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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.
May 25, 2006	Elizabeth Kavanaugh / 788-2010	Hasting et. al.	TRACT 2647 SUB2003-00198

SUBJECT

Request by Hasting et. al. for a Tentative Tract Map (Tract 2647) to subdivide two existing parcels (totalling 23 acres) into twelve parcels ranging between 1.0 to 2.4 acres each for the purpose of sale and/or development and one 7.22-acre remainder parcel. The project includes off-site road improvements to North River Road. The project will result in the disturbance of approximately 12 acres of a 23-acre area. The division will create two on-site roads ("Road A" and "Road B") and abandon the road access on the southeastern portion of the site. The proposed project is within the Residential Suburban land use category and is located on the west side of North River Road, approximately 1,000 feet south of Indian Valley Road within the community of San Miguel.

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 Tentative Tract 2647 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 Mitigated Negative Declaration (ED04-234) (pursuant to Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq.) has been issued on April 17, 2006 for this project. Mitigation Measures for Aesthetics, Air Quality, Biological Resources, Geology and Soils, Recreation, and Transportation and Circulation.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Suburban	Flood Hazard	027-271-008 and 030	1

PLANNING AREA STANDARDS:

None applicable

LAND USE ORDINANCE STANDARDS:

Flood Hazard Area and underground utilities

EXISTING USES:

Single-family residence, driveway, abandoned vineyard

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban / River Road, scattered single-family residences
East: Agricultural / Vineyard, scattered single-family residences
South: Residential Suburban; Agriculture / Salinas River, livestock grazing
West: Residential Suburban / Salinas River

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, San Miguel Fire Department, PG&E, Pacific Telephone, So. Cal. Gas, Charter TV, Assessor, Leonard Mansell, Cal Trans, Parks Division, and APCD	
TOPOGRAPHY: Nearly level to very steeply sloping	VEGETATION: Abandoned vineyard, grasses forbs, scattered oak woodland
PROPOSED SERVICES: Water supply: San Miguel Community Service District Sewage Disposal: Individual on-site system Fire Protection: San Miguel Fire Department	ACCEPTANCE DATE: May 17, 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 tests. The proposed parcels meet all requirements for one-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 On-site septic	1 acre

Underground Utilities
Utilities shall be placed underground in compliance with the Land Use Ordinance.

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.

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COMBINING DESIGNATIONS: Flood Hazard.
LUO Standards: Section 22.14.060.C. Flood Hazard Area permit and processing requirements. Drainage plan approval is required where any portion of the proposed site is located within a Flood Hazard combining designation, in addition to all other permits required by this Title, State and Federal law. This project has been conditioned to provide a drainage plan.

PLANNING AREA STANDARDS:
None

MAJOR ISSUES:
Geology
This site is requesting to subdivide a site on the bluffs of the Salinas River in San Miguel. A geology report was prepared to address issues about slope stability and the ability of the site to carry eleven additional houses and septic systems, lawn and landscaping watering and drainage runoff. The County Geologist reviewed these reports and agrees with the proposed mitigations. These mitigations have been included as conditions of approval for this project.

Biology
The section of the site proposed for development was cleared for vineyards years ago. Most of the biological features are within the remainder parcel, a tributary of the Salinas River and the Salinas River itself. The remainder parcel is not proposed for development at this time.

Road Abandonment
The applicant is requesting a road abandonment with the tract map. The road to be abandoned is along the southern side of the lot and is not accessible because it is in the Salinas River tributary and along very steep slopes.

COMMUNITY ADVISORY GROUP COMMENTS: Supported the subdivision into one-acre lots.

AGENCY REVIEW:
Public Works - See conditions for road improvements, drainage.
Environmental Health – Provide stock conditions for Community Water and on-site wastewater.
Ag Commissioner- The proposed project would result in less than significant impacts to agricultural resources or operations with the incorporation of mitigation measures into the project. See letter dated March 21, 2005.
County Parks – Pay Quimby fees
CDF – See Fire letter date June 1, 2004.
San Miguel Community Services District – See Fire Safety Plan letter dated June 17, 2004.
APCD – No comment
Department of Fish and Game – Apply mitigation measures for Kit Fox.

LEGAL LOT STATUS:
The 027-271-030 and 027-271-008 lots were legally created by Certificate of Compliance C 04-0527 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 Mitigated Negative Declaration (ED04-234) (pursuant to Public Resources Code Section 21000 et seq., and the CA Code of Regulations Section 15000 et seq.) has been issued on April 17, 2006 for this project. Mitigation Measures for Aesthetics, Air Quality, Biological Resources, Geology and Soils, Recreation, and Transportation and Circulation.

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.

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 12 single-family residences and 12 secondary dwellings.

F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support 12 primary and secondary dwellings.

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 the impacts will be less than significant with the proposed mitigation measures incorporated into the proposed project.

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.

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 2647

Approved Project

1. Tentative Tract Map to subdivide two existing parcels (totalling 23 acres) into twelve parcels ranging between 1.0 to 2.4 acres each for the purpose of sale and/or development and one 7.22-acre remainder parcel. The project includes off-site road improvements to North River Road. The project results in the disturbance of approximately 12 acres of a 23-acre area. The division creates two on-site roads ("Road A" and "Road B") and abandons the road access on the southeastern portion of the site.

Condition Compliance

2. **At the time of application for tract improvement plans,** the applicant shall submit a condition compliance package that includes a list of conditions and details how the applicant has met each condition necessary for approval of tract improvement plan.

Access and Improvements

3. Roads and/or streets to be constructed to the following standards:

    a. Street "A" and "B" constructed to a A-1 section within a 50 foot dedicated right-of-way.
    b. North River Road widened to complete a A-1 section fronting lots 10, 11 and 12.

4. The applicant offer for dedication to the public by certificate on the map or by separate document:

    a. The 50 foot road easement as shown on the tentative parcel map with a minimum 20 foot radius property line return at the intersection of Street "A" and North River Road.
    b. The 50-foot road easement terminating in a san Miguel Fire Department approved turnaround.

5. The intersection of Street "A" and North River Road be designed in accordance with California Highway Design Manual.

6. Access be denied to lots 10,11 and 12 from North River Road and that this be by certificate and designation on the map.

7. 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

8. 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, and other structures (if drainage calculations require).
    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.

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9. 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.

10. 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.

11. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
    a. Submit a copy of all such permits to the Department of Public Works; OR
    b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage/Erosion Control

12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

13. The proposed drainage swale(s) and storm drains shown on the tentative map are to be contained in drainage easements(s) dedicated on the map.

14. **Prior to recordation of the final map,** Submit complete drainage calculations and drainage plan to the Department of Public Works for review and approval. The drainage plan shall be in accordance with the recommendations of the following
    i. Sierra Delta Corporation, *Geologic Hazards Investigation*; October 12, 2004
    ii. Sierra Delta Corporation, *Engineering Geology Report*, February 15, 2005
    iii. Sierra Delta Corporation, Addendum; May 18, 2005
    iv. Buena Geotechnical Services, *Preliminary Soils Investigation*; May 7, 2004

15. **Prior to recordation of the final map,** the applicant shall submit a tract drainage plan to the County for review and approval. The plan shall include methods to divert drainage from the bluff edge into a stormwater collection and drainage system as recommended in the following reports:
    i. Sierra Delta Corporation, *Geologic Hazards Investigation*; October 12, 2004
    ii. Sierra Delta Corporation, *Engineering Geology Report*, February 15, 2005
    iii. Sierra Delta Corporation, Addendum; May 18, 2005
    iv. Buena Geotechnical Services, *Preliminary Soils Investigation*; May 7, 2004

    No runoff shall be permitted off the bluff edge. **The plan shall be implemented prior to final inspection of tract improvements.**

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16. **Prior to issuance of grading and construction permits for tract development,** the applicant shall submit of a copy of the Stormwater Pollution Prevention Plan filed with the State Water Resources Control Board.

17. **Prior to approval of tract improvement plans,** the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented prior to site disturbance.

Utilities

18. Electric and telephone lines shall be installed underground.

19. Cable T.V. conduits shall be installed in the street.

20. Gas lines shall be installed.

Design

21. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final tract map and on the Improvement Plans.

Parks and Recreation (Quimby) Fees

22. 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 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

23. **Prior to filing the final parcel or tract map,** the applicant shall pay an affordable housing 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.

Revegetation

24. **Prior to recordation of the final map or approval of improvement plans,** whichever occurs first, the applicant shall submit an intensive slope restoration plan to revegetate all cut slopes associated with grading adjacent to the access driveway and North River Road. The plan shall include the use of jute-netting and site-appropriate native grasses and shrubs. The plan shall be implemented immediately following completion of road improvements, and prior to final inspection of tract improvements.

Fencing

25. **Prior to completion of tract improvements,** the applicant shall install fencing at least five feet from the terrace edge on proposed Lots 1 through 10

26. **Prior to recordation of the final map,** the applicant shall install permanent fencing along the perimeter of the remainder parcel to discourage off-road vehicles and bicycling use. Fencing shall be wooden, barbed wire, or wooden appearing to maintain rural character.

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Kit Fox

27. **Prior to recordation of the final map,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

    a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

    This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

    b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

    Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by $2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

    c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

    At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

    d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

28. **Prior to conducting any grading associated with tract improvements,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

    a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

    b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

    c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

    If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

    In addition, the qualified biologist shall implement the following measures:

    1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

        a) Potential kit fox den: 50 feet
        b) Known kit fox den: 100 feet
        b) Kit fox pupping den: 150 feet

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2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

29. **Prior to approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: "*Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox.*" Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

    In addition, prior to initiation of any ground disturbing activities, or any grading associated with map recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

30. During the site-disturbance phase of improvement construction, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

31. During the site-disturbance phase of improvement construction, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

32. During the site-disturbance phase of improvement construction, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

33. Prior to, during, and after the site-disturbance phase of improvement construction, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

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34. During the site-disturbance phase of improvement construction, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

35. Within 30 days prior to conducting any grading associated with tract improvements, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

Oak Trees

36. **Prior to approval of tract improvement plans,** if any grading, drainage or construction activities are proposed or required on the remainder parcel, the applicant shall submit plans showing avoidance of all existing oak trees and the drainage course. If any grading or site improvements, such as a road crossing, are required within 25 feet of the drainage course, the applicant shall submit required permits from U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Game, or documentation from such agencies that a permit is not necessary. In addition, the applicant shall demonstrate compliance with all mitigation measures and conditions applicable to the proposed tract development (Tract 2647).

37. **Prior to approval of tract improvement plans,** the applicant shall submit an exhibit showing the location of the existing culvert, drainage area, and canopy of blue oak savannah habitat. The improvement plans shall show protection measures, including the installation of temporary construction fencing at the edge of project limits and identified areas of proposed equipment and materials storage (including any soils or fill material). On site storage of any construction equipment, materials, soils, or fill material shall be prohibited outside of the area identified for this use. Protective fencing shall follow the tree canopy/drip line for any tree within the area of site disturbance. These protection measures shall be implemented prior to any ground disturbance related to tract improvements.

Geology

38. **Prior to approval of tract improvement plans,** the project engineering geologist and project geotechnical engineer shall review the plans and provide a written statement to the County Geologist and County Engineer stating that the plans are in conformance with the recommendations contained in their respective engineering geology and geotechnical reports, including, but not limited to:
    a. Sierra Delta Corporation, *Geologic Hazards Investigation*; October 12, 2004
    b. Sierra Delta Corporation, *Engineering Geology Report*, February 15, 2005
    c. Sierra Delta Corporation, Addendum; May 18, 2005
    d. Buena Geotechnical Services, *Preliminary Soils Investigation*; May 7, 2004

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Air Quality

39. **Prior to approval of tract improvement plans,** the following measures shall be incorporated into the construction phases 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.

Fire Protection

40. The applicant shall obtain a fire safety clearance letter from the San Miguel Fire Department establishing fire safety requirements **prior to filing the final tract map.**

Wastewater

41. **Prior to the filing of the final tract map,** the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. The applicant shall meet all requests from the County Environmental Health Department.

Additional Map Sheet

42. 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. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
    a. The limits of inundation from a 100 year storm over lots 1 thru 7 from Salinas river shall be shown on the additional map and note the required building restriction in the on the sheet.
    b. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
    c. **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:
        i. Residences shall be single-story only, and limited to 22 feet in height above average natural grade.
        ii. The roofing structure shall incorporate a hipped-roof design on roofs facing public roads including River Road, Highway 101, and the community of San Miguel (Lots 1 through 10).

