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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
January 12, 2006	Murry Wilson (805) 788-2352	Richard Deblauw	TRACT 2734 SUB 2004-00279

SUBJECT

Request by Richard Deblauw for a Vesting Tentative Tract Map to subdivide an existing 6.89 acre parcel into six parcels ranging from 1.06 to 1.26 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 61,675 square feet of a 6.89 acre parcel. The division will create one on-site road, on-site retention basins and a noise mitigation berm. The proposed project is within the Residential Suburban land use category and is located on Pomeroy Road immediately north of the intersection of Hunter Ridge Road in the community of Nipomo. The site is in the South County (inland) planning area.

RECOMMENDED ACTION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve Vesting Tentative Tract 2734 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 2, 2005, for this project. Mitigation measures are proposed to address air quality, biological resources, noise, public services/utilities, recreation, transportation/circulation, and water are included as conditions of approval.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Suburban	None	091-292-001	4

PLANNING AREA STANDARDS:

Sec. 22.112.020 - South County Areawide Standards
Sec. 22.112.080 – Nipomo Urban Area Standards

LAND USE ORDINANCE STANDARDS:

Sec. 22.22.070 - Minimum Parcel Size

EXISTING USES:

Vacant

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban / Residence
East: Residential Suburban / Residence
South: Residential Suburban / Residence
West: Residential Suburban / Residence

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, County Parks, CDF, Nipomo Community Services District, APCD, Ag Commissioner, Cal Trans	
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, forbs, eucalyptus, pine and coast live oak trees
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: August 1, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size
Section 22.22.070 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by the following tests. The proposed parcels meet all requirements for 1 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15%	1 acre
Water Supply and Sewage Disposal	Community water and On-site septic	1 acre

Quimby Fees
Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees
Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards
The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

PLANNING AREA STANDARDS:

Right-of-Way Dedication: The applicant has agreed to conditions to provide road improvements including a four foot trail (equestrian / pedestrian path) on Pomeroy Road, improvement of Pomeroy Road and construction of an on-site road.

Drainage: Drainage plans are required for new land divisions in the Nipomo Mesa area. The project is using the existing depression areas as the proposed retention basins for this project. The applicant will relocate the existing basin on the project site that handles drainage from Pomeroy Road and incorporate that into the projects retention requirements.

Traffic Noise Mitigation: Noise sensitive land uses proposed near arterials (i.e. Pomeroy Road) shall include mitigation to reduce noise levels to be in compliance with the Noise Element. This project has used a combination of setbacks and a six foot earthen berm to reduce potential noise impacts on the project site. The project meets this requirement as designed.

Landscaped Parkway: The project will include a minimum 8-foot wide detached parkway (consistent with the planning area standard) with landscaping improvements and one street tree per 50 feet of frontage.

ISSUES:

The project proposes to use individual on-site systems to handle wastewater effluent. The Land Use Ordinance requires soil conditions to be "particularly favorable" for wastewater disposal with percolation rates less than five minutes per inch and slopes less than five percent. The soil on the Nipomo Mesa generally meets these percolation requirements. Percolation testing has been completed on the project site and each parcel meets the requirement of less than five minutes per inch and slopes less than 5 percent. Parcels 1, 2, 5 and 6 averaged 4 minutes per inch and Parcels 3 and 4 averaged 3 minutes per inch.

COMMUNITY ADVISORY GROUP COMMENTS: Land Use recommends approval of this project upon approval of NCSD and co-ordination with Jan DiLeo on trail easements in accordance with the SCAP trail map. NCAC recommends approval of this project upon approval of NCSD.

AGENCY REVIEW:
Public Works – Max of five lots on an easement, change to "50 ft. offer to dedicate." The drainage basin may encroach into the right-of-way. We will need a minimum of 10 feet from edge of pavement to basin fence. Road will not be considered for acceptance if encroachment exists.
Environmental Health – Provide applicant with stock conditions for community water and on-site septic. The existing well on proposed parcel 5 and all other on-site wells shall be destroyed (via permits) prior to final recordation. A final will serve letter will be required prior to recordation of the final map.
Ag Commissioner – No comments.
County Parks – Requires payment of Quimby fees and applicable Building Division fees. Requires a trail along the Pomeroy Road frontage to the County A-1(x) standard.
CDF - See attached fire safety plan.
Nipomo Community Services District - See attached intent to serve letter.
APCD – No comments.

LEGAL LOT STATUS:
The lot was legally created by a deed at a time when that was a legal method of creating lots.

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FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 2, 2005, for this project. Mitigation measures are proposed to address air quality, biological resources, noise, public services/utilities, recreation, transportation/circulation, and water are included as conditions of approval.

Tentative Map

B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.

C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance, as conditioned.

D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.

E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential single-family dwellings.

F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary and secondary dwelling.

G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; no archaeological artifacts were noted on the property; and mitigation measures for air quality, biological resources, noise, public services/utilities, recreation, transportation/circulation, and water are required.

H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, as conditioned.

I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

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EXHIBIT B
CONDITIONS OF APPROVAL FOR TRACT 2734

Approved Project

1. This approval authorizes the subdivision of an existing 6.89 acre parcel into six parcels ranging from 1.06 to 1.26 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 61,675 square feet of a 6.89 acre parcel. The division will create one on-site road, on-site retention basins and a noise mitigation berm.

Access and Improvements

2. **Prior to final map approval**, the following roads and/or streets to be constructed to the following standards:

   a. The on-site street constructed to an A-1 section within a 50 foot dedicated right-of-way.
   b. Pomeroy Road widened to complete an A-1 (X) section fronting the property.

3. **Prior to final map approval**, the applicant shall offer for dedication to the public by certificate on the map or by separate document:

   a. A 20 foot radius property line return at the intersection of the on-site street and Pomeroy Road.
   b. The 50 foot road easement terminating in a county cul-de-sac as shown on the tentative map.

4. Access shall be denied to lot 6 from Pomeroy Road and that this be by certificate and designation on the map.

5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

6. **Prior to final map approval**, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
   a. Street plan and profile.
   b. Drainage ditches, culverts, other structures (if drainage calculations require), and approved landscaping.
   c. Water plan (County Health).
   d. Grading and erosion control plan for subdivision related improvement locations.
   e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
   f. Trail plan, to be approved jointly with the Park Division.
   g. An 8 foot parkway designed to meet the planning area standard.

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7. **Prior to final map approval**, the applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

8. **Prior to final map approval**, the Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

9. **Prior to final map approval**, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.

10. **Prior to final map approval**, if calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards. The basin(s) may encroach into the on-site road right-of-way provided they maintain a minimum of 10 feet from the edge of pavement to the basin fence.

11. **Prior to final map approval**, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program (provide WDID # to the County).

Utilities

13. Electric and telephone lines shall be installed underground.

14. Cable TV conduits shall be installed in the street.

15. Gas lines shall be installed.

Design

16. The lots shall be numbered in sequence.

17. The lot area of all lots shall contain a minimum area of 0.90 acres exclusive of area shown for rights of way and any easement that limits the surface use for building construction.

18. **Prior to final map recordation**, the applicant shall apply to the Department of Planning and Building for approval of new street. Approved street names shall be shown on the final tract map and on the improvements plans.

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Fire Protection

19. **Prior to final map recordation**, the project shall comply with the Fire Safety Plan from CDF dated June 8, 2005.

Parks and Recreation (Quimby) Fees

20. **Prior to final map recordation**, unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

21. **Prior to final map recordation**, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Landscape Plans

22. **Prior to final map recordation**, submit detailed landscaping plans in compliance with Chapter 22.16.040 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
    a. Drainage basin fencing.
    b. Drainage basin perimeter landscape screening.
    c. Landscaping for erosion control.

Mitigations

23. **Prior to approval of Improvement Plans,** the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
    a. Reduce the amount of the disturbed area where possible.
    b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
    c. All dirt stock-pile areas should be sprayed daily as needed.
    d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
    e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

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24. **Prior to issuance of demolition permits** (for the existing water tank, pipes and utilities), the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

25. **Prior to approval of Improvement Plans,** the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

26. In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

27. **Prior to approval of Improvement Plans and prior to removal of any pine or eucalyptus trees during the nesting bird season (February through August),** the applicant shall retain a County-approved biologist to conduct surveys for nesting birds. 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 Environmental and Resource Management Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

28. **Prior to approval of Improvement Plans,** the applicant shall submit final grading plans showing the final pad elevation of Parcel 6 no greater than 498 feet.

29. **Prior to approval of Improvement Plans,** the applicant shall submit final grading plans showing revegetation of the proposed earthen noise berm, including the use of native, drought-tolerant shrubs and grasses, and use of drip-irrigation. The noise berm shall be revegetated and stabilized prior to final inspection.

30. **Prior to recordation of the final map,** the applicant shall show an attached A-1(x) County standard trail located adjacent to Pomeroy Road. The trail shall be four feet wide, and consist of compacted (up to 90 percent) native material or decomposed granite. The applicant shall construct the trail prior to final inspection of tract improvements.

31. **Prior to approval of Improvement Plans,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

32. **Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

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33. **Prior to recordation of the final map,** the applicant shall obtain a demolition permit and destroy the existing well onsite pursuant to County standards.

Additional Map Sheet

34. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works **prior to recordation of the final map**. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
    a. That the owners of lots 3, 4 and 6 are responsible for on-going maintenance of drainage basin fencing in perpetuity.
    b. That the owners of lots 3, 4 and 6 are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
    c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
    d. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
    i. Reduce the amount of the disturbed area where possible.
    ii. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
    iii. All dirt stock-pile areas should be sprayed daily as needed.
    iv. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
    v. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
    e. **Prior to issuance of grading and construction permits,** the applicant shall submit the results of a geologic evaluation conducted to determine of naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.
    f. In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
    g. **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
    i. All EPA-Certified Phase II wood burning devices;
    ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;

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iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
iv. Pellet-fueled woodheaters, and;
v. Dedicated gas-fired fireplaces.

h. **Prior to removal of any pine or eucalyptus trees during the nesting bird season (February through August),** the applicant shall retain a County-approved biologist to conduct surveys for nesting birds. 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 Environmental and Resource Management Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

i. **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing the final pad elevation of Parcel 6 no greater than 498 feet.

j. **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing revegetation of the proposed earthen noise berm, including the use of native, drought-tolerant shrubs and grasses, and use of drip-irrigation. The noise berm shall be revegetated and stabilized prior to final inspection.

k. **Prior to issuance of building permits,** construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

l. **Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

<u>Covenants, Conditions and Restrictions</u>

35. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
    a. On-going maintenance of drainage basin fencing in perpetuity.
    b. On-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
    c. Maintenance of all local streets within the subdivision until acceptance by a public agency.

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Miscellaneous

36. The subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.

2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.

3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.

4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.

5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an <u>approved</u> cross-connection control device installed at the meter or property line service connection <u>prior to occupancy</u>. (Chapter 8.30, San Luis Obispo County Ordinance)

6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal, until public sewers may become available.

7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.

8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal systems shall be designed, where feasible, for ease in ultimate sewering.

9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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10. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning and Health Departments for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.

11. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.

12. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.

13. Any existing reservoir or drainage swale on the property shall be delineated on the map.

14. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

15. Required public utility easements be shown on the map.

16. Approved street names shall be shown on the map.

17. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.

18. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.

19. Any private easements on the property shall be shown on the map with recording data.

20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.

21. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.

22. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.

23. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees shall be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by Murry Wilson and reviewed by Kami Griffin.

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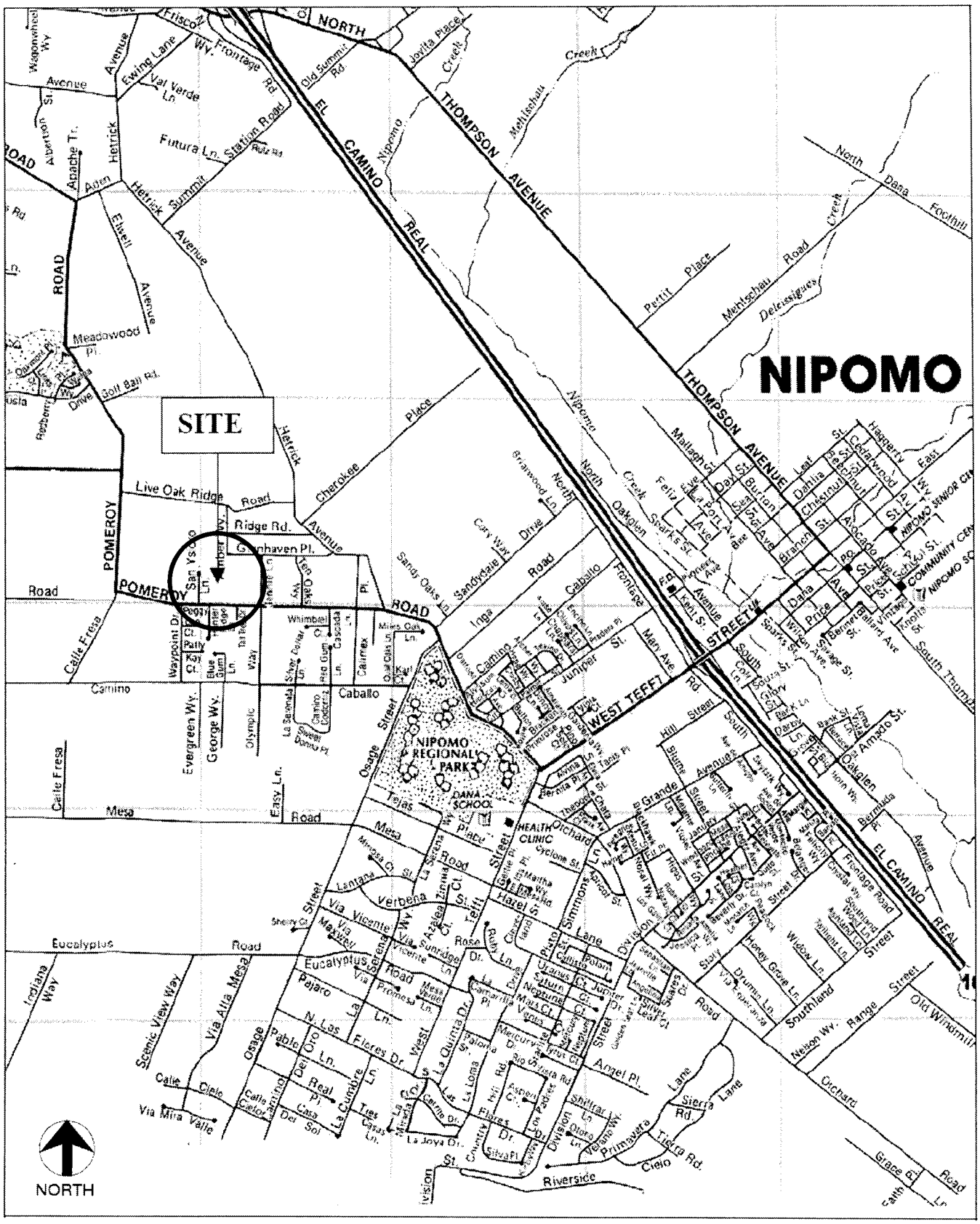
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map
Deblauw SUB2004-00279

EXHIBIT

Nipomo Vicinity

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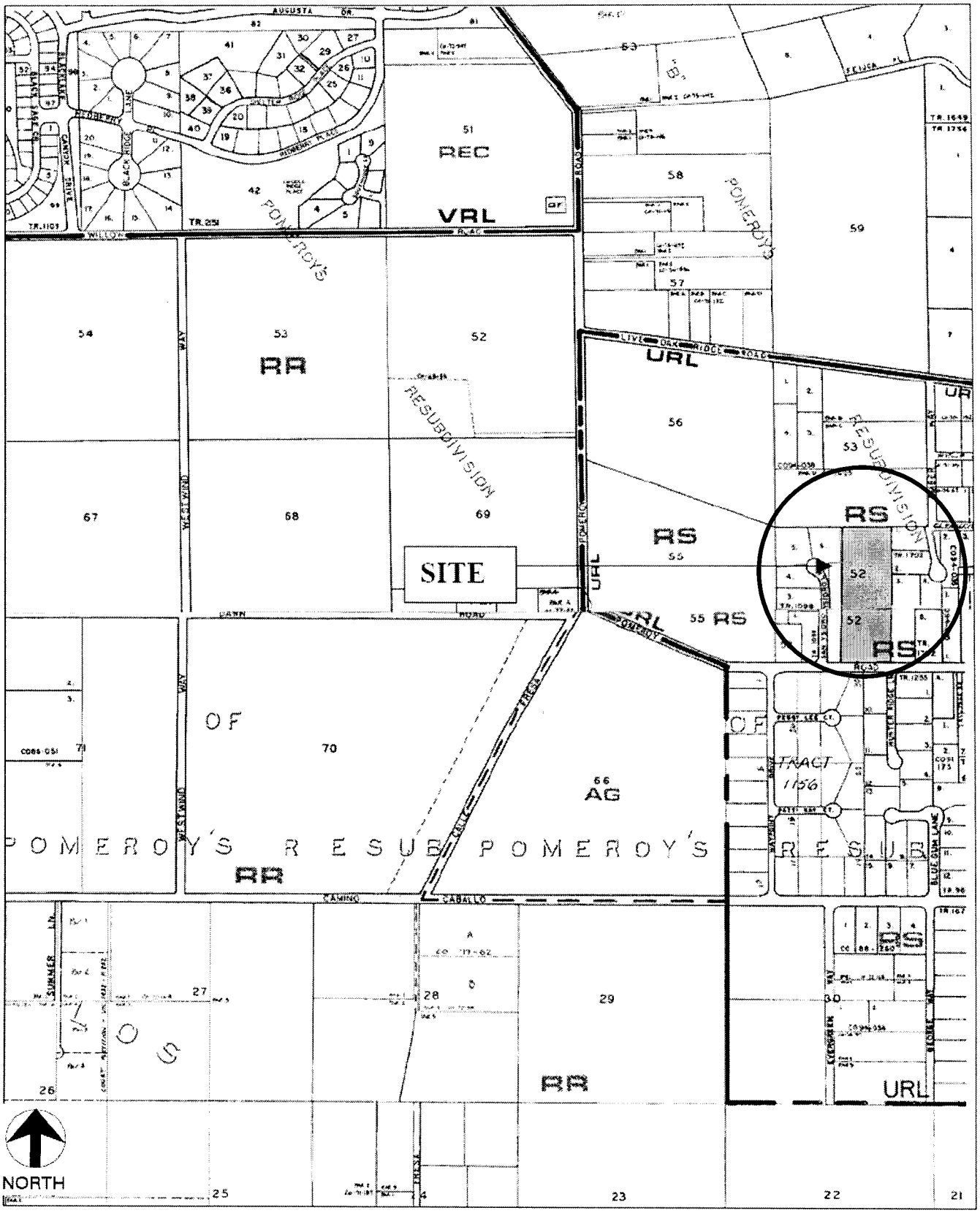
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map
Deblauw SUB2004-00279

EXHIBIT

Land Use Category

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

PROJECT

Tract Map
Deblauw SUB2004-00279

EXHIBIT

Aerial Photo

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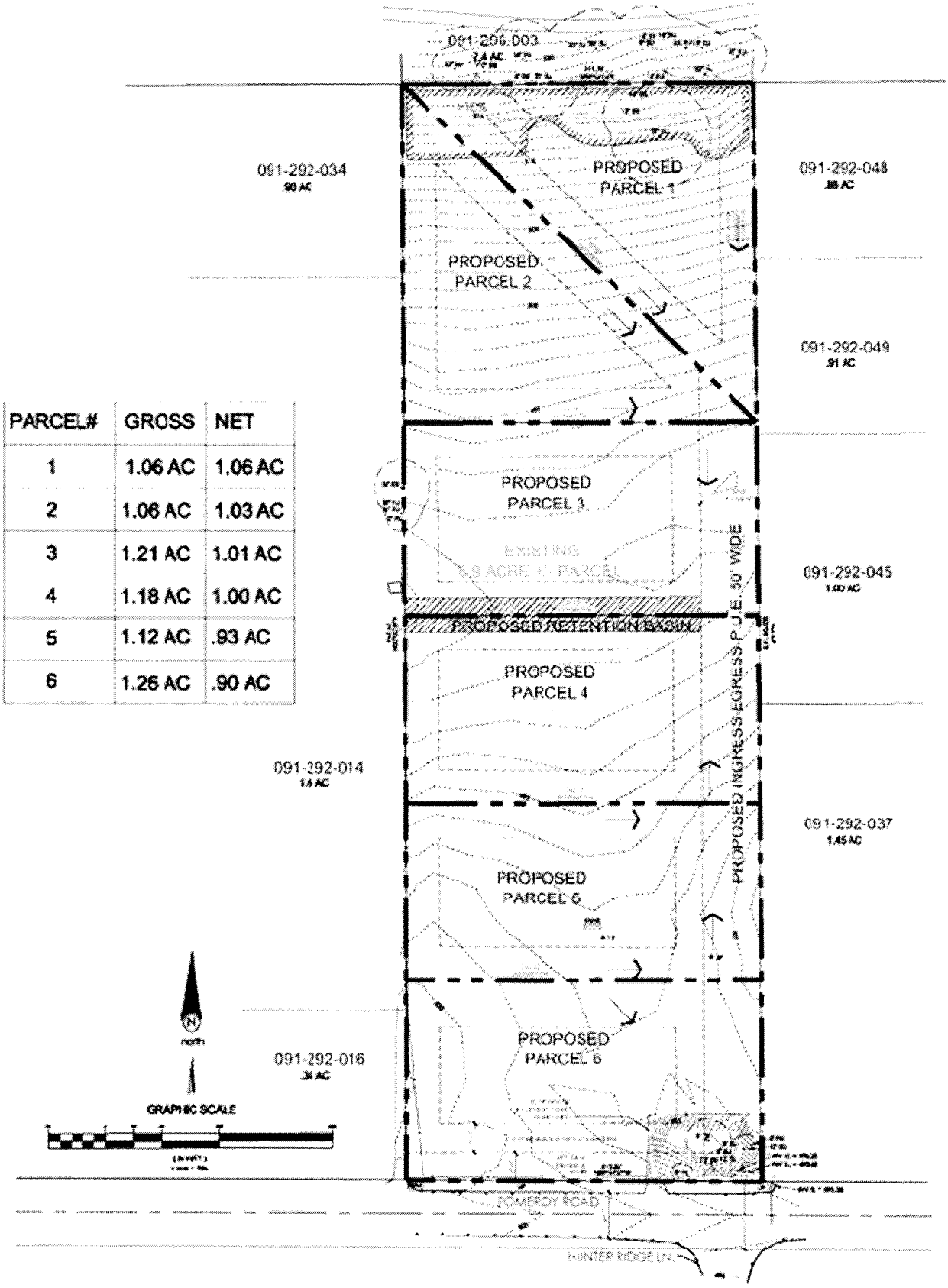
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PARCEL#	GROSS	NET
1	1.06 AC	1.06 AC
2	1.06 AC	1.03 AC
3	1.21 AC	1.01 AC
4	1.18 AC	1.00 AC
5	1.12 AC	.93 AC
6	1.26 AC	.90 AC

