



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. ED12-057

DATE: 5/23/2013

PROJECT/ENTITLEMENT: (SK Miramonte Ranch LLC) Grading Permit; PMT2009-01809

APPLICANT NAME: Sarah Ketterer

ADDRESS: 5190 Ontario Road, San Luis Obispo, CA 93405

CONTACT PERSON: Rachel Kovetski - Kirk Consulting

Telephone: (805) 461-5765

PROPOSED USES/INTENT: Request by SK Miramonte Ranch, LLC, for a major grading permit to allow for as-built engineered grading and restoration of a site previously disturbed by unauthorized grading in 2007. The proposal includes grading for a primary access road to a ranch as well as an access road to a proposed mobile home site to meet Cal Fire standards (Roads "A" and "D" on the project plans). Two additional roads, (Roads "B" and "C" on the project plans), will be re-graded and restored to residential road standards. Road "A" will involve both on and off site improvements (the off-site improvements cross the 242 acre Johnson Ranch Open Space Area that is owned by the City of San Luis Obispo on Assessor's Parcel Numbers 076-114-012 and 076-121-019 via an existing access easement). The total amount of site disturbance is approximately 9.1 acres, and will result in 29,470 cubic yards of cut and fill. The project is located on the northwest side of Ontario Road, approximately 1 mile northwest of the South Higuera Street-Highway 101 interchange, approximately 2.70 miles south of the City of San Luis Obispo, in the San Luis Bay Inland planning area.

The project includes the following applicant proposed measures:

1. All of the work will include sedimentation and erosion control measures to minimize impacts to the on-site creek which is a tributary to San Luis Creek.
2. The applicant will enter into a new Williamson Act contract prior to the expiration of the existing contract (prior to the expiration date in February 2016).

DISCUSSION: Miramonte Ranch is a 1,340 acre ranch comprised of 15 legal underlying parcels that are located just south of the city limits of the City of San Luis Obispo. It is presently covered under a Williamson Act contract, but is under non-renewal. The contract will expire in February 2016. Under the current Williamson Act Contract, the residential density allowed is four residential units for the entire 1,340 acre parcel. Currently, the owner has an application in with the Planning and Building Department to re-enter into contract. This application cannot be completed until the grading violation associated with this permit is resolved (per Land Use Ordinance standards).

The currently proposed project would provide access to five of the fifteen legal / certificated parcels. Any additional access roads would require further permitting through the County, with associated environmental review.

The Miramonte Ranch is accessed by way of an unnamed road through the City-owned Johnson Ranch open space, extending back to Ontario Road, near its intersection with South Higuera Street. The entire ranch is designated Agriculture (with a Geologic Study Area combining designation) and is within the San Luis Bay (Inland) planning area.

Several years ago there was a violation associated with the previous owner of the ranch. The violation was issued for grading of roads and pads on the property without obtaining the proper permits. The previous grading violation entailed widening and basing approximately 2.05 miles of existing and new road surfaces. Issuance of this grading permit will resolve the enforcement case on the site.



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LOCATION: The project is located on the northwest side of Ontario Road, approximately 1 mile northwest of the South Higuera Street-Highway 101 interchange, approximately 2.70 miles south of the City of San Luis Obispo, in the San Luis Bay Inland 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: California Department of Fish and Wildlife, Regional Water Quality Control Board, Army Corps of Engineers, US Fish and Wildlife

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 June 6, 2013

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.

Stephanie Fuhs

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
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
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(ver 5.0) Jmg/fam

Project Title & No. SK Miramonte Ranch LLC Grading Permit **PMT2009-01809**
ED12-057

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 checked="" 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 /Hydrology |
| <input type="checkbox"/> Cultural Resources | <input checked="" 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.

Stephanie Fuhs
Prepared by (Print)

Stephanie Fuhs
Signature

5/22/13
Date

Murry Wilson
Reviewed by (Print)

Murry Wilson
Signature

Ellen Carroll,
Environmental Coordinator
(for)

5/23/13
Date

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 County Planning Department 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 Current Planning Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by SK Miramonte Ranch, LLC, for a major grading permit to allow for as-built engineered grading and restoration of a site previously disturbed by unauthorized grading in 2007. The proposal includes grading for a primary access road to a ranch as well as an access road to a proposed mobile home site to meet Cal Fire standards (Roads "A" and "D" on the project plans). Two additional roads, (Roads "B" and "C" on the project plans), will be re-graded and restored to residential road standards. Road "A" will involve both on and off site improvements (the off-site improvements cross the 242 acre Johnson Ranch Open Space Area that is owned by the City of San Luis Obispo on Assessor's Parcel Numbers 076-114-012 and 076-121-019 via an existing access easement). The total amount of site disturbance is approximately 9.1 acres, and will result in 29,470 cubic yards of cut and fill. The project is located on the northwest side of Ontario Road, approximately 1 mile northwest of the South Higuera Street-Highway 101 interchange, approximately 2.70 miles south of the City of San Luis Obispo, in the San Luis Bay Inland planning area.

The project includes the following applicant proposed measures:

1. All of the work will include sedimentation and erosion control measures to minimize impacts to the on-site creek which is a tributary to San Luis Creek.
2. The applicant will enter into a new Williamson Act contract prior to the expiration of the existing contact (prior to the expiration date in February 2016).

DISCUSSION: Miramonte Ranch is a 1,340 acre ranch comprised of 15 legal underlying parcels that are located just south of the city limits of the City of San Luis Obispo. It is presently covered under a Williamson Act contract, but is under non-renewal. The contract will expire in February 2016. Under the current Williamson Act Contract, the residential density allowed is four residential units for the entire 1,340 acre parcel. Currently, the owner has an application in with the Planning and Building Department to re-enter into contract. This application cannot be completed until the grading violation associated with this permit is resolved (per Land Use Ordinance standards).

The currently proposed project would provide access to five of the fifteen legal / certificated parcels. Any additional access roads would require further permitting through the County, with associated environmental review.

The Miramonte Ranch is accessed by way of an unnamed road through the City-owned Johnson Ranch open space, extending back to Ontario Road, near its intersection with South Higuera Street.

The entire ranch is designated Agriculture (with a Geologic Study Area combining designation) and is within the San Luis Bay (Inland) planning area.

Several years ago there was a violation associated with the previous owner of the ranch. The violation was issued for grading of roads and pads on the property without obtaining the proper permits. The previous grading violation entailed widening and basing approximately 2.05 miles of existing and new road surfaces. Issuance of this grading permit will resolve the enforcement case on the site.

ASSESSOR PARCEL NUMBER(S): 076-114-005, 076-114-006, 076-114-011, 076-114-018, 076-114-021

Latitude: 35° 14' 0.2862" Longitude: -120° 42' 35.913"

SUPERVISORIAL DISTRICT # 3

B. EXISTING SETTING

PLANNING AREA: San Luis Bay (Inland), Rural

TOPOGRAPHY: Irregular

LAND USE CATEGORY: Agriculture

VEGETATION: Grasses , chaparral
 , oak woodland

COMBINING DESIGNATION(S): Geologic Study
 Streams Riparian Vegetation

PARCEL SIZE: 1,340 acres (multiple parcels)

EXISTING USES: Grazing, undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Agriculture; Open Space	<i>East:</i> Rural Lands; Johnson Ranch open space, Highway 101
<i>South:</i> Rural Lands; Open Space	<i>West:</i> Rural Lands; undeveloped

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

<i>Will the project:</i>	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 checked="" type="checkbox"/>	<input 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 a 1,340 acre ranch that is located just south of the City limits of the City of San Luis Obispo.

The topography of the site is gently to steeply sloping. The proposed roads and location of the proposed mobile home are located on more level areas of the site and avoid the steep slopes on the northern and western edges of the property.

The proposed project is adjacent to the Sensitive Resource Area/Highway Corridor designation due to the site's proximity to Highway 101.

Impact. The site is accessed off of Ontario Road, adjacent to Highway 101, at the entry to the 242 acre Johnson Ranch property owned by the City of San Luis Obispo via a private access easement. The current permit is a request to re-grade the main access road which is located both on the City's property (within an existing easement) and on the applicant's property. In addition, the proposal includes an on-site road to a proposed mobile home which would be improved to Cal Fire standards. The proposal also includes re-grading two secondary roads to residential road standards which will involve some site restoration and installation of sedimentation and erosion control measures to minimize impacts to Dry Creek which is a tributary to San Luis Creek.

While the ranch property itself is visible from Highway 101 and Ontario Road, the roads and proposed mobile home site will not be visible from these roadways due to intervening topography and a prominent rock outcropping. The project will not silhouette against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

While the project will not be visible from public roads or the Johnson Ranch Open Space area, the proposed mobile home will introduce night lighting in an area that currently does not have any sources of artificial light.

Mitigation/Conclusion. No mitigation measures are necessary for the road grading and / or construction of the mobile home, but a measure minimizing lighting and glare have been included as a condition of the project. Inclusion of the measure listed in Exhibit B – Mitigation Summary Table (associated with reducing night lighting impacts from the proposed residential use) will mitigate

potential impacts to a less than significant level.

2. AGRICULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <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"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</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. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Agriculture

Historic/Existing Commercial Crops: None

State Classification: Not prime farmland

In Agricultural Preserve? Yes: Irish Hills AG Preserve Area

Under Williamson Act contract? Currently in non-renewal (current contract to expire in February 2016)

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

Diablo and Cibo clays (30 - 50 % slope).

Diablo. This steeply 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 VI without irrigation and Class is not rated when irrigated.

Cibo. This steeply 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 VI without irrigation and Class is not rated when irrigated.

Gazos-Lodo clay loams (30 - 50% slope).

Gazos. This steeply sloping fine loamy 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: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class VI without irrigation and Class is not rated when irrigated.

Lodo. This steeply sloping 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 VI without irrigation and Class is not rated when irrigated.

