



NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

ENVIRONMENTAL DETERMINATION NO. ED11-002 (DRC2010-00085)

DATE: 4/19/2012

PROJECT/ENTITLEMENT: Morro Creek Ranch Minor Use Permit and Coastal Development Permit

APPLICANT NAME: Bob Staller, Mgr. Gen. Partner
ADDRESS: 1800 Atascadero Rd., Morro Bay, CA
CONTACT PERSON: Art Pearson Telephone: (805) 927-3327

PROPOSED USES/INTENT: Minor Use Permit/Coastal Development Permit to construct a new bridge across Morro Creek with approximately 300 linear feet of new paved private driveways on each side of Atascadero Road (Highway 41) to improve access for continued agricultural purposes. The project will result in the disturbance of approximately 6,570 square feet.

LOCATION: 1800 Atascadero Road, approximately two miles east of the intersection of Ironwood and Highway 41, east of the community of Morro Bay, in the Estero planning area.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

OTHER POTENTIAL PERMITTING AGENCIES: None

STATE CLEARINGHOUSE REVIEW: YES NO

ADDITIONAL INFORMATION: Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT4:30 p.m. on May 3, 2012

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as *Lead Agency* *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Paul Sittig

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
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(ver 3.4) Uma Form

**Project Title & No. Morro Creek (Staller) Minor Use Permit /Coastal Development Permit
ED11-002 (DRC2010-00085)**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

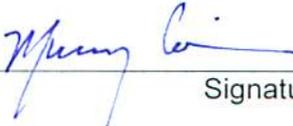
- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Wastewater |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Water |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Paul Sittig		March 21, 2012
Prepared by (Print)	Signature	Date

Murry Wilson		Ellen Carroll,	March 21, 2012
Reviewed by (Print)	Signature	Environmental Coordinator	Date
		(for)	

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Bob Staller on behalf of Morro Creek Ranch for a Minor Use Permit/Coastal Development Permit to construct a new bridge across Morro Creek with approximately 300 linear feet of new paved private driveways on each side of Atascadero Road (Highway 41) to improve access for continued agricultural purposes. The project will result in the disturbance of approximately 6,570 square feet. The project is located at 1800 Atascadero Road, approximately two miles east of the intersection of Ironwood and Highway 41, east of the community of Morro Bay, in the Estero planning area.

ASSESSOR PARCEL NUMBER(S): 073-069-020 & -021

Latitude: 35 degrees 24' 7" N **Longitude:** 120 degrees 49' 27" W **SUPERVISORIAL DISTRICT #** 2

B. EXISTING SETTING

PLANNING AREA: Estero, Rural Estero

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard , Geologic Study, Local Coastal Plan/Program

EXISTING USES: Agricultural uses, accessory structures

TOPOGRAPHY: Gently sloping to very steeply sloping

VEGETATION: Avocado Orchard

PARCEL SIZE: 87.5 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; single-family residence(s), agricultural uses	<i>East:</i> Agriculture; agricultural uses, open pit mine
<i>South:</i> Agriculture; undeveloped / open grazing	<i>West:</i> Agriculture; agricultural uses

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project site is located in Morro Valley, a corridor along Highway 41 with gently to steeply sloping hills. The land use category is Agriculture, with the uses including undeveloped/grazing lands of open grasslands and oak woodlands, orchards, vineyards, and residences scattered throughout the region.

Impact. The proposed project is a bridge to cross Morro Creek and a paved agricultural road to connect the orchard across Highway 41, not for use in accessing the site from Highway 41. The road improvements will be visible from Highway 41, but the bridge will not, due to agricultural road alignment through the existing avocado orchards. The project is considered compatible with the surrounding uses. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No significant impacts are anticipated and no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

<u>Land Use Category:</u> Agriculture	<u>Historic/Existing Commercial Crops:</u> Yes, an avocado orchard is on project site
<u>State Classification:</u> Not prime farmland; Prime Farmland if irrigated and drained	<u>In Agricultural Preserve?</u> No <u>Under Williamson Act contract?</u> Yes

The soil type(s) and characteristics on the subject property include:

Diablo and Cibo clays (15 - 30 % slope).

Diablo. This moderately sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Cibo. This moderately sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class is not rated when irrigated.

Lodo clay loam (5 - 15 % slope). This gently to moderately sloping, shallow fine loamy soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: shallow depth to bedrock. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Lodo clay loam (50 - 75 % slope). This very steeply sloping, shallow fine loamy soil is considered very poorly drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Marimel silty clay loam, drained . This nearly level soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class I when irrigated.

Impact. The project is located in a predominantly agricultural area with agricultural activities occurring on the property and in immediate vicinity. 30 avocado trees will be removed to provide an access route to the bridge, to continue on to existing paths between lines of avocado trees. This impact has been deemed necessary for the continued productive agricultural use of the site, and there is additional space on the site to plant additional avocado trees at a future date. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 2009 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The project proposes to disturb soils that have been given a wind erodibility rating from 4-7, which is considered "moderate" to "high".

Impact. As proposed, the project will result in the disturbance of approximately 6,570 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan.

Mitigation/Conclusion. To offset potential dust disturbance, the following mitigation measures are to be performed during construction and grading activity:

Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. 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 or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust

offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

- g. Equipment must be washed down before moving from the property onto a paved public road; and
- h. Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.

4. BIOLOGICAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: crop and pasture

Name and distance from blue line creek(s): Morro Creek courses through the subject property.

Habitat(s): Coast Live Oak Woodland; Wooded Wetland; Herbaceous, Native Grassland

Site's tree canopy coverage: Approximately 90%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

California red-legged frog (*Rana aurora draytonii*) FT

California red-legged frogs (*Rana aurora draytonii*) has been found on the project site. California red-legged frog is listed as federally threatened, and considered a California Special Concern species by the CDFG (CDFG, 2002). They historically have ranged from Marin County southward to northern Baja California. Presently, Monterey, San Luis Obispo, and Santa Barbara counties support the largest remaining California red-legged frog populations within the state. The California red-legged frog is a large (85-138 millimeters) reddish-brown frog with variable red pigment on the ventral surfaces. Riparian habitat degradation, urbanization, predation by bullfrogs, and historic market harvesting have all reportedly contributed to population declines in this species.

The species occurs in varied habitats during its life cycle. Breeding areas include lagoons, streams and ponds, including siltation and irrigation ponds. California red-legged frogs typically breed from January to July, with peak breeding occurring in February. Juvenile frogs are found in open, shallow aquatic habitats containing dense emergent vegetation.

Adult California red-legged frogs prefer aquatic habitats with little or no flow, the presence of surface water to at least early June, surface water depths to at least 0.7 meter (2.3 feet), and the presence of fairly sturdy underwater supports such as cattails. The largest densities of California red-legged frogs are typically associated with dense stands of overhanging willows and an intermixed fringe of sturdy emergent vegetation. Although the species can inhabit ephemeral streams or ponds, populations probably cannot be maintained in ephemeral streams in which all surface water disappears. Adult California red-legged frogs are primarily nocturnal, although metamorphs and juveniles are known to be active during the day and night.

South/Central Coast Steelhead Trout (*Oncorhynchus mykiss*) FT, CSC

South/Central Coast Steelhead Trout (*Oncorhynchus mykiss*) has been found about 0.3 mile to the south. South/Central Coast Steelhead Trout is considered federally threatened and a California species of Special Concern. This species require cool, deep pools for holding through the summer, prior to spawning in the winter. Generally they are found in shallow areas, with cobble or boulder bottoms at the tails of pools. This species is threatened by water quality degradation (e.g., siltation, urban and agricultural pollutants), loss of riparian vegetation, and low instream flows resulting from water diversion, ground water pumping and periodic drought.

Common bird species occurring in the general area are identified below using standard nomenclature. Riparian habitats support such species as Anna's hummingbird, Northern flicker, scrub jay, bushtit, black phoebe, red-winged blackbird, belted kingfisher, black-crowned night heron, and American bittern. Wading birds such as the great blue heron, and snowy and great egrets frequent and utilize freshwater marsh and riparian habitats, as well as open grassland areas for foraging. In addition to occurring within their natural habitat, species such as white-crowned sparrow, brewer's blackbird, American crow and yellow-billed magpie are commonly found in developed areas.

Least Bell's vireo (*Vireo bellii pusillus*) FE, SE

Least Bell's vireo (*Vireo bellii pusillus*) has been found in the vicinity of the project. This listed species is considered endangered at the federal and state levels. During the breeding season (mid-March through late September), this bird prefers structurally diverse woodlands (e.g., cottonwood-willow forests, oak woodlands, mule fat scrub) associated with riparian corridors. Extensive breeding habitat loss/degradation (human activities) and brood parasitism by the brown-headed cowbird have been the primary reasons for the species decline.