PROJECT

Tract Map
Deblauw SUB2004-00279

EXHIBIT

Vesting Tentative Tract Map

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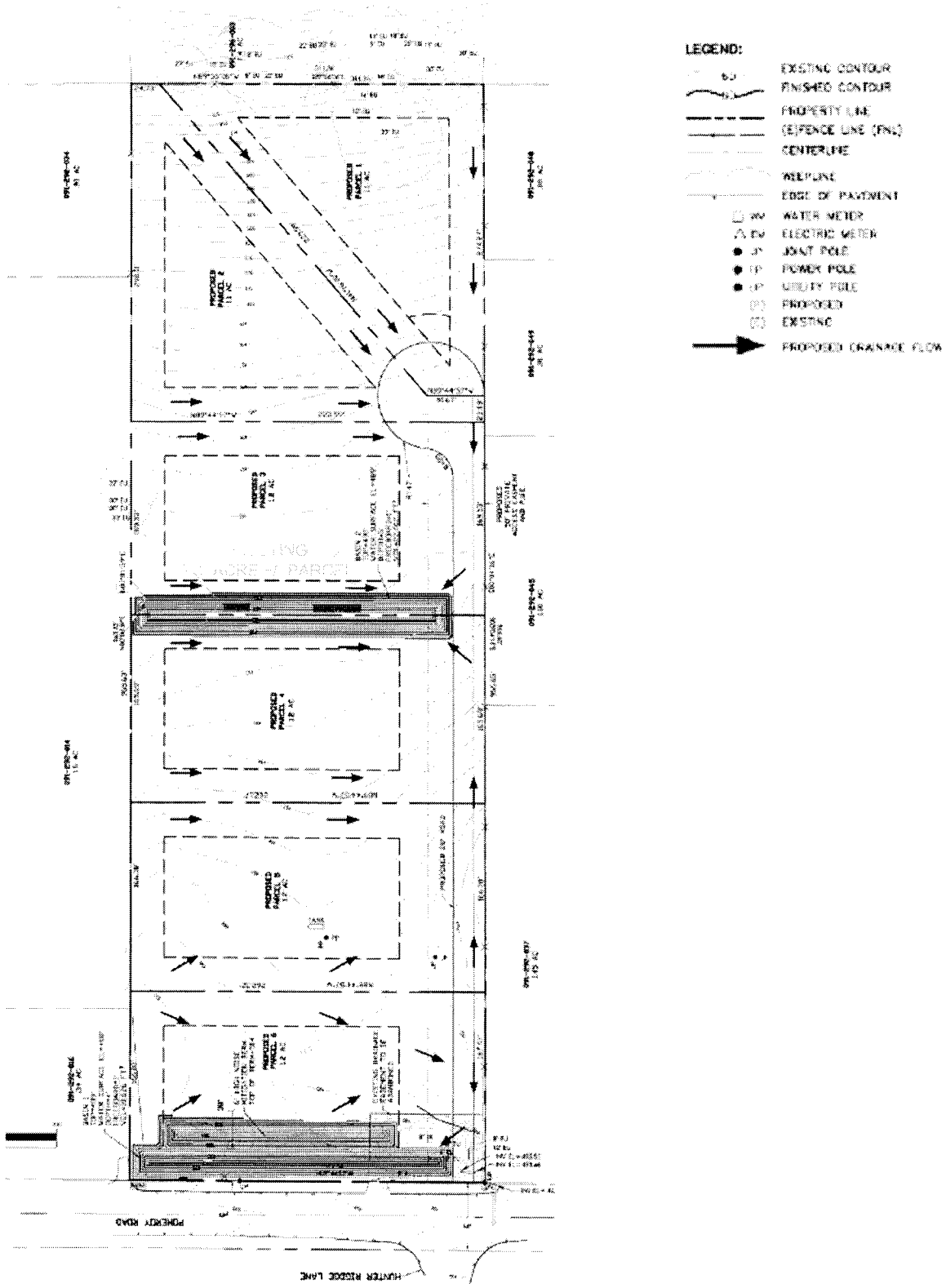
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map
Deblauw SUB2004-00279

EXHIBIT

Preliminary Grading

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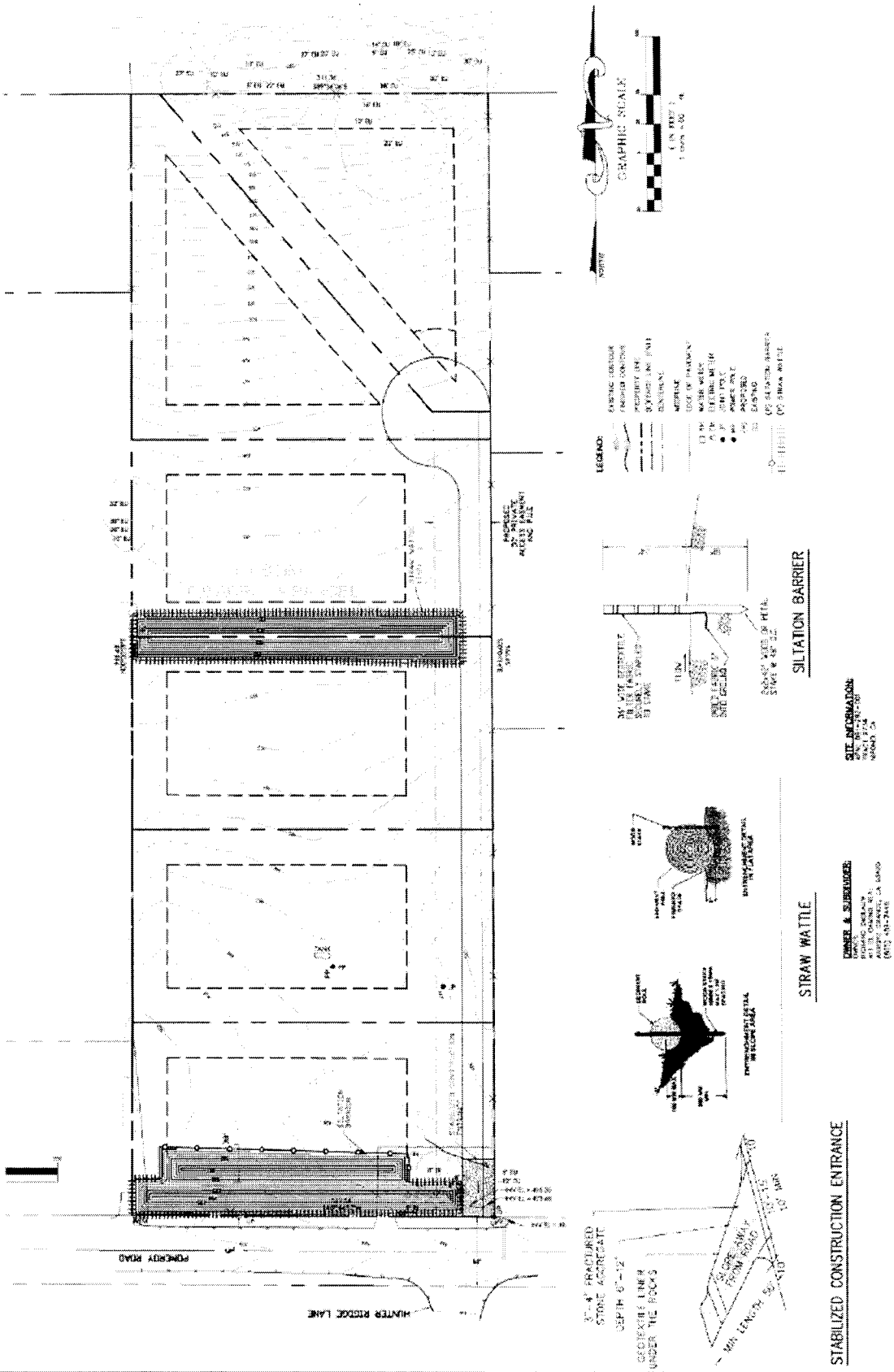
SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map
Deblauw SUB2004-00279

EXHIBIT

Erosion Control Plan

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (MW)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED05-049 **DATE: November 3, 2005**

PROJECT/ENTITLEMENT: Deblauw Tract Map SUB2004-00279 Tract 2734

APPLICANT NAME: Richard Deblauw
ADDRESS: 411 E. Camino Real, Arroyo Grande, CA 93420
CONTACT PERSON: Steve Babcock **Telephone:** (805)528-5014

PROPOSED USES/INTENT: Proposal to subdivide an existing 6.9-acre parcel into six parcels of 1.1 to 1.2 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 61,675 square feet for the construction of two stormwater basins (one to replace an existing basin), earthen noise berm, and access road. The division will create one on-site road.

LOCATION: The proposed project is within the Residential Suburban land use category and is located on the northern side of Pomeroy Road, across from Hunter Ridge Lane, approximately 870 feet west of Olympic Way in the community of Nipomo.

LEAD AGENCY: **County of San Luis Obispo Department of Planning & Building**
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: Environmental Health, Air Pollution Control District, State Water Resources Control Board

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on November 17, 2005

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 were made a condition of the 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:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Signature	Project Manager Name	Date	Public Agency
	Murry Wilson		County of San Luis Obispo

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CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Deblauw Tentative Tract Map; SUB2004-00279 Tract 2734

Project Applicant

Name:	Richard Deblauw
Address:	411 E. Camino Real,
City, State, Zip Code:	Arroyo Grande, CA 93420
Telephone #:	(805)528-5014

PROJECT DESCRIPTION/LOCATION: **See attached Notice of Determination**

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

( ) **The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.**

( ) **The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.**

(X) **The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.**

( ) **The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No._____**

( ) **Other: _____**

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 09/09/05

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Deblauw Tract Map; SUB2004-00279 ED05-049

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.

☐ Aesthetics	☐ Geology and Soils	☒ Recreation
☐ Agricultural Resources	☐ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water
☐ Cultural Resources	☒ Public Services/Utilities	☐ 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.

Morro Group, Inc.			09/09/05
Prepared by (Print)	Signature		Date
Steve McMasters		Ellen Carroll, Environmental Coordinator (for)	10/14/05
Reviewed by (Print)	Signature		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 Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Richard Deblauw for a Vesting Tentative Tract Map to subdivide an existing 6.9-acre parcel into six parcels of 1.1 to 1.2 acres each for the purpose of sale and/or development. The project will result in the disturbance of approximately 61,675 square feet for the construction of two stormwater basins (one to replace an existing basin), earthen noise berm, and access road. The division will create one on-site road. The proposed project is within the Residential Suburban land use category and is located on the northern side of Pomeroy Road, across from Hunter Ridge Lane, approximately 870 feet west of Olympic Way in the community of Nipomo. The site is in the South County Inland planning area.

