

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR PATRIMONY WINERY CONDITIONAL USE PERMIT AND VARIANCE
(N-DRC2022-00032)**

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 Diesel Idling Restrictions for Construction Phases. The APCD recognizes the public health risk reductions that can be realized by idle limitations for both on- and off-road equipment. The following idle restricting measures are required for the construction phase of projects. **Upon application for construction and/or encroachment permits**, all required measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
 - a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
 - b. Diesel idling when equipment is not in use shall not be permitted;
 - c. Use of alternative fueled equipment shall be used whenever possible; and

- d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 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:
 - a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
 - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2

Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in close proximity to the proposed construction site. Projects with grading areas more than 4 acres and/or within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance (APCD Rule 402) impacts. **Upon application for construction and/or encroachment 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.

1. Reduce the amount of the 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 San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water shall 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 ground areas 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 San Luis Obispo County Air Pollution Control District.
7. All roadways, driveways, sidewalks, etc. to be paved shall 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.
8. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials shall 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 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 required PM10 mitigation measures should be shown on grading and building plans.
13. 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 San Luis Obispo County Air Pollution Control District'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 San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring: Measures required to be noted on construction or grading permits. Measures shall be adhered to during construction and ground disturbing activities. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

BIO-1 Environmental Awareness Training. Prior to initiation of any site preparation/construction activities, an environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the federal and California Endangered Species Acts, and implications of noncompliance with these regulations. This will include an overview of the required avoidance, minimization, and mitigation measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training, and the names and signatures of the environmental awareness trainees will be kept. A fact

sheet conveying the information provided in the environmental awareness training will be provided to all project personnel.

Monitoring: Training required prior to construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-2

Nesting Bird Surveys. Prior to initiation of any site

preparation/construction activities, if work is planned to occur **between February 1 and August 31**, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 50-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
2. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the

recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

Monitoring: Surveys required prior to construction and ground-disturbing activities between February 1 and September 15 and after two-week lapses in construction. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Construction Best Management Practices. Best Management Practices (e.g., straw wattles, exclusion fencing, gravel bags or silt fencing, etc.) are required to **be installed prior to the start of construction** to protect the blue-line creek and project boundaries (i.e., areas above steep cliffs) from water quality, runoff, and erosion/sedimentation concerns during project implementation. Erosion and sediment controls shall be installed properly and shall be maintained regularly throughout construction to increase effectiveness. Other Best Management Practices shall also be implemented as necessary and/or as required by project permits (if required), such as avoiding washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from blue-line creeks, regardless, if water is present or absent in the channel. **All project plans shall show** the boundaries of all sensitive resource areas and the location of erosion and sediment controls, delineation of construction limits, and other pertinent measures to ensure the protection of sensitive habitats and resources. All equipment and vehicles shall stay within the project limits and staging areas and be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents. The staging area shall be located a minimum of 100 feet from the blue-line creeks, and all fueling and maintenance activities shall take place in the staging area. Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds. After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

Monitoring: BMPs are required to be in place prior to construction and ground-disturbing activities. BMPs shall be printed on all construction and grading plans. Compliance will be verified by the County Department of Planning and Building.

BIO-4 Pre-construction Survey and Avoidance Measures for American Badger. A qualified biologist shall conduct a pre-construction survey **within 30 days prior to the start of initial project activities** to ensure American badger are not present within proposed work areas or within 200 feet of work areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least three days to determine if they are occupied. If the qualified biologist determines that a den may be active during the non-reproductive season (July 1 to January 31), a no-entry exclusion buffer shall be established within 50 feet of the den. If active dens are found during the reproductive season (February 1 to June 30), no activity shall occur within 200 feet of the den. Exclusion buffers shall be prominently flagged and encircle the den. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If an exclusion buffer is not feasible, the applicant will contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.

Monitoring: Surveys required within 30 days prior to construction and ground-disturbing activities. Active non-reproductive den avoidance is required between July 1 and January 31. Active reproductive den avoidance is required between February 1 and June 30. Compliance will be verified by the County Department of Planning and Building.

BIO-5 Pre-construction Survey and Avoidance Measures for Pallid Bat. All suitable roosting habitat for pallid bats (e.g., mature trees and buildings) within 100 feet of work areas shall be surveyed by a qualified biologist **within 30 days prior to the start of initial project activities** to determine if bats are roosting in these areas. If bat roosting is observed, work activities will be avoided within 100 feet of active roosts until bats have left the roosts. No trees or structures with active bat roosts may be removed until they have left the roosts or have been excluded from roosts. If bats are detected and impacts are deemed unavoidable, a bat exclusion plan shall be developed and submitted to CDFW for approval prior to implementing any exclusion methods. If no bats are detected, no further action is required.

