

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR MJG PROPERTY HOLDING PARTNERS CONDITIONAL USE PERMIT (N-DRC2022-00025)**

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.

All measures applicable to future development on individual lots shall be included on an Additional Map Sheet to be filed with the Final Map. Additionally, Mitigation Measures BIO-5 and BIO-7 shall be included on the Additional Map Sheet to be filed with the Final Map.

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** In order to lessen the visual impacts associated with development of the proposed Unit 2 and the 110,000-gallon water tank from the surrounding public roadways, the applicant shall incorporate the following mitigation measures into future residential units:

1. provide muted, earth-toned, colors for Unit 2 and dark green for the water tank to blend with the surrounding tree canopy;
2. retain existing large shrubs and trees on the hillside (Unit 2);
3. provide for additional landscaping, as needed, to provide for at least a 50% screening of structures as seen from Lopez Drive to be achieved within 5 years of landscape planting;
4. all lighting shall be low intensity, shielded, and directed downward onto the site.

In addition, for the two lease spaces located closest to Lopez Drive, outdoor activity areas for new units shall be located between the noise source (Lopez Drive) and the residence so the residence acts as a sound barrier. If the outdoor activity area cannot be located in this manner, a sound wall or landscaping berm shall be constructed that is of sufficient height that it interrupts the line-of-sight between the noise source and outdoor activity area. The design and materials used for the sound wall or berm shall be reviewed and approved by the Planning and Building Department prior to issuance of construction permits and shall include textures, materials of varied tones and colors. The primary wall shall be of muted earth tones.

**Monitoring:** Required at time of installation of new units. Compliance will be verified by the County Department of Planning and Building.

**AIR QUALITY (AQ)**

**AQ-1 Idling Control Techniques.** Prior to issuance of related permits, such as those 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:

Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
3. Use of alternative fueled equipment shall be used whenever possible; and
4. Signs that specify the no idling requirements shall be posted and enforced at the construction site.

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).

**AQ-2 Fugitive Dust Measures.** Prior to issuance of related permits, such as those 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. 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. When drought conditions exist and water use is a concern, the contractor or builder should 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 potential dust suppressants: [Products Available for Controlling Dust](#)
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 should be completed as soon as possible, and building pads should 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 shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) 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 CVC Section 23113 and California Water Code 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;

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 APCD'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 APCD Compliance Division prior to the 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 should 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 one month after initial grading should 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 APCD;
12. Vehicle speed for all construction vehicles shall not exceed 15 mph 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;
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

**Monitoring:** Required during construction activities. Compliance will be verified by the County Department of Planning and Building and San Luis Obispo County Air Pollution Control District.

## **BIOLOGICAL RESOURCES (BIO)**

**BIO-1 Biological Monitor.** Prior to issuance of grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, the applicant shall retain a County-approved biological monitor. The biological monitor shall prepare and submit a biological monitoring plan for review and approval by the San Luis Obispo County Department of Planning and Building. The monitoring plan shall detail the responsibilities of the monitor, including, but not limited to: oversee the installation of protective fencing around all areas identified by Althouse and Meade (2020) containing California spineflower and Pismo clarkia and the three species of La Panza manzanita that are not proposed to be removed by the project; ensuring the use of heavy equipment and vehicles are limited to the proposed project work area, existing roadways, and defined staging areas/access points and that the boundaries of each

work area are clearly defined and marked with visible flagging prior to project initiation; conducting regular inspections/site visits to verify construction activity location, managing the replacement plantings required by BIO-2 and preconstruction wildlife surveys required by BIO-5 and BIO-7; conducting the worker awareness training required by BIO-6; and verifying best management practices required by BIO-11 are adhered to.

The use of heavy equipment and vehicles shall be limited to the proposed project work area, existing roadways, and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with visible flagging prior to Project initiation.

