Promoting the wise use of land
Helping build great communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT 9-1
SUBDIVISION REVIEW BOARD

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
June 5, 2006	Karen Nall 805/781-5606	Leslie A. Mallory and Janet A. Mallory	C 04-0450 SUB 2004-00045

SUBJECT
Request by Leslie Mallory & Janet Mallory for four conditional certificates of compliance for four parcels of approximately 1.0 acre, 19,000 square feet, 17,500 square feet and 16,500 square feet each for the purpose of sale and/or development. The project includes off-site road improvements. If approved, the proposed parcels will likely develop with two single family residences. The project will result in the disturbance of approximately 20,000 square feet total which includes road improvements and future residential construction. The proposed project is within the Residential Suburban land use category and is located 2902 Geneseo Road on the east side of Geneseo Road, south of the end of Mack Lane approximately 5 miles north of the community of Creston.

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 four Conditional Certificate of Compliance C04-0450 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION
The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 6, 2006 for this project. Mitigation measures are proposed to address biological resources, geology and soils, and public services are included as conditions of approval.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Suburban	Flood Hazard	035-211-003	1

PLANNING AREA STANDARDS:
None

LAND USE ORDINANCE STANDARDS: 22.22.070 Minimum Parcel Size

EXISTING USES: One Single Family Residence.

SURROUNDING LAND USE CATEGORIES AND USES:
North: Residential Suburban/ single-family residences *South:* Residential Suburban/ single-family residences
West: Residential Suburban/ single-family residences *East:* Agriculture/ Huer Huero Creek

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
The project was referred to: Public Works, Environmental Health, Agriculture Department and Regional Water Quality Control Board.

TOPOGRAPHY:	VEGETATION:
Nearly Level	Grasses
PROPOSED SERVICES:	**ACCEPTANCE DATE:**
Water supply: Proposed Community Water System Sewage Disposal: Individual septic system Fire Protection: CDF	April 21, 2005

8-2

BACKGROUND

The total acreage of the site is approximately 2.6 acres. There is an existing single family residence. There was a 20,000 square foot poultry barn located on the site that was constructed sometime in the 1950's but has been recently demolished.

The applicant is requesting four (4) conditional certificates of compliance for four parcels of the following sizes:

1. 1.0 acre (Lot 7 portion)
2. 19,000 square feet (Lot 6 portion)
3. 16,500 square feet (Lot 5 portion)
4. 17,500 square feet (Lot 4 portion)

The parcels are portions of Lots 4, 5, 6 and 7 of the Paso Robles Orchard Co. Tract 1, according to a map filed for record in Book 2 at Page 49 of Maps on June 9, 1920. The four parcels are in violation of the State Subdivision Map Act and the County Real Property Division Ordinance. The California State Subdivision Map Act, effective August 14, 1929, required a Tract Map for creation of five or more lots of one acre or less created by any one person within one calendar year. The four parcels are in violation because on December 1, 1953 the then owners, Robert A. and Marion J. Hudson, deeded portion of Lots 4, 5, 6 and 7 as undivided 1/3 interest to Edgar J. and Marie McCullough; 1/3 interest to A.J. and Doris S. Graves and 1/3 interest to Clifton D. and Kathryn H. Darnall per deed recorded December 11, 1953 in Book 737, Page 301 of Official Records. This transaction illegally split four (4) lots into eight (8) lots, which is three (3) more than was allowed in 1953 under the State Subdivision Map Act. Pursuant to the Subdivision Map Act, the parcels should comply with the subdivision standards in effect on March 21, 1978, as that is the date that the property owners acquired their interest in the property.

ORDINANCE STANDARDS:

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 and sewer service. Minimum parcel size is based on the largest parcel size as calculated by the required tests. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels ***do not meet*** all requirements for 1 acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Slope	Average slope is between 0 and 15%	1 acre
Individual Well	On-site septic	2.5 acres
Community Water	On- site septic	1 acre

8-3

As noted above the lots were deed in violation of the State Subdivision Map Act and the County Real Property Division Ordinance. Therefore, a conditional certificate of compliance is required to legalize the parcels. The conditions applied are conditions that would have been applied to a tentative map in the year the owner's acquired their interest in the subject property (1978).

STAFF COMENTS:

Parcel Size
A review of the zoning ordinance in effect in 1971 revealed that a community water system was needed in order to create parcels of less than 2.5 acres in size. In areas with percolation rates between 0 and 5 minutes that are served by community water, the ordinance set the minimum parcel size at 20,000 square feet. A percolation test has been submitted for the subject property, which indicated the rates to be 4 minutes per inch. The applicant has indicated that the creation of a community water system is proposed and that the community water system well is proposed to be located on the 17,500 square foot parcel.

