

DATE: January 13, 2023

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR MORRO SHORES MOBILE HOME PARK DEVELOPMENT PLAN / COASTAL  
DEVELOPMENT PERMIT DRC2020-00203**

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.

**AIR QUALITY (AQ)**

- AQ-1**      **Standard Mitigation Measures for Construction Equipment.** Prior to issuance of related permits, such as from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:
1. Maintain all construction equipment in proper tune according to manufacturer's specifications;
  2. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
  3. 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;
  4. 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;

January 13, 2023

5. 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;
6. 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;
7. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
8. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
9. Electrify equipment when feasible;
10. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
11. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel

California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 CCR 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
3. Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf).



January 13, 2023

**AQ-2 Fugitive Dust Control Measures Expanded List.** During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities.
5. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
10. "Track out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or

January 13, 2023

street as described in CVC Section 23113 and California Water Code (CWC) Section 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked-out soils, the track-out prevention device may need to be modified.

11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
12. All PM<sub>10</sub> Mitigation Measures required should be shown on grading and building plans.

The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the Mitigation Measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

**Monitoring:** Required with related permits, such as from the California Department of Housing and Community Development (HCD), such as construction or grading permits. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

## **BIOLOGICAL RESOURCES (BIO)**

### **BIO-1 Morro shoulderband snail.**

- a. Prior to construction or ground-disturbing activities, the applicant shall obtain a new or extended no-take concurrence letter from the U.S. Fish and Wildlife Service. Based on consultation with the U.S. Fish and Wildlife Service, the following measures shall be implemented to



January 13, 2023

further avoid and/or minimize potential impacts to Morro shoulderband snail during proposed construction activities:

1. A biologist approved by the USFWS will conduct a preconstruction survey of the work area no more than 48 hours prior to the initiation of site work. The biologist will notify the USFWS of the results of the survey immediately following the survey efforts. No live Morro shoulderband snails will be captured and relocated during these efforts.
  2. A USFWS-approved biologist will conduct a preconstruction environmental awareness training session for all construction personnel involved in site disturbance. The training is intended to inform the permittees, construction crews, field supervisors, and equipment operators about identifying Morro shoulderband snails and its habitat and non-native refugia, the status of the species, and proposed avoidance and minimization.
  3. If Morro shoulderband snail(s) are found in the project area at any time, or if project activities are not complete in one year, all project activities shall cease and coordination with the Ventura Fish and Wildlife Office would be required.
- b. If the applicant is unable to obtain a new or extended no-take concurrence from the U.S. Fish and Wildlife Service, the project would be eligible for coverage under the current proposed terms of County of San Luis Obispo's ("County") Los Osos Habitat Conservation Plan ("LOHCP") awaiting U.S. Fish and Wildlife Service final approval and issuance of an Incidental Take Permit ("ITP"). Following the effective date of the County's ITP and LOHCP, but prior to issuance of related permits, such as from the California Department of Housing and Community Development (HCD), the project proponent shall secure a Certificate of Inclusion ("COI") from the County, which would confer take coverage under the ITP. The project proponent shall comply with the terms of the COI and ITP, which includes compliance with the LOHCP. If the County finds that the project proponent is out of compliance with the terms of the COI and ITP, the County has the authority to revoke the COI. Without a valid COI, all work relating to the project shall cease immediately. If, following two years from the effective approval date of the project, unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050, the ITP has not been issued by the U.S. Fish and Wildlife Service and the LOHCP is not in effect, the project will not have coverage under a County ITP. Without coverage under a County ITP, no site disturbance

January 13, 2023

or construction may occur at the site, and no related permits may be approved without amendment of this land use permit. Amendment of this land use permit to allow the project to proceed without coverage under a County ITP will require submittal of an application to amend this land use permit and the necessary surveys and reports to properly consider and address the potential for incidental take (harm, injure, capture and/or kill) of Morro Shoulderband Snail (*Helminthoglypta walkeriana*), and the application to amend this land use permit (including its environmental determination and conditions of approval) would require review and approval by the appropriate Review Authority.

**BIO-2 Nesting and Migratory Birds.** Prior to any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming) within the recognized breeding season (February 1 to August 15), a County-qualified biologist shall conduct a preconstruction survey for potential nesting birds in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation renders a 500-foot survey radius infeasible. The required survey dates may be modified based on local conditions, as determined by the County-qualified biologist based on observations in the field, with the approval of the County of San Luis Obispo.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish an avoidance buffer around the nest for ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Buffers shall be 500 feet for raptors and 100 feet for non-raptor species. Buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the County of San Luis Obispo and must be based on evidence that a reduced buffer will not pose a threat to the success of the nest.

For active nests identified within the survey area, the biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the surveys and ongoing monitoring and will provide a copy of the monitoring reports to the County.



January 13, 2023

**Monitoring:** Require prior to issuance of related permits, such as from the California Department of Housing and Community Development (HCD), such as issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

### **Cultural Resources (CR)**

**CR-1 Archaeological Monitoring Plan.** Prior to project implementation, the applicant shall prepare an Archaeological Monitoring Plan (AMP) for review and approval by the County of San Luis Obispo Planning and Building Department. A standard clause shall be included in every grading and construction contract to inform contractors of this requirement. The AMP shall include, but not be limited to, the following:

- a. A list of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g., full time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site;
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures; and
- h. Specific, detailed protocols for what to do in the event of the discovery of human remains.

**Monitoring:** Require prior to issuance of related permits, such as from the California Department of Housing and Community Development (HCD), such as construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

### **Noise (N)**

**N-1 Noise Reduction Measures.** For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:

January 13, 2023

1. Stationary construction equipment that generates noise that exceeds 50 dB daytime or 45 dB nighttime outside of between 7:00 a.m. and 9:00 p.m. (Monday–Friday) and 8:00 a.m. and 5:00 p.m. (Saturday–Sunday) at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used.
4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

**Monitoring:** Required with related permits, such as from the California Department of Housing and Community Development (HCD), such as construction or grading permits. 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**

Michael Milan

**Name (Print)**

01/20/2023

**Date**