Impact. The project site supports sensitive native vegetation and wildlife habitats. The project includes the removal of 30 avocado trees and installation of a bridge to span the creek, which will involve groundwork at the top of the banks. These activities could result in sedimentation into the creek and impacts to California Red-Legged Frogs and Steelhead Trout, or vegetation removal that could impact habitat for migratory birds.

Mitigation/Conclusion. The project area is located adjacent to and spans Morro Creek, a blue line creek with known California Red-Legged Frog (CRLF) and South/Central Coast Steelhead Trout populations. The project is designed to avoid impacts to the creek, and will avoid impacts to CRLF with the following mitigation measures:

- All construction activities related to the proposed project shall be monitored by a qualified biologist for the duration of the Project. The biological monitor shall conduct a biological resources education program for workers prior to the initiation of any clearing or construction activities. The educational program shall include a description of the California red-legged frog, its habitat, what constitutes take, penalties for take, and the guidelines that will be followed by all construction personnel to avoid take of the species during construction activities. The construction crew foreman should be

responsible for ensuring that crew members comply with the guidelines and that all new personnel receive the training before partaking in construction activities. The work area boundaries and other off-limit areas shall be identified by the onsite biologist. Any vegetation clearing activities shall be monitored by the onsite biologist.

- Forty-eight hours prior to initiation of construction activities and equipment access, a qualified biologist shall conduct surveys for California red-legged frog at the proposed Project site in accordance with the Service's revised survey guidelines (Service 2005b). If any life stage of the California red-legged frog is found during these surveys, the Service shall be contacted immediately and all construction activities that could result in take shall be postponed until the frog(s) leave the Project site on their own reconnaissance or further appropriate avoidance actions, which could allow the Project to continue, are implemented.
- Before work activities begin each day, the onsite biological monitor shall inspect the Project site, including under parked equipment, for California red-legged frogs. If a California red-legged frog is found onsite during the daily inspections or during construction activities, all Project activities that could result in take shall cease until the Service is consulted and appropriate actions to avoid take are developed and implemented onsite.
- If the use of creek pumps is anticipated, intakes shall be completely screened with wire mesh (0.2 inch or smaller) to prevent California red-legged frogs from entering the pump system.
- All work associated with proposed Project activities within the riparian area (the creek channel and 300 feet from all sides of the channel) shall occur in the dry season (May 1 to October 31).

The project will avoid impacts to Steelhead Trout and their habitat through the following mitigation measures:

- To avoid potential loss of riparian habitat from the proposed project, the applicant has agreed:
 - To provide sturdy, visible fencing between the project and existing riparian habitat that will remain in place during the entire construction phase.
- To offset water quality impacts on the creek, by either designing into the project or agreeing to the following:
 - Prepare a sedimentation and erosion control plan to include sedimentation basins and straw waddles (or similar devices) to minimize project sediment from entering the creek;
 - All drilling muds will be placed in containers and hauled off site;
 - All refueling shall be done in non-sensitive areas where spills can be easily cleaned up;
 - Use of stabilizing materials (e.g. mulch) in disturbed areas during construction to reduce erosion.

The project will avoid or mitigate impacts to migratory birds through the following measures:

- All work impacting vegetation should occur outside of the nesting season (non-nesting season is typically August 31 to February 15). If work must occur during this period, a qualified biologist shall conduct pre-construction surveys to determine if nesting birds or sensitive bird species occur within or in proximity to the proposed work. These surveys shall include the work area and access roads with a buffer of up to 500 feet. If no nesting birds are found, the Applicant shall submit a letter to the County to document the findings. If nesting birds are found, the Applicant shall coordinate with the qualified biologist to determine appropriate setbacks until nesting is deemed complete. If work must occur in close proximity (100 feet for passerines and 250 feet of raptors) to

nesting birds, the Applicant shall consult with the County and the California Department of Fish and Game (CDFG) prior to proceeding with work. If sensitive species are discovered, no work may proceed until the County and CDFG are consulted.

Implementation of the mitigation measures described above and listed in Exhibit B, along with the drainage would mitigate all identified biological impacts to less than significant levels.

5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area. The project would span a blue line creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

Impact. The project is located in an area that would be considered culturally sensitive due to proximity to a reliable water source (Morro Creek). A record search was performed, and the site was surveyed for archaeological or cultural artifacts by Clay A. Singer, as documented in a Cultural Resources Survey and Impact Assessment for the property, prepared by Singer and dated December 19, 2011. According to that document, impacts to historical or paleontological resources are not expected, as the areas for the new agricultural access road was cleared of native vegetation and mechanically graded prior to being planted with avocado trees, resulting in significant ground disturbance. Furthermore, the proposed bridge would span a creek with steep banks, which are not likely to retain cultural material.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to steeply sloping down to the bottom of Morro Creek

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low to high

Liquefaction Potential: Low to moderate

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Moderate to High

Other notable geologic features? None

An upslope portion of the property is within the Geologic Study Area designation, but the bridge is approximately 450 feet away from the closest mapped Geologic Study Area, and the closest road grading is approximately 190 feet away from a mapped Geologic Study Area.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Morro Creek Distance? on-site

Soil drainage characteristics: Not well drained

For areas where drainage is identified as a potential issue, the Coastal Zone Land Use Ordinance (CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – Soil type, amount of disturbance and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project’s soil types and descriptions are listed in the previous Agriculture section under “Setting”. As described in the NRCS Soil Survey, the the project’s soil erodibility is as follows:

Soil erodibility: Moderate to high

When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. The proposed project includes a bridge to cross Morro Creek, and approaches to the bridge (with limited clearing of the existing orchard to provide access) which will improve circulation on-site for orchard vehicles. The project is designed in compliance with all applicable flood hazard requirements.

As proposed, the project will result in the disturbance of approximately 6,570 square feet. This includes disturbance adjacent to the creek which has the potential to result in sedimentation impacts to the creek. To reduce these impacts, a drainage plan as well as an erosion and sedimentation control plan will be required (per the CZLUO). Additionally, the project will include Low Impact Development (LID) Best Management Practices (BMPs) to further reduce impacts associated with increased impervious area around the creek (see Water section for further discussion).

Mitigation/Conclusion. In order to address potential site-specific and cumulative drainage impacts, preparation of a drainage plan and sedimentation and erosion control plan will be required, with the former plan to include “best management practices” (including but not limited to LID elements), and the latter plan to include both temporary and long-term measures. The preceding recommendations to address geologic, geotechnical, and drainage concerns will be incorporated into the project design and conditions. In addition, the project will comply with standard measures required by ordinance or codes. Incorporation of the preceding measures will reduce potential site-specific and cumulative geology, geotechnical, drainage, and sedimentation and erosion impacts to a level of insignificance.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area. Portions of the subject project are within the 100-year Flood Hazard Combining designation (FH). With regards to potential fire hazards, the subject project is within a moderate Fire Hazard Severity Zone(s). Based on the County's fire response time map, it will take approximately 10-15 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan. The proposed project is a bridge to cross Morro Creek, and the bridge will be designed and reviewed in compliance with all applicable flood hazard safety requirements, as well as its design regarding site access for emergency vehicles.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated. There is no evidence that measures above what will already be required by ordinance or codes are needed. No mitigation measures are necessary.

8. NOISE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is within close proximity of a loud noise source, as a portion of the project site is within close proximity to a transportation noise source (Atascadero Road). The project will not conflict with any sensitive noise receptors (e.g., residences), as the proposed development is to pave an agricultural road through an avocado orchard, and construct a bridge over Morro Creek.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

The project site is zoned for agriculture, and is not currently developed with any residences.

Impact. The proposed project is an agricultural road and bridge to cross a creek, which will not facilitate or inhibit residential development, but ensure continued safe usage of the existing orchard.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Los Osos Approximately 1.9 miles to the west

Fire: Cal Fire (formerly CDF)

Hazard Severity: Moderate to high Response Time: 10-15 minutes

Location: Approximately 5.20 miles to the northeast

School District: San Luis Coastal Unified School District.

The project is subject to compliance with the Uniform Fire Code. The project is outside of the Airport Review combining designation. The property is located on Atascadero Road/Highway 41, an arterial road that is constructed to a level able to handle any additional traffic associated with the project.

Impact/Mitigation/Conclusion. No significant project-specific impacts to utilities or public services were identified because the project is solely the creation of an agricultural road and bridge to support existing agricultural operations.

11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County has established the acceptable Level of Service (LOS) on roads for this rural area as "C" or better. The existing road network in the area, including the project's access street Atascadero Road (Highway 41), is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Referrals were sent to Public Works/Caltrans. No significant traffic-related concerns were identified.

Impact. The proposed project will not generate new daily trips, as the bridge and new agricultural road will provide improved agricultural internal flow, and will not increase the number of employees.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

13. WASTEWATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. WASTEWATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is a bridge to cross Morro Creek, with additional agricultural roads to connect the new bridge to existing agricultural access through the existing avocado orchard.