ASSESSOR PARCEL NUMBER: 091-292-001 SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA:	South County (Inland), Nipomo
LAND USE CATEGORY:	Residential Suburban
COMBINING DESIGNATION(S):	None
EXISTING USES:	Undeveloped, water well and tank, stormwater basin
TOPOGRAPHY:	Nearly level to gently sloping
VEGETATION:	Grasses, eucalyptus, pine trees, small oak trees, forbs, shrubs
PARCEL SIZE:	6.9 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban; residential, accessory structures	*East:* Residential Suburban; residential, accessory structures
South: Residential Suburban; residential	*West:* Residential Suburban; residential, accessory structures

C. ENVIRONMENTAL ANALYSIS

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

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Setting. The proposed project site is located on the northern side of Pomeroy Road, across from Hunter Ridge Lane, approximately 870 feet west of Olympic Way, in the community of Nipomo (refer to Figures 1 through 3). The project site is currently undeveloped, with the exception of one empty water tank near the center of the site, and a fenced stormwater basin adjacent to Pomeroy Road. The project site is nearly level to gently sloping to the north. Vegetation onsite includes eucalyptus trees, pine trees, and couple small oak trees, grasses, dune scrub, and forbs. Surrounding development includes scattered residences with accessory agricultural uses (e.g., horses and chickens) to the north, east and south, and a newer residential development to the south along Hunter Ridge Lane.

Impact. The applicant is proposing a six-lot subdivision, which would result in the creation of up to six primary and six secondary residences, one access road, one additional stormwater basin, and a six-foot tall earthen noise berm in the southern portion of the parcel (refer to Figures 4 and 5). Future development would be visible for approximately 400 feet along Pomeroy Road, and would appear similar to development on the southern side of Pomeroy Road adjacent to Hunter Ridge Lane. Existing development is located to the east and west, and vegetation including eucalyptus trees is located along the northern property boundary and surrounding properties. These existing structures and vegetation would provide a backdrop for future development and partially obstruct views of future residential development as seen from Pomeroy Road. Based on the presence of similar development in the immediate area, and construction of a six-foot tall earthen berm (proposed by the applicant), implementation of the proposed project would not change the visual character of the area or result in any significant visual impacts.

Mitigation/Conclusion. No significant visual impacts were identified, and no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES - *Will the project:*

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	*Convert prime agricultural land to non-agricultural use?*	☐	☐	☒	☐
b)	*Impair agricultural use of other property or result in conversion to other uses?*	☐	☐	☒	☐
c)	*Conflict with existing zoning or Williamson Act program?*	☐	☐	☒	☐
d)	*Other* _____	☐	☐	☐	☐

Setting/Impact. The project site is located with the Residential Suburban land use category. The soil type mapped for the project is Oceano sand (0 to 9 percent slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "VI", and the "irrigated" soil class is "IV". Surrounding land uses include residences and accessory agricultural uses, such as horse grazing and chickens. No production agricultural operations are located in the immediate vicinity. Based on the location of the proposed project, and lack of production agriculture on-site and in the immediate vicinity, no significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No significant impacts to agricultural impacts were identified, and no mitigation measures are necessary.

3. AIR QUALITY - *Will the project:*

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	*Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?*	☐	☒	☐	☐
b)	*Expose any sensitive receptor to substantial air pollutant concentrations?*	☐	☐	☒	☐
c)	*Create or subject individuals to objectionable odors?*	☐	☐	☒	☐
d)	*Be inconsistent with the District's Clean Air Plan?*	☐	☐	☒	☐
e)	*Other* _____	☐	☐	☐	☐

Setting. The project site is located within the South Central Coast Air Basin and is nearest to the Nipomo Ralcoa Way Air Quality Monitoring Station. Based on the latest air monitoring station information, the trend in air quality in the general area is improving. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone.

Dust, or particulate matter less than ten microns (PM10) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NOx (i.e., application of the CEQA Air Quality Handbook) have helped reduce the formation of ozone.

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

Impact. As proposed, the project will result in the disturbance of approximately 24,175 square feet for the construction of two stormwater basins (one to replace an existing basin) and noise berm, and approximately 37,500 square feet for the construction of an access road, totaling 61,675 square feet. Additional disturbance would occur during grading and construction activities associated with development of up to six primary and six secondary residences, driveways, and associated improvements on the project site. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. While the proposed project would not exceed the APCD's CEQA significance thresholds for construction or operational activities, potential air quality impacts may occur as a result of the creation of fugitive dust, particulate emissions resulting from the developmental burning of vegetative material, the potential release of naturally-occurring asbestos in the soil and asbestos containing material from demolition activities, and wood-burning emissions.

Fugitive Dust (PM_{10}). Implementation of the proposed project would result in the generation of dust, potentially affecting adjacent residences, resulting in a nuisance.

Developmental Burning. On February 5, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County; however, in certain situations where no technically feasible alternative is available, limited burning may be allowed. Unregulated burning would result in a potentially significant air quality impact.

Material-Containing Asbestos. Asbestos-containing materials could be encountered during the demolition of the existing water tank, pipes, and utilities. If asbestos is present, proposed demolition activities would result in a release of asbestos, and a potentially significant air quality impact.

Naturally-Occurring Asbestos. The project site is located in an area containing potentially naturally occurring asbestos, serpentine or ultramafic rock. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Wood Burning Devices. The burning of wood can generate air pollutants including particulates. According to APCD Rule 504, only District-approved wood burning devices are allowed in new residences.

In addition to project specific impacts, implementation of the proposed project would result in the generation of up to approximately 90 daily vehicle trips, and would contribute to the cumulative generation of transportation-related air emissions.

Mitigation/Conclusion.
Fugitive Dust (PM_{10}). To minimize nuisance dust impacts, the applicant has agreed to implement APCD fugitive dust mitigation measures including the use of water trucks or sprinkler systems to water down airborne dust, limited vehicle speeds (15 miles/hour), and completion of paving and building pads as soon as possible after grading (refer to Exhibit B for a full list of mitigation measures).

Developmental Burning. To minimize the effects of vegetative burning on regional air quality, the applicant has agreed to avoid burning, or if no alternative is available, the applicant shall obtain a burn permit from the APCD and County Fire/California Department of Forestry, and comply with all conditions required by these agencies.

Material-Containing Asbestos. Prior to demolition of the onsite tank or underground utilities and pipes, the applicant has agreed to comply with the requirements listed in the *National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).* These requirements include, but are not limited to: 1) APCD notification; 2) completed asbestos survey conducted by a Certified Asbestos Inspector; and, 3) applicable removal and disposal requirements of identified asbestos-containing materials.

Naturally-Occurring Asbestos. Prior to grading or site disturbance, the applicant has agreed to retain a qualified individual to conduct a geologic investigation for naturally-occurring asbestos. If asbestos is present, the applicant would comply with *Asbestos Air Toxin Control Measures for Construction, Grading, Quarrying, and Surface Mining Operations.* These requirements include, but are not limited to implementation of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program.

Wood Burning Devices. To comply with APCD Rule 504, the applicant has agreed to install only District approved wood burning devices (refer to Exhibit B for a full list of mitigation measures).

In 1994, the South County Area Plan was adopted and associated EIR certified. As a part of that analysis, a cumulative assessment of the buildout impacts of the Area Plan was completed, which included the ultimate breakdown of the subject property as is currently proposed. While cumulative impacts to air quality was identified in the EIR as potentially significant and unavoidable, the findings recognized that the existing cumulative air quality mitigation program, combined with a slight improvement over the previous Area Plan would offset some of these impacts. The project site is located in the South County Air Quality Mitigation (SCAQM) fee area. New residences are subject to the SCAQM fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reducing single-occupant vehicles, by attracting transit ridership through regional bus stop improvements, encouraging carpooling through park-and-ride lot improvements and ridesharing advertising, promoting the use of bicycles through bike lane installation, reducing dust through limited road paving of several unpaved roads, and providing electronic information/services locally to reduce vehicle trip lengths.

Implementation of the mitigation measures described above and listed in Exhibit B would mitigate all identified air quality impacts to levels of insignificance.

4. BIOLOGICAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species or their habitats?	☐	☐	☒	☐

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☐	☒	☐
c) Impact wetland or riparian habitat?	☐	☐	☒	☐
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	☐	☒	☐	☐
e) Other _____	☐	☐	☐	☐

Setting. The following habitats were observed on the proposed project site: grasses, eucalyptus trees, immature coast live oak, pine trees, scrub, and forbs. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified in the immediate vicinity of the project site:

Plants: Sand mesa (shagbark) manzanita (*A. rudis*), approximately one mile east of the property, Kellogg's horkelia (*Horkelia cuneata ssp. sericea*), located approximately 0.5 mile to the northwest, and Pismo clarkia (*Clarkia speciosa ssp. immaculata*) [FE, SR] located approximatley one mile to the northwest.

Wildlife: None

Habitats: Santa Barbara vernal pool region, potential Pismo clarkia habitat

Impact. The project site was surveyed for special-status plant species in May and June of 2005 by Althouse and Meade, Inc. Based on the results of the floristic, botanical, in-season survey, no special status plant species are present onsite (Althouse and Meade, Inc.; June 24, 2005). No evidence of vernal pool habitat was observed onsite. The existing stormwater basin located in the southeast corner of the project site supports grasses, shrubs, eucalyptus trees, pine trees, and immature coast live oak trees. The basin is earthen, and does not support wetland vegetation (personal communications, Dan Meade; September 8, 2005). The coast live oak trees onsite are small, with a diameter less than five inches. Based on the results of the botanical survey and field observations, the project site does not support any sensitive native vegetation or special status species.

The existing pine and eucalyptus trees onsite to not provide suitable habitat area for monarch butterfly due to the lack of dense stands and wind protection. The trees proposed for removal within the existing stormwater basin, and the eucalyptus trees within proposed Parcel 1 (potential for removal) may provide nesting habitat for raptors and other birds. Removal of these trees during the nesting season may result in a significant impact to wildlife if nests are present.

Mitigation/Conclusion. If tree removal is proposed during the nesting season (May through August), the applicant has agreed to retain a County-approved biologist to conduct a nesting bird survey to ensure that disturbance of nesting birds is avoided. If active nests are observed, the birds shall be avoided until the chicks have fledged and left the area. Based on implementation of this measure, potential impacts to biological resources would be mitigated to less than significant.

5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	☐	☐	☒	☐
b) Disturb historic resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other _____	☐	☐	☐	☐

Setting/Impact. The project is located in an area historically occupied by the Obispeño Chumash. No historic structures are present and no paleontological resources are known to exist in the area. The applicant submitted a *Phase I Archaeological Surface Survey* (Thor Conway, Heritage Discoveries, Inc.; February 3, 2005) report including the results of a regional records search and field survey of the project site. Both prehistoric and historic cultural resources are known to exist in the Nipomo area. No archeological resources were identified during the surface survey and no further investigation is required. No historic structures are present and no paleontological resources are known to exist in the area.