Obispo-Rock outcrop complex (15 - 75% slope). This moderately to very steeply sloping, shallow clayey serpentine 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.

Impact. The 1,340 acre ranch is currently leased out for cattle grazing. The surrounding agriculturally zoned properties are also used for grazing; no other agricultural activities occur in the immediate vicinity of the project site. The improvements provided for with this permit are designed to support the grazing activities on the ranch and for minor residential development.

There are fifteen recorded certificates of compliance covering the 1,340 acre property. Under the current Williamson Act Contract which is in effect until February 2016, the residential density allowed is four residential units. The currently proposed project would be able to provide access to five of the fifteen certificated parcels. Any additional access roads would require further permitting through the County, with associated environmental review.

The current owner has applied to the County of San Luis Obispo to re-enter into Williamson Act contracts to preserve the ranch in agriculture and open space. The request is for three contracts over the subject property which would limit residential development to three units (one per contract). The application is on hold until the current grading violation is resolved per the County's adopted Rules of Procedure. It is anticipated that once the violation is resolved, the property would be placed under a new contract within three to six months depending on the contract cycle.

Mitigation/Conclusion. No significant impacts to agricultural resources are anticipated and no mitigation measures are necessary due to the limited development allowed under the current and future Williamson Act Contracts. An applicant proposed measure / amendment to the project description has been included in Exhibit B – Mitigation Summary Table to ensure that the applicant enters into a new conservation contract prior to expiration of the existing contract. This will ensure protection of agricultural resources on the project site. While this measure is listed in Exhibit B, the applicant has agreed to incorporate this measure into the project description and the resulting impact is less than significant.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GREENHOUSE GASES				
f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed and updated their CEQA Air Quality Handbook (2012) 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).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential/commercial land use

projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold for this project.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. As proposed, the project will result in the disturbance of 9.1 acres and approximately 29,470 cubic yards. The project proposes to disturb soils that have been given a wind erodibility rating of 6, which is considered "moderately high". This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Because the grading will occur in serpentine rock formations that contain naturally occurring asbestos, the applicant will need to work with the APCD to determine acceptable mitigation measures, which will include, at a minimum, a dust control plan, monitoring and reporting during all site disturbance activities.

The project is not in close proximity to sensitive receptors that might otherwise result in nuisance complaints and be subject to limited dust and/or emission control measures during construction.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

This project is a grading permit for an access road to a proposed mobile home site and re-grading of two secondary access roads to residential road standards. Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

Mitigation/Conclusion. Staff discussed the project with APCD staff and developed mitigation measures to address construction phase impacts. Due to grading occurring in serpentine soils, mitigation measures have been added to reduce the impacts to a level of insignificance. Inclusion of the measures listed in Exhibit B – Mitigation Summary Table will reduce potential impacts to a less than significant level.

4. BIOLOGICAL RESOURCES <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Game or U.S. Fish & Wildlife Service?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

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

On-site Vegetation: Herbaceous; shrub; oak woodland

Name and distance from blue line creek(s): San Luis Obispo Creek is approximately 0.71 miles east of the proposed project. Intermittent stream tributary of San Luis Obispo Creek is on site.

Habitat(s): None

Site's tree canopy coverage: Less than 10%

The project site contains areas that are within a serpentine outcrop area. Serpentine soils are known to support several rare and endangered plants.

A biological assessment was prepared for the project (Kevin Merk Associates, November 30, 2012). Project specific studies were conducted in the spring, summer and fall of 2012 and included an approximately 100-foot corridor along the proposed road improvements for both on and off site improvements and a 50-foot buffer around the proposed building pad for the mobile home. The report details the habitat types found on the property, lists the species with the potential to occur on the site (based on the Natural Diversity Database (NDDDB) and other biological references), and species documented during the surveys.

Plant habitats are primarily native and non-native grassland, oak woodland and coastal scrub. Native purple needlegrass occurs on the site and within the area proposed for disturbance. 158 plant species were observed on the site, 111 native and 47 non-natives. 32 animal species were observed, only two non-natives during the above referenced surveys.

There are three drainages which lead to San Luis Creek on the property. These drainages contain riparian and wetland features. These areas have the potential to support steelhead, California red-legged frog, western pond turtle, two-striped garter snake, and Coast Range newt. During the project specific field surveys, these species were not observed in the project impact areas.

Impact. The project involves 29,470 cubic yards of cut and fill and 9.1 acres of site disturbance that occurs both on the ranch property and off-site on the adjacent City owned property (within an existing access easement). The project was redesigned to reduce the scope of the grading to the existing on-site roads and three drainage areas. Several special status plant species are found both on the owner's property and the City owned parcels. During the project specific field surveys it was determined that the majority of the grading will impact annual non-native grassland (2.7 acres). The project will involve disturbing 0.7 acres of native bunchgrass grassland habitat. Small areas of several special status plants, including club-haired mariposa lily, San Luis mariposa lily, San Luis Obispo mariposa lily, Cambria morning glory, and San Luis Obispo owl's clover are within the areas proposed for disturbance.

It was noted in the biological assessment that while there will be some impacts to these populations, that the limited nature of the disturbance will not have a significant impact on the overall species populations on the ranch or in the region. No rare animals were observed on the property during the surveys; however, suitable habitat exists for the aquatic species listed above to occur in the drainage near the entrance to the ranch. In addition, bird and bat species could use the site for nesting and roosting.

The proposed grading would improve the existing access road to the property as well as to the road to the proposed building pad to residential (Cal Fire) standards. The grading will include the proposed building pad associated with the 4,200 square foot mobile home and related improvements. Two other access roads will be re-graded to residential road standards and involve placement of permanent sedimentation and erosion control devices.

According to an e-mail received on April 25, 2013 from the biologist who prepared the original biological assessment (attached), the grading plans have revised to eliminate culvert installation and limit grading to areas within roadway impacted by previous grading.

Current plans show three drainage improvements which have been sited to avoid wetland and riparian habitats. These improvements included calculations to determine the high water mark for a determination of Army Corps of Engineers (USACE) and Department of Fish and Wildlife (DFW) jurisdiction. It was determined that the project falls outside the ACE area, but will require permits from DFW. The DFW permit is pending the completion of the County's environmental document.

An area by Dry Creek on Johnson Ranch requires bank stabilization where the road is being eroded. This work will entail installing 2-4 ton rock slope protection devices, installing ½-1 ton rock slope protection devices, installing woven geotextile fabric, installing 50 linear feet of 18 inch multi-flow edge drain, installing 20 linear feet of 4 inch PVC drain pipe, installing 6 inch Class 2 aggregate base surface, and installing 24 inch minimum native backfill or aggregate base mix. This portion of the project will preserve road integrity and improve water quality and habitat for special status species potentially or known to exist on this part of the subject property. This area has some potential for steelhead, however, the existing and proposed vertical slopes diminish the likelihood for encountering the species. A pre-construction survey will be conducted and all work will occur outside the wet season which further reduces the potential impact to species.

Two other areas shown as Culvert K on sheet 13 and Culvert R on sheet 20 of the construction plans will be repaired. Both of these areas of work will be within the existing grading footprint. Mitigation measures are proposed to limit disturbance of these areas outside of the wet season which avoids most of the impacts. Remaining impacts are mitigated as discussed below and in more detail in Exhibit B – mitigation summary.

The proposed grading will primarily involve disturbance to existing roads, annual non-native grassland and other habitats not considered rare or endangered. There are small areas of native bunchgrass that will be impacted. Mitigation measures relative to these impacts are discussed below.

Mitigation/Conclusion. Several mitigation measures are proposed to address the impacts to biological resources listed above including the following (detailed mitigation measures are included in Exhibit B – Mitigation Summary below):

- Seeding a native erosion control seed mix in temporarily disturbed areas and managing non-native invasive plant along the newly constructed road.
- Current plans do not show any trees being removed or impacted, however, if there are any unforeseen removal or impacts to onsite trees from grading and excessive trimming, replacement plantings will be required.
- Appropriate permits from the USACE, RWQCB, and CDFW will be acquired as needed.
- Any riparian habitat impacted by the project will be mitigated through onsite habitat restoration at a minimum of 1:1 ratio.
- Plants native to the San Luis Obispo Creek watershed will be used and any restoration efforts will be monitored annually for five years with reports submitted to the County and other involved regulatory agencies by December 31st of each year.
- Preconstruction surveys for small occurrences of special status plants will be required which will involve flagging occurrences within the work area as well as within 50 feet of site disturbance to avoid removal. If removal cannot be avoided, plants shall be relocated to other suitable areas of the property and monitored.
- Preconstruction surveys will also be required for nesting birds.
- Construction in or near the drainages will only occur during outside of the wet season when water is not flowing or ponding. Construction activities within the drainages will be monitored by a County approved biologist.

These measures will reduce potential biological impacts to a less than significant level.

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical 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. . An existing farm house and barn are located on the property that are over 50 years old. No

paleontological resources are known to exist in the area. The project is within 300 feet of a blue line creek. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources

Impact. A Phase I (surface) survey was conducted (Singer and Associates, 2011). The report states that cultural resources exist on the property in two categories. These categories consist of potentially historic buildings and features and prehistoric archaeological deposits. Potentially historic resources were not evaluated for the classification standards in the Public Resources Code (PRC) because it was determined that the grading activities would not impact these resources. Impacts to pre-historic, historical or paleontological resources are not expected.

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

6. GEOLOGY AND SOILS

Will the project:

	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <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"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping to steeply sloping

Within County's Geologic Study Area?: Yes

Landslide Risk Potential: High

Liquefaction Potential: Low

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: Yes

Shrink/Swell potential of soil: Moderate

Other notable geologic features? None

Drainage: Poorly to not well-drained

The project is within the Geologic Study area designation and is subject to the preparation of a geological report per the County's Land Use Ordinance [LUO section 22.14.070 (c)] to evaluate the area's geological stability. A geological report was conducted for the project (GeoSolutions, Inc./February 11, 2013).

