

DATE: July 27, 2023

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR BRAWER-WATT MINOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT
(C-DRC2022-00009)**

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.



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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

At the time of application for grading and construction permits for initial site improvements and future residential development, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District (SLOAPCD) 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance (SLOAPCD Rule 402) impacts:

1. The amount of the disturbed area shall be reduced where possible;
2. Water trucks or sprinkler systems shall be used 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. Reclaimed (non-potable) water shall be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of

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potential dust suppressants:

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>;

3. All dirt stockpile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114;
6. "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 California Vehicle Code Section 23113 and California Water Code 13304. To prevent track out, access points shall be designated, and all employees, subcontractors, and others shall be required to use them. A "track-out prevention device" shall be installed and operated 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;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. 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

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start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).

9. 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;
10. 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;
11. 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 SLOAPCD;
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
13. 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; and
14. Additional measures shall be taken as needed to ensure dust from the project site is not impacting areas outside the project boundary.

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 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 building permit issuance, 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.

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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 or construction may occur at the site, and no building 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.

Monitoring: The Certificate of Inclusion shall be obtained prior to issuance of building permits. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Northern Legless Lizard and Coast Horned Lizard Impact Avoidance. **No more than 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: Surveys are required within 3 days of construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Nesting Bird Impact Avoidance and Protection. To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (February 1–September 15). If such activities are required during this period, the applicant shall retain a County of San Luis Obispo-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

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construction areas. If nesting activity is detected, the following measures shall be implemented:

1. If feasible, vegetation removal activities should be scheduled to occur outside the nesting season (February 1–September 15). No surveys for nesting birds shall be required for project activities occurring between September 16 and January 31.
2. For project-related activities that occur during the nesting season (February 1–September 15), a nesting bird survey shall be conducted by a qualified biologist at least 14 days prior to vegetation removal for each phase of the project. The surveys shall be conducted within all accessible areas within 500 feet of the work area.
3. If nests are located during any survey, all project-related activities shall be avoided within the following buffer zones: 50 feet for non-raptor species and 500 feet for all active raptor nests. Buffer areas shall be closed to all construction personnel and equipment until a qualified biologist has determined nesting has ended and the young have fledged the nest and the nest is no longer active.

Monitoring: Surveys are required within 14 days of vegetation, construction, and ground-disturbing activities. 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.

DocuSigned by:

Leanne E. Watt

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7/28/2023

Signature of Applicant

Name (Print)

Date