Mitigation/Conclusion. Based on the lack of findings on the project site, it is unlikely that cultural resources are present. In the event cultural resources are discovered during construction, all work in the area shall cease and the contractor shall contact the appropriate authorities, as required by Section 22.10.040 of the County Land Use Ordinance. No additional mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?	☐	☐	☐	☒
c) 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?	☐	☐	☒	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☐	☒	☐
e) Include structures located on expansive soils?	☐	☐	☒	☐

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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?	☐	☐	☐	☒
h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	☒	☐
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☒	☐
j) Other _____	☐	☐	☐	☐

Setting/Impact.

GEOLOGY – The topography of the project site is nearly level to gently sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate. Active faulting is known to exist approximately 1.5 miles northeast of the property. The project is not within a known area containing serpentine or ultramafic rock or soils.

The applicant submitted a *Soils Engineering Report* (GeoSolutions, Inc.; June 20, 2005) for the proposed project. Soil borings were conducted on each proposed lot, and within the propose access road. Neither bedrock nor groundwater was encountered within 15 feet. Based on the results of the report, loose soils are present within the upper five feet of the soil profile. Engineered fill would be required for each building pad, in compliance with State Code. Based on compliance with existing enforced local ordinances and state codes, geology impacts would be insignificant.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Nipomo Creek) from the proposed development is approximately 1.5 miles to the northeast. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) 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.

There is an existing 6,173-cubic foot stormwater basin within the southeast corner of the project site, adjacent to Pomeroy Road. The applicant is proposing to remove the existing stormwater basin, and construct a new 10,626-cubic foot basin to the west, adjacent to Pomeroy Road. A second basin (22,602-cubic feet) would be constructed near the center of the project site, between proposed Parcels 3 and 4. The basins were designed based on drainage calculations prepared by TEC Civil Engineering Consultants (June 21, 2005). Stormwater generated on proposed Parcels 1 through 5 would be directed into the basin between Parcels 3 and 4, and stormwater generated on proposed Parcel 6 and Pomeroy Road would be directed into the basin along the southern perimeter, as shown

on Figure 5. The applicant is required to submit a final drainage plan to the Public Works Department prior to recordation of the final map. Based on implementation and enforcement of existing ordinance regulations, no significant drainage impacts would occur.

SEDIMENTATION AND EROSION – The soil type mapped for the project site is Oceano sand (0 to 9 percent slope). As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and low shrink-swell characteristics. The applicant submitted an erosion control plan including the use of geotextile siltation fencing, straw wattles, and a stabilized construction entrance for implementation during future construction activities, as shown on Figure 6 (TEC Civil Engineering Consultants; June 2005). The project will result in the disturbance of approximately 61,675 square feet for the construction of two stormwater basins (one to replace an existing basin), earthen noise berm, and access road. 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.

Mitigation/Conclusion. Based on compliance with standard ordinances and codes, and implementation of proposed drainage and erosion control plans, geology and soils impacts would be insignificant, and no additional measures are required.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☐	☒	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☐	☒	☐
e) Create any other health hazard or potential hazard?	☐	☐	☒	☐
f) Other _____	☐	☐	☐	☐

Setting. The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The proposed project was referred to the County Fire Department/California Department Forestry and Fire Protection (CDF) for review. CDF noted that the project site is located within six to eight minutes from the closest CDF station. No significant fire safety impacts were identified. Future development is required to comply with local ordinance, the California Fire Code and the Public Resources Code, which include such measures as emergency

vehicle access, fire suppression water supply, and fuel modification (30-foot firebreak surrounding structures, 10-foot fire break surrounding driveways and access road) (Gilbert Portillo, June 8, 2005).

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels which exceed the County Noise Element thresholds?	☐	☒	☐	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☐	☒	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other _____	☐	☐	☐	☐

Setting. The proposed project site is located immediately north of Pomeroy Road, which generates transportation-related noise in the area. Based on the County Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the southern perimeter of the project site is located within the 60 to 70 decibel noise contour for Pomeroy Road.

Impact. The applicant proposes to construct a stormwater basin immediately north of Pomeroy Road. In addition, a six-foot tall earthen noise berm would be constructed between the proposed building area on proposed Parcel 6 and the basin. Future development on Parcel 6 would be located approximately 75 feet from Pomeroy Road, within the 60 to 65 dB noise contour. Construction of the earthen noise berm would attenuate noise by approximately 5 to 10 decibels, within the acceptable noise exposure range of 55 to 60 dB. Standard construction practices, pursuant to the Uniform Building Code, attenuate noise by approximately 20 dB, which would achieve acceptable indoor noise exposure of 45 dB. The noise wall would be ineffective if future grading activities on Parcel 6 result in a finished pad elevation exceeding 498 feet in elevation, resulting in a potentially significant impact.

Mitigation/Conclusion. The applicant has agreed to submit final grading plans showing a final pad elevation of 498 feet on proposed Parcel 6 to ensure the effectiveness of the earthen noise berm. In addition, the applicant shall submit a revegetation plan for the noise berm to ensure stability, minimize erosion and avoid failure of the berm, and enhance aesthetics. Implementation of these measures would mitigate potential noise impacts to less than significant.

9. POPULATION/HOUSING - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐

9. POPULATION/HOUSING - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☐	☐	☒	☐
e) Other _____	☐	☐	☐	☐

Setting/Impact. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee, pursuant to County Code. This fee will not apply to any county-recognized affordable housing included within the project. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES - *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other _____	☐	☐	☐	☐

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Nipomo station 20) is approximately three miles to the east. The closest Sheriff substation is in San Luis Obispo (Kansas Avenue), which is approximately nine miles from the proposed project site. The project is located in the Lucia Mar Unified School District.

Impact. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase the use or demand for parks or other recreation opportunities?*	☐	☒	☐	☐
b) *Affect the access to trails, parks or other recreation opportunities?*	☐	☐	☒	☐
c) *Other* _____	☐	☐	☐	☐

Setting. The County Trails Plan does not show a potential trail through the proposed project site. Several local trails for pedestrian, bicycle, and equestrian use are located throughout the Nipomo area. Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. Implementation of the proposed project would contribute to the cumulative demand for trails and recreational resources in the Nipomo area. The proposed project was referred to the County Parks Division for review. In addition to payment of Quimby fees, the applicant is required to construct an attached A-1(x) trail adjacent to Pomeroy Road. The trail shall be four feet wide, and consist of compacted native material (90 percent compaction) or decomposed granite (Jan DiLeo; April 11, 2005 and August 4, 2005).

Mitigation/Conclusion. The applicant has agreed to install an attached A-1(x) standard trail adjacent to Pomeroy road, in addition to payment of required "Quimby" fees. Implementation of these measures would adequately mitigate the project's impact on recreational facilities.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase vehicle trips to local or areawide circulation system?*	☐	☒	☐	☐
b) *Reduce existing "Levels of Service" on public roadway(s)?*	☐	☐	☒	☐
c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*	☐	☐	☒	☐
d) *Provide for adequate emergency access?*	☐	☐	☒	☐
e) *Result in inadequate parking capacity?*	☐	☐	☒	☐

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other _____	☐	☐	☐	☐

Setting. The proposed project site is accessed from Pomeroy Road, which is a collector extending from West Tefft Street to Los Berros Road. The project site is located approximately two miles northwest of the West Tefft Street and Highway 101 interchange, which is the primary access point into Nipomo from the Highway 101 corridor.

Impact. The applicant proposes to construct one access road along the eastern boundary of the project site. The proposed project is estimated to generate up to 90 trips per day, based on the Institute of Traffic Engineer's manual of 9.6 average daily trips per primary unit, and 5.4 average daily trips per secondary unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

The proposed project was referred to the County Public Works Department for review. The Public Works Department is currently consulting with the California Department of Transportation (Caltrans) regarding future improvements to the Highway 101 and Tefft Street interchange. Based on traffic calculations and analysis completed by the Public Works Department, the Level of Service at the Highway 101 and Tefft Street interchange is LOS D (Richard Marshall; April 8, 2005). All existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways. The continued development of Nipomo, including the proposed project, would increase the traffic demands on West Tefft Street, and the Highway 101 and Tefft Street interchange. Based on consultation with the Public Works Department, the Level of Service at the interchange would decrease to LOS F under the cumulative build-out scenario. The County has developed the South County Road Fee Program to collect fees to be used towards road improvement projects within Nipomo and South County, including future improvements to the Highway 101 and Tefft Street interchange.

Mitigation/Conclusion. The proposed project is located within Area 1 of the South County Fee Area. Prior to issuance of permits for future land uses on the project site, the applicant would be required to contribute to the fee program. The fees contributed to this program would partially finance the implementation of improvements to the Highway 101 and Tefft Street interchange, and mitigate cumulative impacts resulting from future development. Implementation of this measure would mitigate potential impacts to less than significant, and no additional mitigation measures are required.

13. **WASTEWATER** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?*	☐	☐	☒	☐
b) *Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?*	☐	☐	☒	☐
c) *Adversely affect community wastewater service provider?*	☐	☐	☒	☐
d) *Other* _____	☐	☐	☐	☐

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitation for on-site wastewater systems is poor filtering characteristics. This limitation is summarized as follows:

Poor Filtering Characteristics – Due to the very permeable soil; without special engineering, larger separations will be required between the leach lines and the groundwater basin to provide adequate filtering of the effluent; to achieve compliance with the Central Coast Basin Plan, depth to groundwater information will need to be provided at the building permit stage.

The applicant submitted a *Percolation Testing* results for the project site, including eighteen percolation test borings (5 feet below the surface), six exploratory borings (15 feet below the surface), and one deep boring (50 feet below the surface). No groundwater was encountered. Based on the results of the percolation testing, the average percolation rate on each lot ranges from three to four minutes per inch (GeoSolutions, Inc.; June 17, 2005).

Impact. The proposed project was referred to the County Environmental Health Division. The Division stated that individual wastewater disposal systems, designed and constructed to meet county and state requirements should adequately serve the parcels (Laurie Salo; July 1, 2005). Based on the Environmental Health Division's response, results of the *Percolation Testing* report, and required compliance with standard building codes and the Central Coast Basin Plan, wastewater impacts would be insignificant.

Mitigation/Conclusion. No significant wastewater impacts were identified, and no mitigation measures are necessary.

14. **WATER** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Violate any water quality standards?*	☐	☒	☐	☐
b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?*	☐	☐	☒	☐

14. WATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*	☐	☐	☒	☐
d) *Change the quantity or movement of available surface or ground water?*	☐	☒	☐	☐
e) *Adversely affect community water service provider?*	☐	☐	☒	☐
f) *Other* _____	☐	☐	☐	☐

Setting. There is one existing well and water tank onsite. The applicant proposes to use the Nipomo Community Services District (NCSD) for water supply. The NCSD issued an intent-to-serve water service letter to the applicant (Michael LeBrun, NCSD; May 13, 2005). The County Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project site is nearly level to gently sloping. The closest creek (Nipomo Creek) from the proposed development is approximately 1.5 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Impact. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be approximately 7.08 acre feet/year (AFY):

6 residential lots (w/primary (0.85 afy) & secondary (0.33 afy) X 6 lots) = 7.08 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

The NCSD uses water extracted from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria). Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area"; 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). The study warns that seawater intrusion could result from this existing pumping depression if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the absence of current evidence of seawater intrusion, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 1.8% growth limit, as depicted in the Growth Management Ordinance. The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water.