Monitoring: Surveys required within 30 days prior to construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-6 Pre-construction Survey and Avoidance Measures for Monterey Duskyfooted Woodrat. Prior to the start of work within 50 feet of suitable woodrat habitat, a survey shall be conducted by a qualified biologist to identify and flag woodrat middens for avoidance. A minimum 10-foot buffer area shall be clearly delineated around any woodrat middens that are discovered during the survey. Due to the likelihood of woodrats fleeing the midden as a result of nearby construction activity, a biologist shall monitor initial vegetation clearing and ground disturbance within 25 feet of woodrat middens. If woodrats are observed fleeing middens, work shall be temporarily halted until woodrats are outside the area of impact.

Woodrat middens that are deemed unavoidable shall be carefully dismantled mechanically (e.g., excavator with thumb) or with hand tools from the top down, allowing woodrats to escape unharmed. A biological monitor shall be present for dismantling.

Monitoring: Surveys required prior to construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-7 Pre-construction Surveys and Monitoring for Northern California Legless Lizard and Coast Horned Lizard. A qualified biologist shall conduct a pre-activity survey immediately prior to the start of initial ground disturbance within 50 feet of suitable habitat for Northern California legless lizard and coast horned lizard. Surveys for legless lizard will be conducted by gently disturbing scrub understory and upper layers of duff. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, and vegetation removal, including tree removal) within suitable habitat. If either species is discovered during surveys or monitoring, the species shall be allowed to leave the area on their own volition, or be hand captured and relocated to suitable habitat outside the area of impact.

Monitoring: Surveys required prior to construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-8 Oak Tree Protection and Mitigation. To the maximum extent feasible, impacts to oak trees shall be avoided and minimized. The following avoidance and minimization measures shall be implemented to address potential impacts to oak trees:

- The canopy edge and trunk location of oak trees located within 50 feet of proposed construction shall be surveyed and placed on all plan sets. The tree map shall be used to protect oak trees during project implementation.
- Impacts to oak tree canopy or sensitive root zone should be avoided to the extent feasible. Impacts may include pruning, ground disturbance or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone, installation of year- round irrigation or other supplemental water within the sensitive root zone, and trunk damage.
- Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Demarcation such as t-posts and a minimum of two strands of yellow rope are adequate.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired to oversee all removal or trimming of existing roots and necessary branch trimming.
- Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
- Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

For oak tree removals or impacts during project implementation, the owner shall provide mitigation (on site if feasible) per the County's guidelines, 4:1 for removals and 2:1 for impacted trees. This shall include development of an oak tree mitigation plan and establishment of an oak tree planting site or conservation easement that shall be protected in perpetuity. A mitigation plan shall be prepared that details the methods and requirements for oak tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees to be removed or impacted.
- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify and describe the anticipated impacts to individual oak trees and/or oak woodland habitat, as applicable.
- Identify all appropriate methods for fulfillment of required mitigation (e.g., on-site plantings, conservation easement, or in-lieu fee).
- Describe detailed planting methods, as appropriate.
- Identify suitable areas for establishment of new oak trees and/or protection of existing oak woodland habitat, as appropriate.
- Describe short-term and long-term monitoring protocols and/or vegetative growth performance criteria for mitigation success.

The plan shall be prepared by a licensed arborist or qualified botanist and be submitted to the County for approval prior to the start of construction.

Monitoring: Protection measures shall be implemented during construction. Oak tree mitigation plan for removed and impacted oak trees shall be provided prior to issuance of construction or grading permits. Compliance will be verified by the County Department of Planning and Building.


Geology (GEO)

GEO-1 **During ground-disturbing activities,** if any paleontological resources are encountered, activities in the immediate area of the find shall be halted and the discovery assessed in accordance with the approved Paleontological Monitoring and Treatment Plan. A qualified paleontologist shall be retained to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology. A paleontological resource impact mitigation program for treatment of the resources shall be developed and implemented if paleontological resources are encountered. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

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

June 26, 2023

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.

	Neil Cassidy	7/5/2023
Signature of Applicant	Name (Print)	Date