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iii. Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
iv. Roofing shall be limited to muted, dark, earthtone colors.
v. Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire. No white or light-colored fencing shall be permitted.

d. **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit a landscape plan to the County for review and approval. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees). Such plantings shall achieve at least a 50 percent screen of future homes within five years. Only drip-irrigation methods shall be permitted for these screening plants. The plan shall be implemented prior to final inspection.

e. **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit an exterior lighting plan to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.

f. **Prior to issuance of construction permits for individual lot development,** the following measures shall be incorporated into the construction phases 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.

g. Prior to sale of each lot, the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

h. **Prior to issuance of grading and/or construction permits for individual lot development,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:
i. **Prior to issuance of grading and/or construction permits for individual lot development** and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the

3-14

biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

iii. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

iv. In addition, the qualified biologist shall implement the following measures:

Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

(a) Potential kit fox den: 50 feet
(b) Known kit fox den: 100 feet
(c) Kit fox pupping den: 150 feet

v. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

vi. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

i. **Prior to issuance of grading and/or construction permits for individual lot development,** the applicant shall clearly delineate as a note on the project plans, that: "*Speeds signs of 25 mph maximum (or lower) shall be posted for all construction* traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,

In addition, prior to permit issuance for individual lot development and initiation of any ground disturbing activities, mitigations BR-3 through BR-11 of the Developer's Statement shall be clearly delineated on project plans.

j, **Prior to issuance of grading and/or construction permit for individual lot development**, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a

3-15

minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

k. During the site-disturbance and/or construction phase for individual lot development, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

l. During the site-disturbance and/or construction phase for individual lot development, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

m. During the site-disturbance and/or construction phase for individual lot development, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

n. Prior to, during, and after the site-disturbance and/or construction phase for individual lot development, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

o. During the site-disturbance and/or construction phase for individual lot development, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

p. **Prior to final inspection, or occupancy for individual lot development,** whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

3-16

i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

q. Show the location of the existing culvert, drainage area, and canopy of blue oak savannah habitat on the additional map sheet. The map sheet shall show protection measures, including the installation of temporary construction fencing at the edge of project limits and identified areas of proposed equipment and materials storage (including any soils or fill material). On site storage of any construction equipment, materials, soils, or fill material shall be prohibited outside of the area identified for this use. Protective fencing shall follow the tree canopy/drip line for any tree within the area of site disturbance. These protection measures shall be implemented prior to issuance of construction permits for individual residences.

r. **Prior to issuance of grading and construction permits for individual lot development,** the project engineering geologist and project geotechnical engineer shall review the grading plans and provide a written statement to the County Geologist and County Building Official stating that the plans are in conformance with the recommendations contained in their respective engineering geology and geotechnical reports, including, but not limited to:
   i. Sierra Delta Corporation, *Geologic Hazards Investigation*; October 12, 2004
   ii. Sierra Delta Corporation, *Engineering Geology Report*, February 15, 2005
   iii. Sierra Delta Corporation, Addendum; May 18, 2005
   iv. Buena Geotechnical Services, *Preliminary Soils Investigation*; May 7, 2004

s. **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit plans showing compliance with the following minimum setbacks from the bluff edge, as recommended in the Sierra Delta Corporation Addendum to the Geologic Hazards Investigation report (May 18, 2005):

i.	Lot 1:	23 feet
ii.	Lot 2:	28 feet
iii.	Lot 3:	29 feet
iv.	Lot 4:	30 feet
v.	Lot 5:	28 feet
vi.	Lot 6:	28 feet
vii.	Lot 7:	28 feet
viii.	Lot 8:	25 feet
ix.	Lot 9:	20 feet
x.	Lot 10:	20 feet
xi.	Lot 11:	No setback standard
xii.	Lot 12:	No setback standard

t. **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented prior to site disturbance.

3-17

u. The additional map sheet shall show the required setback (minimum of 50 feet from the bluff edge) for seepage pits. Prior to issuance of grading and construction permits for individual lot development, site plans shall demonstrate compliance with the required setback.
v. The owners of lots 1 through 12 are responsible for on-going maintenance of drainage swales and storm drains.
w. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 17, 2004 from the San Miguel Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
x. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
y. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

Covenants, Conditions and Restrictions

43. 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. Maintenance of all local streets within the subdivision until acceptance by a public agency.
    b. The limits of inundation from a 100 year storm over lots 1 thru 7 from Salinas river shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
    c. Notification to prospective buyers that an additional map sheet was recorded with the final tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
    d. The owners of lots 1 through 12 are responsible for on-going maintenance of drainage swales and storm drains.

Miscellaneous

44. The applicant shall apply to the Department of Planning and Building for approval of new street names, prior to filling of the final tract map. Approved street names shall be shown on the final tract map.

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

46. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

47. **Prior to recordation of the final map,** the developer shall pay to the County of San Luis Obispo a fee of $3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

3-18

48. Prior to the sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.

49. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

50. The subdivider shall as a condition of approval of this tentative tract map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

Staff report prepared by Elizabeth Kavanaugh
and reviewed by Kami Griffin, Supervising Planner

3-19

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.

3-20

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.

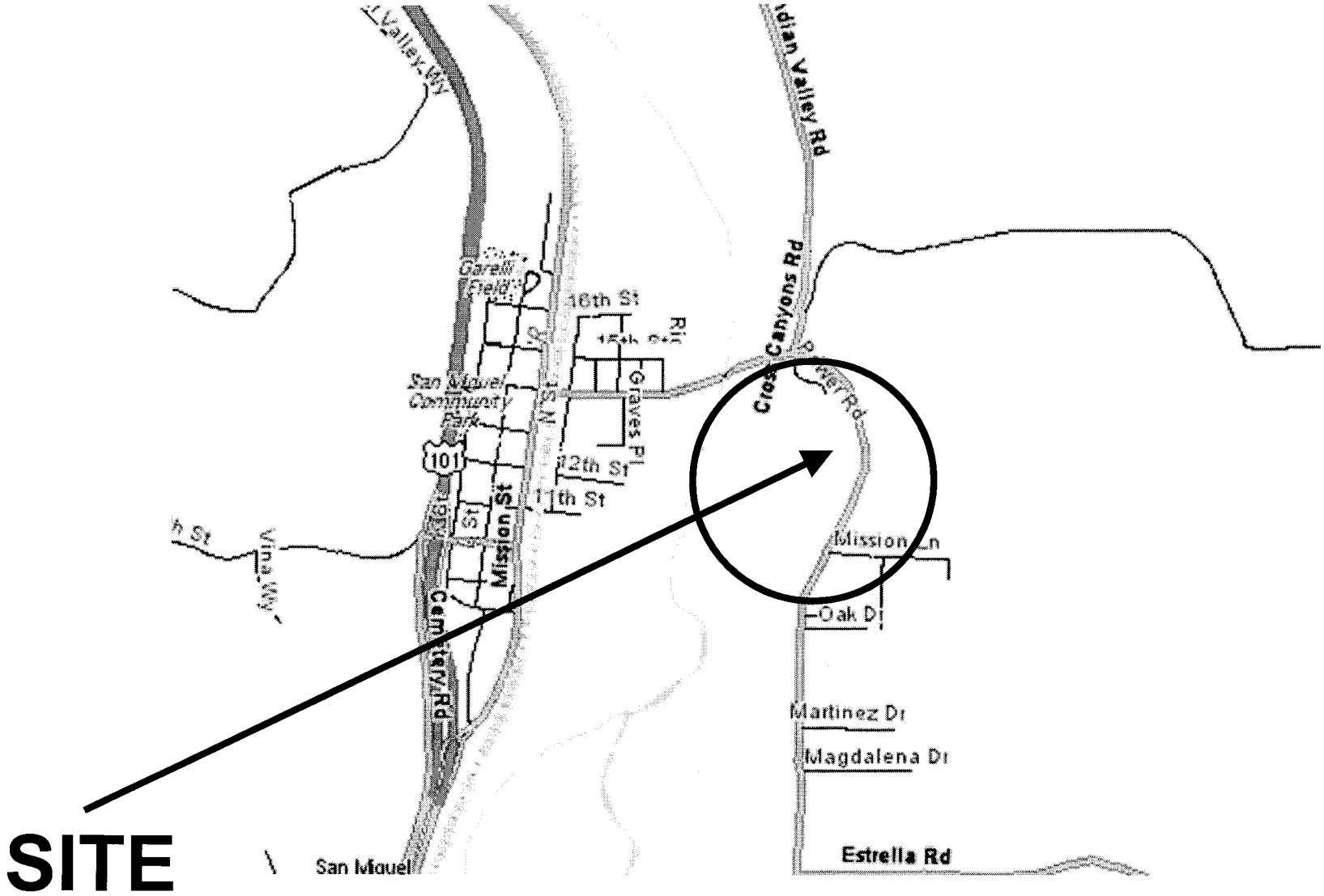
20. All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to the filing of the map.

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.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