A planning area standard will be enacted by which building permits will be required to include the full range of water conservation measures, including both interior and outdoor measures. Interior measures would include: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets, and; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems. Outdoor measures would include: low water-use landscape; limited landscape area; limited turf area; low water-use plant materials; hardware; soil moisture sensors; drip irrigation system; separate meter for outdoor water management, and; an operating manual to instruct homeowner how to use and maintain water conservation hardware.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 1.8 percent growth limit. Low water-use landscapes will be required for all developer-installed landscapes on parcels of five acres or less in any land use category (currently, this provision applies to parcels of two acres or less).

Homeowner provided landscaping for projects approved with Minor Use Permits, Conditional Use Permits or Site Plans must also comply with Section 22.16.020. Section 22.16.030 will also apply to projects with a potential total irrigated landscape area of 1,500 square feet or greater (currently, projects less than 2,500 square feet are exempt). In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

As proposed, the project will result in the disturbance of approximately 61,675 square feet, in addition to site disturbance resulting from future development of each proposed parcel. The proposed project site is not located near any sources of surface water. The topography of the site is nearly level to gently sloping. Standard drainage and erosion control measures and preparation of a SWPPP (refer to Section 6) would be required for the proposed project and would provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

Mitigation/Conclusion. To conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240) in addition to the measures described above. The ordinance requires the following water-conserving fixtures for domestic use: toilets limited to 1.6 gallons/flush; showerheads and faucets limited to 2.75 gallons/ minute; spas and hot tubs shall use re-circulating systems; and water supply piping shall be installed so each dwelling unit may be served by a separate water meter. In addition, the applicant is required to destroy the existing well and water tank onsite prior to connection to the NCSD community water system. The applicant is also required to implement erosion control measures, and submit and implement a SWPPP (refer to Section 6) to minimize erosion and down-gradient sedimentation. Based on compliance with existing ordinances and regulations, and implementation of required water conservation measures, water impacts would be reduced to insignificance and no further measures are necessary.

15. LAND USE - *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) *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?*	☐	☐	☒	☐
b) *Be potentially inconsistent with any habitat or community conservation plan?*	☐	☐	☒	☐
c) *Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?*	☐	☐	☒	☐
d) *Be potentially incompatible with surrounding land uses?*	☐	☐	☒	☐
e) *Other* _____	☐	☐	☐	☐

Setting/Impact. 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, South County Inland Area Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF 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 site is not within or adjacent to a Habitat Conservation Plan area. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project is consistent with existing land uses because it is a residential project in the vicinity of residential land uses.

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

16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *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?*	☐	☐	☒	☐
b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*	☐	☒	☐	☐

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

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

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Division	**Attached**
☒	County Agricultural Commissioner's Office	**No Response**
☒	County Parks and Recreation Division	**Attached**
☐	County Assessor Department	**Not Applicable**
☒	Air Pollution Control District	**No Response**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Department of Conservation	**Not Applicable**
☐	CA Department of Fish and Game	**Not Applicable**
☒	CA Department of Forestry	**Attached**
☒	CA Department of Transportation	**No Response**
☒	Utility Companies	**In File****
☒	Nipomo Community Services District	**Attached**
☒	Nipomo Community Advisory Council	**No Response**

*** "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.

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☒ Real Property Division Ordinance
- ☒ Trails Plan
- ☐ Solid Waste Management Plan
- ☒ South County Area Plan and Update EIR
- ☒ South County Circulation Study

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)

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

Althouse and Meade, Inc. June 24, 2005. *Pismo clarkia Survey for APN 091-292-001, Pomeroy Road, Nipomo.*

GeoSolutions, Inc. June 17, 2005. *Percolation Testing.*

TEC Civil Engineering Consultants. June 21, 2005. *Drainage Evaluation.*

Thor Conway, Heritage Discoveries, Inc. February 3, 2005. *A Phase I Archaeological Surface Survey at Pomeroy Road, Nipomo, San Luis Obispo County.*

Exhibit B - Mitigation Summary Table

Air Quality

AQ-1 **Prior to issuance of construction permits,** the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.

a. Reduce the amount of disturbed area where possible.
b. 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.
c. All dirt stock-pile areas should be sprayed daily as needed.
d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
e. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-2 **Prior to issuance of demolition permits,** the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

AQ-3 **Prior to issuance of grading and construction permits,** the applicant shall submit the results of a geologic evaluation conducted to determine of naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

AQ-4 **In the event no technically feasible alternatives are available other than developmental burning,** the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

AQ-5 **Prior to issuance of construction permits,** proposed plans shall show that only APCD approved wood burning devices would be installed in new residential units. APCD approved devices include the following:

a. All EPA-Certified Phase II wood burning devices.
b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
c. Non-catalytic wood burning devices that emit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab.
d. Pellet-fueled woodheaters.
e. Dedicated gas-fired fireplaces.

Biological Resources

BR-1 **Prior to removal of any pine or eucalyptus trees during the nesting bird season (February through August),** the applicant shall retain a County-approved biologist to conduct surveys for nesting birds. 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 Environmental and Resource Management Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Noise

N-1 **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing the final pad elevation of Parcel 6 no greater than 498 feet.

N-2 **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing revegetation of the proposed earthen noise berm, including the use of native, drought-tolerant shrubs and grasses, and use of drip-irrigation. The noise berm shall be revegetated and stabilized **prior to final inspection.**

Recreation

R-1 **Prior to recordation of the final map,** the applicant shall show an attached A-1(x) County standard trail located adjacent to Pomeroy Road. The trail shall be four feet wide, and consist of compacted (up to 90 percent) native material or decomposed granite. The applicant shall construct the trail **prior to final inspection of tract improvements.**

Water

W-1 **Prior to issuance of grading permits for tract improvements,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

W-2 **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

W-3 **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

W-4 **Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

W-5 **Prior to recordation of the final map,** the applicant shall obtain a demolition permit and destroy the existing well onsite pursuant to County standards.

DEVELOPER'S STATEMENT FOR THE
DEBLAUW TRACT MAP; SUB2004-00279 TRACT 2734

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.

AIR QUALITY

AQ-1 Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

a. Reduce the amount of the disturbed area where possible.
b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
c. All dirt stock-pile areas should be sprayed daily as needed.
d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

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

AQ-2 Prior to issuance of demolition permits, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

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

AQ-3 Prior to issuance of grading and construction permits, the applicant shall submit the results of a geologic evaluation conducted to determine of naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not

Monitoring: The Planning and Building Department shall verify compliance.

NOISE

N-1 **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing the final pad elevation of Parcel 6 no greater than 498 feet.

Monitoring: The Planning and Building Department shall verify receipt of required elements on plans, and verify compliance in the field.

N-2 **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing revegetation of the proposed earthen noise berm, including the use of native, drought-tolerant shrubs and grasses, and use of drip-irrigation. The noise berm shall be revegetated and stabilized prior to final inspection.

Monitoring: The Planning and Building Department shall verify receipt of required elements on plans, and verify compliance in the field.

RECREATION

R-1 **Prior to recordation of the final map,** the applicant shall show an attached A-1(x) County standard trail located adjacent to Pomeroy Road. The trail shall be four feet wide, and consist of compacted (up to 90 percent) native material or decomposed granite. The applicant shall construct the trail prior to final inspection of tract improvements.

Monitoring: The Planning and Building Department, in consultation with the County Parks Division shall verify compliance.

WATER

W-1 **Prior to issuance of grading permits for tract improvements,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Monitoring: The Planning and Building Department shall verify compliance.

W-2 **Prior to issuance of building permits,** construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation

n SW 3-47 16

RECEIVED
S.L.O. CO. PLANNING DEPT.

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
MAR 18 2005
ENVIRONMENTAL HEALTH

THIS IS A NEW PROJECT REFERRAL

DATE: 3/16/05

TO: Env. Health

FROM: South Co. Team
(Please direct response to the above)

DEBLAUW
TRACT 2734
SUB2004-00279
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: MUP -> TRACT MAP 2734 to subdivide 6.9+/- acres into (6) 1+/- acre lots. Located off Pomeroy Rd., Nipomo. APN: 091-292-001.

Return this letter with your comments attached no later than: 3/31/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

_____ YES
_____ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

_____ NO (Please go on to Part III)
_____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE**

Provide applicant with stock conditions for community water and on-site septic. Soil testing will be required on each parcel prior to map recordation. Be advised the existing well on proposed parcel 5 and all other on-site wells shall be destroyed (via permits) prior to final recordation.

3/31/05 — Date
Laurie Sole — Name
781-5551 — Phone

M:\PI-Forms\Project Referral - #216 Word.doc
Revised 4/4/03

3-48

County of San Luis Obispo • Public Health Department

MW

Environmental Health Services
2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX: (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

JUL 5 2005

July 1, 2005

SB Planning
1425 14th Street
Los Osos, CA 93402

ATTN: STEPHEN BABCOCK
RE: TENTATIVE TRACT 2734 (DEBLAUW)

Water Supply

This office is in receipt of a **preliminary** can and will serve letter from the Nipomo Community Services District to provide water to the above referenced project.

Be advised that a final will serve letter will be required prior to recordation of the final map. Water distribution improvements shall be built to each parcel or construction of the water line improvements may be delayed by way of a county approved performance bond.

Wastewater Disposal

Individual wastewater disposal systems, designed and constructed to meet county and state requirements should adequately serve the parcels. Due to proposed parcel sizes, three percolation tests and one deep soil boring shall be performed on each lot and submitted to Environmental Health Services, for review and approval, prior to map recordation.

TRACT 2734 is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

c: Chuck Stevenson, County Planning
South County Team, County Planning
NCSD
Richard DeBlauw, Owner

16

MBW 3-49

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

2005 MAR 18 AM 10:47

VICTOR HOLANDA, AICP
DIRECTOR

APR 1 2 2005
SLO COUNTY PLANNING DEPT

THIS IS A NEW PROJECT REFERRAL

DATE: ~~3/16/05~~ 04/11/05

~~FROM:~~ TO: Parks

~~FROM:~~ TO: South Co. Team
(Please direct response to the above)

DEBLAUW
TRACT 2734
SUB2004-00279
Project Name and Number

Development Review Section (Phone: 788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION: MUP -> TRACT MAP 2734 to subdivide 6.9+/- acres into (6) 1+/- acre lots. Located off Pomeroy Rd., Nipomo. APN: 091-292-001.

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✓ NO (Please go on to Part III)
___ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE**

(1) Require payment of Quimby Fees and applicable Building Division fees.
(2) Require a trail along the Pomeroy Rd frontage to the County A-1(x) attached standard.

04/11/05 — Date
JAN DI LEO — Name
4089 — Phone

4' in R.O.W.

M:\PI-Forms\Project Referral - #216 Word.doc Revised 4/4/03

SAN LUIS OBISPO
COUNTY PARKS

3-50

MEMO

TO: Murry Wilson

FROM: Jan Di Leo

DATE: August 4, 2005

RE: A-1 (x) Road Standard

5 2005
S.L.O. PLANNING DEPT.