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

**BIO-2 Special Status Plants Replacement. Prior to grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities,** the applicant shall submit a restoration plan prepared by a qualified biologist for special status plant species (not including oaks, oaks are instead subject to BIO-9 and 10) to the County for review and approval, in consultation with the United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW), if necessary. If any Incidental Take Permits are required, the restoration plan shall be consistent with them. At a minimum, the plan shall include:

1. Identification of locations, amounts, size and types of plants to be replanted, as well as any other necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful reestablishment. Restoration areas shall be located within open space and conservation easements onsite.
2. Provide for a native plant salvage and seed collection effort prior to ground disturbing activities. Salvaged plants shall include, but not be limited to, special status plant species that may be affected.
3. Updated quantification of impact based on finalized tract improvement plans and quantification of mitigation areas such that the replacement criteria are met.
4. A program schedule and success criteria for a minimum five-year monitoring and reporting program that is structured to ensure the success of the restoration plan.
5. For in-kind replacement of Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*), individuals that are removed or damaged shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in five years (inclusive of replacement plantings for unsuccessful individuals). **Prior to any removal or impacts (take) to Pismo clarkia,** the applicant shall provide evidence that an Incidental Take Permit (ITP) has been obtained and shall also provide a copy of the Habitat Conservation Plan that accompanies the ITP.
6. For in-kind replacement of Santa Margarita (La Panza) manzanita, individuals that are removed or impacted shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in 5 years (inclusive of replacement plantings for unsuccessful individuals). The restoration shall also provide in-kind 2:1 replacement of tarplant.
7. For in-kind replacement of tarplant, individuals that are removed or impacted shall be replaced in-kind at a 2:1 ratio (based on square feet cover) within the designated restoration area with 100% success in 5 years (inclusive of replacement plantings for unsuccessful individuals).

8. Identification of access and methods of materials transport to the restoration area, including personnel, vehicles, tools, plants, irrigation equipment, water, and all other similar supplies. Access shall not result in new or additional impacts to habitat and special-status species.
9. Incorporation of an invasive species control program, which would include the following at a minimum:
  - a. To avoid the spread of invasive species, the contractor will stockpile topsoil and redeposit the stockpiled soil on the slopes after construction is complete, or if heavily infested with invasive species, transport the topsoil to a certified landfill for disposal.
  - b. During construction, the project will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing on-site should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species; or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or similar.
  - c. The restoration planting plans must emphasize the use of native species expected to occur in the area. Project plans must avoid the use of plant species that the Cal-IPC, Cal-EPPC, CDFW, or other resource organizations considers to be invasive or potentially invasive. Prior to issuance of County grading permits, the County shall verify that restoration plans do not include the use of any species considered invasive by the Cal-IPC, Cal-EPPC, or CDFW.
  - d. If performance standards detailed in the final restoration plan are not achieved in any restoration area, the applicant shall submit and implement an alternative or adaptive mitigation strategy during the restoration and monitoring phase for approval to the San Luis Obispo County Planning and Building Department, in consultation with other appropriate resource agencies including the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife.

The replacement species may either be planted onsite, in a location determined by the biological monitor, outside of the 100-foot vegetation clearance zone, OR may be arranged to be included in an offsite replanting effort with similar species (e.g., with the Mid-State Properties/Hondonada restoration). If planting onsite, the biological monitor shall provide for a native plant salvage and seed collection effort prior to ground disturbing activities. The biological monitor shall monitor the replacement plantings annually and submit a report to the County regarding the success of the species. Should any of the species not meet 100% success within 5 years, the applicant shall submit and implement an alternative or adaptive mitigation strategy. The applicant shall submit a copy of the approved contract with the biological monitor for the project to include the scope of work that includes the requirements above. **The biological monitor shall provide reports every two weeks to the Department of Planning and Building**, which shall include verification that the measures above have been implemented.

**Monitoring:** Required prior to issuance of grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first, and every two weeks after site disturbance. Compliance will be verified by the County Department of Planning and Building.