Impacts/Mitigation. No significant wastewater impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The topography of the project is gently sloping to steeply sloping towards the bottom of Morro Creek. Unnamed blue line tributaries to Morro Creek, and Morro Creek itself, are located within the project site. As described in the NRCS Soil Survey, the soil surface is considered to have moderate to high erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impacts/Mitigation. The project will not alter the existing water usage on the project site, as the proposed development is related to agricultural vehicle access, and has relation to water usage.

There is no evidence that measures above what will already be required by ordinance or codes are needed. The project will include a drainage plan, an erosion and sedimentation control plan, and implementation of Low Impact Development (LID) Best Management Practices (BMPs) to reduce impacts associated with increased impervious area around the creek (see Geology and Soils section for further discussion). No additional mitigation measures are necessary.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., Local Coastal Plan (CZLUO), etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal</i>				

community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	None
<input checked="" type="checkbox"/>	CAL FIRE (San Luis Obispo Co Fire Dept.)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>US Fish & Wildlife; Army Corps</u>	Attached
<input checked="" type="checkbox"/>	Other <u>California Coastal Commission</u>	None

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/>	Project File for the Subject Application	<input checked="" type="checkbox"/>	Estero Area Plan and Update EIR
<u>County documents</u>		<u>Other documents</u>	
<input type="checkbox"/>	Airport Land Use Plans	<input checked="" type="checkbox"/>	Archaeological Resources Map
<input checked="" type="checkbox"/>	Annual Resource Summary Report	<input checked="" type="checkbox"/>	Area of Critical Concerns Map
<input type="checkbox"/>	Building and Construction Ordinance	<input checked="" type="checkbox"/>	Areas of Special Biological Importance Map
<input checked="" type="checkbox"/>	Coastal Policies	<input checked="" type="checkbox"/>	California Natural Species Diversity Database
<input checked="" type="checkbox"/>	Framework for Planning (Coastal/Inland)	<input checked="" type="checkbox"/>	Clean Air Plan
<input checked="" type="checkbox"/>	General Plan (Inland/Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/>	Fire Hazard Severity Map
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/>	Flood Hazard Maps
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Conservation & Open Space Element (includes Energy, Conservation)	<input checked="" type="checkbox"/>	Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/>	Regional Transportation Plan
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/>	Uniform Fire Code
<input type="checkbox"/>	<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/>	Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/>	GIS mapping layers (e.g., Biology, geology, streams, slope, fire, hazards, transportation, water, etc.)
<input checked="" type="checkbox"/>	Land Use Ordinance	<input type="checkbox"/>	Other _____
<input type="checkbox"/>	Real Property Division Ordinance		
<input type="checkbox"/>	Solid Waste Management Plan		
<input type="checkbox"/>	Circulation Study		

- Attachment 1 -

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

APCD - 2004 Annual Air Quality Report

CEQA Air Quality Handbook (2009)

California Natural Diversity Data Base, California Department of Fish & Game (2008)

Cultural Resources Survey and Impact for part of Morro Creek Ranch, about 5 acres on both sides of Morro Creek in San Luis Obispo County, California, prepared by Clay A. Singer, dated December 19, 2011

Applicable Habitat Conservation Plans and Natural Community Conservation Plans

County Landslide Risk Map, Coastal and Inland (Envicom, 1974)

County Liquefaction Potential Map, Coastal and Inland (Envicom, 1974)

2010 Census data

Pacific Institute studies (2003)

City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (Aug., 1989)

Exhibit B - Mitigation Summary Table

Air Quality

- AQ-1 **From the initiation and throughout the duration of construction or grading activities**, the following dust mitigation measures shall be implemented:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. 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 or soil binders are used;
 - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
 - f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
 - g. Equipment must be washed down before moving from the property onto a paved public road; and
 - h. Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.
- AQ-2 **During construction activities**, equipment must be washed down before moving from the property onto a paved public road, and visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.

Biologic Resources

- BIO-1 **At the time of application for grading permits**, the applicant shall clearly delineate the limit of site disturbance on the project plans, as shown on the attached graphics, Attachment 1. All new site disturbances shall be located within these limits of disturbance.
- Prior to issuance of construction permits**, the applicant shall install sturdy, visible fencing between the project and existing riparian habitat, which will remain in place during the entire construction phase. All new site disturbances shall be located within these limits of disturbance.
- Prior to final inspection**, the applicant shall provide verification to the satisfaction of the County that no disturbance occurred outside of the approved site disturbance limit.
- BIO-2 All construction activities related to the proposed project shall be monitored by a qualified biologist for the duration of the Project. **Prior to site disturbance**, the biological monitor shall conduct a biological resources education program for workers. The educational program shall include a description of the California red-legged frog, its habitat, what constitutes take, penalties for take, and the guidelines that will be followed by all construction personnel to

avoid take of the species during construction activities. The construction crew foreman shall be responsible for ensuring that crew members comply with the guidelines and that all new personnel receive the training before partaking in construction activities. The work area boundaries and other off-limit areas shall be identified by the onsite biologist. Any vegetation clearing activities shall be monitored by the onsite biologist.

- BIO-3 **Forty-eight hours prior to initiation of construction activities and equipment access**, a qualified biologist shall conduct surveys for California red-legged frog at the proposed Project site in accordance with the U.S. Fish and Wildlife Service's revised survey guidelines (Service 2005b). If any life stage of the California red-legged frog is found during these surveys, the Service shall be contacted immediately and all construction activities that could result in take should be postponed until the frog(s) leave the Project site on their own reconnaissance or further appropriate avoidance actions, which could allow the Project to continue, are implemented.
- BIO-4 **Before work activities begin each day**, the onsite biological monitor shall inspect the Project site, including under parked equipment, for California red-legged frogs. If a California red-legged frog is found onsite during the daily inspections or during construction activities, all Project activities that could result in take shall cease until the Service is consulted and appropriate actions to avoid take are developed and implemented onsite.
- BIO-5 If the use of creek pumps is anticipated, intakes should be completely screened with wire mesh (0.2 inch or smaller) to prevent California red-legged frogs from entering the pump system.
- BIO-6 All work associated with proposed Project activities within the riparian area (the creek channel and 300 feet from all sides of the channel) should occur in the dry season (May 1 to October 31).
- BIO-7 **During construction and grading activities**, all drilling muds shall be placed in containers and hauled off site to appropriate disposal facilities.
- BIO-8 **During construction and grading activities**, all refueling shall be done in non-sensitive areas where spills can be easily cleaned up.
- BIO-9 **During construction and grading activities**, stabilizing materials (e.g. mulch) shall be used in disturbed areas to reduce erosion.
- BIO-10 All work impacting vegetation should occur outside of the nesting season (non-nesting season is typically August 31 to February 15). **If work must occur during this period**, a qualified biologist shall conduct pre-construction surveys to determine if nesting birds or sensitive bird species occur within or in proximity to the proposed work. These surveys shall include the work area and access roads with a buffer of up to 500 feet. If no nesting birds are found, the Applicant shall submit a letter to the County to document the findings. If nesting birds are found, the Applicant shall coordinate with the qualified biologist to determine appropriate setbacks until nesting is deemed complete. If work must occur in close proximity (100 feet for passerines and 250 feet of raptors) to nesting birds, the Applicant shall consult with the County and the California Department of Fish and Game (CDFG) prior to proceeding with work. If sensitive species are discovered, no work may proceed until the County and CDFG are consulted.

Drainage (site-specific and cumulative)

- GEO-1 **At the time of application for grading permits**, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected

runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) and Low Impact Design (LID) features to address polluted runoff, ground water recharge, and surface water quality, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from drives to vegetative strips before it leaves the site.

- GEO-2 **Prior to issuance of any grading permits**, a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of off-site effects.
- GEO-3 **Prior to final inspection**, the registered civil engineer shall verify that the recommendations of the approved Drainage Plan and the Sedimentation and Erosion Control Plan have been implemented. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Public Works Department, the applicant shall execute a plan check and inspection agreement with the county, so that the drainage, sedimentation and erosion control facilities can be inspected and approved before final occupancy or final inspection, whichever occurs first.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
81440-2011-CPA-0157

August 3, 2011

Paul Sittig, Coastal Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, California 93408

Subject: Comments on the Proposed Minor Use Permit for Bridge Replacement at Morro Creek Ranch on Highway 41, San Luis Obispo County, California (Assessor's Parcel Numbers 073-069-020 and 021)

Dear Mr. Sittig:

We are writing in response to the County of San Luis Obispo's (County) request for comments regarding the proposed issuance of a minor use permit (MUP) to cover the proposed bridge replacement at Morro Creek Ranch in Morro Bay, California. The proposed project would include replacement of an existing culvert at Morro Creek Ranch with a bridge spanning Morro Creek. Morro Creek Ranch is an 87.5-acre avocado ranch, just off of Highway 41, approximately 2 miles upstream (East) from the Pacific Ocean. There is a substantial history surrounding the proposed project that we describe in more detail below.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If a project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act.

