

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR MUELLER RESIDENCE
(MINOR USE PERMIT DRC2020-00078)**

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.

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

AESTHETICS (AES)

AES-1 Screening Plan. At the time of application for construction permits, the applicant shall submit a landscape plan to the County Department of Planning and Building showing screen planting along the northern side of the single-family residence, and the following:

- a. The screen plants shall include trees and/or large shrubs for the purpose of screening the single-family residence. Screen planting shall achieve a minimum 80 percent screening of the single-family residence at plant maturity;
- b. Screen planting shall include evergreen trees and/or large shrubs capable of growing to a minimum height of 20 feet tall.
- c. Screening plants shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High), with preference given to native species that are compatible with the surrounding native habitat and restoration plantings.
- d. The screen planting shall be along the northern side of the single-family residence, at a location that provides the greatest screening benefit, while at the same time minimizes potential conflicts with the goals of the Botanical Resources Assessment (EAM 2020) regarding protection of the Morro manzanita resource.
- e. Trees and/or shrubs within the screen planting area shall be maintained in perpetuity. Trees and/or shrubs within the screen planting area which die shall be replaced.

AES-2 Vegetation Restoration Plan. At the time of application for construction permits, the applicant shall submit plans to the County Department of Planning and Building showing a restoration plan that includes:

- a. Vegetation removal for construction access will be minimized to the greatest extent possible. Where possible, the alignment of the construction access shall be modified to save vegetation.
- b. All ground disturbance shall be restored to its pre-construction landform.

- c. Any trees or shrubs removed for construction access shall be replaced at a ratio of 4:1 near the location of their removal.
- d. Construction access planting shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).
- e. Any required pruning shall be conducted by an ISA Licensed Arborist.

AES-3 Exterior Light Plan. At the time of application for construction permits, the Applicant shall prepare an Exterior Lighting Plan for permanent [and temporary] facilities to reduce nighttime lighting visual impacts. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development and shielded so that neither the lamp nor the related reflector interior surface is visible from Surrounding residences and key public views (Los Osos Valley Road and Pecho Valley Road). All lighting poles, fixtures, and hoods shall be dark colored.

Monitoring: Required at the time of application for grading and/or building permits. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1 Fugitive PM10 Mitigation Measures. Upon application for construction permits, all required PM10 measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and

- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans.
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

AQ-2

Standard Mitigation Measures for Construction Equipment. Upon application for construction permits, all standard mitigation measures for construction equipment shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Monitoring: Required at the time of application for grading and/or building permits and during site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BR)

- BIO-1 Environmental Monitor.** Prior to ground disturbing activities, the applicant shall retain an environmental monitor approved by the County Department of Planning and Building for all

measures requiring environmental mitigation to ensure compliance with the Coastal Development Permit conditions. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) facilitating the avoidance of Morro manzanita plants, as feasible; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing and access road installation) and be reduced to twice a week following initial disturbances or a frequency and duration determined by the biologist in consultation with the County Department of Planning and Building.

Monitoring: Required prior to ground disturbance. Compliance will be verified by the County Department of Planning and Building.

- BIO-2** **Worker Awareness Training. Prior to ground disturbing activities,** the environmental monitor shall conduct an environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of the special-status species that may occur in the project area, including Morro manzanita, Environmentally Sensitive Habitat Area, Monterey Dusky-footed woodrat, Northern California legless lizard, and nesting birds. Topics of discussion shall include descriptions of the species' habitats, general provisions and protections afforded by the California Environmental Quality Act, measures implemented to protect special-status species, review of the project boundaries and special conditions, the monitor's role in project activities, lines of communication, and procedures to be implemented in the event a special-status species is observed in the work area.

Monitoring: Required prior to ground disturbance. Compliance will be verified by the County Department of Planning and Building.

- BIO-3** **Morro Manzanita Avoidance, Protection, and Replacement. Prior to ground disturbing activities,** the environmental monitor shall coordinate with the project contractors to facilitate the avoidance of Morro manzanita to the maximum extent possible. Such coordination will include assisting the contractors in identifying the Morro manzanita occurrences and recommending grading areas that avoid the occurrences. The contractors shall make all reasonable efforts to avoid the manzanitas. Once the Morro manzanitas that can be avoided are identified, the contractors in coordination with the environmental monitor shall install construction delineation fencing that protects the Morro manzanitas to be avoided from accidental disturbance. In some cases, avoidance will not be feasible and mitigation for each manzanita plant removed shall be at a 5:1 ratio. The environmental monitor shall document the exact number of Morro manzanita plants that are removed and establish the final Morro manzanita replacement mitigation quantities.

Prior to issuance of construction permits, the applicant shall prepare a Morro Manzanita Replacement Plan for review and approval by the County Department of Planning and Building and shall include:

- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A map showing and quantifying all manzanita planting areas;

- d. A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- e. Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- f. Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.
- g. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- h. A program schedule and established success criteria for a 5-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings.
- i. Methods for removing nonnative species from the site, inclusive of nonnative eucalyptus and pine tree seedlings, and pampas grass (*Cortaderia* species).
- j. Methods for the removal and disposal of the eucalyptus and pine duff that occurs on the site.

Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

- BIO-4 Replacement Planting Irrigation. Prior to final inspection,** the applicant shall provide for the installation of a temporary irrigation system on the project site that is designed to provide water to the replacement Morro manzanita replacement plantings. The temporary irrigation system shall be maintained and functional throughout the 5-year mitigation program.

Monitoring: Required prior to final inspection. Compliance will be verified by the County Department of Planning and Building.

- BIO-5 Pine Tree Removal.** The pine tree on the parcel deposits duff that reduces native plant success on and adjacent to the parcel. **Prior to final inspection,** the applicant shall remove the pine tree that is in the parcel boundaries to maximize the survival of the replacement Morro manzanita plants and minimize the adverse effects of these nonnative species on the adjacent Morro manzanita chaparral. If mitigation for other resource areas (e.g., Aesthetics) requires the replacement of the trees, the replacement vegetation shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

Monitoring: Required prior to final inspection. Compliance will be verified by the County Department of Planning and Building.

- BIO-6 Nesting Birds.** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (February 1 through September 15). If such activities are required during this period, the applicant shall retain a County-approved biologist to conduct a nesting bird survey and determine if migratory birds are occupying the site **within 14 days prior to vegetation removal or construction.** The surveys shall be conducted within 500 feet of construction areas. If nesting activity is detected, the following measures shall be implemented:

- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;

- b. The County-approved biologist shall contact the County to determine in consultation with CDFW, an appropriate biological buffer zone around active nest sites (typically 50 feet for non-raptor species and 500 feet for raptor species). Construction activities within the established buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and,
- c. The County-approved biologist shall document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.

Monitoring: Required within 14 days of ground disturbance or construction. Compliance will be verified by the County Department of Planning and Building.

BIO-7

Oak Tree Replacement. Mitigation for the loss of native oak trees shall be achieved by replanting onsite of individual oak trees and maintaining and monitoring replacement plantings for at least seven years. On-site replacement planting shall be done **within 90 days of completion of construction or at the beginning of the rainy season as determined appropriate by the County.** Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the San Luis Obispo County Planning and Building Department.

Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. **Annual monitoring reports shall be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year for 7 years.**

Monitoring: Replacement planting is required within 90 days of completion of construction but may be delayed to the start of the rainy season at the discretion of the County Department of Planning and Building. Reporting shall occur annually for seven years. Compliance will be verified by the County Department of Planning and Building.

BIO-8 Oak Tree Protection. Prior to and during ground disturbing activities, the following tree protection guidelines and root protection zone shall be implemented for each tree to be retained that occurs within 50 feet of impact areas:

1. All trees to remain within 50 feet of construction or grading activities shall be marked for protection with protective fencing and their root zone fenced prior to any grading. The root zone will be defined at 1.5 times the diameter of the canopy dripline. All activities within the root zone shall be avoided to the extent feasible. If activities within the root zone cannot be avoided, the activity within this area will be considered an impact and shall be mitigated according to the OTRPP. Substantial impacts such as grading, trenching where roots are damaged or exposed would be considered a permanent impact and shall be mitigated according to the OTRPP. The applicant shall consider the use of retaining walls where appropriate to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut by a certified arborist and not left exposed above the ground surface.

2. Unless previously approved by the county, the following activities are not allowed within the root zone of existing oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

3. The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months. Trimming greater than 25% of the canopy or roots would be considered an 'impacted tree' and shall be mitigated per the OTRPP measures described above.

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

BIO-9 Northern California legless lizard. No more than three (3) days prior to initiation of ground disturbing activities, all areas of the project footprint, including under shrubs, shall be surveyed by a qualified biologist. Any individuals found shall be relocated to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint. A qualified biologist shall monitor all initial vegetation clearing and ground disturbing activities in areas of suitable habitat to capture and relocate individuals to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint.

Monitoring: Required within 3-days of ground disturbance. Compliance will be verified by the County Department of Planning and Building.

BIO-10 Monterey Dusky-footed Woodrat Impact Avoidance. Prior to initial clearing/grubbing activities or any ground disturbing activities, pre-construction surveys for woodrat nests shall be conducted by a qualified biologist within and immediately adjacent to the proposed project footprint. All woodrat nests shall be flagged and ground disturbing activities shall be avoided

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within 10 feet of the nest. If avoidance of woodrat nests is not possible, all woodrat nests within the disturbance area shall be dismantled over multiple days prior to project disturbances by a qualified biologist to entice the woodrats to leave the area and build new nests outside of the project impact area. Dismantling is recommended during the fall following the breeding season, to minimize the potential to affect reproduction and/or cause increased mortality to the species. If no woodrat nests are observed during the pre-construction surveys, additional surveys shall not be required.

Monitoring: Required prior to ground disturbance. Compliance will be verified by the County Department of Planning and Building.

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.


Signature of Applicant

Denise Mueller
Name (Print)

7/24/23
Date