**BIO-3. Open Space Easement. Prior to grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD),**

**or site disturbance activities**, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create an open space easement(s) on all areas outside of the identified lease envelopes and vegetation clearance areas. The terms of the open space easement will allow only activities that help the long-term protection of native plant species and oak woodlands. No structures, grading, site disturbance, native vegetation removal, mowing, disking, off-road vehicle use, crop production, equestrian uses, or other animal raising or keeping activities (unless specifically proposed for long term protection of native species) are allowed in the open space easement area with the exception of infrastructure such as septic tanks and leach lines, which may be located outside the envelopes. Any infrastructure located outside building envelopes shall be located so as to not impact sensitive plant species or oak trees, to the extent practicable. The following shall apply to the areas within the open space: no oak trees, or other visually significant vegetation, shall be impacted or removed; no activities (including grazing or the keeping of animals) shall be allowed that could adversely impact the open space area. Grazing for weed and invasive plant control may be allowed with an Open Space Management Plan prepared by a qualified biologist and approved by the County of San Luis Obispo Department of Planning and Building. Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species.

Fencing may be allowed along the individual lease areas within the open space provided the fencing does not impact oak trees or visually significant vegetation. Fencing shall be limited to six feet in height and shall be horizontally open to allow for wildlife passage (e.g., five strand wire fencing, post and rail, not woven wire or panel fencing). Barbed wire and electric fencing shall not be used.

**For the life of the project**, the Developer agrees to allow the County, a land conservancy, resource agency, or other appropriate entity, the right to enter the open space areas as shown on the final exhibit to the open space agreement, to ensure compliance with the restrictions and to access the oak woodland population. However, prior to entering the open space area, the County, land conservancy, resource agency, or other appropriate entity shall give a 72-hour notice of intent to enter the site.

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

**BIO-4. Open Space Maintenance. Prior to grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities**, the following shall apply to the areas within the open space: no oak trees outside a 30-foot buffer from structures, or other native vegetation outside a 100-foot buffer from structures, shall be impacted or removed unless prescribed by CAL FIRE/County Fire to promote defensible space; no activities (including grazing or the keeping of animals) shall be allowed that could adversely impact the open space area. Grazing for weed and invasive plant control may be allowed with an Open Space Management Plan prepared by a qualified biologist and approved by the County of San Luis Obispo Department of Planning and Building. Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species. All applicable plans shall show open space areas and lease envelopes, where all trees outside of the lease envelopes shall be protected during all construction activities. Plans shall show how these trees will be protected from any disturbance/ compaction at 1-1/2 times the

distance between the trunk and dripline edge (e.g., install sturdy fencing, install retaining walls, etc.).

**Prior to grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities,** applicant shall submit a statement from the biological monitor that tree protection measures have been installed. Prior to occupancy of any new unit, the applicant shall submit report prepared by the Biological Monitor verifying that tree protection measures remained effective during the entire construction phase.

**For the life of the project,** the Applicant shall be responsible for regular maintenance and reporting to the County of San Luis Obispo Department of Planning and Building. Reporting shall be **annually for the first 5 years after construction,** and the frequency of reporting shall be determined by the County based on the history of compliance with the Open Space restrictions.

**Monitoring:** Required prior to issuance of grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first, and every two weeks after site disturbance. Compliance will be verified by the County Department of Planning and Building.

**BIO-5 Preconstruction Wildlife Surveys.** The County-approved qualified biologist shall be retained to conduct pre-activity surveys of the project site, **immediately prior to the initiation of grading or vegetation removal.**

As part of the pre-activity surveys, in order to avoid potential impacts to sensitive reptiles, leaf litter and sandy areas under shrubs within suitable habitat shall be raked in the areas to be disturbed to a minimum depth of eight inches. In addition to raking, coverboards or other suitable methods identified in the Biological Monitoring Plan (BIO-1) shall be used to capture reptiles. If using coverboards, they shall consist of untreated lumber, sheet metal, corrugated steel, or other flat material, at a minimum size of 4 foot by 4 foot. Coverboards shall be placed in suitable habitat areas at minimum 7 days prior to ground disturbing activities and shall be inspected daily unless otherwise outlined in the Biological Monitoring Plan (BIO-1). Captured lizards shall be placed in buckets and relocated to a pre-determined location within the area that will not be disturbed by Project activities. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species (i.e., coast horned lizard, etc.) from the project area.

Erosion control materials shall be utilized as needed to minimize potential storm runoff associated with construction and operation activities from entering Project Site waterways.

**The biological monitor shall provide weekly reports** to the Department of Planning and Building, which shall include verification that the measures above have been implemented. The biological monitor shall have the authority to stop any Project activities to relocate an animal outside of Project limits to a pre-designated relocation area with suitable habitat conditions essential for the animal's survival.