Impact. As proposed, the project will result in the disturbance of 9.1 acres and 29,470 cubic yards of material. The majority of the disturbance will be along existing dirt roads to re-grade, compact and re-contour these roads and to provide for permanent sedimentation and erosion control measures. Additional disturbance will involve extending existing culverts and placing new culverts within existing drainages on the site. Further, the disturbance will be located in a serpentine rock formation known to contain naturally occurring asbestos.

The project was reviewed by the County Geologist. The review prepared stated that recommendations included in the project engineering geology report should be included as mitigation measures for the project prior to issuance of building permits.

Mitigation/Conclusion. Mitigation measures include recommended cut slopes of 1:5:1 and maintenance to avoid raveling; fill slopes of 2:1 and a revegetation plan to avoid widespread erosion; recommendations for the existing slope failure along the creek channel; and drainage improvements to avoid ponding. In addition, the engineering geology investigation included additional recommendations that have been included as mitigation measures. These items are summarized in the mitigation summary table below, and along with County Ordinance standards for grading, drainage, erosion control and stormwater pollution prevention will reduce 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>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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. With regards to potential fire hazards, the subject project is within the moderate to high Fire Hazard Severity Zone(s) and is within the State Responsibility Area. Based on the County's fire response time map, it will take approximately 11-15, minutes to respond to a call regarding fire or life safety based on the location within the property. Refer to the Public Services section for further discussion on Fire Safety impacts.

Impact. The project does not propose the use of hazardous materials, or the generation of hazardous wastes. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan.

The project is located in a high severity risk area for fire. This will require substantial modification of vegetation within 100 feet of any structure. In this case, the proposed mobile home is located within a grassland area without any trees, but will still require vegetation clearance around the residence.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and 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 type="checkbox"/>	<input checked="" type="checkbox"/>

8. NOISE

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

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 (e.g., construct new homes or businesses) or indirectly (e.g., 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 checked="" type="checkbox"/>	<input 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>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



11. RECREATION

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<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 ranch is accessed via a private easement that crosses a portion of the City owned Johnson Ranch Open Space area. This open space area contains trails for hiking and biking and is used extensively by the public for recreational purposes. While the project is located in close proximity to this natural area, the ranch has been a working cattle ranch for decades and the small increase in traffic from the proposed residence is not anticipated to significantly impact access to this open space area. As was stated in the Agricultural Resources section, the property is currently under Williamson Act contract until 2016 and the current owner has agreed to enter into a new contract before expiration of the existing contract. This stipulation will reduce the development potential of the ranch and will reduce the development potential on the 15 certificated parcels.

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

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<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 type="checkbox"/>	<input checked="" 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(s) (Ontario Road) is operating at an acceptable level of service. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

Impact. The proposed project is estimated to generate about 9.57 trips per day, based on the Institute of Traffic Engineer's manual of 9.57trips/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

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

13. WASTEWATER

<i>Will the project:</i>	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"/>
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Adversely affect community wastewater service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;

- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--poor filtering characteristics due to the very permeable nature of the soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent. In this case, due to the limited availability of information relating to the poor filtering soil characteristic, the following additional information will be needed prior to issuance of a building permit: soil borings at leach line location showing that there is adequate separation, or plans for an engineered wastewater system that shows how the basin plan criteria can be met.

--shallow depth to bedrock, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, due to limited availability of information relating to the shallow depth to bedrock characteristic, the following additional information will be needed prior to issuance of a building permit: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a County-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--steep slopes, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. In this case, the proposed leach lines are on or located within close proximity of steep slopes where some potential of effluent daylighting exists. A registered civil engineer familiar with wastewater systems, shall prepare an analysis that shows the location and depth of the leach lines will have no potential for daylighting of effluent.

--**slow percolation**, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch. In this case, the Septic System Design Report identified percolation rates for the soil is 120 minutes per inch for all leach line locations. No additional measures above what is already required for a standard septic system is needed.

- **seepage in bottom layer**, where effluent seeps quickly through (rather than be absorbed by) the soil horizon(s) to a soil layer just above bedrock that is typically in a saturated condition. The on-site system needs at least five feet between the bottom of the leach line to the saturated soil (e.g. high groundwater) with possible treatment of the soil to insure effluent movement rate through the soil meets basin plan requirements. Special engineering may be required to provide this acceptable percolation rate.
- **cemented pan**, where there is thin in an upper soil horizon that may interfere with or intercept effluent percolation and create saturated soil conditions above the impervious layer which may be near the soil surface. When such conditions exist, one of the following is necessary to resolve the potential problem: leach lines must either penetrate or be below the cemented pan, if leach lines above the cemented pan layer, this layer must be removed or permanently modified to allow effluent to percolate through this layer.

The soil has been representatively-tested (GeoSolutions, Inc., August 9, 2012, February 11, 2013) for the following criteria: percolation rates, soil borings of adequate depth to determine the presence/absence of groundwater, and adequate separation from bedrock or impermeable layer. Based on this information, there is adequate evidence showing that on-site systems can be designed to meet the CPC/Basin Plan. Leach line locations will also be reviewed to verify adequate setbacks are provided from any existing or proposed wells (100 feet for individual wells).

Impacts/Mitigation. Most of the project involves road improvements that would not involve wastewater disposal. It is anticipated that some of the roads in the future may also access residential sites. Based on the following project conditions or design features, wastewater impacts associated with some limited residential development are considered less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's percolation rate is between 30 to 120 minutes per inch;
- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope within the project area is less than 20%;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER & HYDROLOGY

Will the project:

QUALITY

a) *Violate any water quality standards?*

b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?*

c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*

d) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?*

e) *Change rates of soil absorption, or amount or direction of surface runoff?*

f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*

g) *Involve activities within the 100-year flood zone?*

QUANTITY

h) *Change the quantity or movement of available surface or ground water?*

i) *Adversely affect community water service provider?*

j) *Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?*

k) *Other:* _____

Setting. The project proposes to obtain its water needs from an on-site well. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is gently sloping to steeply sloping. The closest creek from the proposed development is on site. As described in the NRCS Soil Survey, the soil surface is considered to have low 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's Land Use Ordinance requires that temporary erosion and sedimentation

measures to be installed.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Unnamed creek Distance? on site

Soil drainage characteristics: Very poorly drained

The subject property is not within a defined groundwater basin.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) 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, area 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: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) 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 – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

Approximately 3.9 acres of site disturbance is proposed and the movement of approximately 25,000 cubic yards of material;

- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Bioswales will be installed as a part of the drainage plan;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;

Water Quantity

Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Indoor: 0.18 acre feet/year (AFY);

Outdoor: 0.51 AFY
 Total Use: 0.69 AFY
 Total Use w/ Conservation: 0.69 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Based on available water information, there are no known constraints to prevent the project from obtaining its water demands.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required by ordinance and state law are needed to protect water quality. The applicant will be required to submit a Storm Water Pollution Prevention Plan (SWPPP) based on the area of disturbance associated with the proposed project. Based on the proposed amount of water to be used and the water source, no significant impacts from water use are anticipated.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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., County Land Use Ordinance, Local Coastal Plan, 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.

Concerns have been raised by the City of San Luis Obispo regarding the existing easement over the Johnson Ranch property. Concerns regarding the maintenance of the access easement and location of the easement have been identified. There are no significant environmental impacts associated with

the proposed project and the current easement, therefore the County does not have authority to require the applicant to amend the existing easement based on the currently submitted application and request for a grading permit. This concern would be best handled through renegotiation of the existing easement directly with the adjacent landowner and the City.

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	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
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 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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>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)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 Department has 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	Verbal
<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	Verbal
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	None
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>City of San Luis Obispo</u>	Attached
<input type="checkbox"/>	Other <u>Not Applicable</u>	

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



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

Biological Resources Assessment, Kevin Merk and Associates, November 2012

Biological Assessment update, E-mail from Kevin Merk, dated April 25, 2013

Cultural Resources Survey, Singer and Associates, 2011

GeoSolutions Inc., Engineering Geology Investigation, February 11, 2013

GeoSolutions Inc., Engineering Geology Evaluation of Roadway Alignment, February 11, 2013

Geosolutions Inc., Septic System Design Report, August 11, 2012

Landset Engineers Inc., Review of Engineering Geology Investigation, March 11, 2013

Johnson Ranch Open Space/Conservation Plan, City of San Luis Obispo, 2008

Exhibit B - Mitigation Summary Table

Aesthetics

- V-1. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. **Prior to final inspection or occupancy of the proposed structure**, the lighting shall be inspected to ensure compliance with these measures.

Agricultural Resources

- AG-1. **Prior to expiration of the current Williamson Act land use contract**, the applicant shall enter into a new land use contract pursuant to current Rules of Procedure.

Air Quality

- AQ-1. **At the time of application for construction permits**, the following Air Pollution Control District's (APCD) standard construction dust control measures shall be printed on the grading plans and **implemented during ground disturbing activities**:
- a. Prior to any ground disturbance, sufficient water must be applied to the areas to be disturbed to prevent visible emissions from crossing the property line;
 - b. Reduce the amount of the disturbed area where possible;
 - c. Use of 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 (nonpotable) water should be used whenever possible;
 - d. All dirt stockpile areas should be sprayed daily as needed;
 - e. Permanent dust control measures should be implemented as soon as possible following completion of any soil disturbing activities;
 - f. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
 - g. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - h. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - i. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - j. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.