The Service has conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (MBTA) (16 U.S.C. 703 et. seq.). Any land clearing or other surface disturbance associated with proposed actions should be timed to avoid potential destruction

TAKE PRIDE
IN AMERICA 

of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area should be avoided to prevent destruction or disturbance to nests until they are no longer active.

History of the Proposed Project

On January 30, 2003, an enforcement case (200300349-MWV) was brought against the property owner/manager, Bob Staller, by the U.S. Army Corps of Engineers (Corps) for the unauthorized placement of rock and concrete in Morro Creek (Corps in litt. 2009). This enforcement case was settled out of court by an agreement between the Corps and Mr. Staller requiring resolution of the issue by replacing the existing Arizona crossing with a box culvert crossing and a series of grade-control weirs (Corps in litt 2009). The original settlement required implementation of the project no later than November 1, 2007 (Corps in litt 2009). On October 4, 2005, the Service issued a biological opinion to the Corps, entitled Biological Opinion for Morro Creek Ranch Culvert Replacement Project Near the City of Morro Bay in San Luis Obispo County, California (Service 2005), covering the proposed replacement of the existing culvert across the creek with a larger culvert that would facilitate fish passage. This biological opinion contained numerous minimization measures to avoid or reduce potential impacts of the proposed project on the federally threatened California red-legged frog (*Rana draytonii*), as proposed by Mr. Staller, as well as terms and conditions required by the Service (of the Corps) to reduce impacts to the species. Several time extensions have since been authorized by the Corps, but the proposed project has not yet been implemented. On January 30, 2009, Mr. Staller wrote a letter to the Corps outlining his decision to not pursue reauthorization of the permit, but instead to pursue construction of a 17-foot wide by 80-foot long span bridge that would replace the existing crossing (Corps in litt. 2009). The Corps accepted this proposal and issued a letter on February 27, 2009, requiring Mr. Staller to provide a new proposed schedule (requiring that work be completed by November 1, 2009) for resolving the enforcement case within 30 days of receipt of the letter (Corps in litt. 2009). On June 10, 2009, Service biologist Heather Abbey met with Mr. Staller, Matthew Vandersande of the Corps, Matthew McGoogan and David Crowder of the National Marine Fisheries Service (NMFS), and Mori Seyedan, Art Pearson, and Donald Funk of the Upper Salinas/Las Tablas Resource Conservation District, at the Morro Creek Ranch proposed project site to discuss potential project options and considerations for sensitive species that could be negatively impacted by the proposed project (including required permits).

Environmental Information

The federally threatened California red-legged frog and steelhead trout (*Oncorhynchus mykiss*) are known to occur in the near vicinity of the proposed project site. Steelhead are under the jurisdiction of the National Marine Fisheries Service; therefore, we recommend coordination with the National Marine Fisheries Service regarding potential effects of the proposed project on this species. Considering the history of this project, including meetings with multiple agency representatives, we are concerned that Mr. Staller's application for the subject MUP (Staller in litt. 2011) indicates that he is unaware of any unique, rare or endangered species (vegetation or wildlife) associated with the project site or of any previous environmental determinations for all or portions of this property.

In addition to the California red-legged frog and steelhead considerations described above, the proposed project site is also within designated critical habitat for the California red-legged frog, which has been revised (Service 2010) since the time of issuance of our biological opinion for the previously proposed project at the site. The proposed project is also within the historical range of the federally endangered

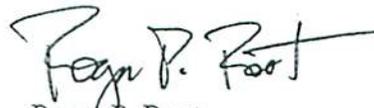
least Bell's vireo (*Vireo bellii pusillus*), which in recent years has expanded its current geographic range as far north as San Mateo County. The least Bell's vireo has been recently sited within San Luis Obispo County; therefore, we recommend that the project be timed appropriately to avoid potential impacts to this species or any other migratory birds that might occur within the area.

Activities that may result in take of federally listed animal species must be either exempted from the Act's prohibitions against take through interagency consultation (pursuant to section 7(a)(2) of the Act) or authorized through the incidental take permitting process (pursuant to section 10(a)(1)(B) of the Act), as described above. This includes any proposed capture and relocation activities. Additionally, if the proposed project involves Federal funding, authorization, or implementation and may affect designated critical habitat, these effects must be evaluated through interagency consultation between the lead Federal agency (e.g., the Corps) and the Service, to ensure that the proposed project will not result in destruction or adverse modification of critical habitat.

We encourage the County to work with us and the Corps on aspects of the project that may affect federally listed species. We are available to provide specific information regarding listed species and further guidance to ensure compliance with the Act. Because the proposed project will require authorization from the Corps, we are anticipating that the Corps will be either reinitiating consultation with us or requesting that an amendment be made to our original biological opinion issued in 2005, referenced above.

We appreciate the opportunity to provide comments on the proposed MUP for the Morro Creek Ranch Bridge Replacement Project and look forward to working with the County in the future to address and minimize the potential impacts of the project on federally listed species. If you have any questions regarding these comments, please contact Heather Abbey of my staff at (805) 644-1766, extension 290.

Sincerely,



Roger P. Root
Assistant Field Supervisor

cc:

Bruce Henderson, U.S. Army Corps of Engineers
Matthew McGoogan, National Marine Fisheries Service
Mike Hill, California Department of Fish and Game
Shayna Bailey, Upper Salinas - Las Tablas Resource Conservation District

Literature Cited

- [Corps] U.S. Army Corps of Engineers. 2009. Notice of non-compliance with permit conditions enforcement case No. SPL – 200300349 – MWV. Letter sent to Bob Staller of the Morro Creek Ranch on February 27, 2009.
- [Service] U.S. Fish and Wildlife Service. 2005. Biological opinion for Morro Creek Ranch culvert replacement project near the city of Morro Bay in San Luis Obispo County, California (PAS 1003.1107.1468, Service consultation reference number 1-8-04-F-58, Corps File No. 200300349-MWV). Issued to David Castanon, Chief of the North Coast Regulatory Branch for the U.S. Army Corps of Engineers on October 4, 2005.
- [Service] U.S. Fish and Wildlife Service. 2010. Endangered and threatened wildlife and plants: Revised designation of critical habitat for California red-legged frog; final rule. Federal Register 75:12816-12865.
- Staller, Bob. 2011. Minor use permit application for a new bridge across Morro Creek with paved driveways at 87.5-acre site located off Highway 41 in Morro Bay (APN: 073-069-020 and 021). Submitted to San Luis Obispo County Planning and Building Department on June 27, 2011.



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

August 2, 2011

REPLY TO
ATTENTION OF

Regulatory Division

Art Pearson
Morro Creek Ranch
1800 Atascadero Road
Morro Bay, CA 93442

SUBJECT: Jurisdictional Determination

Dear Mr. Pearson:

I am responding to your request (File No. SPL-2011-00697-CLH) dated June 23, 2011, for a jurisdictional determination pursuant to Clean Water Act Section 404 (33 CFR 320-332) for the Morro Creek Ranch Bridge in the city of Morro Bay, San Luis Obispo County, California (35.38708 N, -120.40278 W).

The proposed project is to install a suspended bridge over Morro Creek. Mr. Pearson has previously obtained a permit (Corps File No. 2003-00349-JWM) from the Corps to install a large box culvert in the same creek approximately 1,000 feet downstream of the proposed bridge crossing. The Ranch has decided to modify their permitted project of installing the box culvert and place a suspended bridge over Morro Creek. The proposed suspended bridge and all footings thereto would be outside of Corps jurisdiction.

Based upon the materials provided, the proposed project would not have the effect of fill material as defined in 33 CFR 323 (May 9, 2002 revision). Therefore, we have determined the proposed project, as designed, would not constitute a discharge of dredged or fill material.

Accordingly, the proposed project is not regulated under Section 404 of the Clean Water Act, and thus a Section 404 authorization is not required from our office provided the activity is performed in the manner described. Notwithstanding our determination above, your proposed project may be regulated under other Federal, State, and local laws.

If you have any questions, please contact Crystal L.M. Huerta of my staff at 805-585-2143 or via e-mail at crystal.huerta@usace.army.mil. Please be advised that you can now comment

on your experience with the Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron O. Allen". The signature is written in a cursive style with a large, sweeping loop at the top that extends over the first part of the name.

Aaron O. Allen, Ph.D.
Chief, North Coast Branch



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Fire Chief

COMMERCIAL FIRE PLAN REVIEW

August 12, 2011

Subject: DRC2010-00085 MORRO CREEK RANCH – New Bridge Project

Dear Paul Sittig, Coastal Team,

I have reviewed the Minor Use Permit for a new bridge across Morro Creek, with paved private driveways you submitted for the Morro Creek Ranch project located at 1800 Atascadero Road in Morro Bay California. The project is within a moderate fire severity zone with a 10- minute response time from the nearest County Fire Station. The project and applicant shall comply with the 2010 California Fire Code (CFC), the 2010 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws.