**Monitoring:** Required prior to site disturbance activities and weekly after site disturbance. Compliance will be verified by the County Department of Planning and Building.

**BIO-6 Worker Awareness Training. Prior to mobilization of any equipment on the project site** and installation of project limit fencing/flagging, a qualified Biologist shall conduct an environmental sensitivity training for all Project personnel during the Project kick-off meeting. The purpose of the training is to educate the personnel on identification of special-status wildlife species that may occur within the Project area

and to provide an overview of the avoidance and minimization measures to be adhered to during the Project. Specifically, the training will emphasize on all special-status wildlife species that would be expected to occur within the Project limits, applicable regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their associated habitat. Furthermore, crew members will be briefed on the reporting process in the event that an inadvertent injury should occur to a special-status species during construction.

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

**BIO-7. Nesting Birds. Prior to any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming)** the County-approved biologist shall conduct preconstruction surveys for potential nesting birds within the recognized breeding season (February 1 to September 1) 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.

All trees to be removed as part of project-related construction activities will be removed outside of the nesting season to avoid additional impacts to nesting birds. If removal during the nesting season can't be avoided, trees (tree to be removed/impacted and any surrounding trees that are within 100 feet of the tree canopy to be removed/impacted) will be thoroughly surveyed by a County-qualified biologist to ensure that no nests are present. If nests are found within these trees and contain eggs or young, the biological monitor shall establish avoidance buffers as described above until the young have fledged the nest or the nest fails.

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

**BIO-8. Monarch Butterfly. For the life of the project,** tree removal and/or noise-generating construction activities (including but not limited to use of large equipment, gas-powered tools, and/or pneumatic equipment) within 100 feet of the eucalyptus groves within the project area shall be avoided during the fall and winter migration of the monarch butterflies (October 15 through the end of February) to the extent feasible. If tree removal or site disturbance within 100-feet of eucalyptus groves are necessary **during the fall and winter migration**, a qualified County-biologist shall conduct a



preconstruction survey for monarch butterflies that could utilize trees onsite for overwintering. If monarch butterflies are identified to be roosting/overwintering in the work area or within 100 feet of the work area, activities will be postponed until after the overwintering period or until the biologist determines monarch butterflies are no longer utilizing the trees.

**Monitoring:** Required for the life of the project during fall and winter Monarch butterfly migration. Compliance will be verified by the County Department of Planning and Building.

**BIO-9. Oak Woodland Mitigation and Protection Plan. Prior to grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities,** the applicant shall prepare an Oak Tree Replacement and Protection Plan (OTRPP) outlining the proposed mitigation efforts for the permanent loss of oak woodland habitat and individual oaks. Mitigation shall be accomplished through on-site conservation, on-site replanting, or payment of an in-lieu fee.

Conservation easements shall be delineated to encompass existing oak woodland canopy that is equal to or greater than 4:1 conservation of oak woodland based on as-built conditions. If the quantity of existing oak woodland is not sufficient to fulfil 4:1 conservation, the remaining mitigation shall be accomplished through payment of an in-lieu fee and/or on-site replanting. Any fee payments shall be coordinated with the County of San Luis Obispo Department of Planning and Building to determine the appropriate fee amount and shall be submitted to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50 percent of oak trees impacted by the project that have not mitigated through on-site conservation easements or replacement plantings. Any contribution to the Oak Woodlands Conservation Fund shall be paid in full prior to issuance of grading or construction permits.

If on-site planting is required, any on-site planting shall be done **within 90 days of completion of tract improvements or at the beginning of the rainy season as determined appropriate by the County.** The OTRPP shall include the following the following:

1. Replanting onsite of individual oak trees through replanting, maintaining and monitoring replacement plantings for at least seven years. 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) for the mitigation not fulfilled by conservation easements. At a minimum, the following shall also be included within the OTRPP:
2. 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 use below ground. Planting during the warmest, driest months (June through September) shall be avoided. The Plan shall provide a species-specific planting schedule. 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.
3. 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 on the north side of and 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.**

4. The OTRPP shall include a process to follow for the following aspects: 1) the process to follow to account for all trees removed and impacted; 2) the process to follow to protect trees proposed to remain; 3) the process to follow for all tree trimming efforts; 4) the process to follow should any additional trees be inadvertently impacted or removed that were not originally considered in this MND (this shall not exceed 10% above these original numbers).