- k. 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. **Prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slcleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.
- AQ-3. **Prior to issuance of construction permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

Biological Resources

- BR-1. **Prior to issuance of construction permits**, the applicant shall clearly show on the project plans the type, size, and location of all oak trees within 25 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within 25 feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. Currently, plans show no oak trees being removed or impacted as part of the project plans. If there are unforeseen tree removal and/or impacts, replacement trees shall be planted at a ratio of 4:1 for trees removed and 2:1 for trees impacted.
- BR-2. **Prior to final inspection or occupancy, whichever comes first**, the applicant shall plant a native erosion control seed mix in temporarily disturbed areas that manages non-native invasive plants along the newly constructed road. The applicant shall acquire native seed from S&S Seed or another qualified seed purveyor for all hydroseed or broadcast seed applications in temporarily disturbed portions of the site. Riparian habitat restoration efforts associated with the bank stabilization proposed at Dry Creek would utilize custom collected plant material from the site or general site proximity. This area is shown on Exhibit A attached to the Negative Declaration. **During all construction activities**, the consulting biologist shall be onsite working with the contractor to collect any native plant material deemed appropriate for transplantation.

- BR-3. **During all construction activities**, the County approved biologist shall monitor all construction activities in or within 50 feet of on-site drainages. Construction fencing, staking, fiber rolls and other appropriate BMPs shall be employed to avoid and minimize impacting onsite drainages and their wetland and riparian habitat. The biologist shall prepare a report within 30 days from project completion, and **prior to final inspection or occupancy**, to document the extent of riparian habitat impacted by the project.
- BR-4. **Prior to any ground disturbance or grading in areas adjacent to Dry Creek**, as shown on Sheet 6 of the approved grading plan set, also attached to this document as Exhibit A, Station 19+50 to 20+50 - the applicant shall provide evidence of any permits required by the CDFW, USACE and RWQCB.” Should the project need to span the riparian corridor, or disturb any riparian habitat, the applicant understands that they will need to contact the following agencies to determine the need for other state or federal permits: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, Regional Water Quality Control Board. When such permits are required, any applicable requirement shall be shown on applicable construction drawings and adhered to during construction. Copies of such Agency-approved permits shall be provided to the County prior to **prior to commencement of grading/ground disturbance**.
- BR-5. **During all construction activities in areas adjacent to Dry Creek**, the consulting biologist will be on-site to monitor the bank stabilization work. During these activities, the biologist will direct the placement of willow brush layers between soil lifts during slope reconstruction. Impacts to the riparian habitat will be mitigated through onsite habitat restoration at a minimum of 1:1 ratio. Mitigation plant material shall be replaced with in-kind species as appropriate. Replanted vegetation shall be noted the annual monitoring reports and monitored for five years from the date of installation. **Prior to final inspection of grading permits**, the consulting biologist will submit a report stating how this condition was met.
- BR-6. **Within 90 days of restoration program implementation**, an as-built planting plan shall be prepared by the restoration ecologist and submitted to the County and other involved agencies.
- BR-7. The applicant shall be responsible for maintenance of the defined mitigation area(s) during the five-year monitoring period. The maintenance program shall include watering of installed plants, seasonally timed non-native weed abatement, replanting areas of high mortality, erosion control, and plant/site protection. The restoration area shall be monitored for five years, and shall include direct plant counts and health evaluations to assess installed container plant vigor. The site shall be evaluated each year to determine if the success criteria have been met. If the criteria are not met, appropriate contingency measures shall be developed by the restoration ecologist and implemented to remedy the situation.
- BR-8. Monitoring reports shall be prepared annually during the five-year monitoring period, or until the restoration/mitigation program has been completed as determined by the County and other involved agencies. Annual reports shall be submitted to the County and other appropriate agencies by December 31st of each year. The applicant shall be responsible for ensuring that monitoring reports are submitted on time.



- BR-9. **Prior to any site disturbance and within 30 days of work beginning**, preconstruction surveys for small occurrences of special status plants will be required. Should such plants be found within 50 feet of site disturbance which will involve protective flagging occurrences staking will be installed within the work area as well as within 50 feet of site disturbance to avoid removal/impacts. Results of these surveys shall be provided to the County Department of Planning and Building. If removal cannot be avoided, plants shall be relocated or reestablished on a 1:1 basis to other suitable areas of the property and monitored. If relocation/reestablishment is required, **prior to final inspection/occupancy**, the applicant shall provide a report with the following information: detailing on relocation/reestablishment efforts; and include any establishment of quarterly monitoring and results; what additional efforts, if any, are needed to insure at least a 1:1 replacement success in a an annual monitoring plan. This plan shall be submitted to the County for a period of five years.
- BR-10. **Prior to any construction activities**, the work areas shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators. Restoration of surface contours through grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during construction.
- BR-11. **Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a County-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Planning Department), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.
- BR-12. Construction in or near the drainages will only occur during outside of the wet season when water is not flowing or ponding. **During all construction activities**, disturbance/grading within the drainages will be monitored by a County approved biologist.
- BR-13. **Prior to issuance of construction permits**, the applicant shall provide evidence of the following:
- a. A copy of any permits required by the CDFG, USACE and RWQCB, OR
 - b. Documentation from these regulatory agencies that they have determined that a permit is not required.**Geology and Soils**

Geology

- GS-1. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan per County Land Use Ordinance, Sec. 22.52.110 that will be incorporated into the development to minimize potential drainage impacts. This drainage plan will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows.

GS-2. Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan per County Land Use Ordinance (Inland), Sec. 22.52.120) and incorporate the measures 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 and final erosion control measures.

- a. Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
- b. Erosion and sedimentation control devices: In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water, and revegetation with a rapid growing native seed mix.
- c. Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
- d. Control of off-site effects: All grading activities shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

GS-3. Prior to issuance of construction permits, the applicant shall include the recommendations contained within the Engineering Geology Evaluation of Roadway Alignment prepared by GeoSolutions Inc., dated February 11, 2013 on the project plans.

GS-4. During construction activities and on-going post-construction, the applicant shall comply with the recommendations contained within the Engineering Geology Evaluation of Roadway Alignment prepared by GeoSolutions Inc., dated February 11, 2013.

Water and Hydrology

W-1. Prior to issuance of construction permits, the applicant shall prepare a Storm Water Pollution Prevention Plan, per Regional Water Quality Control Board requirements, and an Erosion and Sedimentation Control Plan shall be prepared by a certified sediment and erosion control specialist, registered civil engineer, registered architect or landscape architect, certified California nurseryperson, or licensed landscape contractor. The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations of the erosion and sedimentation control measures proposed. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan attached to the grading plan. The plan shall contain, but need not be limited to, all of the following information:



- a. Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.
- b. Estimates of sediment yields before, during, and after construction of the project for a three-year period or until revegetation is established.
- c. Proposed methods and a description of the practices to be used to protect exposed erodible areas during and after construction, including temporary and permanent mulching, seeding, or other recognized surface stabilization measures.
- d. Proposed temporary and final methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and techniques to reduce the velocity of runoff water.
- e. Proposed methods and description of the temporary and final practices to retain sediment on the site, including: sediment basins and traps, vegetative filter strips, or other recognized measures; a schedule for their maintenance and upkeep; provisions for responsibility of maintenance; and design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a ten-year storm.
- f. Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other improved surfaces authorized by approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included.
- g. The type, location, and extent of pre-existing and undisturbed vegetation on the site. Descriptions of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas and drainage courses.

**DEVELOPER'S STATEMENT FOR THE
SK MIRAMONTE RANCH, LLC GRADING PERMIT; PMT2009-01809**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading 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.

Aesthetics

V-1. **At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. Prior to final inspection or occupancy of the proposed structure, the lighting shall be inspected to ensure compliance with these measures.**

Monitoring: The Planning and Building Department shall verify compliance.

Agricultural Resources

AG-1. **Prior to expiration of the current Williamson Act land use contract, the applicant shall enter into a new land use contract pursuant to current Rules of Procedure.**

Monitoring: The Planning and Building Department shall verify compliance.

Air Quality

AQ-1. **At the time of application for construction permits, the following Air Pollution Control District's (APCD) standard construction dust control measures shall be printed on the grading plans and implemented during ground disturbing activities:**

- a. Prior to any ground disturbance, sufficient water must be applied to the areas to be disturbed to prevent visible emissions from crossing the property line;
- b. Reduce the amount of the disturbed area where possible;
- c. Use of 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 (nonpotable) water should be used whenever possible;
- d. All dirt stockpile areas should be sprayed daily as needed;

- e. Permanent dust control measures should be implemented as soon as possible following completion of any soil disturbing activities;
- f. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- g. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- h. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- i. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- j. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- k. 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: The Planning and Building Department, in consultation with the Air Pollution Control District (APCD), shall verify compliance.

AQ-2. **Prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the County to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slcleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Monitoring: The Planning and Building Department, in consultation with the Air Pollution Control District (APCD), shall verify compliance.

AQ-3. **Prior to issuance of construction permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD

permit may be required.

Monitoring: The Planning and Building Department, in consultation with the Air Pollution Control District (APCD), shall verify compliance.

Biological Resources

BR-1. **Prior to issuance of construction permits**, the applicant shall clearly show on the project plans the type, size, and location of all oak trees within 25 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within 25 feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. Currently, plans show no oak trees being removed or impacted as part of the project plans. If there are unforeseen tree removal and/or impacts, replacement trees shall be planted at a ratio of 4:1 for trees removed and 2:1 for trees impacted.

Monitoring: The Planning and Building Department shall verify compliance.

BR-2. **Prior to final inspection or occupancy, whichever comes first**, the applicant shall plant a native erosion control seed mix in temporarily disturbed areas that manages non-native invasive plants along the newly constructed road. The applicant shall acquire native seed from S&S Seed or another qualified seed purveyor for all hydroseed or broadcast seed applications in temporarily disturbed portions of the site. Riparian habitat restoration efforts associated with the bank stabilization proposed at Dry Creek would utilize custom collected plant material from the site or general site proximity. This area is shown on Exhibit A attached to the Negative Declaration. **During all construction activities**, the consulting biologist shall be onsite working with the contractor to collect any native plant material deemed appropriate for transplantation.

Monitoring: The Planning and Building Department shall verify compliance.