Private Bridge Requirements:

All Bridges - A bridge is required to support a fire engine load weight of 20 tons. Applicant shall provide a letter of certification from a licensed engineer verifying minimum load design. Signs indicating weight limit and vertical clearance limits shall be posted at entrances. A minimum 20 foot wide right of way for 2 way roads. Combination vehicle/pedestrian guardrails on both sides of bridge are required.

One-Lane Bridge – A 10-foot minimum driving lane is required. Signs indicating one way or one lane condition posted at entrances. Unobstructed visibility entire length of bridge is required. Turnouts are required at both ends of bridge.

Fire Safety during Construction:

During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include the use of spark arresters, adequate clearance around welding operations, smoking restrictions and having extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant.

If I can provide additional information or assistance on this mater, please don't hesitate to contact me at (805) 543-4244.

Respectfully,

Tina Rose
Fire Inspector

NOV 1 2011

C: Bob Staller
Art Pearson

DATE: March 21, 2012

**DEVELOPER'S STATEMENT FOR MORRO CREEK RANCH MINOR USE PERMIT/
COASTAL DEVELOPMENT PERMIT, ED11-002 (DRC2010-00085)**

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.

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

Project Description: Request by Bob Staller on behalf of Morro Creek Ranch for a Minor Use Permit/Coastal Development Permit to construct a new bridge across Morro Creek with approximately 300 linear feet of new paved private driveways on each side of Atascadero Road (Highway 41) to improve access for continued agricultural purposes. The project will result in the disturbance of approximately 6,570 square feet. The project is located at 1800 Atascadero Road, approximately two miles east of the intersection of Ironwood and Highway 41, east of the community of Morro Bay, in the Estero planning area.

Air Quality

AQ-1 **From the initiation and throughout the duration of construction or grading activities,** the following dust mitigation measures shall be implemented:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. 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 or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- g. Equipment must be washed down before moving from the property onto a paved public road; and
- h. Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.

- AQ-2 **During construction activities**, equipment must be washed down before moving from the property onto a paved public road, and visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.

Monitoring AQ-1 and AQ-2: All applicable mitigation measures will be shown on the grading and building plans prior to issuance of permits, and implemented by the applicant in the field. Compliance will be verified by the County of San Luis Obispo.

Biologic Resources

- BIO-1 **At the time of application for grading permits**, the applicant shall clearly delineate the limit of site disturbance on the project plans, as shown on the attached graphics, Attachment 1.

Prior to issuance of construction permits, the applicant shall install sturdy, visible fencing between the project and existing riparian habitat, which will remain in place during the entire construction phase. All new site disturbances shall be located within these limits of disturbance.

Prior to final inspection, the applicant shall provide verification to the satisfaction of the County that no disturbance occurred outside of the approved site disturbance limit.

Monitoring BIO-1: All applicable mitigation measures will be shown on the grading and building plans prior to issuance of permits, and implemented by the applicant in the field. Compliance will be verified by the County of San Luis Obispo.

- BIO-2 All construction activities related to the proposed project shall be monitored by a qualified biologist for the duration of the Project. **Prior to site disturbance**, the biological monitor shall conduct a biological resources education program for workers. The educational program shall include a description of the California red-legged frog, its habitat, what constitutes take, penalties for take, and the guidelines that will be followed by all construction personnel to avoid take of the species during construction activities. The construction crew foreman shall be responsible for ensuring that crew members comply with the guidelines and that all new personnel receive the training before partaking in construction activities. The work area boundaries and other off-limit areas shall be identified by the onsite biologist. Any vegetation clearing activities shall be monitored by the onsite biologist.

- BIO-3 **Forty-eight hours prior to initiation of construction activities and equipment access**, a qualified biologist shall conduct surveys for California red-legged frog at the proposed Project site in accordance with the U.S. Fish and Wildlife Service's revised survey guidelines (Service 2005b). If any life stage of the California red-legged frog is found during these surveys, the Service shall be contacted immediately and all construction activities that could result in take should be postponed until the frog(s) leave the Project site on their own reconnaissance or further appropriate avoidance actions, which could allow the Project to continue, are implemented.

BIO-4 **Before work activities begin each day**, the onsite biological monitor shall inspect the Project site, including under parked equipment, for California red-legged frogs. If a California red-legged frog is found onsite during the daily inspections or during construction activities, all Project activities that could result in take shall cease until the Service is consulted and appropriate actions to avoid take are developed and implemented onsite.

Monitoring BIO-2 through 4: The applicant shall retain a qualified individual, who shall perform the aforementioned mitigation measures, and provide a written report to the County for review and approval at appropriate times in the course of the project.

BIO-5 If the use of creek pumps is anticipated, intakes should be completely screened with wire mesh (0.2 inch or smaller) to prevent California red-legged frogs from entering the pump system.

BIO-6 All work associated with proposed Project activities within the riparian area (the creek channel and 300 feet from all sides of the channel) should occur in the dry season (May 1 to October 31).

BIO-7 **During construction and grading activities**, all drilling muds shall be placed in containers and hauled off site to appropriate disposal facilities.

BIO-8 **During construction and grading activities**, all refueling shall be done in non-sensitive areas where spills can be easily cleaned up.

BIO-9 **During construction and grading activities**, stabilizing materials (e.g. mulch) shall be used in disturbed areas to reduce erosion.

Monitoring BIO-5 through 9: The applicant shall comply with these mitigation measures. Compliance will be verified by the County of San Luis Obispo.

BIO-10 All work impacting vegetation should occur outside of the nesting season (non-nesting season is typically August 31 to February 15). **If work must occur during this period**, a qualified biologist shall conduct pre-construction surveys to determine if nesting birds or sensitive bird species occur within or in proximity to the proposed work. These surveys shall include the work area and access roads with a buffer of up to 500 feet. If no nesting birds are found, the Applicant shall submit a letter to the County to document the findings. If nesting birds are found, the Applicant shall coordinate with the qualified biologist to determine appropriate setbacks until nesting is deemed complete. If work must occur in close proximity (100 feet for passerines and 250 feet of raptors) to nesting birds, the Applicant shall consult with the County and the California Department of Fish and Game (CDFG) prior to proceeding with work. If sensitive species are discovered, no work may proceed until the County and CDFG are consulted.

Monitoring BIO-10: If work must occur during the nesting season, the applicant shall retain a qualified individual who shall survey the project site and provide a report to County staff for review and approval.

Drainage (site-specific and cumulative)

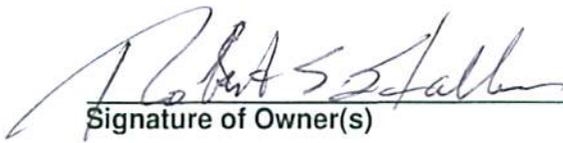
- GEO-1 **At the time of application for grading permits**, the applicant shall submit a drainage plan prepared by a Registered Civil Engineer for review and approval by the County Public Works Department. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) and Low Impact Design (LID) features to address polluted runoff, ground water recharge, and surface water quality, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from drives to vegetative strips before it leaves the site.
- GEO-2 **Prior to issuance of any grading permits**, a sedimentation and erosion control plan shall be prepared per County Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan will need to be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of off-site effects.

Monitoring GEO-1 and 2: Prior to issuance, both a drainage plan and sedimentation and erosion control plan shall be submitted to the County Public Works Department for review and approval.

- GEO-3 **Prior to final inspection**, the registered civil engineer shall verify that the recommendations of the approved Drainage Plan and the Sedimentation and Erosion Control Plan have been implemented. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Public Works Department, the applicant shall execute a plan check and inspection agreement with the county, so that the drainage, sedimentation and erosion control facilities can be inspected and approved before final occupancy or final inspection, whichever occurs first.