**Monitoring:** Required prior to issuance of grading permits, related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first, and annually year after site disturbance for seven years each. Compliance will be verified by the County Department of Planning and Building.

**BIO-10. 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.

<p><b>Monitoring:</b> Required prior to site disturbance. Compliance will be verified by the County Department of Planning and Building.</p>
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**BIO-11**

**Erosion and Sediment BMPs.** The following erosion and sedimentation control BMPs are required to be implemented during vegetation removal, tract improvements, during individual lot construction, and after the construction phases of the project. BMPs shall be listed on all tract improvement plans:

1. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction to occur outside of the rainy season, which is typically defined as October 15 through April 15.
2. To minimize site disturbance, all construction related equipment shall be restricted to established roads, construction areas, and other designated staging areas.
3. **Prior to any site disturbance, a Sediment and Erosion Control Plan shall be prepared by a qualified engineer.** The use of silt fence, straw wattles, erosion control blankets, straw bales, sandbags, fiber rolls, and other appropriate techniques should be employed to protect the drainage features on and off the property. Biotechnical approaches using native vegetation shall be used as feasible. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. All sediment and erosion control measures shall be installed per the engineer's requirements prior to the initiation of site grading if planned to occur within the rainy season.
4. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.
5. No vehicles or equipment shall be refueled within 100 feet of wetland areas, riparian habitat and/or drainage features, and refueling areas shall have a spill containment system installed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas shall be located in a location where spills would not drain into aquatic habitats.

6. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.
7. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
8. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.
9. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. Silt fencing, erosion control blankets, straw bales, sandbags, fiber rolls, and/or other types of materials prescribed on the plan shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used as feasible.
10. Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as detailed above. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix as described in the table below. Native seed mix shall be applied to the graded areas in the creek setback area through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

**Native Erosion Control Seed Mix**

Species	Application Rate (lbs/acre)
California Brome ( <i>Bromus carinatus</i> )	10
purple needlegrass ( <i>Stipa pulchra</i> )	5
tomcat clover ( <i>Trifolium wildenovii</i> )	5
six weeks fescue ( <i>Festuca microstachys</i> , formerly <i>Vulpia microstachys</i> )	5
<b>Total</b>	<b>25</b>

**Monitoring:** Required prior to site disturbance and during construction. Compliance will be verified by the County Department of Planning and Building.

**BIO-12 Other Agency Permits. Prior to implementing project activities** that would divert, obstruct, alter, or discharge any material into Hondonada Creek or Arroyo Grande Creek, the applicant shall demonstrate to the County that all necessary approvals from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Central Coast Water Quality Control Board have been secured, or shall provide the County with documentation that such approvals are not required. In the event that these approvals require the applicant to provide compensatory mitigation for impacts to aquatic resources, the applicant shall comply with all conditions and requirements.

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

### **GEOLOGY/SOILS (GEO)**

**GEO-1 At the time of application for grading permits or prior to installation of new units,** the applicant shall provide a drainage plan to the County that directs surface water not be concentrated on unprotected surface deposits at any unit or lease area. Concentrated surface water shall be directed to protected areas and allowed to infiltrate where surface water has been concentrated from upslope sources. No discharge across steep slopes of ravines, swales, and erodible alluvial soils is allowed.

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

**GEO-2 Prior to installation of new units,** unless required otherwise by the California Department of Housing and Community Development (HCD) individual engineering geology and geotechnical engineering shall be prepared. Borings and geologic cross sections shall be prepared for each unit. Recommendations in the reports shall be implemented as requirements.

**Monitoring:** Required prior to installation of new units. Compliance will be verified by the County Department of Planning and Building.

**GEO-3 Prior to occupancy of new units,** flow from downspouts be conveyed in pipes that discharge in areas a safe distance away from structures (distance shall be specified in the lot-specific reports required by GEO-2).

**Monitoring:** Required prior to occupancy of new units. Compliance will be verified by the County Department of Planning and Building.