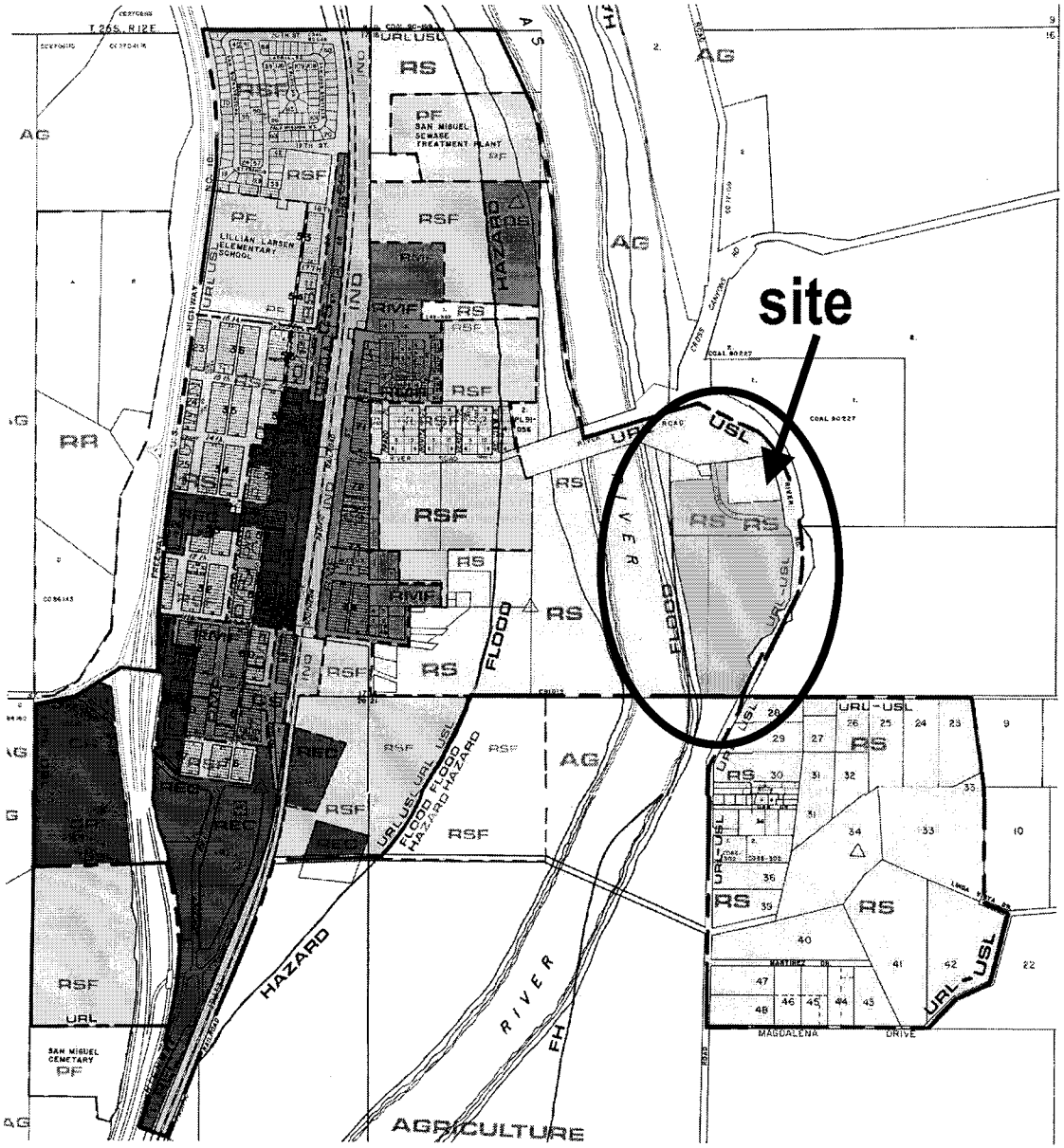
Tract Map
Hasting et.al SUB2003-00198

EXHIBIT

Vicinity Map

3-21

3-22



SITE

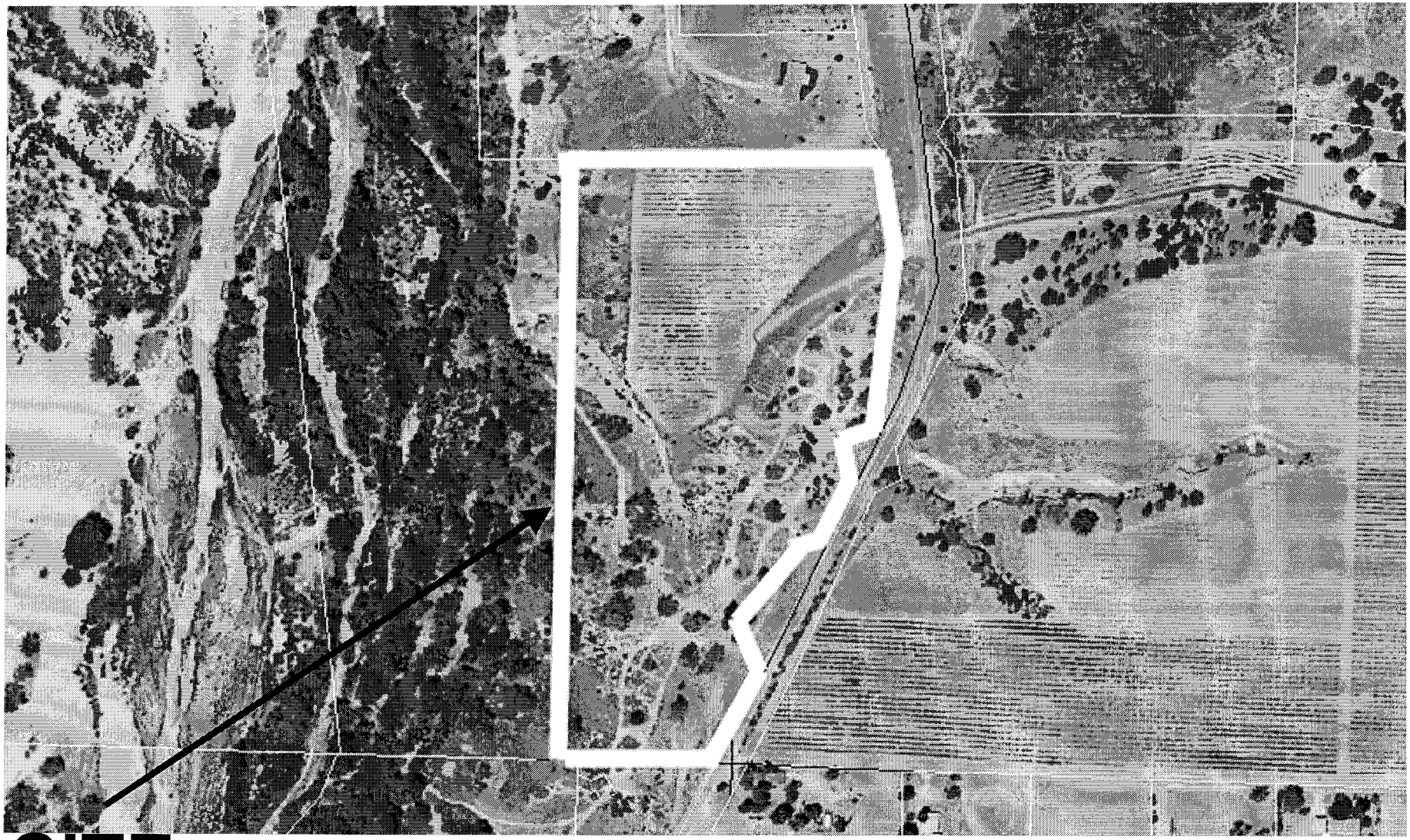
PROJECT

Tract Map
Hasting et.al SUB2003-00198

EXHIBIT

Land Use Category

3-23



PROJECT

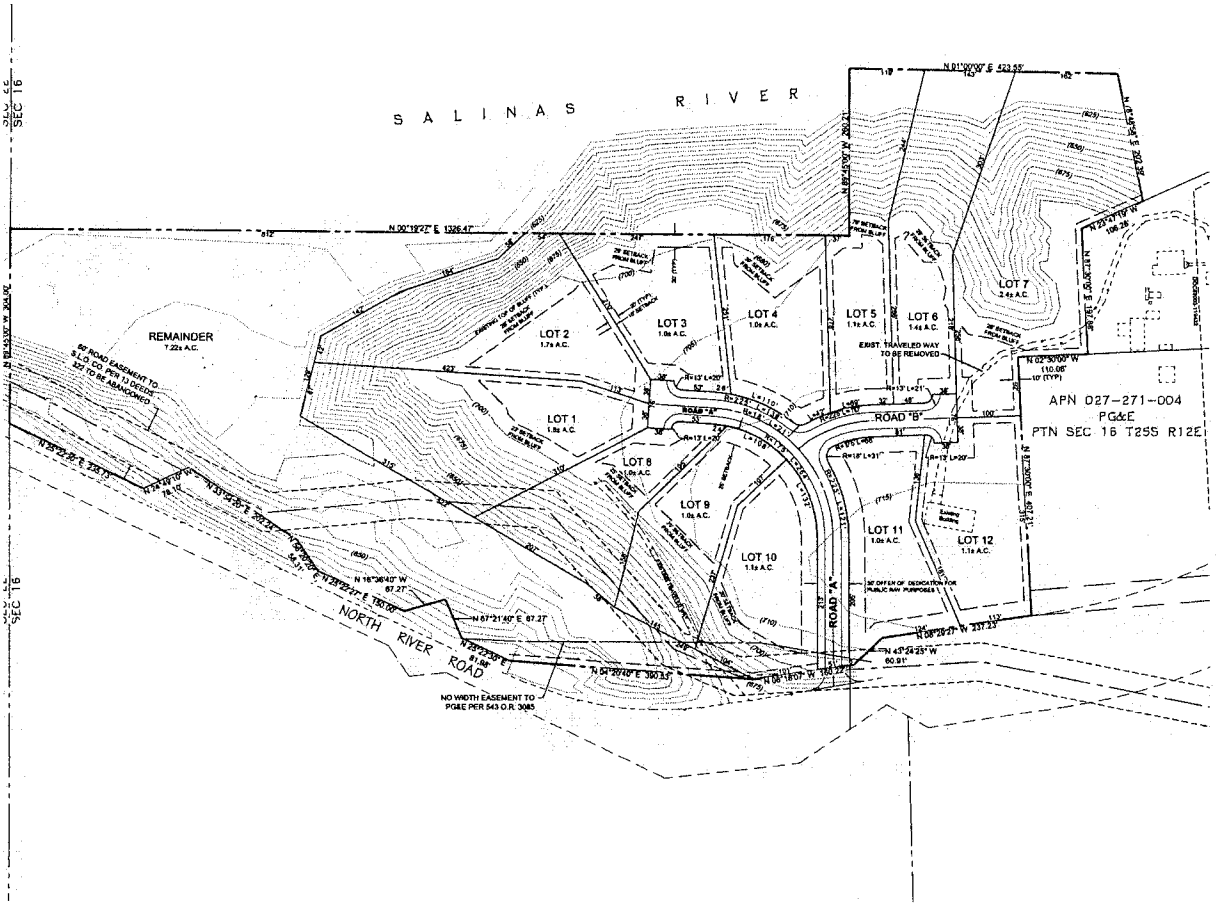
Tract Map
Hasting et.al SUB2003-00198

EXHIBIT

Aerial Photograph

3-24

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map
Hasting et.al SUB2003-00198

EXHIBIT

Tentative Tract Map

3-25

MAR 24 2005

COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: **March 21, 2005**

TO: **Shawna Scott, Morro Group**

FROM: **Lynda L. Auchinachie, Agriculture Department** LA

SUBJECT: **Pretty Tract Map SUB2003-00198 (1003)**

Summary

The Agriculture Department's review finds that the proposal to subdivide a 23-acre parcel into eleven parcels ranging in size from 1 to 9.74 acres within the Residential Suburban land use category would result in **less than significant impacts** to agricultural resources or operations with the incorporation of the following mitigation measures into the project.

Recommended Mitigation Measures

1. Provide supplemental disclosure to purchasers of these properties that agricultural operations are located in close proximity. These operations may include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure should include information regarding the County's Right to Farm Ordinance.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The applicant is requesting to subdivide a 23-acre parcel into eleven parcels ranging in size from 1 to 9.74 acres within the Residential Suburban land use category. The project site is located on the western portion of North River just north of Mission Drive, in the community of San Miguel. Surrounding properties are within the Agriculture land use category. The portion of the project site proposed for development forms a plateau as it is significantly elevated from surrounding properties.

The Pretty-Smith vineyard and tasting room are located directly to the east of the project site. The nearest vineyards are approximately 600 feet east of the project site. A small area with the potential to support additional vineyards is located within 350 feet of the project site.

B. Impacts to Adjacent Agricultural Lands

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

A combination of linear distance and topography provide adequate buffering between the proposed residences and existing vineyards and areas capable of supporting vineyards. However, vineyards are intensive agricultural operations that may impact the residents due to noise, dust, glare, and/or odors occurring throughout the day and into the night. While additional buffering is not recommended for this project, future property owners should be notified of agricultural activities in the area to mitigate potential impacts to less than significant levels.

C. Recommended Mitigation Measures

1. Provide supplemental disclosure to purchasers of these properties that agricultural operations are located in close proximity. These operations may include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure should include information regarding the County's Right to Farm Ordinance.

If we can be of further assistance, please call 781-5914.

3-27

Shawna Scott

From: amutziger_apcd@co.slo.ca.us
Sent: Wednesday, March 02, 2005 4:15 PM
To: Shawna Scott
Cc: aarlingenet_apcd@co.slo.ca.us
Subject: Re: FW: Pretty Tract Map SUB2003-00198

Shawna,

With regard to the Pretty Tract Map, SLO Co. APCD has no comment.

Andy Mutziger
Air Quality Specialist
San Luis Obispo County Air Pollution Control District
(805) 781-5912

PS Aeron, see OIS # 2960.

3-28

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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

RECEIVED
MAY 27 2004
Planning & Bldg

EK

RECEIVED
MAY 11
ENVIRONMENTAL HEALTH

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: May 10, 2004

TO: Env. Health

FROM: NO. COUNTY Team
(Please direct response to the above)

(TR Map)
SUB2003-00198/Pretty
Project Name and Number

Development Review Section (Phone: ~~781-~~ 788-2009) ( )

PROJECT DESCRIPTION: TR Map 2647 - 15 acres.

Return this letter with your comments attached no later than: May 24, 2004

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

_____ YES (Please go on to Part II)
_____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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 OR CALL.**

Provide stock conditions for community water and on-site waste water. Soil testing will be required for proposed parcel(s) 3-10 prior to map recordation. Please provide a full size exhibit showing all existing facilities and watercourse. If the property encompasses

5/24/04 — Date
Laurie Sal — Name
781-5551 — Phone

flood plain/zones please label appropriately

M:\PI-Forms\Project Referral - #216 Word.doc

Revised 4/4/03

3-29

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: March 8, 2005

TO: Department of Fish and Game — Pretty Tract Map SUB2003-00198 TR 2647
Project Name and Number

FROM: Elizabeth Kavanaugh
Please respond to above
Development Review Section (PHONE: 788-2010)

PROJECT DESCRIPTION: Subdivision of one 23-acre parcel into eleven parcels of 1.0, 1.02, 1.04, 1.05, 1.09, 1.17, 1.43, 1.83, 2.16, 2.38, and 9.74 each for the purpose of sale and/or development.

Return this letter with your comments attached no later than March 8, 2005.

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

X YES (Please go on to PART II.)