BR-3. **During all construction activities**, the County approved biologist shall monitor all construction activities in or within 50 feet of on-site drainages. Construction fencing, staking, fiber rolls and other appropriate BMPs shall be employed to avoid and minimize impacting onsite drainages and their wetland and riparian habitat. The biologist shall prepare a report within 30 days from project completion, and **prior to final inspection or occupancy**, to document the extent of riparian habitat impacted by the project.

Monitoring: The Planning and Building Department shall verify compliance.

BR-4. **Prior to any ground disturbance or grading in areas adjacent to Dry Creek**, as shown on Sheet 6 of the approved grading plan set, also attached to this document as Exhibit A, Station

19+50 to 20+50 - the applicant shall provide evidence of any permits required by the CDFW, USACE and RWQCB." Should the project need to span the riparian corridor, or disturb any riparian habitat, the applicant understands that they will need to contact the following agencies to determine the need for other state or federal permits: California Department of Fish and Wildlife, U.S. Fish & Wildlife Service, Army Corps of Engineers, Regional Water Quality Control Board. When such permits are required, any applicable requirement shall be shown on applicable construction drawings and adhered to during construction. Copies of such Agency-approved permits shall be provided to the County prior to **prior to commencement of grading/ground disturbance.**

Monitoring: The Planning and Building Department shall verify compliance.

BR-5. **During all construction activities in areas adjacent to Dry Creek**, the consulting biologist will be on-site to monitor the bank stabilization work. During these activities, the biologist will direct the placement of willow brush layers between soil lifts during slope reconstruction. Impacts to the riparian habitat will be mitigated through onsite habitat restoration at a minimum of 1:1 ratio. Mitigation plant material shall be replaced with in-kind species as appropriate. Replanted vegetation shall be noted the annual monitoring reports and monitored for five years from the date of installation. **Prior to final inspection of grading permits**, the consulting biologist will submit a report stating how this condition was met.

Monitoring: The Planning and Building Department shall verify compliance.

BR-6. **Within 90 days of restoration program implementation**, an as-built planting plan shall be prepared by the restoration ecologist and submitted to the County and other involved agencies.

Monitoring: The Planning and Building Department shall verify compliance.

BR-7. The applicant shall be responsible for maintenance of the defined mitigation area(s) during the five-year monitoring period. The maintenance program shall include watering of installed plants, seasonally timed non-native weed abatement, replanting areas of high mortality, erosion control, and plant/site protection. The restoration area shall be monitored for five years, and shall include direct plant counts and health evaluations to assess installed container plant vigor. The site shall be evaluated each year to determine if the success criteria have been met. If the criteria are not met, appropriate contingency measures shall be developed by the restoration ecologist and implemented to remedy the situation.

Monitoring: The Planning and Building Department shall verify compliance.

BR-8. Monitoring reports shall be prepared annually during the five-year monitoring period, or until the restoration/mitigation program has been completed as determined by the County and other involved agencies. Annual reports shall be submitted to the County and other appropriate agencies by December 31st of each year. The applicant shall be responsible for ensuring that monitoring reports are submitted on time.

Monitoring: The Planning and Building Department shall verify compliance.

BR-9. **Prior to any site disturbance and within 30 days of work beginning**, preconstruction surveys for small occurrences of special status plants will be required. Should such plants be found within 50 feet of site disturbance which will involve protective flagging occurrences staking will be installed within the work area as well as within 50 feet of site disturbance to avoid removal/impacts. Results of these surveys shall be provided to the County Department of Planning and Building. If removal cannot be avoided, plants shall be relocated or reestablished on a 1:1 basis to other suitable areas of the property and monitored. If relocation/reestablishment is required, **prior to final inspection/occupancy**, the applicant shall provide a report with the following information: detailing on relocation/reestablishment efforts; and include any establishment of quarterly monitoring and results; what additional efforts, if any, are needed to insure at least a 1:1 replacement success in a an annual monitoring plan. This plan shall be submitted to the County for a period of five years.

Monitoring: The Planning and Building Department shall verify compliance.

BR-10. **Prior to any construction activities**, the work areas shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators. Restoration of surface contours through grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during construction.

Monitoring: The Planning and Building Department shall verify compliance.

BR-11. **Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a County-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Planning Department), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the County.

Monitoring: The Planning and Building Department shall verify compliance.

BR-12. Construction in or near the drainages will only occur during outside of the wet season when water is not flowing or ponding. **During all construction activities**, disturbance/grading within the drainages will be monitored by a County approved biologist.

Monitoring: The Planning and Building Department shall verify compliance based on monitoring reports from the consulting biologist.

BR-13. **Prior to issuance of construction permits**, the applicant shall provide evidence of the following:

- a. A copy of any permits required by the CDFG, USACE and RWQCB, OR
- b. Documentation from these regulatory agencies that they have determined that a permit is not required.

Monitoring: The Planning and Building Department shall verify compliance.

Geology and Soils

GS-1 **Prior to issuance of construction permits**, the applicant shall submit a drainage plan per County Land Use Ordinance, Sec. 22.52.110 that will be incorporated into the development to minimize potential drainage impacts. This drainage plan will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows.

Monitoring: The Planning and Building Department, in consultation with the Public Works Department, shall verify required elements on the construction plans and implementation prior to construction.

GS-2 **Prior to issuance of construction permits**, the applicant shall submit a sedimentation and erosion control plan per County Land Use Ordinance (Inland), Sec. 22.52.120) and incorporate the measures 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 and final erosion control measures.

- a. **Slope surface stabilization:** Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
- b. **Erosion and sedimentation control devices:** In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water, and revegetation with a rapid growing native seed mix.
- c. **Final erosion control measures:** During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
- d. **Control of off-site effects:** All grading activities shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

Monitoring: The Planning and Building Department, in consultation with the Public Works Department, shall verify required elements on the construction plans and implementation prior to construction.

- GS-3. **Prior to issuance of construction permits**, the applicant shall include the recommendations contained within the Engineering Geology Evaluation of Roadway Alignment prepared by GeoSolutions Inc., dated February 11, 2013 on the project plans.

Monitoring: The Planning and Building Department shall verify compliance.

- GS-4. **During construction activities and on-going post-construction**, the applicant shall comply with the recommendations contained within the Engineering Geology Evaluation of Roadway Alignment prepared by GeoSolutions Inc., dated February 11, 2013.

Monitoring: The Planning and Building Department shall verify compliance.

Water and Hydrology

- W-1. **Prior to issuance of construction permits**, the applicant shall prepare a Storm Water Pollution Prevention Plan, per Regional Water Quality Control Board requirements, and an Erosion and Sedimentation Control Plan shall be prepared by a certified sediment and erosion control specialist, registered civil engineer, registered architect or landscape architect, certified California nurseryperson, or licensed landscape contractor. The plan shall consist of graphic and narrative information of sufficient clarity to indicate the nature, extent, location and placement recommendations of the erosion and sedimentation control measures proposed. The location of all practices, methods and devices shall be shown on the grading plan, or on a separate plan attached to the grading plan. The plan shall contain, but need not be limited to, all of the following information:
- a. Grading limits shall be graphically defined on the plan and staked out before site disturbance begins.
 - b. Estimates of sediment yields before, during, and after construction of the project for a three-year period or until revegetation is established.
 - c. Proposed methods and a description of the practices to be used to protect exposed erodible areas during and after construction, including temporary and permanent mulching, seeding, or other recognized surface stabilization measures.
 - d. Proposed temporary and final methods and a description of the practices to be used for cut or fill slopes to prevent erosive surface runoff, including earth or paved interceptors and diversions, energy absorbing structures, or devices and

techniques to reduce the velocity of runoff water.

- e. Proposed methods and description of the temporary and final practices to retain sediment on the site, including: sediment basins and traps, vegetative filter strips, or other recognized measures; a schedule for their maintenance and upkeep; provisions for responsibility of maintenance; and design criteria for the trapping efficiency and storage capacities of sediment basins for flows from a ten-year storm.
- f. Proposed methods, application technique, seed and fertilizer rate, sequence, and description of final erosion control practices for revegetation of all surfaces disturbed by vegetation removal, grading, haul roads, or other improved surfaces authorized by approved plans. A schedule for maintenance and upkeep of revegetated areas shall be included.
- g. The type, location, and extent of pre-existing and undisturbed vegetation on the site. Descriptions of proposed methods to limit access routes and stabilize all access points, and to delineate clearing limits, easements, setbacks, sensitive areas, buffer areas and drainage courses.

Monitoring: The Planning and Building Department and Public Works Department will ensure compliance.

The applicant understands that any changes made to the project 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.

