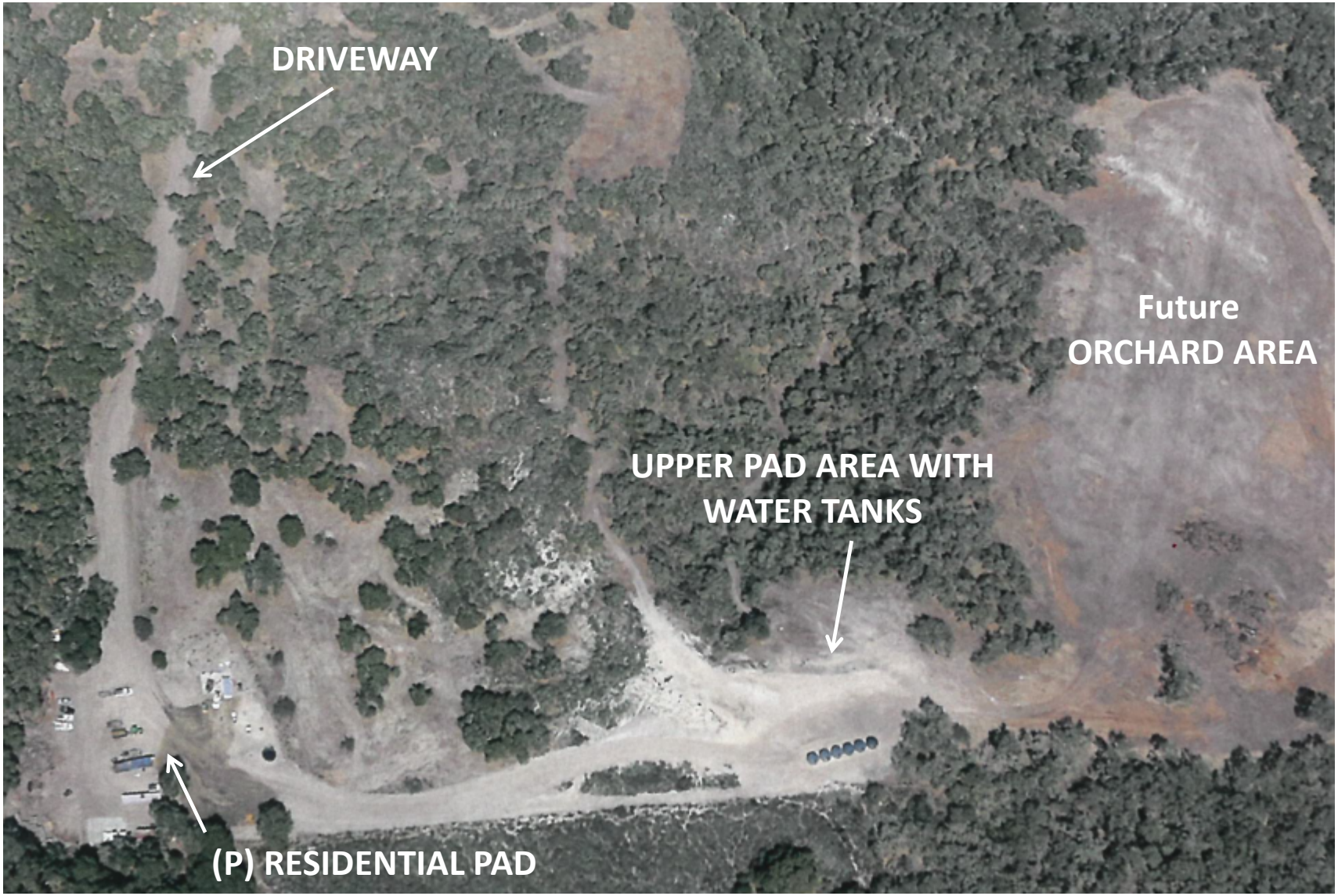
SUB2015-00055 / DRC2015-00015 – STEPHENSON – LAND USE CATEGORIES



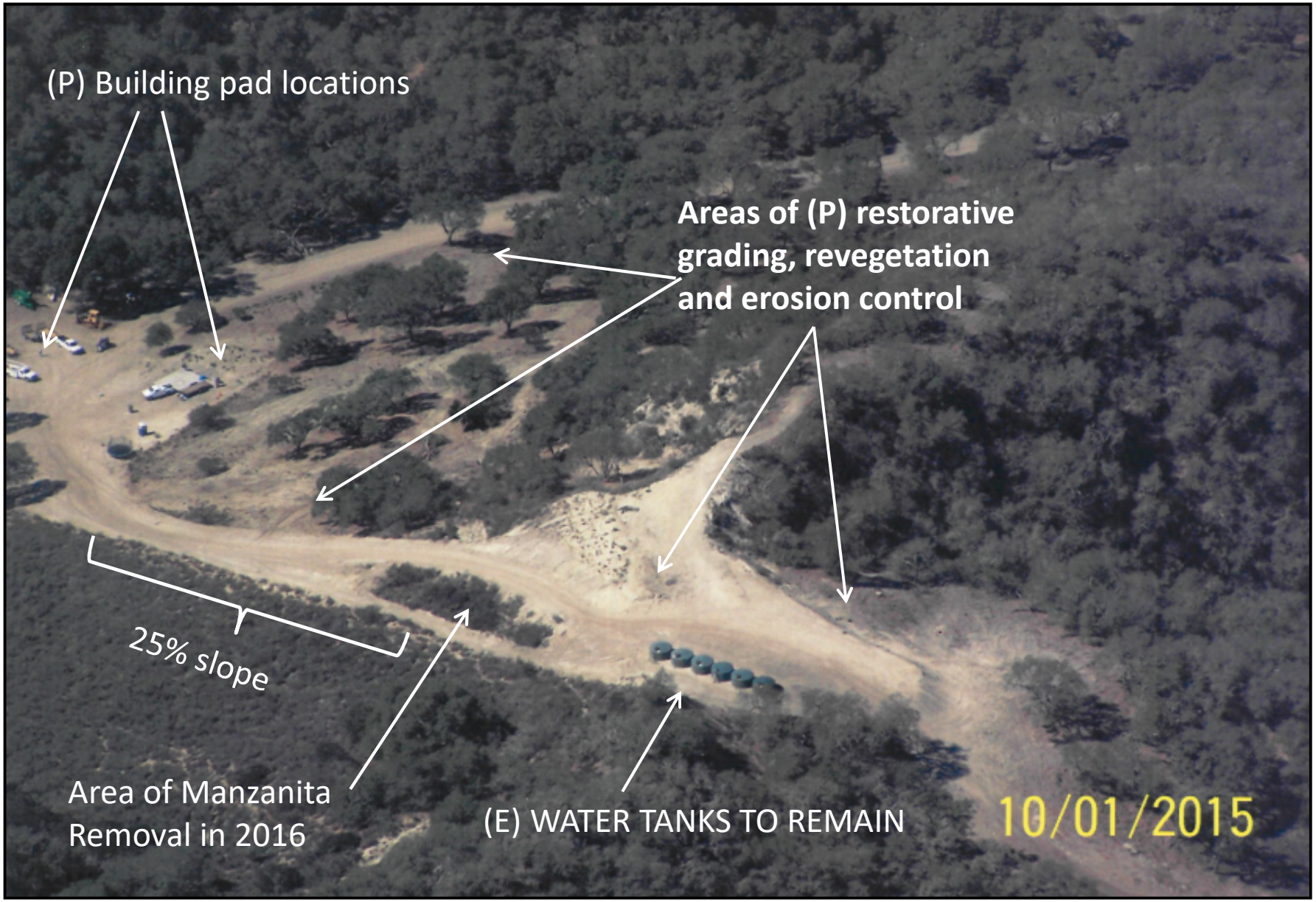
2013 Aerial view of site

2015 Aerial view of site

(Property lines are approximated)



Aerial view of driveway access, proposed residences and grading remediation areas in SW corner of property



Aerial view of grading remediation area in SW corner of property
Viewed from south towards NW

LANDSET ENGINEERS, INC.

October 27, 2016

File No.: 0916-01
SLO Co. File Nos. SUB2015-00055 CO16-0128
DRC2015-00015

Mr. Nicholas Stephenson
C/o Roberts Engineering, Inc.
2015 Vista de la Viña
Templeton, California 93465

Attention: Mr. Tim Roberts

Subject: **Geologic Reconnaissance and Review of Engineering Geology Evaluation and Slope Stability Screening Reports**

Project: **Stephenson (APN 044-261-054)**
1175 Dairy Lane
Corbett Canyon Area of San Luis Obispo County, California

References:
1. Engineering Geology Evaluation of Roadway Improvements, 1175 Dairy Lane, APN: 044-261-054, Corbett Canyon Area of San Luis Obispo County, California, Project No. SL09373-1, prepared by Geosolutions, Inc., dated September 6, 2016.
2. Slope Stability Screening Review, MUP DRC2015-00015, 1175 Dairy Lane, APN: 044-261-054, Corbett Canyon Area of San Luis Obispo County, California, Project No. SL09373-1, prepared by Geosolutions, Inc., dated September 23, 2016.

Dear Mr. Stephenson:

The purpose of this letter is to summarize our findings of a site reconnaissance performed on October 20, 2016 and review of the above referenced engineering geology reports (References 1 & 2) for a proposed modification of a building control line and minor use permit for grading in excess of 1.0 acre. The subject site is located in a County of San Luis Obispo – High Landslide Hazard Risk Area.

The reports were reviewed for conformance with the San Luis Obispo County Land Use Ordinance (LUO), California Geological Survey Special Publication 117A (CGS SP-117A) and the San Luis Obispo County Guidelines for Engineering Geology Reports.

This review was specifically focused with respect to the potential for slope instability and landsliding. It is our opinion that the susceptibility for landsliding at the site is low. No further investigation is required for CEQA & LUO compliance.

RECOMMENDATIONS

1. Plan Review Required. The project engineering geologist must review the project improvement plans and prepare a written review letter. The review letter must verify conformance with the recommendations of the project engineering geology reports (References 1 & 2), prior to the issuance of grading and/or building permits.

Please contact me at (831) 443-6970 or bpapurello@landseteng.com if you have questions regarding this matter.

Respectfully,
LandSet Engineers, Inc.

10-27-16

Brian Papurello, CEG 2226

Doc. No. 1606-122.REV

Copies: Addressee (1)
Mr. Nick Stephenson (1)
Ms. Cindy Chambers, San Luis Obispo County Planning Dept. (1)
Mr. Richard Pfost, Geosolutions, Inc. (1)
SLO County Geology files (1)