____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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

____ NO (Please go on to PART III.)

X 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 SO INDICATE, OR CALL.**

All 11 parcels slated for development are in oak savanah, not vineyard. Area to the east is all undeveloped. Answers to questions

Date	Name	Phone
3-8-05	Bob Stafford	528-9670

2 and 3 adjusted to reflect above. 3:1 mitigation needed to offset habitat impacts to bid tax

3-30

PROJECT REFERRAL
DATE: February 17, 2005
TO: Shawna Scott
Morro Group, Inc.
FROM: Jan Di Leo, General Services
SUBJECT: Pretty Tract Map; SUB2003-00198
PROJECT DESCRIPTION: Request by Lisa Pretty/Mulholland Construction for a Tentative Tract
Map to subdivide an existing 23-acre parcel into eleven parcels of 1.0, 1.02, 1.04, 1.05, 1.09, 1.17,
1.43, 1.83, 2.16, 2.38, and 9.74 each (refer to attached Figures).
PART 1 IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR
REVIEW?
___XX___ YES (Please go on to Part II)
_____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)
PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA
OF REVIEW?
__XX____ 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 OR CALL 543-7095 extension 111.**

I commented on this project back in July 2004. My comments were (1) the applicant shall pay quimby and applicable Building Division Fees, and (2) a trail corridor along the Salinas River – if the project is located along the Salinas. Has something changed?

Response Date: February 17, 2005 ____Name: Jan Di Leo, (781-4089)
Please return this letter with your comments as soon as possible.

3-31

Richard
Marshall/PubWorks/COSLO
04/07/2006 12:06 PM

To Elizabeth Kavanaugh/Planning/COSLO@Wings
cc Frank Honeycutt/PubWorks/COSLO@Wings
bcc
Subject condition language

OK, here's condition language to implement what I recommended in my memos for Tracts 2647 and 2723:

X. Prior to recordation of the Final Map, the developer shall enter into an agreement with the County of San Luis Obispo, in a form acceptable to County Counsel, whereby the developer agrees, on behalf of himself and successors in interest, to pay to the County of San Luis Obispo a fee of $3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index, to be paid for each residential unit at the time of issuance of building permits. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

Please let me know if you have questions or need additional information.

-Richard Marshall
SLO County Public Works
Development Services Engineer

3-32

MORRO GROUP, INC.
Environmental Services

PROJECT REFERRAL

DATE: February 14, 2005

FROM Mike Goodwin
Department of Public Works

~~FROM:~~ Shawna Scott, Morro Group, Inc.

SUBJECT: Pretty Tract Map; SUB2003-00198

PROJECT DESCRIPTION: Request by Lisa Pretty/Mulholland Construction for a Tentative Tract Map to subdivide an existing ~~23~~ 86.37-acre parcel into ~~eleven~~ TWELVE parcels of 1.0, 1.02, 1.04, 1.05, 1.09, 1.17, 1.43, 1.83, 2.16, 2.38, and 9.74 each (refer to attached Figures) AND 62.5 ACRES

PART 1 IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to Part II)

____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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 OR CALL 543-7095 extension 111.**

WHY IGNORE LOT 12? AG BUFFER ON LOT 9? NO EASEMENT FOR NORTH RIVER RD, THEY MAY OWN UNDERLYING FEE FRONTING LOTS 1, 9 & 12 WITHOUT TITLE REPORT ITS DIFFICULT TO TELL.
RECOMMEND APPROVAL — STOCK CONDITIONS ATTACHED

Response Date: 15 FEB 2005 Name: GOODWIN

Please return this letter with your comments as soon as possible.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR Tract 2647, Pretty / Mulholland

Approved Project

This approval authorizes the division of a _____ acre parcel into _____ parcels of _____ ***acres / square feet*** each.

Access and Improvements

☒ Roads and/or streets to be constructed to the following standards:

a. ~~Street A~~ Road A and Road B constructed to a A-1 section within a 50 foot dedicated right-of-way.

b. North River Road widened to complete a A-1 section fronting ~~the property~~. Lots 10, 11 and 12

c. _____ constructed to a _____ section from the property to _____ (minimum paved width to be _____ feet).

☒ The applicant offer for dedication to the public by certificate on the map or by separate document:

a. For future road improvement _____ feet along _____ to be described as _____ feet from the recorded centerline.

b. For future road improvement _____ feet along _____ to be described as _____.

c. For road widening purposes _____ feet along _____, to be described as _____ feet from the recorded centerline.

d. The 50 foot road easement as shown on the tentative parcel map with a MIN. 20 foot radius property line return at the intersection of Street "A" and North River Road.

e. A _____ foot radius property line return at the intersection of _____.

f. ☐ The 50 – foot road easement terminating in a ~~county cul-de-sac~~ ~~CDF~~ SM FD – approved turnaroun as shown on the tentative map.

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☒ The intersection of Street "A" and North River Road be designed in accordance with California Highway Design Manual.

☒ Access be denied to lots ~~9 & 11~~ 10, 11 and 12 from North River Road and that this be by certificate and designation on the map.

☐. The future alignment of _____ shall be shown on the map as reserved for future public right-of-way.

☐ A private easement be reserved on the map for access to lots _____.

☐ A practical plan and profile for access to lots _____ be submitted to the Department of Public Works and the Department of Planning and Building for approval.

☒ 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

☒ 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, and other structures (if drainage calculations require).
c. Water plan (County Health).
d. Sewer plan (County Health).
e. Grading and erosion control plan for subdivision related improvement locations.
f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
h. Trail plan, to be approved jointly with the Park Division.

☒ 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.

☒ 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.

☒ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:

a. Submit a copy of all such permits to the Department of Public Works OR
b. Document that the regulatory agencies have determined that said permit is not longer required.

3-35

☒ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map AND ON THE IMPROVEMENT PLANS

Vector Control and Solid Waste

☐ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet ***Land Use Ordinance / Coastal Zone Land Use Ordinance*** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

☐ Provide minimum fire flow of _____ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.

☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

Parks and Recreation (Quimby) Fees

☐ 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 / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.***

☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Affordable Housing Fee

☐ Prior to filing the final parcel or tract map, 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.

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Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.

- ☐. An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building***. The open space parcel is to be maintained as such in perpetuity.

Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 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. *(ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN)*
  b. Drainage basin perimeter landscape screening. *(ONLY USE FOR FENCED BASINS)*
  c. Landscaping for erosion control.

- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within _____ days of completion of the improvements.

Mitigations *PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE* ***ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP***

- ☐ _____

- ☐ _____

Additional Map Sheet

- ☒ 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. The additional map sheet shall include the following:

  CHOOSE APPLICABLE PROVISIONS

  a. ☐ That the owner(s) of lot(s) 1-12 ~~is~~ are responsible for on-going maintenance of drainage ~~basin fencing in perpetuity~~. swales and storm drains.
  b. That the owner(s) of lot(s) _____ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
  c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** _____.

3-37

Miscellaneous

☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using ***community water and sewer / community water and septic tanks / individual wells and septic tanks***, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

☒ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.

☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.

☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

San Miguel Community Services District
Mike Ellison, General Manager
Post Office Box 180
San Miguel, CA 93451
(805) 467-3300

BOARD OF DIRECTORS
Richard Harrison, President
Gib Buckman, Vice President
Dale Hamblin
Lewis Rowe
Connie Jarvis

February 23, 2004

PRELIMINARY WATER WILL SERVE LETTER
Expires February 23, 2005

Re:	Applicant	Mulholland Construction, Inc. 2003 Crystal Canyon Paso Robles, California 93446
	Assessors Parcel Number	027-271-030
	Assessment Roll Number	451

Your parcel is within the area served by the San Miguel Community Services District. Based upon the projected use by the applicant for 12 Single Family Residential units, the District currently has sufficient water capacity to serve this project.

The applicant will be responsible for necessary improvements to extend water mains and services, other water system improvements needed to accommodate service to the applicant's property, and any and all requirements under the Uniform Fire Code and the Uniform Plumbing Code.

The applicant will also be required to execute a plan checking and inspection agreement with the District.

Upon payment of all fees and satisfactory review of the final approved plans by the District Engineer and Fire Department, a Final "Will Serve" Letter will be issued by the District. All fees, assessments and charges are dependent on final building plans and are due at issuance of the Final "Will Serve" Letter. These charges will be based on applicable resolutions in effect at that time.

Sincerely,

Mike Ellison,
General Manager

M:\406-SMCSD\0406-004 Will Serves\0028 Mulholland\MulhollandWillServeLetter.wpd

3-40

San Miguel Community Services District
Mike Ellison, General Manager
Post Office Box 180
San Miguel, CA 93451
(805) 467-3300

BOARD OF DIRECTORS
Richard Harrison, President
Gib Buckman, Vice President
Dale Hamblin
Lewis Rowe
Connie Jarvis

June 17, 2004

PRELIMINARY WATER WILL SERVE LETTER
Expires June 17, 2005

Re: Applicant — Mulholland Construction, Inc.
2003 Crystal Canyon
Paso Robles, California 93446

Assessors Parcel Number — 027-271-030 and 027-271-008
Assessment Roll Number — 451

Your parcel is within the area served by the San Miguel Community Services District. Based upon the projected use by the applicant for 10 Single Family Residential units, the District currently has sufficient water capacity to serve this project.

The applicant will be responsible for necessary improvements to extend water mains and services, other water system improvements needed to accommodate service to the applicant's property, and any and all requirements under the Uniform Fire Code and the Uniform Plumbing Code.

The District and applicant need to negotiate an agreement for maintenance and operation of the community septic system proposed for this project.

The applicant will also be required to execute a plan checking and inspection agreement with the District.

Upon payment of all fees and satisfactory review of the final approved plans by the District Engineer and Fire Department, a Final "Will Serve" Letter will be issued by the District. All fees, assessments and charges are dependent on final building plans and are due at issuance of the Final "Will Serve" Letter. These charges will be based on applicable resolutions in effect at that time.

Sincerely,

J. M. Ellison,
General Manager

2/15/05
Will-serve letter
OK for Secondary
too (M. Ellison
2/15/05)

3-41

San Miguel Community Services District
Mike Ellison, General Manager
Post Office Box 180
San Miguel, CA 93451
(805) 467-3300

BOARD OF DIRECTORS
Richard Harrison, President
Gib Buckman, Vice President
Dale Hamblin
Lewis Rowe
Connie Jarvis

June 17, 2004

FIRE SAFETY PLAN LETTER
Expires June 17, 2005

Re: Applicant — Mulholland Construction, Inc.
2003 Crystal Canyon
Paso Robles, California 93446

Assessors Parcel Number — 027-271-030 and 027-271-008
Assessment Roll Number — 451

Your parcel is within the area served by the San Miguel Community Services District. Based upon the projected use by the applicant for 10 Single Family Residential units, the District will be providing fire protection services for the development

The applicant shall provide construction drawings for the project to the fire chief. The District fire code ordinance is based on the 2000 Uniform Fire Code and 2001 California Fire Code with amendments. The amendments include requirements for residential fire sprinklers in all dwelling units.

Fire hydrant locations and street construction proposals should be presented to the Fire Chief and District Engineer for review and approval.

The applicant will also be required meet the requirements of a previously issued preliminary will-serve letter.

Upon payment of all fees and satisfactory review of the final approved plans by the District Engineer and Fire Department, a Final "Will Serve" Letter will be issued by the District. All fees, assessments and charges are dependent on final building plans and are due at issuance of the Final "Will Serve" Letter. These charges will be based on applicable resolutions in effect at that time.

Sincerely,

J. M. Ellison,
General Manager

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (EK)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-234 **DATE: April 20, 2006**

PROJECT/ENTITLEMENT: Hasting et. al. Tract Map SUB2003-00198 Tract 2647

APPLICANT NAME: Hastings et al.
ADDRESS: 2003 Crystal Canyon Court Paso Robles, CA 93446
CONTACT PERSON: Same as applicant **Telephone:** 805-237-2800

PROPOSED USES/INTENT: :Request to subdivide two existing parcels (totalling 23 acres) into twelve parcels ranging between 1.0 to 2.4 acres each for the purpose of sale and/or development and one 7.22-acre remainder parcel. The project includes off-site road improvements to North River Road. The project will result in the disturbance of approximately 12 acres of a 23-acre area. The division will create two on-site roads ("Road A" and "Road B").

LOCATION: On the west side of North River Road, approximately 1,000 feet south of Indian Valley Road within the community of San Miguel. The site is in the Salinas River planning area.