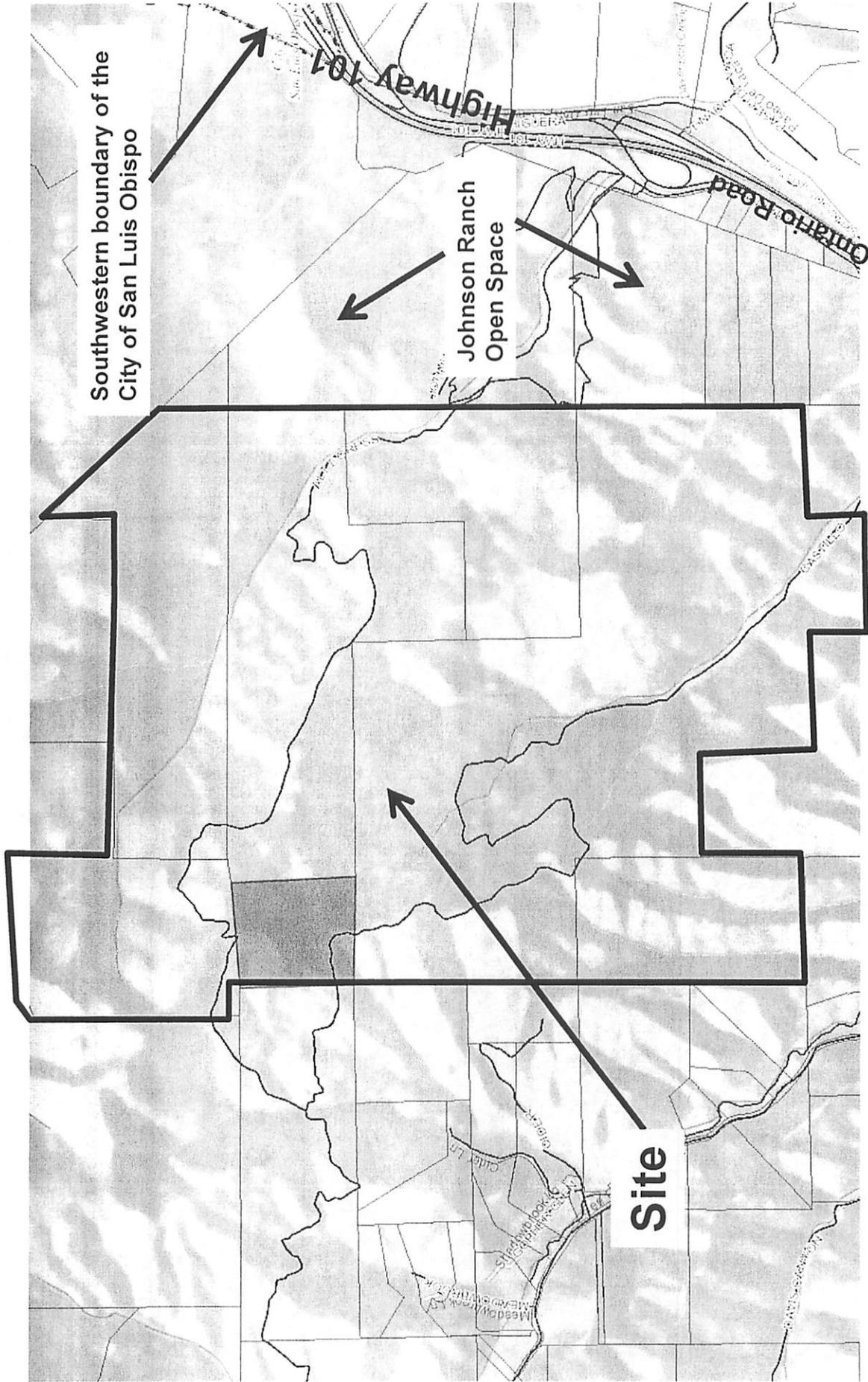


Signature of Owner(s)

5/1/13

Date

SARAH H. KETTLER
Name (Print)



Southwestern boundary of the City of San Luis Obispo

Johnson Ranch Open Space

Site

PROJECT

Miramonte Ranch Major Grading Permit
PMT 2009-01809

EXHIBIT

Vicinity Map



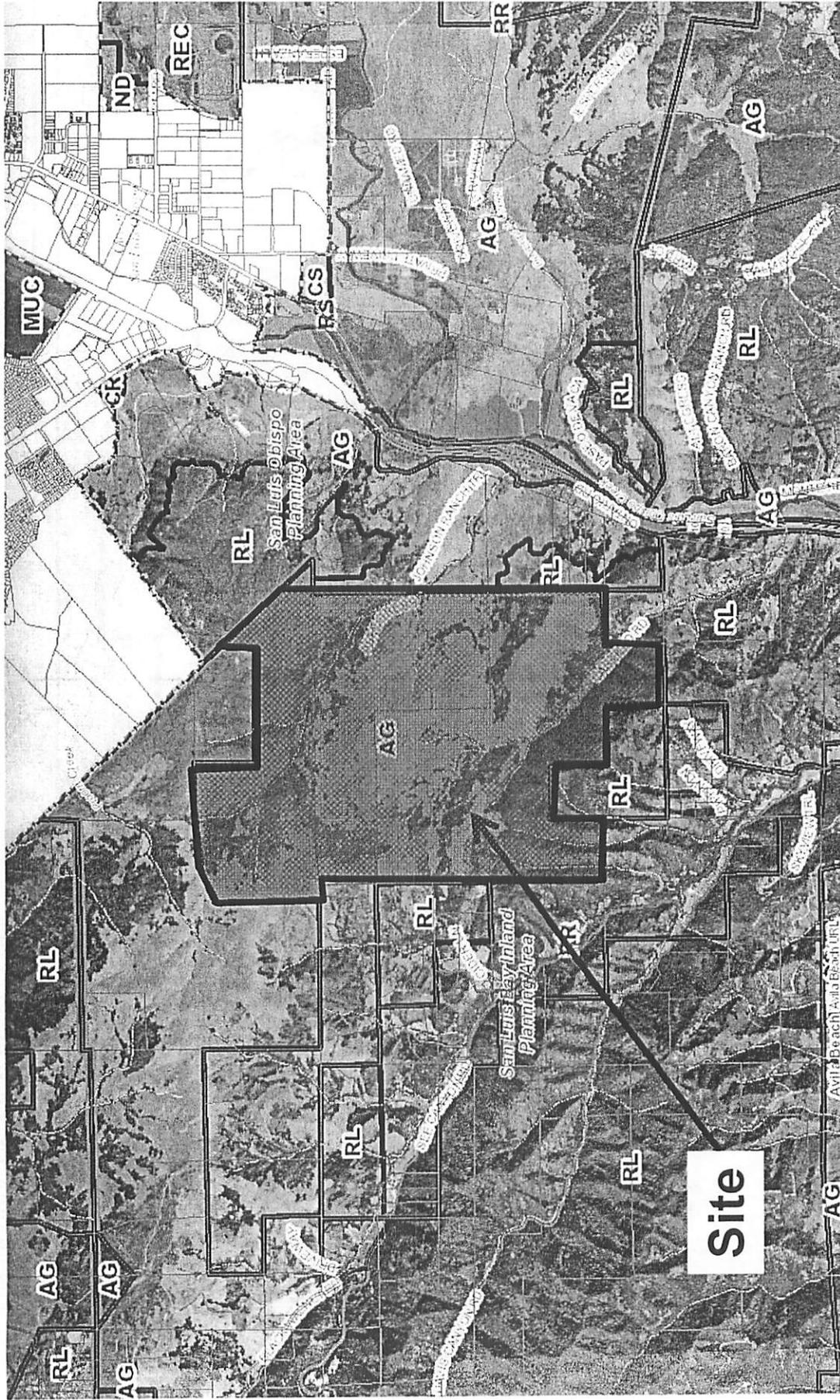
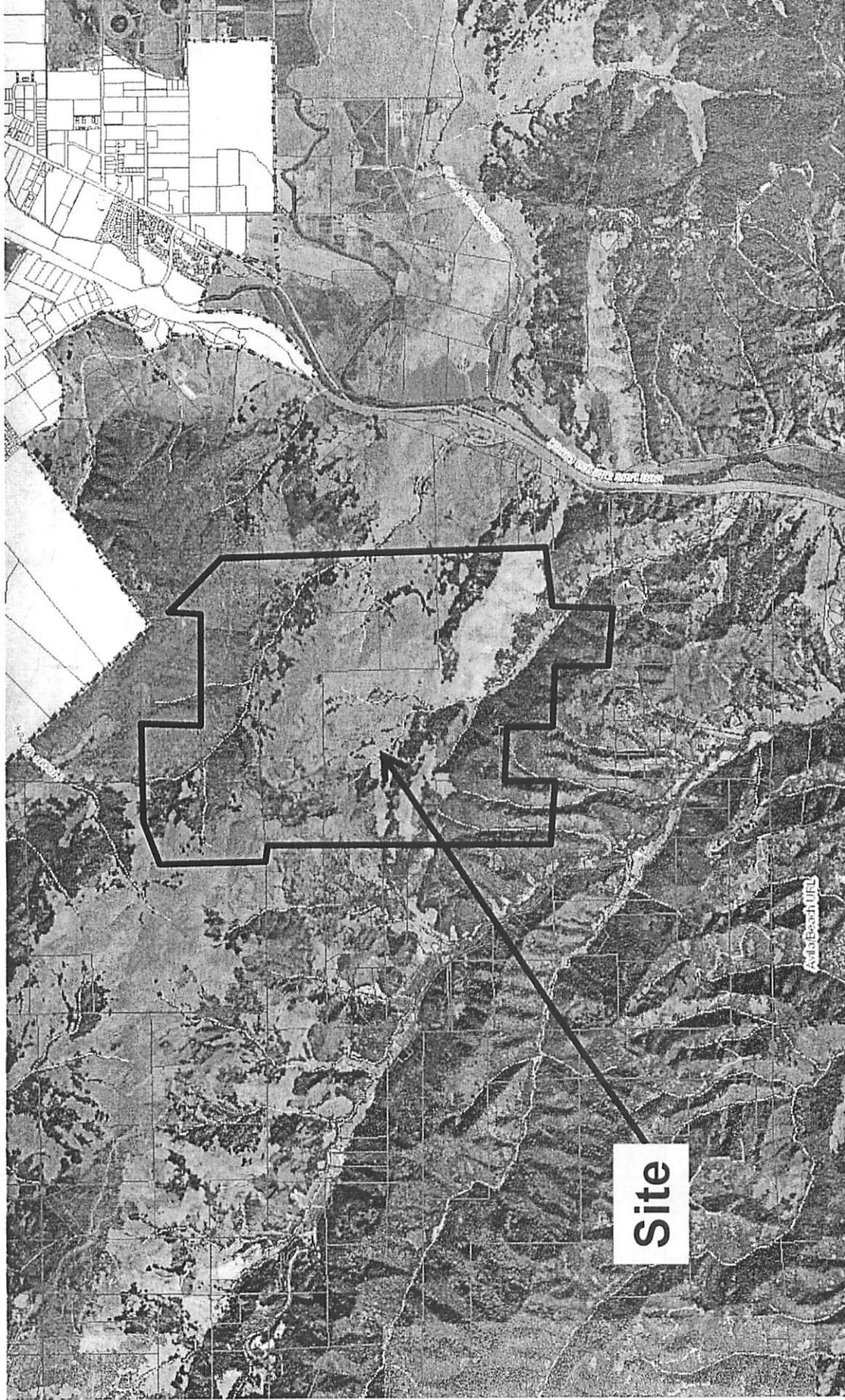