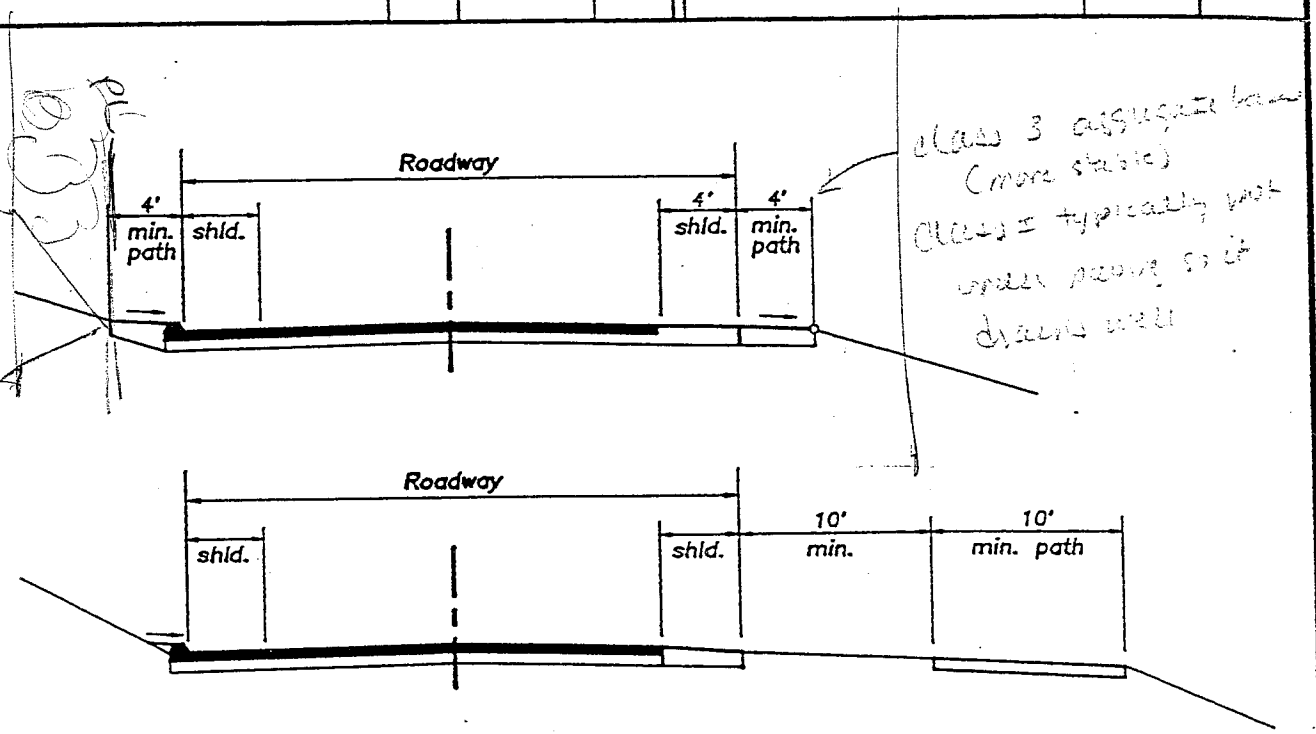
Sorry it took me so long to send this to you. I forgot. Attached is the Public Works Department's A-1 (x) typical cross section. There is the *attached* trail standard (the upper diagram) and the *detached* trail standard (the lower diagram). As you can see from the diagram, the *attached* trail is simply a four foot wide trail. The *detached* is ten feet wide. The standard indicates aggregate base for the trail surface. We actually now use compacted native material (to 90% compaction) or decomposed granite - **not** aggregate base. In most cases, the A-1(x) attached standard can be applied within the road right-of-way.

Let me know if you have other questions. I can be reached at extension 4089.

1087 Santa Rosa Street, San Luis Obispo, CA 93408 Tel: (805) 781-5200 Fax: 781-1102
Web: www.slocountyparks.com

3-57

Revisions				Approvals		
Description	By	Approved	Date		By	Date
				County Engineer		
				Recommended by Deputy Co. Eng.		



Any rural road may be required to include either an adjacent or a seperated equestrian/pedestrian path, if deemed necessary due to heavy existing or potential equestrian use.

Every A-1 (rural) Section will include one of the following Equestrian/Pedestrian facility when the rural road is shown as an equestrian route on the latest adopted County Trails Plan.

(1) A minimum four-foot clear width adjacent to the roadway on both sides. The area will be surfaced with Class 1 aggregate base or other material creating a low erosion potential. + SANDY

class 3 aggregate base

(2) A minimum ten-foot wide clear graded area on one side of the roadway located a minumum distance of ten feet from the edge of the roadway. When either the grade or the side slope would cause erosion problems, the area will be surfaced with Class 1 aggregate base or other material with low erodability.

Specification Ref.	COUNTY OF SAN LUIS OBISPO ENGINEERING DEPARTMENT TYPICAL EQUESTRIAN/PEDESTRIAN PATH	Scale: NONE
		Drawing No. A-1(x)
Drawn: 5-91 By: PGH		

MBU 3-52

CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

June 8, 2005

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Tract Map Project # DeBlauw SUB 2004-00279

Dear South County Team,

I have reviewed the referral for the tract map plans for the proposed six parcel subdivision project located at Pomeroy Rd. and Hunter Ridge Ln., Nipomo. This project is located approximately 6-8 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
  - Parcels less than 1 acres — 800 feet
  - Parcels 1 acre to 4.99 acres — 1320 feet
  - Parcels 5 acres to 19.99 acres — 2640 feet
  - Parcels 20 acres or larger — 5280 feet

- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.

- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☒This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

c: DeBlauw Builders

3-54

NIPOMO COMMUNITY SERVICES DISTRICT

BOARD MEMBERS
LARRY VIERHEILIG, **PRESIDENT**
ED EBY, **VICE PRESIDENT**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
MICHAEL WINN, **DIRECTOR**

STAFF
MICHAEL LeBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**
JON SEITZ, **GENERAL COUNSEL**

Celebrating 40 Years of Service 1965-2005

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

May 13, 2005

Richard and Carolyn DeBlauw
411 E. Camino Real
Arroyo Grande, CA 93420

This is NOT a Will-Serve Letter

SUBJECT: INTENT-TO-SERVE WATER SERVICE
APN 091-292-001 AKA TRACT 2734 POMEROY ROAD, NIPOMO
6-LOT SUBDIVISION

An Intent-to-Serve letter for water service for APN 091-292-001, a 6-lot subdivision on Pomeroy Road in Nipomo, is granted subject to the following conditions:

- Project water supply main must be looped or connected on the north end to existing District facilities in San Ysidro Lane (west) and Amber Way (east). Applicant is responsible for acquiring needed easements and constructing connections.
- Each new parcel shall receive a single one-inch water meter.
- Enter into a Plan Check and Inspection Agreement.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Pay all appropriate District fees associated with this development.
- **Capacity charges will be calculated and credited to the Project based on the later of the following:**
    - **The date the District signs the public improvement plans for the Project; or**
    - **The date the Ordinance adopting the new water capacity charges becomes effective.**

NOTE: The District's current water capacity charge is $13,622 per residential unit.

- Construct the improvements required and submit the following:
    - Reproducible "As Builts" - A mylar copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water improvements
    - Offer of Dedication
    - Engineer's Certification
    - A summary of all water improvement costs
- This letter is void if land use is other than single-family residential.
- Comply with District water conservation program.
- Intent-to-Serve Letters shall automatically terminate on the first to occur:
    - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
    - Two (2) years. However, applicant shall be entitled to a one year extension upon proof of reasonable due diligence in processing the project.

3-55

This is not a Will Serve letter

- This letter is void if land use is other than single-family.
- Comply with District water conservation program.
- Intent-to-Serve Letters shall automatically terminate on the first to occur:
    - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve Letter is issued; or
    - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water service to APN 092130-019 and that it has sufficient water resources to provide such service. Not withstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

Not withstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

Please call with any questions.

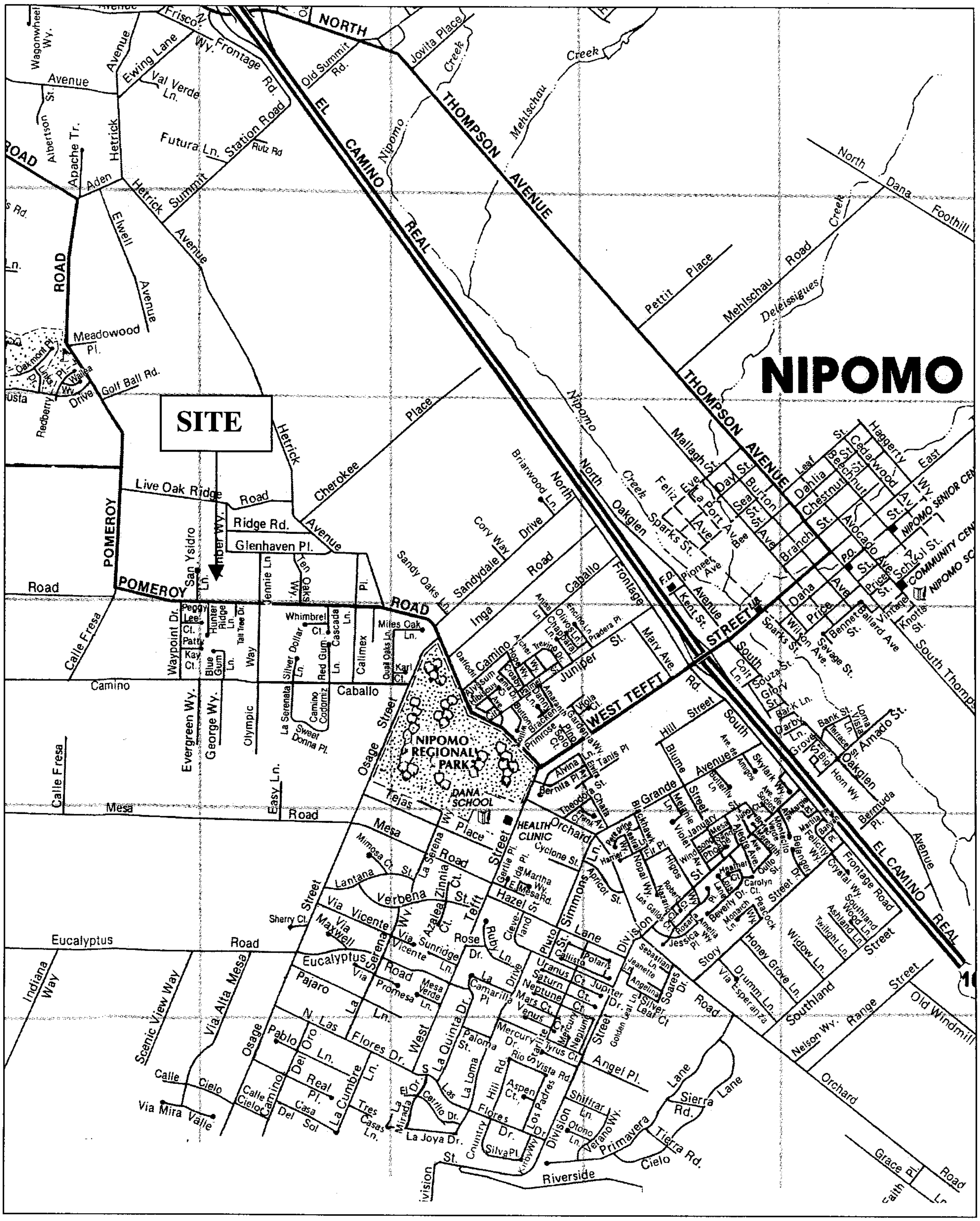
Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Michael LeBrun