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: California Department of Fish and Game , Regional Water Quality Control Board , Army Corps of Engineers

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 May 4, 2006

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

County of San Luis Obispo

Signature	Project Manager Name	Date	Public Agency

3-43

San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo Date: April 21, 2005

County: San Luis Obispo Project No. Tract 2647

Project Title: Hasting et. al.Tract Map SUB2003-00198

Project Applicant

Name: Hasting et. al.

Address: Rite III Inc., The Gateway Center
504 First Street, Suite A

City, State, Zip Code: Paso Robles, CA 93446

Telephone #: 805-237-4040

Please remit the following amount to the **County Clerk-Recorder:**

( ) Environmental Impact Report	$	850.00
(X) Negative Declaration	$	1250.00
( ) County Clerk's Fee	$	25.00
Total amount due:		**$1,250**

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

3-44

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Hasting et. al. Tract Map; SUB2003-00198 ED04-234

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.

Elizabeth Kavanagh — Elizabeth Kavanagh — 4/20/06
Prepared by (Print) — Signature — Date

John Nall — John Nall — Ellen Carroll, Environmental Coordinator (for) — 4/20/06
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 Hasting et. al. for a Tentative Tract Map to subdivide two existing parcels (totalling 23 acres) into twelve parcels ranging between 1.0 to 2.4 acres each for the purpose of sale and/or development and one 7.22-acre remainder parcel. The project includes off-site road improvements to North River Road. The project will result in the disturbance of approximately 12 acres of a 23-acre area. The division will create two on-site roads ("Road A" and "Road B"). The proposed project is within the Residential Suburban land use category and is located on the west side of North River Road, approximately 1,000 feet south of Indian Valley Road within the community of San Miguel.

ASSESSOR PARCEL NUMBER: 027-271-008 and -030 SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: Salinas River

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Single-family residence, driveway, abandoned vineyard

TOPOGRAPHY: Nearly level to very steeply sloping

VEGETATION: Abandoned vineyard, grasses, forbs, scattered oak woodland

PARCEL SIZE: Approximately 23 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban/ River Road, scattered single-family residences	*East:* Agriculture/ Vineyard, scattered single-family residences
South: Residential Suburban; Agriculture/ Salinas River, livestock grazing	*West:* Residential Suburban / Salinas River

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 west side of North River Road, approximately 1,000 feet south of Indian Valley Road, approximately 0.75 mile east of Highway 101 within the community of San Miguel (refer to Figures 1 through 3). The topography of the area consists of gently rolling to very steeply sloping hillsides and terraces that slope down towards the generally level Salinas River and associated floodplain. The project site includes a terrace located immediately east of, and approximately 100 feet above the Salinas River. The terrace supports grasses, forbs, and the remnants of an abandoned and removed small vineyard. One residence and driveway are located on the northern portion of the project site on the terrace, and a graded access road is located along the southern base of the terrace. The project site is bounded by North River Road to the east, and the southern and western portions of the parcel consist of very steeply sloping bluffs partially vegetated with grasses, shrubs, and blue oak trees. The steeper portions of the bluff face are almost vertical, and do not support vegetation. Surrounding land uses include a rural residential neighborhood to the southeast, a vineyard to the east, and scattered single family residences and a PG&E facility to the north. The visual character of the area ranges from urban residential within the core of San Miguel, to rural residential along the fringes, and agricultural along the Salinas River. Scattered single family residences, clustered resdential areas, vineyards, row crops, and grazing land dominate the visual setting within this section of the Highway 101 viewshed. While the project site is not located within a Highway Corridor Design Standard area, development will be visible as seen by northbound Highway 101 travelers.

The project site is visible for approximately 1,000 feet from the northbound travel lane of North River Road. Views of the project site are generally obscured from views within the southbound travel lane of North River Road, with the exception of the River Road bridge, located approximately 1,000 linear feet northwest of the project site. The northern edge of the terrace landform and existing PG&E

facility partially block views of the project site as seen from this location. The project site is intermittently visible from Highway 101; however, due to the distance (approximately 0.75 mile), the terrace blends into the differering topography of the Salinas River terraces and surrounding hillsides, and does not stand out as a prominent landform.

Impact. The applicant proposes to subdivide the project site into twelve parcels and one remainder parcel. One parcel currently supports an existing residence. The terrace would be divided into twelve parcels (ranging from 1.0 to 2.4 acres in size) for the development of eleven new residences and two access roads (refer to Figure 4). The remainder parcel could potentially support one residence. A new access road would be constructed approximately 240 feet from the northern property boundary.

Future residential development on proposed Lots 1, 2, 3, 8, 9, and 10 would be visible from the northbound travel lane of North River Road. At a distance of approximately 1,000 feet from the project site, the residences would be back-dropped by the distant mountain range on the west side of Highway 101. As North River Road approaches the southern perimeter of the project site, the road slopes below the elevation of the project site, and future residences on Lots 1, 2, 8, 9, and 10 would silhouette into the skyline for approximately 500 feet. As North River Road approaches the proposed access road location, the road curves around the landform and future residential development would be blocked from view by the steeply sloping cut slope on the west side of North River Road.

Current views of the terrace as seen from the North River Road bridge include scattered single family residences, which silhouette into the skyline due to the lack of topographical backdrop or vegetation. As the southbound travel lane of North River Road approaches the bridge, future residential development on proposed Lots 3, 4, 5, and 6 would silhouette into the skyline, similar to existing residential development on the terrace. As the southbound lane approaches the terminus of the bridge, steeply sloping intervening topography would block the project site and future development from view.

Implementation of the proposed project would also include exterior lighting associated with future residential development. The additional lighting would increase light and glare in the immediate area, and would be visible from Highway 101.

Potentially significant visual impacts resulting from the proposed subdivision and future residential development of the project site would include increased visibility, silhouetting into the skyline, and increased light and glare.

Mitigation/Conclusion. To mitigate for potentially significant visual impacts, the applicant has agreed to adopt design standards for the proposed subdivision, including limiting the development to single-story structures. In addition, the applicant has agreed to submit a landscape plan incorporating the use of drought-tolerant, fast growing, ever-green trees and shrubs and the use of muted exterior colors and roofing. In addition, any fencing along the perimeter of the project site shall be limited to wooden, barbed wire, or wood appearing materials, and if paint or staining is used, only muted, dark, earth-tone colors shall be permitted. All exterior lighting shall be shielded as required by Section 22.10.060 of the County Land Use Ordinance. Implementation of these measures would not avoid silhouetting, but would minimize the visual effects of silhouetting and development of the project site as seen from North River Road and Highway 101.

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?	☐	☐	☒	☐

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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. The subject properties (totaling 23 acres) are within the Residential Suburban land use category, in the community of San Miguel. Surrounding land use categories include Residential Suburban to the north, west, and southeast, and Agriculture to the east and southwest. The soil types mapped for the project site by the Natural Resources Conservation Service (NRCS) Soil Survey include: Arbuckle-Positas complex (50-75 percent slopes), Arbuckle-San Ysidro complex (2-9 percent slopes), Metz-Tujunga complex, occasionally flooded (0-5 percent slopes), and Xerofluvents-Riverwash association. The soil classifications for these soils are: VII(e) non-irrigated, II(e) irrigated/IV(e) non-irrigated, IV(w) non-irrigated, and VIII(w) non-irrigated. The northern portion of the project site historically supported a vineyard, which has been removed. Surrounding agricultural land uses include a vineyard and tasting room to the east, and livestock grazing adjacent to the Salinas River to the south and west. The vineyard is located approximately 600 feet east of the project site, across North River Road.

Impact. The proposed project was referred to the County Agricultural Commissioner's Office for review. No significant impacts were identified; however, the Agricultural Commissioner's Office recommends proving supplemental disclosure information regarding agricultural uses in the area to future landowners to minimize the potential for land use conflicts (Lynda Auchinachie; March 21, 2005).

Mitigation/Conclusion. The applicant has agreed to provide supplemental disclosure to future landowners, including information regarding adjacent agricultural uses and a copy of the County's Right-to-Farm Ordinance. Implementation of this measure would mitigate potential conflicts between agricultural uses and future residential uses to less than significant.

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?	☐	☐	☒	☐

3. AIR QUALITY - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Other _____	☐	☐	☐	☐

Setting. Based on the latest air monitoring station information (per the County's RMS annual report, 2004), the trend in air quality in the general area is improving where unacceptable PM10 levels were exceeded once in 2002 at the Paso Robles monitoring station, which is down from the previous year (2 exceedances). The ozone standard was exceeded once at this monitoring station in 2003. 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. In January 2004, the California Air Resources Board designated San Luis Obispo County as being in attainment of the state ozone standard; the exceedance at the Paso Robles monitoring station did not constitute violations and did not jeopardize the recently-awarded attainment status.

Impact. Implementation of the proposed project would result in the creation of twelve residential lots, and the construction of up to 11 primary and 11 secondary residences (one of the proposed lots is currently development with residential uses). In addition, the proposed remainder lot could support residential use. The Air Pollution Control District 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). Future development of up to 24 new residences and construction of two access roads and related utility and service improvements would result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during construction. In addition, the project will generate up to approximately 186 additional daily vehicle trips. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants relating to long-term emissions; however, approximately 12 acres of area would disturbed potentially resulting in a fugitive dust (PM10) impact. The project site is located within the San Miguel Urban Reserve Line, and is consistent with the general level of development anticipated and projected in the Clean Air Plan (CAP). The CAP looks at the cumulative effects of county buildout, and is updated every three years with the intent to review and include programs, as needed, to bring the county into attainment for air quality. The proposed project was referred to the County Air Pollution Control District for review, and no significant impacts or recommendations for mitigation were identified (Andy Mutziger; March 2, 2005).

Mitigation/Conclusion. The applicant has agreed to implement standard APCD measures to mitigate for the generation of fugitive dust during grading and construction activities. These measures include the use of water trucks to spray down dust, revegetation, and the use of wheel washers (refer to Exhibit B for complete list). Implementation of these measures would mitigate potential air quality impacts to less than significant.

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?*	☐	☒	☐	☐
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 northern portion of the project site historically supported a vineyard, one residence, and an access driveway. The applicant removed the vineyard, and portions of the area have naturally revegetated with grasses and forbs. The existing residence is not proposed for removal. A culvert located under North River Road facilitates drainage flow from an unnamed tributary to the Salinas River under the road and through the southern portion of the project site. Evidence of off-road vehicle and bicycle use is present within the tributary, which supports blue oaks (*Quercus douglasii*), cottonwood trees (*Populus fremontii*), grasses, and forbs. Blue oak savannah is present downslope of the terrace, on the bluff sides and adjacent arroyo.

The project site is located within the Carrizo vernal pool region. The project site is located within an area that has identified vernal pool habitat as determined by aerial survey mapping by the U.S. Fish and Wildlife Service, and is within an area designated as critical habitat for the vernal pool fairy shrimp (*Branchinecta lynchi*), a Federally Threatened species. In addition, based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified: shining navarretia (*Navarretia nigelliformis* ssp *radians)*, a California Native Plant Socity (CNPS) List 1B species (rare, threatened, or endangered in California and elsewhere); Kellogg's horkelia (*Horkelia cunteata* ssp *sericea*), a CNPS List 1B species; and, San Joaquin kit fox (*Vulpes macrotis mutica*), a State Threatened and Federally Endangered species. Califorina red-legged frog habitat is present within the Salinas River, located approximately 0.5 mile west of the project site. Califorina red-legged frog is a Federally Threatened species.

The applicant retained a biologist to conduct surveys for special-status species and habitat areas. The biologist, Mike McGovern, surveyed the project site in January and April 2004. Based on the survey results, the site contains sandy soils and does not support vernal pool habitat, or habitat for the vernal pool fairy shrimp (Mike McGovern; January 14, 2004). No special-status plant species were observed within the project site.

Impact. The applicant proposes to subdivide the project site for the future development of up to eleven primary residences and up to eleven secondary residences, construction of two access roads, and related utility improvements. Approximately twelve acres of the project site would be affected by future development. One parcel, approximately 1.1 acres in size, supports an existing residence. The southern portion of the project site, approximately 7.22 acres in size, is proposed to be a remainder parcel. This parcel would potentially support residential development.

Mike McGovern prepared a *San Joaquin Kit Fox Habitat Evaluation Form* on January 14, 2004. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game (CDFG). The evaluation, complete with CDFG changes, resulted in a score of 74, which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of eleven acres of kit fox habitat.