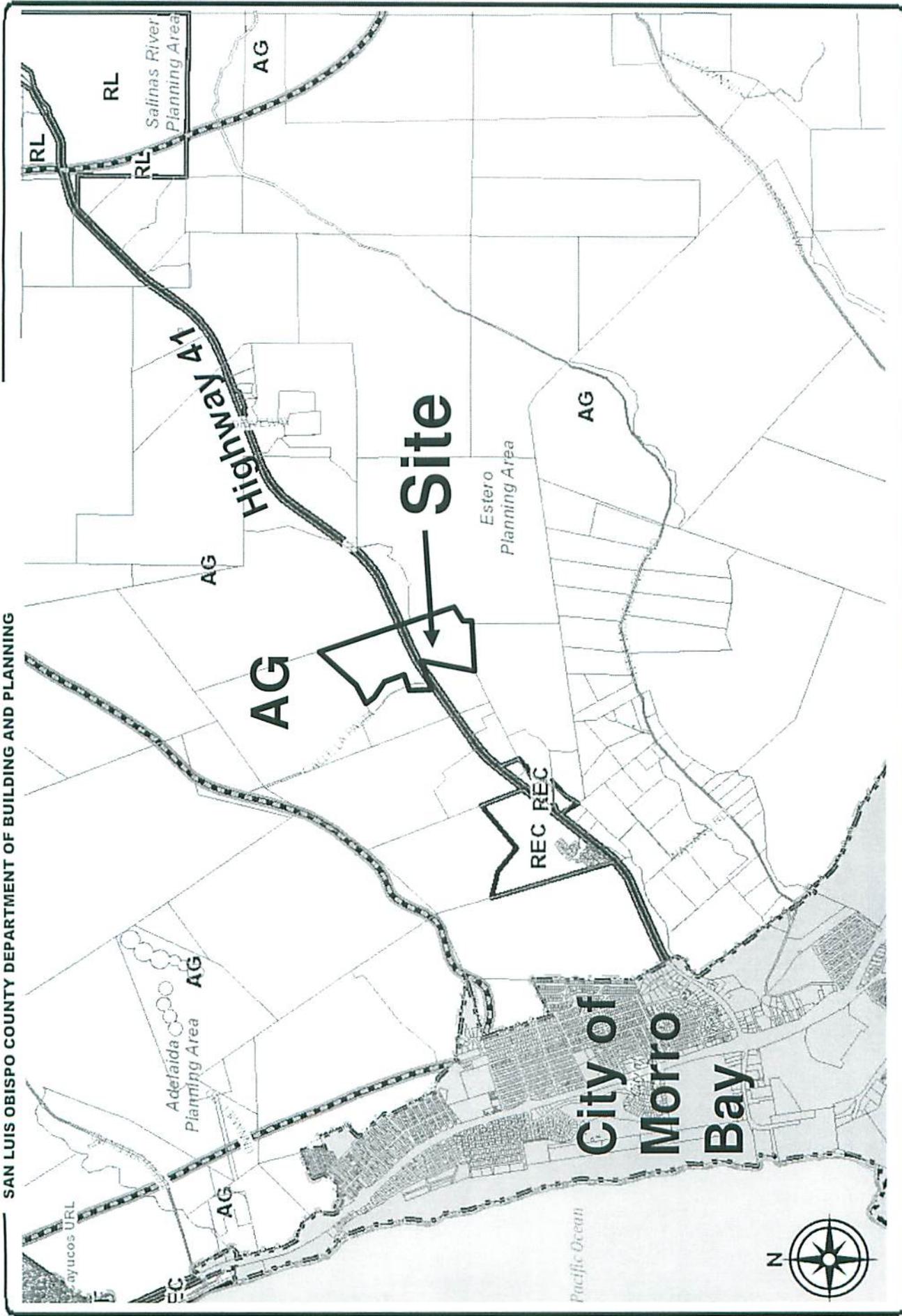
Monitoring GEO-3: Prior to final inspection, a report will be submitted to the Department of Planning and Building for review and approval.

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 Owner(s)

ROBERT S. STALLER
Name (Print)