**GEO-4 During project construction,** unless required otherwise by the California Department of Housing and Community Development (HCD), excavations and other earthwork involved in initial and subsequent phases of construction shall be monitored by a registered Geotechnical Engineer or Engineering Geologist and documentation of work shall be provided to County bimonthly. Leach field design and location, roadway alignment, cut and fill slopes, final grading plans, and drainage plans, shall be reviewed by Geotechnical Engineer or Engineering Geologist. The Geotechnical Engineer or Engineering Geologist shall check with conformance of the Engineering Geology Report and modify recommendations where necessary to address unforeseen geologic conditions.

**GEO-5 During project construction,** all slope surfaces shall be hydroseeded or revegetated, erosion control blankets shall be installed on slopes, and lined V-ditches shall be constructed above all cut and fill slopes. The Geotechnical Engineer or Engineering Geologist shall provide documentation of completion to County.

**GEO-6 Geotechnical Engineering Report. During project construction,** unless otherwise required by the California Department of Housing and Community Development (HCD), all design measures and recommendations included in the Geotechnical Engineering Report (MCG 2013) shall be implemented into the final project design. A qualified professional shall verify

via signature or stamp that the plans incorporate the recommendations from the Geotechnical Engineering Report (MCG 2013).

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

## **NOISE**

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

1. Stationary construction equipment that generates noise that exceeds 60 dBA 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 during project construction. Compliance will be verified by the County Department of Planning and Building.

**N-2** **Prior to installation of Units 22 and 23** located within 145 feet of the centerline of Lopez Drive, the following measures shall be included in the project to achieve acceptable noise levels:

1. Mobile home shall be located between the noise source (Lopez Drive) and the outdoor activity areas for the unit (e.g., yards, patios, etc.) so the mobile home acts as a sound barrier.
2. If the outdoor activity area cannot be located in this manner, a sound wall or landscaping berm shall be constructed that is of sufficient height that it interrupts the line-of-sight between the noise source and outdoor activity area.
3. The design and materials used for the sound wall or berm shall be reviewed and approved by the County Planning and Building Department prior to issuance of construction permits and shall include textures, materials of varied tones and colors.
4. The primary wall shall be of muted earth tones.

**Monitoring:** Required prior to installation of Units 19-26. Compliance will be verified by the County Department of Planning and Building.

## **UTILITIES AND SERVICE SYSTEMS (USS)**

**USS-1** **Water Conservation – Education Program.** To reduce water usage, prior to issuance of related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first, the Applicant shall develop and implement a Water Conservation Education Program (WCEP) for all project-related personnel, including residents and commercial operators/employees. The WCEP shall be prepared by an individual knowledgeable

on current conservation methods for interior and exterior water usage as it relates all project development, as well as any applicable County regulations and existing building codes on conserving water. The Program shall focus on a) all consumer-controlled water uses (e.g. landscaping, washing {e.g. dishes, clothes}, showers, etc.); b) project design elements that would make water conservation easier to implement; and c) the creation of 'good practices' user documents for daily use and during drought conditions; furthermore the WCEP shall describe the most effective means to best disseminate this information to target audience(s) on an ongoing basis.

**Prior to issuance of related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first,** the Applicant shall submit for County review and approval the Water Conservation Education Program (WCEP), which will include 'good practices' user documents for each project element. Once approved by the County, any recommendations for project design changes shall be incorporated into all applicable construction drawings. **Prior to and/or during construction/improvements,** as applicable, all program-approved water conservation construction practices shall be administered. **Prior to final inspection/ occupancy of individual units,** the County will verify installation of any WCEP-approved design features. Furthermore, the Applicant shall verify that the 'good practices' user documents are complete and are made available to the end users.

**USS-2**

**Water Conservation – Limit Turf Planting.** To limit water usage, the Applicant shall limit the use of turf for landscaping and maximize turf maintenance elements that reduce water consumption. Turf shall be limited to no more than 100 square-feet per single-family residence, and no more than 500 square-feet total in common areas. The following measures shall be shown on applicable construction drawings and applied to the proposed turf areas:

- a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes Bermuda grass) such as buffalo grass, shall be used;
- b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction, and accumulation of thatch;
- c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently; length of time and delivery rate shall be monitored to avoid runoff to surrounding areas.