The applicant proposes to develop the upland terrace. Based on the design of the proposed project, direct impacts to California red-legged frog habitat migration corridors, blue oak savannah, and individual oak trees would be avoided. The California Department of Forestry/County Fire Department (CDF) requires a 30-foot firebreak and 10 feet of vegetation clearance (not including fire resistant vegetation) around each future structure. Based on the setbacks required per the project's geology report (refer Section 6 Geology and Soils) impacts to bluff vegetation and sensitive habitat areas would not occur. Inadvertent impacts to these sensitive habitat areas could occur if construction equipment is permitted within the southern portions of the project site. Future development, including construction of a residence on the proposed remainder parcel, may occur on the remainder parcel. Future development may result in direct, significant impacts to sensitive wildlife habitat and individual oak trees within and adjacent to the tributary to the Salinas River.

Mitigation/Conclusion. CDFG recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox (personal communication; March 8, 2005). The applicant will be required to mitigate the loss of kit fox habitat by one of the following ways: Deposit funds into an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table, and would also apply to any future development on the remainder parcel.

To avoid impacts to the southern portion of the project site and potentially sensitive habitat areas and blue oak savannah during tract development, the applicant has agreed to prepare an additional map sheet showing the location of the existing culvert, drainage area, and downslope blue oak savannah. The plan shall show protection measures, including the installation of temporary construction fencing at the edge of project limits and identified areas of proposed equipment and materials storage (including any soils or fill material). The use and storage of any construction equipment, materials, soils, or fill material shall be prohibited outside of the project limits. The applicant has also agreed to install fencing along the perimeter of the remainder parcel to discourage off-road vehicles and bicycling use. Fencing shall be wooden, barbed wire, or wooden appearing to maintain rural character. In addition, the applicant has agreed to prepare and implement an erosion and sedimentation control plan and Stormwater Pollution Prevention Plan (SWPPP) as discussed in Sections 6 and 14 (Geology and Soils, Water). To mitigate for potential impacts during future development of the remainder parcel, the applicant has agreed to avoid all oak trees, and locate future development outside of the drainage course, in addition to the measures described above. The applicant shall also be required to consult with applicable resource agencies (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Game) if future development of the remainder parcel requires any grading or improvements within or adjacent to the drainage course. Based on implementation of these measures, impacts to biological resources would be 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 proposed project site is located in an area historically occupied by the Obispeño Chumash and Southern Salinan. Significant archaeological deposits have been discovered in the vicinity of the Salinas River. The applicant submitted two Phase I archaeological survey reports (C.A. Singer & Associates; February 11, 2004 and April 26, 2004). Based on the results of the reports, no historical or archaeological deposits were observed onsite. In addition, no historical structures are present and no paleontological resources are known to exist in the immediate area.

Mitigation/Conclusion. Based on the lack of features typically associated with paleontological resources and lack of noted cultural resources onsite, it is unlikely that significant cultural resources are present. Section 22.10.04 of the County Land Use Ordinance includes a requirement that if cultural resources are encountered during construction, work shall stop until reviewed and cleared by a qualified archaeologist and the County. No additional mitigation is 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 very steeply sloping. The project site is not located within a Geologic Study area. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate to high. No active faulting is known to exist on or near the subject property. The project site is not within a known area containing serpentine or ultramafic rock or soils. The project site is located on a terrace immediately upslope of the Salinas River corridor. The western perimeter of the project site abruptly drops off along a steep bluff edge, and evidence of stormwater surface flow bluff erosion is present.

The applicant submitted several *Geologic Hazards Investigation* reports to assess geologic hazards including bluff erosion, seismic activity, ground shaking, landslides, slope stability, soils, and liquefaction (Sierra Delta Corporation; February 15, 2005). The County Geologist, Lew Rosenberg, reviewed the geological report conducted for the project and Sierra Delta Corporation submitted a supplemental letter on May 18, 2005. Mr. Rosenberg approved the geology report and supplemental letter on May 24, 2005.

Based on the results of the geology report, the project site is located within a seismically active region. The San Marcos Fault is located approximately 6.7 miles from the project site. There is evidence of landslides along the eastern and western edges of the terrace. The liquefaction potential for the soils onsite was determined to be low due to depth to groundwater. The geology report concluded that the project site is geologically suitable for the proposed development, provided the engineering and design recommendations presented in the report are implemented. Recommendations include setbacks for development, installation of safety fencing, construction of a stormwater collection and drainage system, implementation of an erosion and sedimentation control plan, construction of deep foundations for homes within 50 feet of the terrace edge, and compliance with the Uniform Building Code (Sierra Delta Corporation; May 18, 2005). The County Geologist agreed with this conclusion and the proposed recommendations.

Drainage. The far western boundary of the project site is located within the 100-year Flood Hazard designation for the Salinas River. The area proposed for development is located outside and approximately 100 feet above the 100-year Flood Hazard designation. An unnamed tributary to the Salinas River flows under North River Road via a culvert and continues west through the southern

portion of the project site towards the River. As described in the NRCS Soil Survey, the soil is considered moderately to very poorly drained. During rain events, stormwater flows across the terrace, and over the terrace edge to the west and south. Erosional gullies have formed over time, and would be exacerbated by the anticipated increase in impervious surfaces following project development. The geology report prepared for the project did not identify this as a significant impact, provided specific recommendations are incorporated into future grading, drainage, and engineered plans (Sierra Delta Corporation; October 12, 2004). Recommendations specific to drainage include grading proposed parcels at a two percent slope away from the terrace edge, and installing a drainage system to facilitate stormwater flow towards the eastern edge of the project site.

In addition, the applicant provided supplemental information regarding the potential for slope saturation and increased bluff erosion and slope failure related to the installation and maintenance of lawn turf on the project site. Based on documentation submitted by the applicant, proposed watering of lawn turf would not result in significant or increased rates of bluff erosion or an increased potential for slope failure (Norman G. Hallin, Geotechnical Engineer; Ron Barto, Certified Engineering Geologist; August 19, 2005). Lew Rosenberg, County Geologist, reviewed the submitted documentation and concurred with the findings, provided the recommendations presented in the approved geology report are incorporated into engineered grading and drainage plans (Lew Rosenberg; August 24, 2005).

Sedimentation and Erosion. Based on the NRCS Soil Survey, the soil types mapped for the project site have a low erodibility characteristic, and have a low shrink-swell characteristic. Due to the steep slopes of the terrace edges, evidence of stormwater surface flow bluff erosion is present. Based on the results of the *Geologic Hazards Investigation*, the edges of proposed Lots 1 through 7 are prone to moderate and severe erosion, and a review of aerial photographs revealed a 0.86 inch per year erosion rate west of proposed Lot 7. Future grading of the project site for residential development, access, and related road and utility improvements (including future development of the remainder parcel) would likely result in erosion and down-gradient sedimentation into the Salinas River corridor. In addition, increased offsite drainage from impervious surfaces would likely increase the rate of erosion along the terrace edges.

Mitigation/Conclusion. Based on the results of the *Geologic Hazards Investigation* and review by the County Geologist, the project site is suitable for development provided specific recommendations are incorporated into the grading, drainage, and engineering plans for the proposed project. The applicant shall be required to show compliance with all recommendations prior to issuance of grading and construction permits. In addition, 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 that monitors this program. The applicant proposes to disturb approximately twelve acres, and shall comply with this requirement. Intensive erosion control measures, including installation of jute netting or a similar method on all road cuts shall be implemented to ensure slope stability and minimize erosion. These measures shall also be applicable to future development of the remainder parcel. Implementation of these measures would ensure that geologic impacts are less than significant.

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?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 proposed project site supports one residence. Adjacent land uses include a PG&E facility to the north, a vineyard to the east, and residential development to the southeast. The proposed project site is located within a moderate fire hazard area. The project site is not located within an Airport Review Area.

Impact. The proposed project does not include the use, transport, or storage of hazardous materials. The project is not expected to conflict with any regional evacuation plan. The proposed project was referred to the California Department of Forestry/County Fire (CDF) and San Miguel Community Services (CSD) District Fire Department for review. The project would be served by the CSD. The CSD Fire Department and CDF did not identify any significant concerns, and stated that the applicant shall comply with the Uniform Fire Code and California Fire Code regulations (J.M. Ellison; June 17, 2004 and Clinton Bullard; June 1, 2004).

Mitigation/Conclusion. Based on compliance with existing ordinances and regulations, hazards and hazardous materials impacts would be less than significant.

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/Impact. The proposed project site is located approximately 0.75 mile east of Highway 101, and adjacent to North River Road. The highway is the primary source of transportation-related noise in the area. The project site is not located within an area identified by the *County Noise Element* as

subject to noise exceeding allowable thresholds (60 dB exterior, 45 dB interior). Significant impacts related to noise exposure would not occur. The proposed project site is surrounded by land developed with agricultural and residential uses. Implementation of the proposed project is expected to generate up to 186 average daily trips, which would not generate a significant amount of noise above existing ambient levels.

Mitigation/Conclusion. No significant noise impacts were identified; therefore no mitigation measures are necessary.

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)?	☐	☐	☒	☐
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. The proposed project site is located on a parcel within the Residential Suburban land use category. Implementation of the proposed project would not significantly induce growth, displace existing housing or people, create the need for new housing in the area, or use a substantial amount of fuel or energy to construct and operate. In its efforts to provide for affordable housing, the county currently administers a Community Development block Grant Program, which provides grants 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.

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. This fee will not apply to any county-recognized affordable housing included within the project. No additional measures are required.

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)?	☐	☒	☐	☐

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
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other _____	☐	☐	☐	☐

Setting. The County Sheriff's Department and San Miguel Community Services District Fire Department serve the project area as the primary emergency responders. The fire station is approximately one mile to the east. The closest Sheriff substation is in Templeton, which is approximately 15 miles from the proposed project. The project is located in the San Miguel Joint Unified Elementary School District and Paso Robles Unified School District.

Impact. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection. The project's direct and cumulative impacts are within the general assumptions of allowed use for the property that was used to estimate the fees in place.

Mitigation/Conclusion. Regarding cumulative impacts, 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/Impact. The County Trails Plan shows the Salinas River trail corridor adjacent to the project site. The project is not proposed in a location that would affect any trail, park or other recreational resource. The proposed project was referred to the County Parks and Recreation Division for review. The Parks Division did not identify any project-specific significant impacts or request a trail easement (Jan DiLeo; February 17, 2005). Implementation of the proposed project and occupation residences, and future development of the remainder parcel, would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

Mitigation/Conclusion. In order to offset the cumulative demand for recreational resources, the applicant would be required to pay Quimby and Building Division fees. No additional mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase vehicle trips to local or areawide circulation system?*	☐	☐	☒	☐
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?*	☐	☐	☒	☐
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 would be accessed from North River Road, a two-lane collector providing access to agricultural and residential development along the Salinas River, east of Highway 101. There is an existing rough-graded agricultural road that branches off North River Road and leads to the project site; the applicant would not utilize this existing road. The applicant proposes to construct a new access road, which would intersect with North River Road approximately 240 feet south of the northern property boundary. A second driveway provides access to the existing residence located in the northeast corner of the project site. This driveway extends from Power Road north of the project site through private property; the applicant proposes to remove this existing driveway. Access to the existing residence would be provided via the proposed access road onsite.

Impact. Implementation of the proposed project would result in the creation of eleven additional residential lots, and the construction of up to eleven primary residences and up to eleven secondary residences. In addition, residential development may occur on the proposed remainder parcel. Future development would generate up to 186 average daily trips. The proposed project was referred to the County Public Works Department. No significant impacts related to trip generation were identified (Mikel Goodwin; February 14, 2005).

The Public Works Department reviewed the proposed project, and the existing condition of North River Road and the necessity of traffic light on Mission Street and 14TH Street (River Road). The Department determined that North River Road is at a deficient width, and should be widened to meet County A-1(c) Rural-Mountainous Terrain standards (39-foot width). The existing cross section of North River Road is 22 feet (Richard Marshall; August 1, 2005).

Mitigation/Conclusion. To reduce cumulative and area wide impacts including repairing North River Road deficiencies and a stop light at Mission Street and 14th Street, the applicant agrees, on behalf of himself and successors in interest, to pay to the County of San Luis Obispo a fee of $3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index, to be paid for each residential unit at the time of issuance of building permits. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

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. The applicant proposes to install standard leach fields and septic tanks on each proposed lot. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems on the project site include: slow percolation, steep slopes, and floods. These limitations are summarized as follows:

Steep Slopes. This characteristic indicates that portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. To comply with the Central Coast Basin Plan, additional information is needed prior to issuance of a building permit, such as slope comparison with leach line depths, to show that there is no potential of effluent "daylighting" to the ground surface.