3/3/2012
Date



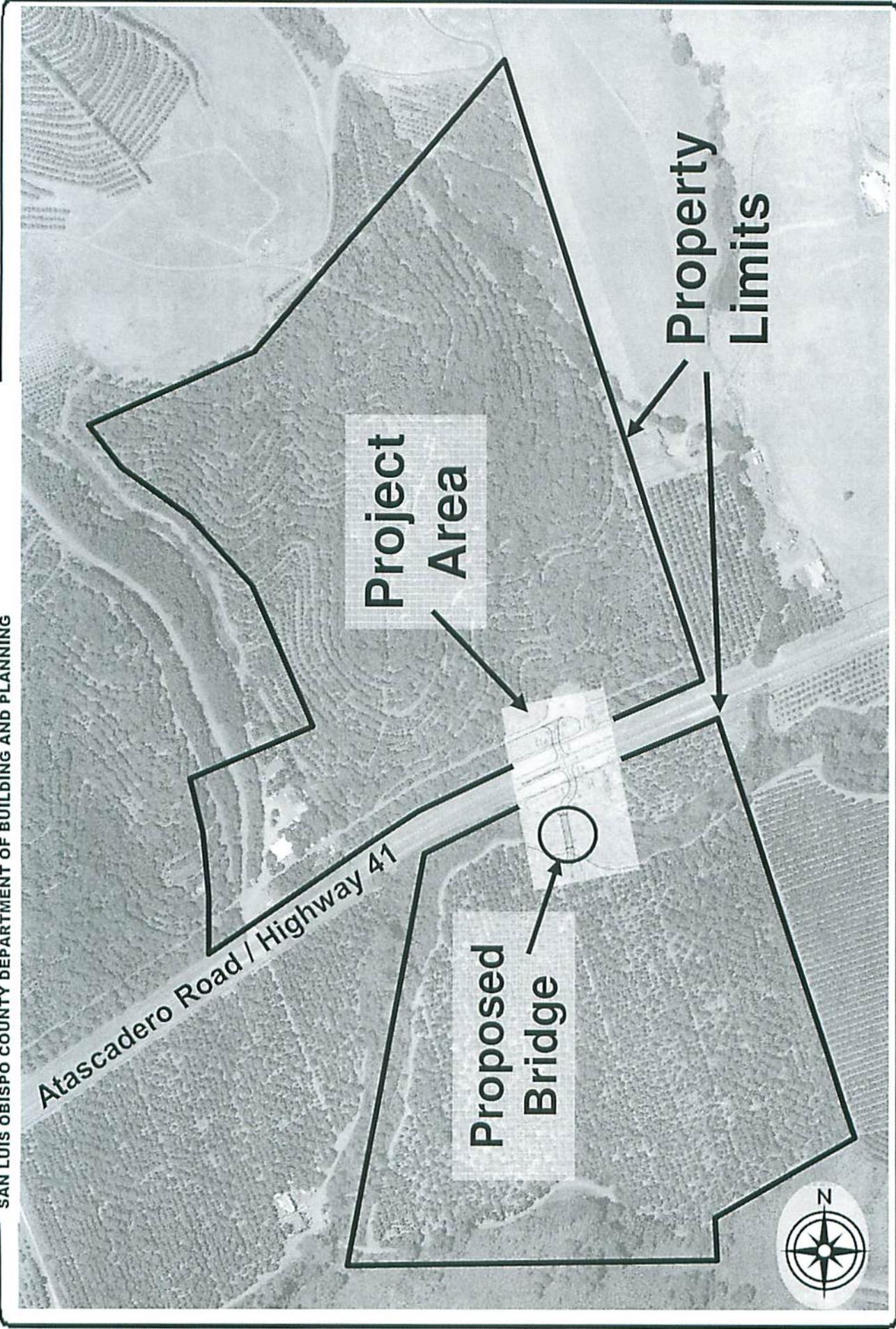
PROJECT

Minor Use Permit/Coastal Development Permit
Morro Creek Ranch DRC2010-00085



EXHIBIT

Vicinity Map and Land Use Category Map



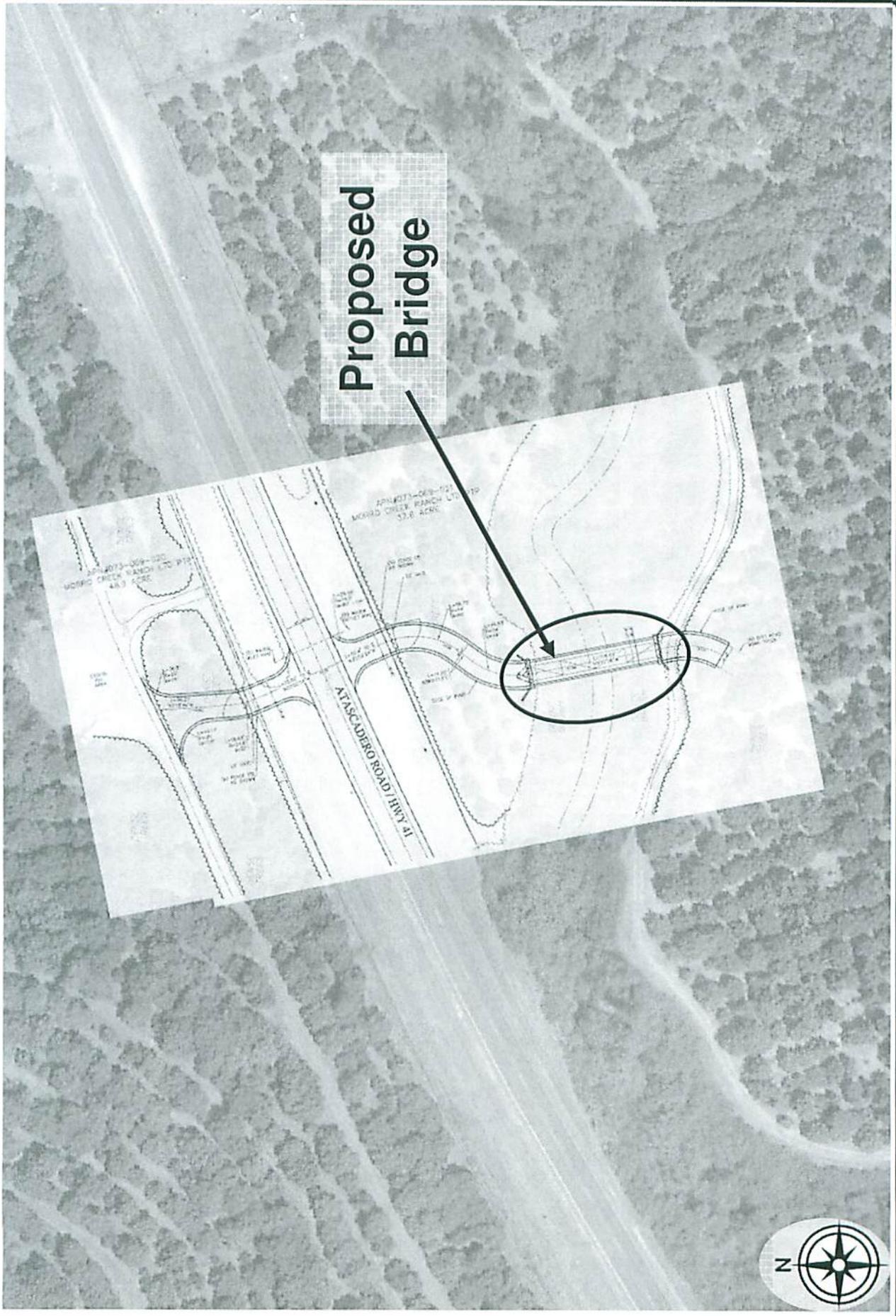
EXHIBIT

Aerial Photograph with Project Overlay



PROJECT

Minor Use Permit/Coastal Development Permit
Morro Creek Ranch DRC2010-00085



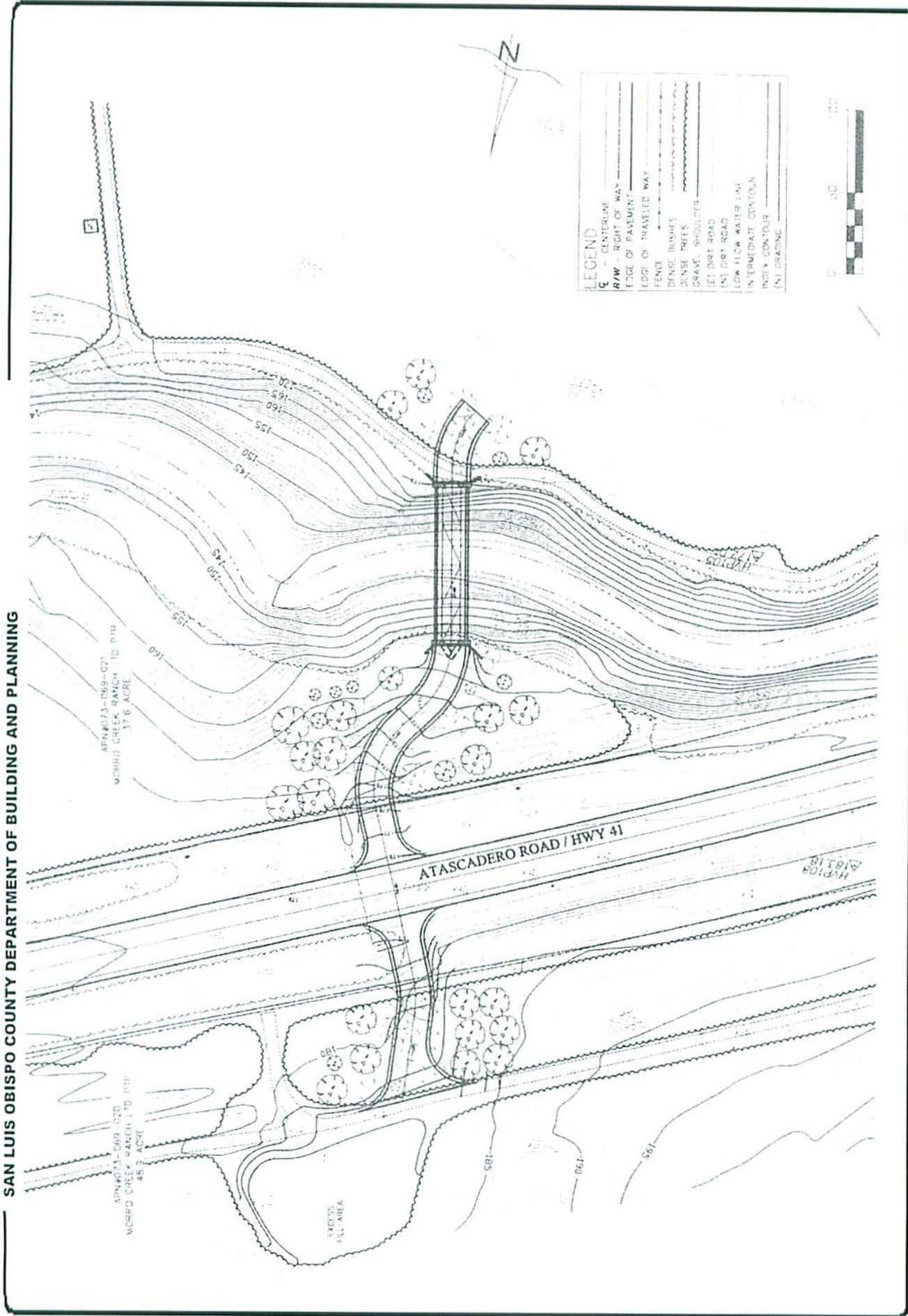
PROJECT

Minor Use Permit/Coastal Development Permit
Morro Creek Ranch DRC2010-00085

EXHIBIT

Aerial Photograph Detail with Project Overlay



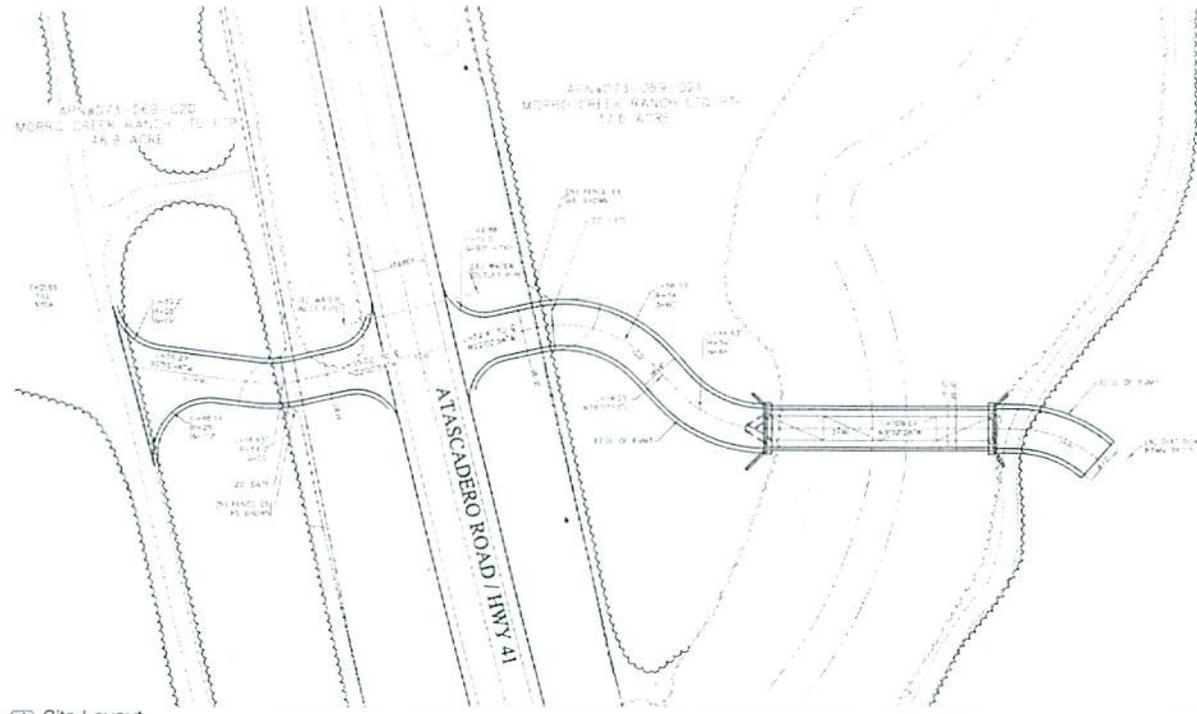