EXHIBIT
Land Use Category Map



PROJECT
Miramonte Ranch Major Grading Permit
PMT2009-01809



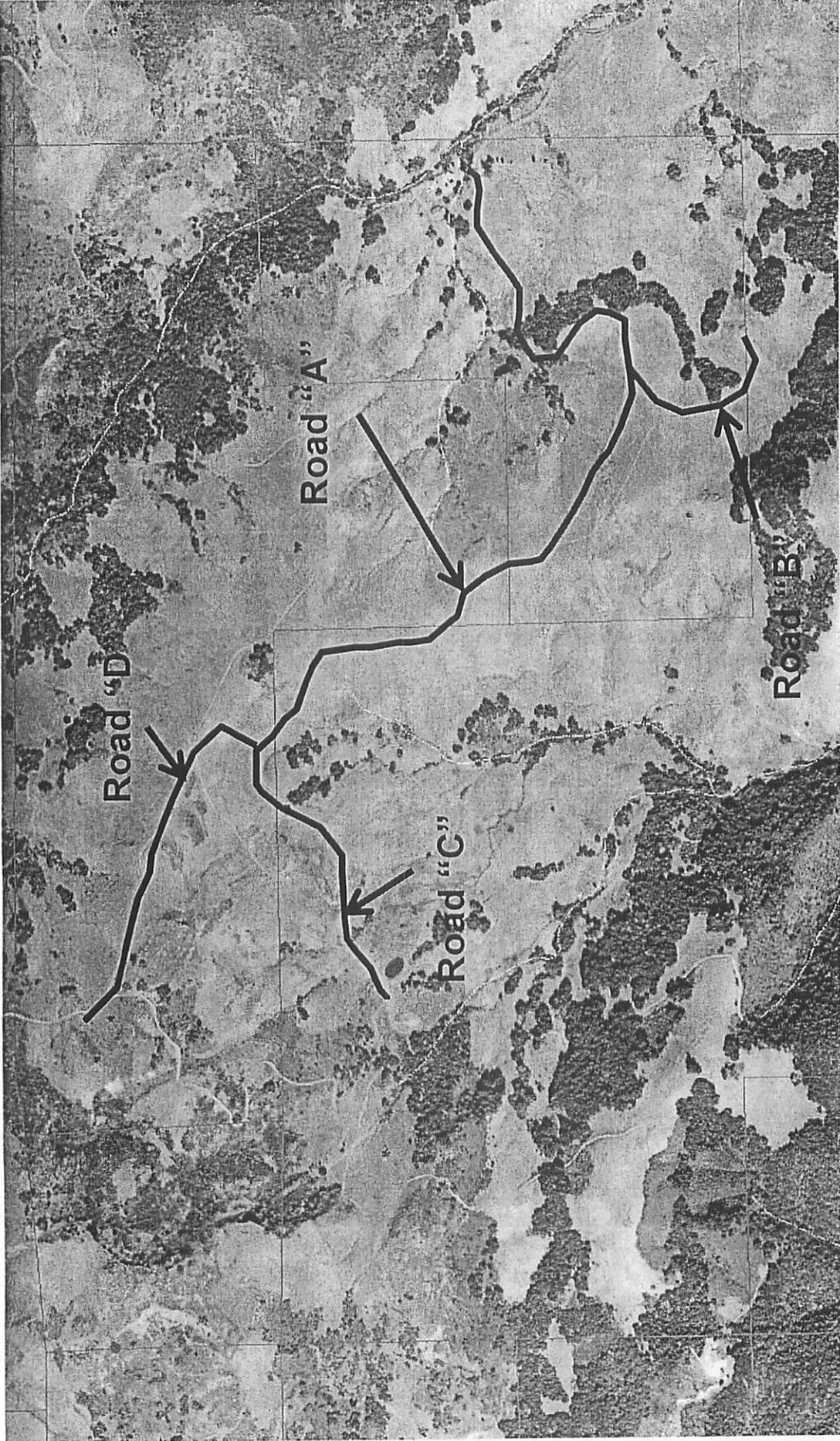
PROJECT

Miramonte Ranch Major Grading Permit
PMT2009-01809

EXHIBIT

Aerial Photograph (Entire Ranch)





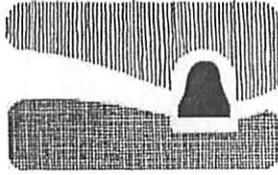
PROJECT

Miramonte Ranch Major Grading Permit
PMT 2009-01809

EXHIBIT

Aerial Photograph (showing the proposed roads)





city of san luis obispo

990 Palm Street, San Luis Obispo, CA 93401-3249

VIA ELECTRONIC MAIL

May 9, 2013

Ms. Stephanie Fuhs, Planner
San Luis Obispo County
Department of Planning & Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408

RE: *Comments in Response to a Courtesy Copy of the DRAFT Initial Study for PMT2009-01809*

Dear Stephanie,

Thanks very much for the courtesy copy and opportunity to comment on the draft Initial Study for the Miramonte Ranch grading permit referenced above. As you know, this permit is of considerable interest to the City of San Luis Obispo due to the adjacency of Miramonte Ranch with our Johnson Ranch Open Space ("JROS") property. In fact, the Miramonte Ranch is accessed via a private road easement across JROS that was originally established in 1883. This antiquated easement (attached) is unclear as to its purpose and scope of use, size and width, maintenance responsibility, and other terms and provisions that would typically be included in a more contemporary easement. It remains our contention that the City of San Luis Obispo, as the fee simple landowner where a portion of the project will occur, should be required to execute a Consent of Landowner form for this permit application and all subsequent points where authorization is required as the project moves forward through the permitting and CEQA process.

Notwithstanding the above, we offer comments for your consideration, which are in the same order that the required sections of the Initial Study appear:

Project Description

As we understand it, a portion of the project will occur on City property at JROS, as is reflected in subsequent sections of the Initial Study. The project description should so indicate the portion of the project on the City's 242 acre property, and also reflect the two Assessor Parcel Numbers which comprise JROS (076-114-012 and 076-121-019). The incomplete project description also extends into other portions of the Initial Study, e.g. Aesthetics, Setting. Please be sure the complete project description is reflected throughout the document.

Agricultural Resources

We are concerned that the project could impair agricultural use and result in conversion to other uses. The road is being improved to Cal Fire standards for residential service, the property is currently in



The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities. Telecommunications Device for the Deaf (805) 781-7410.

Williamson Act non-renewal with no guarantee that the property owners will re-enter, and 15 Certificates of Compliance of have been issued for pre-existing legal lots of record within the ranch. With this project, the stage will be set for all 15 parcels to be separately sold and developed as "ranchettes" in the future; the potential result is the conversion to a *de facto* rural residential use at parcel sizes that are insufficient for a continued viable grazing operation. Accordingly, the "Insignificant Impact" indicated for Agricultural Resources 2(c) seems inappropriate. The impact could be mitigated to less than significant with mitigation, however, through implementation of various land protection tools.

Biological Resources

The Setting section states that the drainages adjacent to the project area have the potential to support steelhead; however, this species (*Onchorynchus mykiss*) has been documented on the City's property by TENERA Environmental and our City Biologist. The *Johnson Ranch Open Space Conservation Plan* contains a species list of plants and animals identified on the property, please see: (<http://www.slocity.org/naturalresources/download/jrconsplan.pdf>).

The Impact section states that San Luis Obispo mariposa lily (*Calochortus obispoensis*) and San Luis Obispo Owl's Clover (*Castilleja densiflora* ssp. *obispoensis*) were identified by Kevin Merk Associates. These are both California Rare Plant rank 1 B.2. According to the California Native Plant Society, "All of the plants constituting California Rare Plant Rank 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection Act) or Secs. 2062 and 2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. It is mandatory that they be fully considered during preparation of environmental documents relating to CEQA."

Further on, the Impact section states that, "An area by Dry Creek on Johnson Ranch requires bank stabilization where the road is being eroded". This is a substantial component of the project that warrants detailed analysis insofar as it entails excavation, grading, and the installation of a built structure on the bank of Dry Creek outside of the road bed.

The Mitigation/Conclusion section, first bullet point, states that native seed mix and managing non-native invasive plants will be required mitigation measures. Ongoing management of invasive plants may be necessary over several years, as they can often outcompete the native seed mix. Non-native mustard was introduced and has expanded significantly along the roadway following the 2007 grading / disturbance event at JROS.

Geology and Soils and Water and Hyrdology

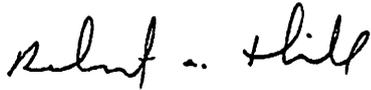
We request a copy of the SWPPP when available relative to the project activity that will occur on City property.

Recreation

As with our comments on the Agricultural Resources section, above, this project sets the stage for the potential future conversion of the Miramonte Ranch to as many as 15 ranchettes, resulting in more than an Insignificant Impact affecting access to trails and recreational opportunities at JROS (the trails at JROS cross the access road at two locations).

In conclusion, we recognize that our comments are substantive and warrant further discussion. We welcome the opportunity to sit down with you and other appropriate representatives of the County. We remain optimistic that our concerns can be addressed, and that a well-designed and appropriately mitigated project can be implemented to the mutual satisfaction of all parties. Thank you again for the opportunity to review the Initial Study and provide these comments. I can be contacted at (805) 781-7211 or rhill@slocity.org

Sincerely yours,

A handwritten signature in black ink that reads "Robert A. Hill". The signature is written in a cursive style with a large initial 'R' and 'H'.