Slow Percolation. This characteristic indicates that fluid may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch.

Flooding. This characteristic is applied when there is a temporary inundation in an area that is subject to overflowing streams, caused by surface runoff from adjacent slopes or by tides. "Occasional" flooding refers to the area being flooded on the average once or less every two years. "Frequent" flooding refers to the area being flooded on the average once or more every two years. The proposed leach fields and septic systems would be installed on a terrace located approximately 100 feet above the flood plain.

Impact. Based on percolation test results prepared by Buena Geotechnical Services, percolation rates range from 20 to 40 minutes per inch (October 4, 2004). According to the *Geologic Hazards*

Investigation (February 15, 2005) report prepared by Sierra Delta Corporation, these rates are acceptable; however, due to the steep bluff edges, there is a potential for effluent to flow laterally to the cliff and daylight.

Mitigation/Conclusion. To minimize the potential for daylighting of effluent and the lack of sufficient area for standard leach lines, the *Geologic Hazards Investigation* report recommends three 80-foot deep pits per lot (plus 100 percent expansion) at a minimum 50-foot setback from the edge of the bluff for all seepage pits (Sierra Delta Corporation; May 18, 2005). The applicant has agreed to incorporate this recommendation, and all other recommendations listed in the *Geologic Hazards Investigation* report to ensure that impacts related to wastewater disposal are not significant. In addition, prior to future development of the remainder parcel, the applicant is required to submit plans and documentation demonstrating compliance with the County Code and Basin Plan.

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.)?	☐	☒	☐	☐
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.
Surface Water. The floodplain of the Salinas River is located immediately west of the project site. The area proposed for development is located outside and approximately 100 feet above the 100-year Flood Hazard designation. An unnamed tributary to the Salinas River flows under North River Road via a culvert and continues west through the southern portion of the project site towards the River. During rain events, stormwater flows across the terrace, and over the terrace edge to the west and south.

Water Supply. The project proposes to use the San Miguel CSD as its water source. According to the County's *Annual Resource Summary Report* (2004), the existing system can support approximately 125 new residential connections, and construction of a new well and water storage tank is proposed this year. The report recommends a Level of Severity II for this district until the new well's capacity has been measured. The proposed project was referred to the San Miguel CSD for review. The CSD issued a preliminary will-serve letter to the applicant on June 17, 2004, and stated that the CSD has the capacity to serve the project (J.M. Ellison; June 17, 2004 and February 15, 2005). The 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.

Impact. Implementation of the proposed project would result in the disturbance of approximately twelve acres for the construction of building pads, driveways, one access road, utility installation, and related road and drainage improvements. Stormwater tends to flow towards the Salinas River, via an unnamed tributary located within the southern portion of the project site. Soil erosion and down-gradient sedimentation is likely to occur during grading and construction activities. In addition, the creation of additional impervious surfaces is likely to exacerbate bluff erosion and associated sedimentation.

Mitigation/Conclusion. As discussed in Section 6 (Geology and Soils), the applicant has agreed to prepare and implement an erosion and sedimentation control plan, and a Stormwater Pollution Prevention Plan to minimize erosion and down-gradient sedimentation. These measures shall also apply to future development of the remainder parcel. No additional measures are required.

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. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., 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 is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study because it consists of a residential subdivision within an area zoned for this type of use, in the vicinity of existing residences. Potential land use conflicts with adjacent agricultural uses would be mitigated by the disclosure of land use information to future landowners (refer to Section 2, Agricultural Resources).

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	**Attached**
☒	County Parks and Recreation Division	**Attached**
☐	County Assessor Department	**Not Applicable**
☒	Air Pollution Control District	**In File****
☒	Regional Water Quality Control Board	**No Response**
☐	CA Department of Conservation	**Not Applicable**
☒	CA Department of Fish and Game	**Attached**
☒	CA Department of Forestry	**Attached**
☐	CA Department of Transportation	**Not Applicable**
☒	San Miguel Community Services District	**Attached**

*** "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
- ☒ Salinas River Area Plan and Update EIR
- ☐ 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:

Buena Geotechnical Services, Inc. May 7, 2004. *Preliminary Soils Investigation.*

Buena Geotechnical Services, Inc. Sierra Delta Corporation. August 19, 2005. *Proposed Landscape Irrigation.*

C.A. Singer & Associates, Inc. February 11, 2004. *Cultural Resources Survey.*

C.A. Singer & Associates, Inc. April 26, 2004. *Cultural Resources Survey.*

Firma. August 19, 2005. *Comparison of Turf Grass and Grape Vineyard Irrigation Demand – Tract 2647, San Miguel.*

McGovern, Mike. January 14, 2004. Botanical Report and San Joaquin Kit Fox Habitat Evaluation.

McGovern, Mike. April 18, 2004. Botanical Report.

Rosenberg, Lew, CEG 1777. August 30, 2004. *Engineering Geology Report Requirements Memo.*

Rosenberg, Lew, CEG 1777. December 15, 2004. *Engineering Geology Report Review.*

Rosenberg, Lew, CEG 1777. May 24, 2005. *Engineering Geology Addendum Review Memo.*

Sierra Delta Corporation. October 12, 2004. *Geologic Hazards Investigation.*

Sierra Delta Corporation. February 15, 2005. *Engineering Geology Report.*

Sierra Delta Corporation. May 18, 2005. *Addendum to Engineering Geology Report.*

Exhibit B - Mitigation Summary Table

Aesthetics

V-1 **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:

a. Residences shall be single-story only, and limited to 22 feet in height above average natural grade.
b. The roofing structure shall incorporate a hipped-roof design on roofs facing public roads including River Road, Highway 101, and the community of San Miguel (Lots 1 through 10).
c. Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
d. Roofing shall be limited to muted, dark, earthtone colors.
e. Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire. No white or light-colored fencing shall be permitted.

V-2 **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit a landscape plan to the County for review and approval. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees). Such plantings shall achieve at least a 50 percent screen of future homes within five years. Only drip-irrigation methods shall be permitted for these screening plants. The plan shall be implemented **prior to final inspection**.

V-3 **Prior to recordation of the final map, the applicant shall submit an intensive slope restoration plan to revegetate all cut slopes associated with grading adjacent to the access driveway and North River Road.** The plan shall include the use of jute-netting and site-appropriate native grasses and shrubs. The plan shall be implemented immediately following completion of road improvements, and prior to final inspection of tract improvements.

V-5 **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit an exterior lighting plan to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.

Air Quality

AQ-1 **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phases 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.

Agricultural Resources

AG-1 **Prior to sale of each lot,** the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

Biological Resources

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project Pretty Tract Map (SUB2003-00198 Tract 2647) on January 14, 2004 by Mike McGovern and reviewed by Mr. Bob Stafford on March 8, 2005 indicates the project will impact eleven (11) acres of San Joaquin kit fox habitat. The project earned a score of 74 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1). The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required. **These measures shall also apply to future development of the remainder parcel.**

BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

   This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities

multiplied by $2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 **Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall

stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

   a) Potential kit fox den: 50 feet
   b) Known kit fox den: 100 feet
   b) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 **Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation,** the applicant shall clearly delineate as a note on the project plans, that: "*Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox.*" Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, **or any grading associated with map recordation,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 **Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A

kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 **Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 **Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-12 **Prior to recordation of the final map,** the applicant shall submit an additional map sheet showing the location of the existing culvert, drainage area, and canopy of blue oak savannah habitat. The map sheet shall show protection measures, including the installation of temporary construction fencing at the edge of project limits and identified areas of proposed equipment and materials storage (including any soils or fill material). On site storage of any construction equipment, materials, soils, or fill material shall be prohibited outside of the area identified for this use. Protective fencing shall follow the tree canopy/drip line for any tree within the area of site disturbance. These protection measures shall be implemented **both prior to issuance of construction permits for individual residences, as well as prior to any ground disturbance related to tract improvements.**

BR-13 **Prior to final inspection of tract improvements,** the applicant shall install permanent fencing along the perimeter of the remainder parcel to discourage off-road vehicles and bicycling use. Fencing shall be wooden, barbed wire, or wooden appearing to maintain rural character.

BR-14 **Prior to approval of tract improvements, if any grading, drainage or construction activities are proposed or required on the remainder parcel,** the applicant shall submit plans showing avoidance of all existing oak trees and the drainage course. If any grading or site improvements, such as a road crossing, are required within 25 feet of the drainage course, the applicant shall submit required permits from U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Game, or documentation from such agencies that a permit is not necessary. In addition, the applicant shall demonstrate compliance with all mitigation measures and conditions applicable to the proposed tract development (Tract 2647).

Geology and Soils

GS-1 **Prior to issuance of grading and construction permits for tract improvements and individual lot development,** the project engineering geologist and project geotechnical engineer shall review the grading plans and provide a written statement to the County Geologist and County Building Official stating that the plans are in conformance with the

recommendations contained in their respective engineering geology and geotechnical reports, including, but not limited to:

a. Sierra Delta Corporation, *Geologic Hazards Investigation*; October 12, 2004
b. Sierra Delta Corporation, *Engineering Geology Report*, February 15, 2005
c. Sierra Delta Corporation, Addendum; May 18, 2005
d. Buena Geotechnical Services, *Preliminary Soils Investigation*; May 7, 2004

GS-2 Prior to issuance of grading and construction permits for individual lot development, the applicant shall submit plans showing compliance with the following minimum setbacks from the bluff edge, as recommended in the Sierra Delta Corporation Addendum to the Geologic Hazards Investigation report (May 18, 2005):

a. Lot 1: 23 feet
b. Lot 2: 28 feet
c. Lot 3: 29 feet
d. Lot 4: 30 feet
e. Lot 5: 28 feet
f. Lot 6: 28 feet
g. Lot 7: 28 feet
h. Lot 8: 25 feet
i. Lot 9: 20 feet
j. Lot 10: 20 feet
k. Lot 11: No setback standard
l. Lot 12: No setback standard

GS-3 Prior to final inspection of tract improvements, the applicant shall install fencing at least five feet from the terrace edge on proposed Lots 1 through 10.

GS-4 Prior to recordation of the final map, the applicant shall submit a tract drainage plan to the County for review and approval. The plan shall include methods to divert drainage from the bluff edge into a stormwater collection and drainage system as recommended in the Geologic Hazards Investigation report (Sierra Delta Corporation; October 12, 2004). No runoff shall be permitted off the bluff edge. The plan shall be implemented prior to final inspection of tract improvements.

GS-5 Prior to issuance of grading and construction permits for tract development and individual lot development, the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention. Pre-construction erosion control measures shall be implemented **prior to site disturbance**.

GS-6 Prior to issuance of grading and construction permits for tract development, the applicant shall submit of a copy of the Stormwater Pollution Prevention Plan filed with the State Water Resources Control Board.

Recreation

R-1 Prior to recordation of the final map, the applicant shall pay all applicable Quimby Fees.

Transportation and Circulation

TR-1 To reduce cumulative traffic impacts from proposed development within the San Miguel Area, the developer agrees to do the following:

Prior to recordation of the final map, the developer shall pay to the County of San Luis Obispo a fee of $3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

Wastewater

WW-1 Prior to recordation of the final map, the applicant shall submit a site plan showing required setback (minimum of 50 feet from the bluff edge) for seepage pits. **Prior to issuance of grading and construction permits for individual lot development**, site plans shall demonstrate compliance with the required setback.

DEVELOPER'S STATEMENT FOR THE
Hasting et. al.TRACT MAP SUB2003-00198 TRACT 2647

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

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

AESTHETICS

V-1 **Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit elevations and a colors and materials board for County review and approval. Submitted plans shall incorporate the following standards:

a. Residences shall be single-story only, and limited to 22 feet in height above average natural grade.
b. The roofing structure shall incorporate a hipped-roof design on roofs facing public roads including River Road, Highway 101, and the community of San Miguel (Lots 1 through 10).
c. Exterior colors and materials shall be muted, and shall not exceed a value or chroma of 6 as shown on the Munsell Color Scale.
d. Roofing shall be limited to muted, dark, earthtone colors.
e. Fencing shall be rural in nature, and include wood, wood-appearing materials, or barbed wire. No white or light-colored fencing shall be permitted.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans and materials, and implementation in the field.