EXHIBIT

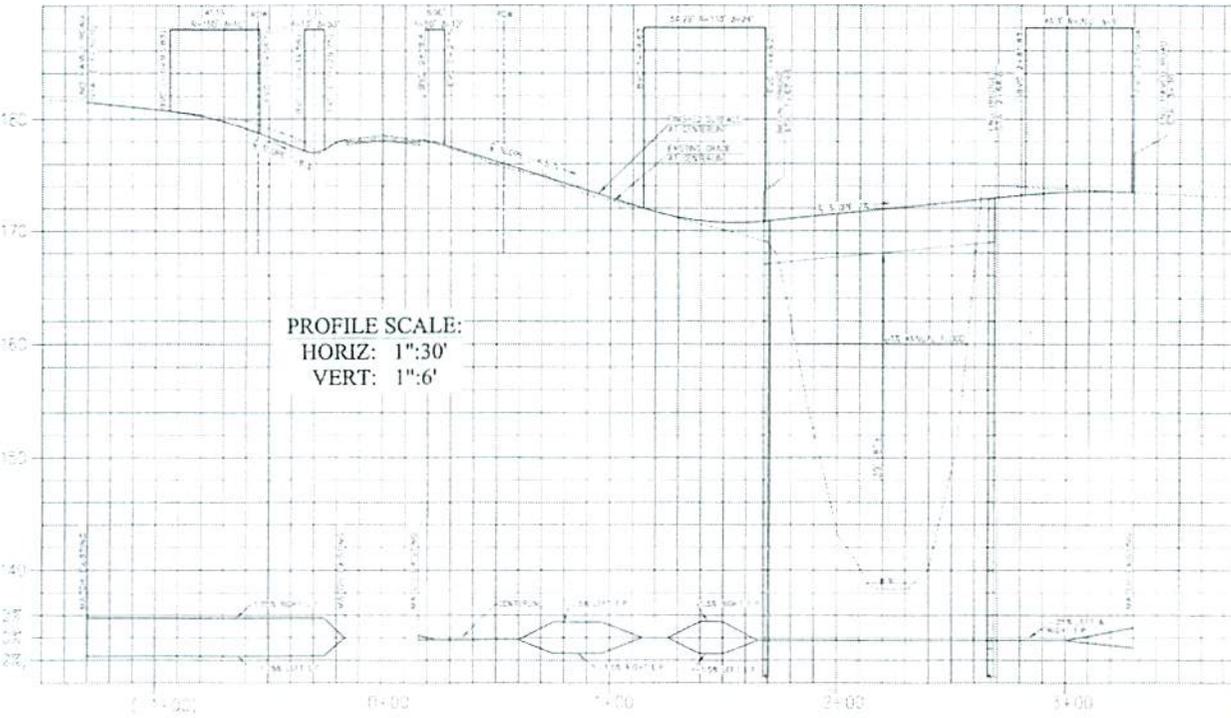
Grading Plan



PROJECT
 Minor Use Permit/Coastal Development Permit
 Morro Creek Ranch DRC2010-00085



A Site Layout

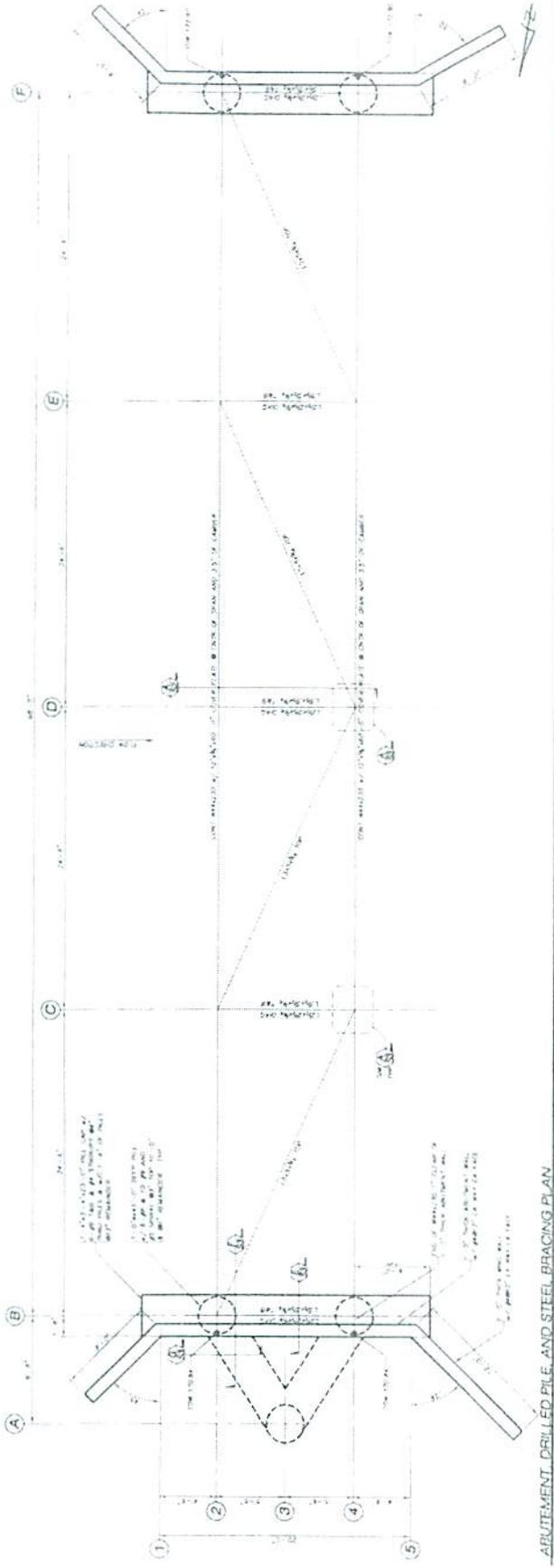


EXHIBIT

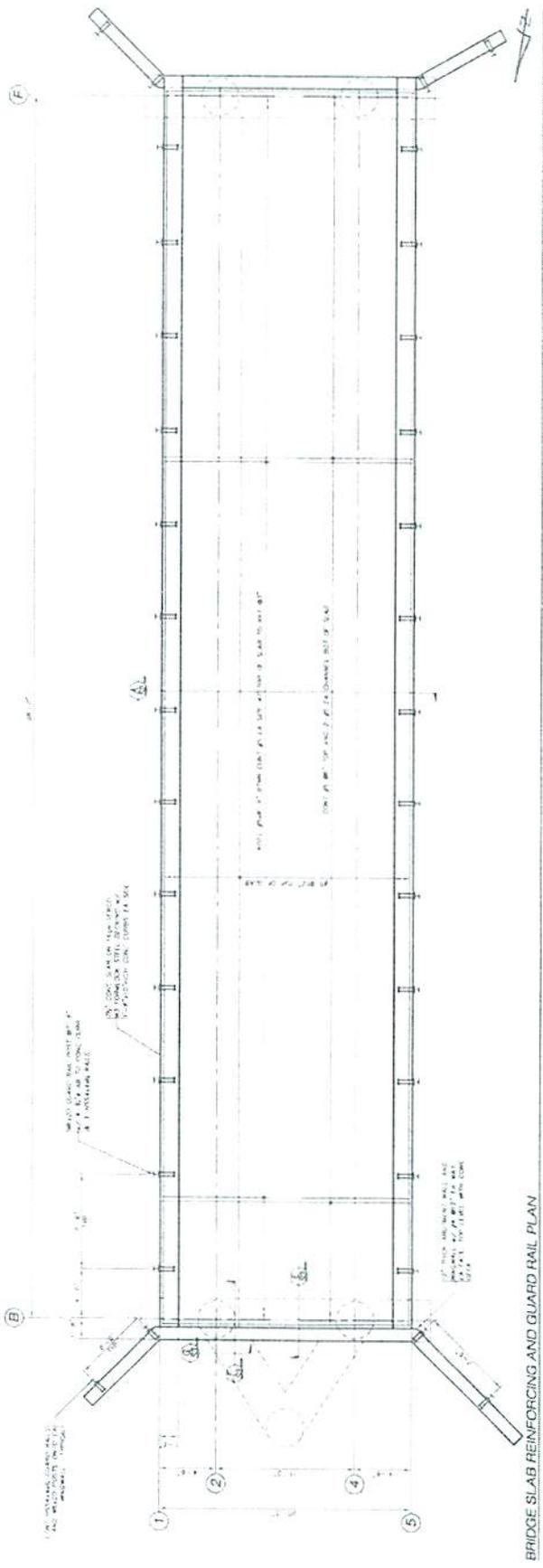
Project Section and Site Plan Detail



PROJECT
Minor Use Permit/Coastal Development Permit
Morro Creek Ranch DRC2010-00085



ABUTMENT, DRILLED PILE AND STEEL BRACING PLAN



BRIDGE SLAB REINFORCING AND GUARD RAIL PLAN



EXHIBIT

Bridge Details

PROJECT
 Minor Use Permit/Coastal Development Permit
 Morro Creek Ranch DRC2010-00085