Michael LeBrun
General Manager

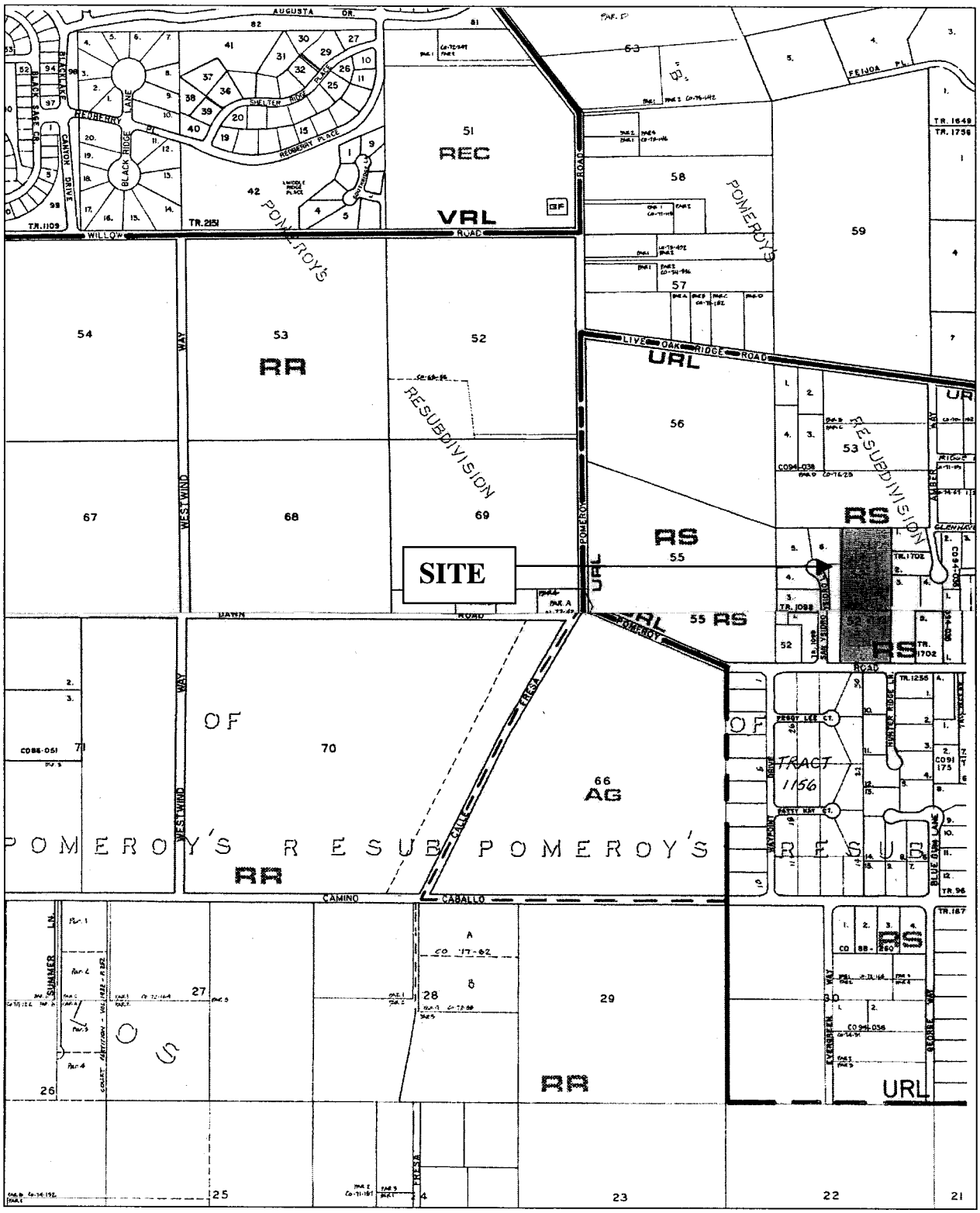
T:\DOCUMENTS\LAND DEVELOPMENT\WILL SERVE LETTERS\INTENT-TO-SERVE\APN 091-292-001 DEBLAUW.DOC



Source: Compass Maps

NORTH
Not to Scale

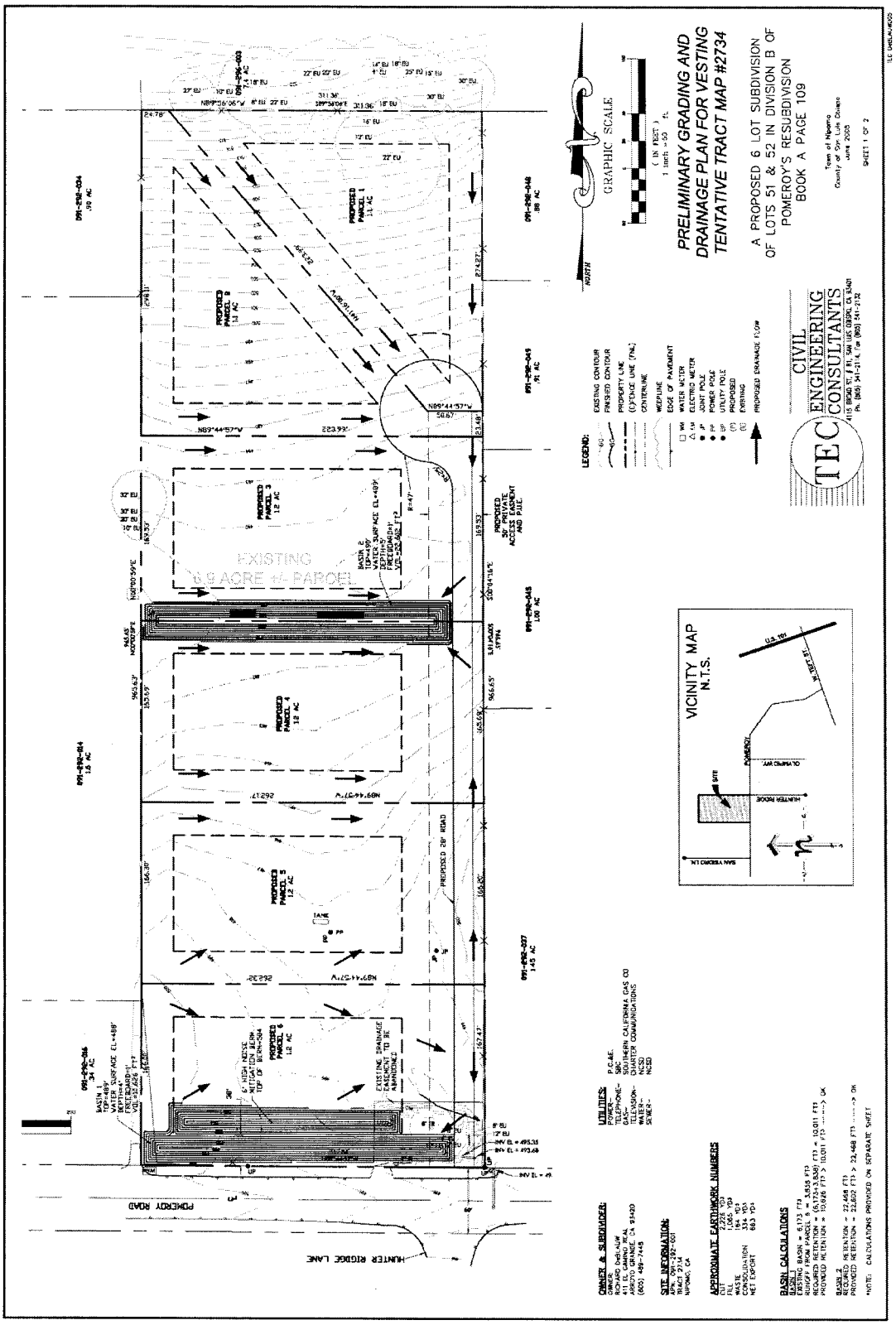
PROJECT VICINITY MAP
FIGURE 1



Source: County of San Luis Obispo

NORTH
Not to Scale

LAND USE CATEGORY MAP
FIGURE 3



Source: TEC

NORTH
Not to Scale

PRELIMINARY GRADING PLAN
FIGURE 5

DEVELOPER'S STATEMENT FOR THE DEBLAUW TRACT MAP; SUB2004-00279 TRACT 2734

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.

AIR QUALITY

AQ-1 **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

a. Reduce the amount of the disturbed area where possible.
b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
c. All dirt stock-pile areas should be sprayed daily as needed.
d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

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

AQ-2 **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).

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

AQ-3 **Prior to issuance of grading and construction permits,** the applicant shall submit the results of a geologic evaluation conducted to determine of naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not

present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the Parks Division shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

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

AQ-4 In the event no technically feasible alternatives are available other than developmental burning, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.

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

AQ-5 **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

a. All EPA-Certified Phase II wood burning devices;
b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
d. Pellet-fueled woodheaters, and;
e. Dedicated gas-fired fireplaces.

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

BIOLOGICAL RESOURCES

BR-1 **Prior to removal of any pine or eucalyptus trees during the nesting bird season (February through August),** the applicant shall retain a County-approved biologist to conduct surveys for nesting birds. 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 Environmental and Resource Management Division, 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.

NOISE

N-1 **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing the final pad elevation of Parcel 6 no greater than 498 feet.

Monitoring: The Planning and Building Department shall verify receipt of required elements on plans, and verify compliance in the field.

N-2 **Prior to issuance of grading permits for development of Parcel 6,** the applicant shall submit final grading plans showing revegetation of the proposed earthen noise berm, including the use of native, drought-tolerant shrubs and grasses, and use of drip-irrigation. The noise berm shall be revegetated and stabilized prior to final inspection.

Monitoring: The Planning and Building Department shall verify receipt of required elements on plans, and verify compliance in the field.

RECREATION

R-1 **Prior to recordation of the final map,** the applicant shall show an attached A-1(x) County standard trail located adjacent to Pomeroy Road. The trail shall be four feet wide, and consist of compacted (up to 90 percent) native material or decomposed granite. The applicant shall construct the trail prior to final inspection of tract improvements.

Monitoring: The Planning and Building Department, in consultation with the County Parks Division shall verify compliance.

WATER

W-1 **Prior to issuance of grading permits for tract improvements,** the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).

Monitoring: The Planning and Building Department shall verify compliance.

W-2 **Prior to issuance of building permits,** construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation

measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

> **Monitoring:** The Planning and Building Department shall verify required elements on plans, and implementation in the field.

W-3 **Prior to final inspection,** for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

> **Monitoring:** The Planning and Building Department shall verify required elements on plans, and implementation in the field.

W-4 **Prior to recordation of the final map,** the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

> **Monitoring:** The Planning and Building Department shall verify compliance.

W-5 **Prior to recordation of the final map,** the applicant shall obtain a demolition permit and destroy the existing well onsite pursuant to County standards.

> **Monitoring:** The Planning and Building Department shall verify 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.

Richard DeBlaum
Signature of Owner(s)

10-21-05
Date

RICHARD DEBLAUW
Name (Print)