**USS-3**

**Water Conservation – Landscaping.** To reduce water use, the Applicant shall install landscaping that will have low-water requirements and be drought-tolerant. **Prior to issuance of related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first,** the applicant shall provide to the County Department of Planning and Building, at a minimum, a landscape plan that includes the following:

- a. all common area and individual unit irrigation shall employ low water use techniques (e.g., drip irrigation);
- b. individual unit turf shall not exceed 20 percent of landscaped area, or 100-square-feet, whichever is less, with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.).
- c. Prior to final inspection, the County will verify installation of any approved irrigation design features. Furthermore, the Applicant shall verify that the approved irrigation system parameters meet the intent of this measure and

have been tested by a qualified expert. The Applicant understands that the approved irrigation system and water scheduling will be kept in good working as long as the turf remains.

**USS-4 Water Conservation – Drought Water Management Program.** To reduce water consumption during droughts, a master “Drought Water Management Program” (Program) shall be prepared and implemented by the Applicant, prior to issuance of related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first. The Program shall provide guidelines on how all future uses will be managed during “severe” drought (including landscaping and indoor uses). These measures would go into effect during periods of “severe” drought, as defined in the Program. This Program shall include, but is not necessarily limited to the following, or other similar measures as approved by the County:

- a. the definition of a “severe” drought year (as defined by NOAA’s Palmer Drought Severity method or other similarly recognized methodology);
- b. identification of general measures available to reduce indoor water usage for future development (to be refined as needed for each use approved);
- c. identification of specific measures to be applied for landscape watering;
- d. determination of appropriate early triggers to determine when “severe” drought conditions exist and process for initiating additional water conservation measures.

Once it is determined that a “severe” drought condition exists, the Program’s approved restricted (drought) water usage measures shall remain in effect until it is shown satisfactorily to the County that the “severe” drought condition no longer exists.

Prior to issuance of related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first, the Applicant shall submit for County review and approval the Drought Water Management Program (DWMP), which will include water reduction guidelines for each project element. **Prior to and/or during construction**, as applicable, all Program-approved water reducing construction practices shall be administered. **Prior to final inspection/occupancy of individual units**, the County will verify installation of any DWMP-approved design features. Furthermore, the Applicant shall verify that the ‘water reduction guidelines during drought conditions are complete and are made available to the end users. Furthermore, the Applicant understands that the approved Program will be administered for the life of the project.

**USS-5 Water Supply – Community Water System. At time of occupancy of individual units**, the applicant shall disclose to occupants the costs associated with a public water system, including potential costs that may be passed on to consumers in the event upgrades to the system, or advanced treatment is needed. Items to be disclosed in the Buyer Information Guide shall include, but are not limited to, the items listed on California Water Boards handout – What is a Public Water System, and potential costs associated with increased treatment and disposal of arsenic.

**USS-6 Water Supply – Water System Upgrade. Prior to issuance of related permits, such as those from the California Department of Housing and Community Development (HCD), or site disturbance activities, whichever occurs first**, the existing Sweet Springs Water System shall upgrade from a State Small Water System to a Community Water System. A “will serve” letter shall be obtained and provided to Environmental Health Services Division from the newly created water company, stating there are operable water facilities immediately available for connection to the new units. Water main extensions and related facilities (except wells) may be bonded



June 13, 2023


for, subject to the discretion and approval of the Department of Public Works and Environmental Health Services Division.

**USS-7**

**Water Supply - Water System Consolidation.** As an ongoing condition valid for the life of the project, the applicant shall explore consolidation or regionalization of the Sweet Springs Mobile Home Park community water system with other water systems in the area to help reduce expenses and provide a regional approach to water management. Coordination and consolidation discussions shall include the Mid-State Properties (Hondonada) and Greenview Estates subdivisions, if and when those developments are approved. **Prior to occupancy of the first unit**, the applicant shall provide evidence that consolidation has been explored in a good faith effort.

**Monitoring:** Required for the life of the project. 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      Boris Pilch      7.10.2023  
Name (Print)      Date