Robert A. Hill
Natural Resources Manager

Attachment / RAH

Cc: Ms. Andrea Visveshwara, Assistant City Attorney
Mr. Michael Codron, Assistant City Manager
Mr. Freddy Otte, City Biologist

Johnson Ranch Conservation Plan

Charles McEntee et al to Antonio Stannicich et al.

This indenture made and entered into on this 2nd day of March, AD 1883 between Charles McEntee the party of the first part, (J.B?) Bandy the party of the second, Andrew Peterson the party of the third part, and Antonio Stannacich (?) the party of the fourth part. Witnesseth , that whereas the parties hereto are the owners of land lying and being on a creek known as dry creek in Township 31 South of Range 12 East of Mount Diablo Meridian in San Luis Obispo County California and whereas they have laid out and constructed a private road commencing on the line of the public road leading from the City of San Luis Obispo to Avila nearly opposite the place of E. A. Atwood and running thence up dry creek westerly across the lands of the parties hereto of the first, second, and third parts to the line of the lands of the party of the fourth part. Now in consideration of twenty five dollars to him in hand paid by the other parties hereto the said party of the first part hereby grants to the said parties of the second, third, and fourth parts the right of way for a private road over and across his said land owned by him as aforesaid and along the route of the private road constructed as aforesaid and the said party of the second part hereby grants to the parties of the third and fourth part the right of way for a private road over and across the said lands owned by him and along the route of the road constructed as aforesaid and the said party of the third part hereby grants to the party of the fourth part the right of way for a private road over and across the said land owned by him as aforesaid along the line of the said road constructed as aforesaid. It being distinctly understood that each of the parties hereto shall have the right to construct and maintain such gates across the said road as are necessary for his own lands. The intention hereof being to make and dedicate the said road constructed as afore-said as a private road for the use of the said parties hereto. In Witness Whereof the said parties have hereunder set their hands and seals this day and year first above written.

The document is then signed and witnessed.



FW: Miramonte Biological Conditions

Rachel Kovesdi to: sfuhs@co.slo.ca.us, brobesson@co.slo.ca.us 04/25/2013 11:55 AM
Cc: "Kevin Merk (kmerk@kevinmerkassociates.com)"

From: Rachel Kovesdi <rachel@kirk-consulting.net>
To: "sfuhs@co.slo.ca.us" <sfuhs@co.slo.ca.us>, "brobesson@co.slo.ca.us" <brobesson@co.slo.ca.us>
Cc: "Kevin Merk (kmerk@kevinmerkassociates.com)" <kmerk@kevinmerkassociates.com>

Good Morning Stephanie and Bill:

I hope you're both doing well. I received the attached review from Kevin Merk on the biological mitigations contained in the Miramonte Developer's Statement this morning. Please review Kevin's thoughts and let me know how you would like to proceed. Feel free to contact Kevin directly with any questions. Alternatively, we can arrange a meeting with Kevin at your office to discuss his recommended modifications.

Thanks very much for your efforts. We look forward to finalizing the Developer's Statement and permit issuance in the very near future. Very best regards,
RKK

Rachel K. Kovesdi
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422
phone: (805) 461-5765
fax: (805) 462-9466

On Apr 25, 2013, at 9:53 AM, Kevin Merk wrote:

Good morning Rachel. I hope this is sufficient.

I have reviewed the County's Developer's Statement for the SK Miramonte Ranch, LLC Grading Permit (PMT2009-01809). Please note that Roberts Engineering revised the grading plan after the completion of our Biological Resources Report. In our report, we reviewed Roberts 2012 grading plans, and assumed a worst case scenario in the impact assessment. Subsequent meetings with Mr. Roberts identified the areas of concern where culvert installation and extension and the placement of rip rap had the potential to affect wetland and riparian habitat. Those drainage improvements were since removed from the plan, and Roberts Engineering further revised the grading limits to focus all work on the existing roadway and within areas previously affected by grading. Now only three drainage improvements are proposed that have been sited to avoid wetland and riparian habitats in the study area. One location exists on the Johnson Ranch where the road is being eroded by Dry Creek and will require bank stabilization work to preserve the road integrity and improve water quality and habitat for special status species potentially or known to be present. Another location identified as Culvert K on Sheet 13

will be repaired, since the culvert was improperly placed and is causing erosion on the hillside. At this location the culvert will be extended slightly downslope and a small amount of rock slope protection installed to prevent further erosion in this area. Culvert R on Sheet 20 is another location where work will occur within the existing road grading footprint with a small area of rip rap placed on each side. This area is a gentle swale that supports scattered occurrences of brown headed rush. No defined bed or bank was present nor was an ordinary high water mark present that would warrant permitting from the California Department of Fish and Wildlife or U.S. Army Corps of Engineers.

Based on this information, I have the following input to help refine the conditions that pertain to Biological Resources:

BR-1 Given the project will be sited on the existing roadway following existing grades, it would seem prudent to only require the location of all trees within 25 feet from the edge of disturbance be identified on the plans. There are several locations where oak trees exist in close proximity to the roadway, and given Roberts' revisions to the grading plans that focus work onto the existing road, it is unlikely that the project will impact existing oak trees root systems. Roberts has agreed that over-excavation can be avoided in these specific locations to prevent impacting these trees and their root systems. Based on this information, then BR-2 through BR-6 would not be required.

BR-7 It should be consistent throughout the Developer's Statement that the applicant should be able to acquire native seed from S&S Seed or another qualified seed purveyor for all hydroseed or broadcast seed applications in temporarily disturbed portions of the site. Riparian habitat restoration efforts associated with the bank stabilization proposed at Dry Creek would utilize custom collected plant material from the site or general site proximity. On a similar note, during construction activities a KMA biologist will be onsite working with the contractor to collect any native plant material deemed appropriate for transplantation.

BR-8 As stated above, Roberts Engineering revised the project grading plans following their review of our report and removed all drainage improvements except the one bank stabilization element needed at Dry Creek, one culvert extension to stop hillside erosion, and one new culvert to maintain proper drainage near Pad 3. Further, the bank stabilization effort at Dry Creek was designed to avoid the Ordinary High Water Mark. In addition, these drainage improvements were designed to avoid any potential jurisdictional area to not require acquisition of permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board. We have applied for a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) for the bank stabilization work on Dry Creek, and are in ongoing consultation with them regarding work in this area.

BR-9 The bank stabilization component of the project at Dry Creek would be mitigated at the bank stabilization site as well as immediately up and downstream to meet the minimum 1:1 ratio required in this condition. There is currently no riparian vegetation

present on the cut slope in need of repair at this location. Working with KMA in consultation with the City of San Luis Obispo (Freddie Otte and Bob Hill), Roberts has revised the bank stabilization approach in this area to incorporate biotechnical erosion control approaches. KMA will be onsite to monitor the bank stabilization work and direct the placement of willow brush layers between soil lifts when reconstructing the slope. This will provide a consistent cover of willow riparian habitat once the bank stabilization work is complete.

BR-10 Please note that the Biological Resources Assessment included a wetland/riparian habitat mitigation plan under Bio Impact 4 titled "Wetland and Riparian Habitat Restoration, Creation and Enhancement". The information included meets the intent and provides similar content as required under the Habitat Restoration and Revegetation Plan condition. This section is found on pages 24 through 28, and provides the methods and techniques (including plant palettes) to restore disturbed areas resulting from the project. Information included under Bio Impact 2 would also provide additional mitigation consistent with this condition. Please note, that Roberts' previous grading plan reviewed for the preparation of our Biological Resources Assessment had a number of drainage improvements such as culvert extensions and the placement of rock rip rap at existing culverts that have since been removed from the project. The only creek bank area to be impacted from the currently proposed project is the small section of creek bank at Dry Creek on the Johnson Ranch. This location is composed of bare soils, and no riparian or wetland habitat would be removed to stabilize the bank as proposed. The biotechnical stabilization approach will create riparian habitat in this location, increasing the habitat functions and values at this site compared to what currently exists. Culvert extension at Culvert K and culvert installation at Culvert R will be sited to avoid impacting wetlands and temporarily disturbed areas will be revegetated using the native grassland seed mix included as Table 3 in the report.

BR-10a An impact map was provided in the Biological Resources Assessment (Figure 5) using Roberts 2012 grading plan. As stated above, following review of our report and several site meetings, Roberts revised his grading limits to avoid impacts to potential wetlands and minimize disturbance to Dry Creek.

BR-10b Recommended restoration/revegetation plant palettes were included in the report. Please refer to Tables 3 and 4 on pages 22 and 25.

BR-10c This condition is appropriate for oak tree, special status plant, wetland and riparian habitat restoration. I would recommend revising this condition to allow use of native seed purchased from a company such as S&S Seed to be used in the erosion control and grassland revegetation effort on any temporarily disturbed areas outside the road footprint. It would be applied either via hydroseed or broadcast seed applications at the rate included in the report.

BR-10d As stated above, planting methodologies were provided under mitigation for Bio Impact 4 in the Biological Resources Assessment.

In closing, given the project's grading plans were revised to avoid sensitive areas of the site, and only one bank stabilization effort will temporarily impact a CDFW jurisdictional area (i.e., the bank of Dry Creek), the restoration proposed under Bio Impact 4 should be sufficient to reduce project impacts to a less than significant level under CEQA compared to the extensive requirements included under BR-10. I hope my review has helped. Please contact me to discuss further as needed. Thanks, Kevin

Kevin B. Merk
Principal Biologist
Kevin Merk Associates, LLC
P.O. Box 318
San Luis Obispo, CA 93406
805-748-5837
805-439-1616 Fax
kmerk@kevinmerkassociates.com
www.kevinmerkassociates.com