V-2 **Prior to issuance of grading and construction permits for individual lot development**, the applicant shall submit a landscape plan to the County for review and approval. The landscape plan shall incorporate the use of non-invasive, fast-growing, drought-tolerant vegetation including evergreen trees and shrubs. Evergreen trees shall have a rounded mature shape (similar to oak trees). Such plantings shall achieve at least a 50 percent screen of future homes within five years. Only drip-irrigation methods shall be permitted for these screening plants. The plan shall be implemented **prior to final inspection**.

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> **Monitoring:** The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

V-3 **Prior to recordation of the final map**, the applicant shall submit an intensive slope restoration plan to revegetate all cut slopes associated with grading adjacent to the access driveway and North River Road. The plan shall include the use of jute-netting and site-appropriate native grasses and shrubs. The plan shall be implemented **immediately following completion of road improvements, and prior to final inspection of tract improvements.**

> **Monitoring:** The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

V-4 **Prior to issuance of grading and construction permits for individual lot development,** the applicant shall submit an exterior lighting plan to the County for review and approval. Exterior lighting shall be shielded and directed towards the ground to minimize unnecessary glare.

> **Monitoring:** The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

AIR QUALITY

AQ-1 **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phases 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.

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AGRICULTURAL RESOURCES

AG-1 **Prior to sale of each lot,** the applicant shall provide all purchasers with a supplemental disclosure of agricultural operations located in close proximity to the project site. These operations shall include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure shall also include a copy of the County's Right-to-Farm Ordinance.

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

BIOLOGICAL RESOURCES

Prior to recordation of the final map, the following notes shall be included on the second sheet of the final map and shall apply to future construction on the project site:

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project Pretty Tract Map (SUB2003-00198 Tract 2647) on January 14, 2004 by Mike McGovern and reviewed by Mr. Bob Stafford on March 8, 2005 indicates the project will impact eleven (11) acres of San Joaquin kit fox habitat. The project earned a score of 74 on the evaluation, which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1). The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required. **These measures shall also apply to future development of the remainder parcel.**

BR-1 **Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

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b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by $2,500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: The Department of Planning and Building shall verify compliance and shall approve mitigation in consultation with the California Department of Fish and Game.

BR-2 **Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

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a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

   If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction,** fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
   a) Potential kit fox den: 50 feet
   b) Known kit fox den: 100 feet

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c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

BR-3 **Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation,** the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox." Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction. In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 **Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction,** all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working

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day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 **During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 **Prior to, during, and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 **Prior to final inspection, or occupancy,** whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670/ (805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

Monitoring: The Department of Planning and Building/Division of Environmental and Resource Management shall verify compliance and receipt of pre-construction survey letter and monitoring reports.

BR-12 Prior to recordation of the final map, the applicant shall submit an additional map sheet showing the location of the existing culvert, drainage area, and canopy of blue oak savannah habitat. The map sheet shall show protection measures, including the installation of temporary construction fencing at the edge of project limits and identified areas of proposed equipment and materials storage (including any soils or fill material). On site storage of any construction equipment, materials, soils, or fill material shall be prohibited outside of the area identified for this use. Protective fencing shall follow the tree canopy/drip line for any tree within the area of site disturbance. These protection measures shall be implemented **both prior to issuance of construction permits for individual residences, as well as prior to any ground disturbance related to tract improvements.**

BR-13 Prior to final inspection of tract improvements, the applicant shall install permanent fencing along the perimeter of the remainder parcel to discourage off-road vehicles and bicycling use. Fencing shall be wooden, barbed wire, or wooden appearing to maintain rural character.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

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BR-14 Prior to approval of tract improvements, if any grading, drainage or construction activities are proposed or required on the remainder parcel, the applicant shall submit plans showing avoidance of all existing oak trees and the drainage course. If any grading or site improvements, such as a road crossing, are required within 25 feet of the drainage course, the applicant shall submit required permits from U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Game, or documentation from such agencies that a permit is not necessary. In addition, the applicant shall demonstrate compliance with all mitigation measures and conditions applicable to the proposed tract development (Tract 2647).

Monitoring: The Department of Planning and Building shall verify compliance.

GEOLOGY AND SOILS

GS-1 Prior to issuance of grading and construction permits for tract improvements and individual lot development, the project engineering geologist and project geotechnical engineer shall review the grading plans and provide a written statement to the County Geologist and County Building Official stating that the plans are in conformance with the recommendations contained in their respective engineering geology and geotechnical reports, including, but not limited to:

a. Sierra Delta Corporation, Geologic Hazards Investigation; October 12, 2004
b. Sierra Delta Corporation, Engineering Geology Report, February 15, 2005
c. Sierra Delta Corporation, Addendum; May 18, 2005
d. Buena Geotechnical Services, Preliminary Soils Investigation; May 7, 2004

Monitoring: The Department of Planning and Building shall verify receipt of letter and compliance in the field.

GS-2 Prior to issuance of grading and construction permits for individual lot development, the applicant shall submit plans showing compliance with the following minimum setbacks from the bluff edge, as recommended in the Sierra Delta Corporation Addendum to the Geologic Hazards Investigation report (May 18, 2005):

a. Lot 1: 23 feet
b. Lot 2: 28 feet
c. Lot 3: 29 feet
d. Lot 4: 30 feet
e. Lot 5: 28 feet
f. Lot 6: 28 feet
g. Lot 7: 28 feet
h. Lot 8: 25 feet
i. Lot 9: 20 feet
j. Lot 10: 20 feet

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k. Lot 11: No setback standard
l. Lot 12: No setback standard

Monitoring: The Department of Planning and Building shall verify receipt of letter and compliance in the field.

GS-3 **Prior to final inspection of tract improvements**, the applicant shall install fencing at least five feet from the terrace edge on proposed Lots 1 through 10.

Monitoring: The Department of Planning and Building shall verify compliance.

GS-4 **Prior to recordation of the final map**, the applicant shall submit a tract drainage plan to the County for review and approval. The plan shall include methods to divert drainage from the bluff edge into a stormwater collection and drainage system as recommended in the Geologic Hazards Investigation report (Sierra Delta Corporation; October 12, 2004). No runoff shall be permitted off the bluff edge. The plan shall be implemented **prior to final inspection of tract improvements.**

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

GS-5 **Prior to issuance of grading and construction permits for tract development and individual lot development,** the applicant shall submit an erosion and sedimentation control plan to the County for review and approval. The plan shall include both temporary methods of erosion control during grading and construction activities, and permanent measures for slope stability and onsite soil retention within graded areas. Pre-construction erosion control measures shall be implemented **prior to site disturbance.**

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

GS-6 **Prior to issuance of grading and construction permits for tract development**, the applicant shall submit of a copy of the Stormwater Pollution Prevention Plan filed with the State Water Resources Control Board.

Monitoring: The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

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RECREATION

R-1 **Prior to recordation of the final map**, the applicant shall pay all applicable Quimby and Building Division Fees.

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

TRANSPORTATION AND CIRCULATION

T-1 **Prior to recordation of the final map,** the developer shall pay to the County of San Luis Obispo a fee of $3,870 per residential unit, plus an inflation adjustment based upon Caltrans Highway Construction Cost Index. The fees collected are to be used for road improvements in the San Miguel area to mitigate traffic impacts resulting from this subdivision.

> **Monitoring:** The Department of Planning and Building, in consultation with the Department of Public Works shall verify compliance.

WASTEWATER

WW-1 **Prior to recordation of the final map**, the applicant shall submit a site plan showing the required setback (minimum of 50 feet from the bluff edge) for seepage pits. Prior to issuance of grading and construction permits for individual lot development, site plans shall demonstrate compliance with the required setback.

> **Monitoring:** The Department of Planning and Building shall verify receipt and approval of plans, and implementation in the field.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s) — Date: 25 April 2006

S. Keith Belmont
Name (Print)

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): 14270 POWER RD. SAN MIGUEL, CA identified as Assessor Parcel Number 027-271-030 AND PORTION 027-271-008 for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: TRACT MAP 2647 specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

   Print Name: S. KEITH BELMONT

   Daytime Telephone Number: 805 237 4040, OR 805 610 9241

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property NONE KNOWN

Person or entity granting consent:

Print Name: BRYAN N. BECKHAM

Print Address: 504-A FIRST ST, PASO ROBLES, CA 93446

Daytime Telephone Number: 805 237 4040

Signature of landowner: [signature] Date: 4/17/06

Authorized agent:

Print Name: S. KEITH BELMONT

Print Address: 504-A FIRST ST, PASO ROBLES, CA

Daytime Telephone Number: 805 237 4040

Signature of authorized agent: [signature] Date: 17 APR 2006

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): 14270 POWER RD. SAN MIGUEL, CA identified as Assessor Parcel Number 027-271-030 AND PORTION 027-271-008 for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: TRACT MAP 2647 specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: S. KEITH BELMONT

Daytime Telephone Number: 805 237 4040, OR 805 610 9241

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property NONE KNOWN

Person or entity granting consent: HASTINGS FAMILY TRUST 7-4-2000

Print Name: THOMAS NEWLIN HASTINGS & ELIZABETH S. HASTINGS, TRUSTEES

Print Address: 504-A FIRST ST PASO ROBLES, CA 93446

Daytime Telephone Number: 805 237 4040

Signature of landowner: _____ Date: 4/23/06

_____ 4/24/06

Authorized agent:

Print Name: S. KEITH BELMONT

Print Address: 504-A FIRST ST, PASO ROBLES, CA

Daytime Telephone Number: 805 237 4040

Signature of authorized agent: _____ Date: 17 APR 2006

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): 14270 POWER RD. SAN MIGUEL, CA identified as Assessor Parcel Number 027-271-030 AND PORTION 027-271-008 for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: TRACT MAP 2647 specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: S. KEITH BELMONT

Daytime Telephone Number: 805 237 4040, OR 805 610 9241

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property NONE KNOWN

Person or entity granting consent: K AND K BELMONT 2002 REVOCABLE TRUST, 9-30-2002

Print Name: S. KEITH BELMONT AND KATHLEEN L. BELMONT, TRUSTEES

Print Address: 504-A FIRST ST, PASO ROBLES, CA 93446

Daytime Telephone Number: 805 237 4040

Signature of landowner: [signature] Date: 17 APR 2006

Kathleen L Belmont

Authorized agent:

Print Name: S. KEITH BELMONT

Print Address: 504-A FIRST ST, PASO ROBLES, CA

Daytime Telephone Number: 805 237 4040

Signature of authorized agent: [signature] Date: 17 APR 2006

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): 14270 POWER RD. SAN MIGUEL, CA identified as Assessor Parcel Number 027-271-030 AND PORTION 027-271-008 for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: TRACT MAP 2647 specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: S. KEITH BELMONT

Daytime Telephone Number: 805 237 4040, OR 805 610 9241

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property NONE KNOWN

Person or entity granting consent:

Print Name: JON CAGLIERO AND SAMANTHA CAGLIERO

Print Address: 8625 N. River Rd. Paso Robles, CA 93446

Daytime Telephone Number: 805-4673245

Signature of landowner: _____ Date: 4/20/06

Samantha Cagliero 4/20/06

Authorized agent:

Print Name: S. KEITH BELMONT

Print Address: 504-A FIRST ST, PASO ROBLES, CA

Daytime Telephone Number: 805 237 4040

Signature of authorized agent: _____ Date: 17 APR 2006

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CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address): 14270 POWER RD. SAN MIGUEL, CA identified as Assessor Parcel Number 027-271-030 AND PORTION 027-271-008 for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: TRACT MAP 2647 specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.

2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.

3. If prior notice is required for an entry to survey or inspect the property. Please contact:

Print Name: S. KEITH BELMONT

Daytime Telephone Number: 805 237 4040, OR 805 610 9241

4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property NONE KNOWN

Person or entity granting consent: PHIL & TRACY CAGLIERO FAMILY TRUST, 10-5-2004

Print Name: PHILIP CAGLIERO AND TRACY CAGLIERO, TRUSTEES

Print Address: 8220 Estrella Road, San Miguel, CA 93451

Daytime Telephone Number: (805) 238-3555

Signature of landowner: x [signature] Date: 4-18-06

x [signature] 4-18-06

Authorized agent:

Print Name: S. KEITH BELMONT

Print Address: 504-A FIRST ST, PASO ROBLES, CA

Daytime Telephone Number: 805 237 4040

Signature of authorized agent: [signature] Date: 17 APR 2006