The application was referred to the Environmental Health Department for their review. The response indicated that the parcel proposed to be used for the community water system is limited to 2.5 acres if it is proposed to be buildable with a future septic system. Staff is recommending that the applicant submit a lot line adjustment which is required to increase the parcels sizes to over 20,000 square feet for the other two parcels in accordance with the ordinance in effect in 1978.

Road Improvements
This application was reviewed in detail by Public Works and conditions have been added for road improvements to Mack Lane these conditions were adapted from the Section 9-021.4 of ordinance 716 dated November 1964.

ENVIRONMENTAL DETERMINATION: The applicant has signed a Developer's Statement that mitigates biological concerns of the future development of these parcels.

AGENCY REVIEW:
Public Works- Recommends approval with stock applicable conditions.
Environmental Health – 2.5 acre minimum required for well and septic. Community water required.
Ag Commissioner- Recommends Right-to-Farm disclosure

LEGAL LOT STATUS: These lots have not been legally created. See deed history below. Approval of these four Conditional Certificates of Compliance will make these four legal lots.

<u>Deed History</u>

The parcels are portions of Lots 4, 5, 6 and 7 of the Paso Robles Orchard Co. Tract 1, according to a map filed for record in Book 2 at Page 49 of Maps on June 9, 1920.

8-4

Applicable deed history is as follows:

December 11, 1953 in Book 737, Page 301 – Deed from Robert A. and Marion J. Hudson deeded portion of Lots 4, 5, 6 and 7 as undivided 1/3 interest to Edgar J. and Marie McCullough; 1/3 interest to A.J. and Doris S. Graves and 1/3 interest to Clifton D. and Kathryn H. Darnall.

March 21, 1978 – 2095 OR 176 – Deed from Deggleman to Mallory

8-5

FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 6, 2006 for this project. Mitigation measures are proposed to address biological resources, geology and soils and public services are included as conditions of approval.

Conditional Certificate of Compliance

B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the El Pomar/Estrella area plan and all other general plan policies because future development will be subject to all applicable standards and land use permits requirements and is consistent with the development of the area.

C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1978 because the applicant is not the subdivider who created the current parcel and 1978 is the year the applicants gained interest in said parcels.

D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

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

F. 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 project is of limited size and scope and the site is not located in an area containing substantial fish and wildlife habitat.

G. 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.

Staff report prepared by Karen Nall, reviewed by Kami Griffin, Supervising Planner.

8-6

CONDITIONS - EXHIBIT B

CONDITIONAL CERTIFICATE OF COMPLIANCE
C04-0450

Approved Project

1. This approval authorizes four Conditional Certificates of Compliance for the following:
   a. 1.0 acre (Lot 7 portion)
   b. 19,000 square feet (Lot 6 portion)
   c. 16,500 square feet (Lot 5 portion)
   d. 17,500 square feet (Lot 4 portion)

2. This approval requires the creation of a community water system prior to the issuance of construction permits for any of the lots.

3. Prior to issuance of construction permit for any of the lots, the applicant shall apply for and record a lot line adjustment to adjust the four conditional certificates of compliance to four conforming lots as follows:

   a. Enlarge each of the buildable parcels not containing the community water system well to be at least 20,000 square feet in size.

Access and Improvements

4. Prior to issuance of construction permits for any of the lots, roads and or streets to be constructed to the following standards:

   a. Mack Lane constructed to 2/3 of an A-1 section from the property to Geneseo Road (minimum paved width to be 18 feet)

5. Prior to issuance of construction permits for any of the lots, a private easement shall be recorded for access to lots 4, 5, 6 & 7.

Improvement Plans

6. Prior to issuance of construction permits for any of the lots, iImprovement 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. Grading and erosion control plan for subdivision related improvement locations.
   d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

8-7

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

8. 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 tall conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements has been completed prior to occupancy of any new structure.

Biology- Kit Fox

9. **San Joaquin Kit Fox**
Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Shandon area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as of 3:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 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.

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 of 1.5 acres of 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.

8-8

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 total $3,750. 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 1.5 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.

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.

8-9

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
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.

8-10

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.

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.

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.

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.

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.

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.

8-11

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.

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.

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.

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.

Miscellaneous

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

8-12

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING COMMUNITY WATER AND SEPTIC TANKS (Certificates of Compliance)

1. Community water and fire protection shall be obtained from the community water system prior issuance of construction permits for any of the lots.

2. Operable water facilities from an approved community water source shall be assured prior to issuance of construction permits for any of the lots. 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.

8-13

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 prior to issuance of construction permits for any of the lots.

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

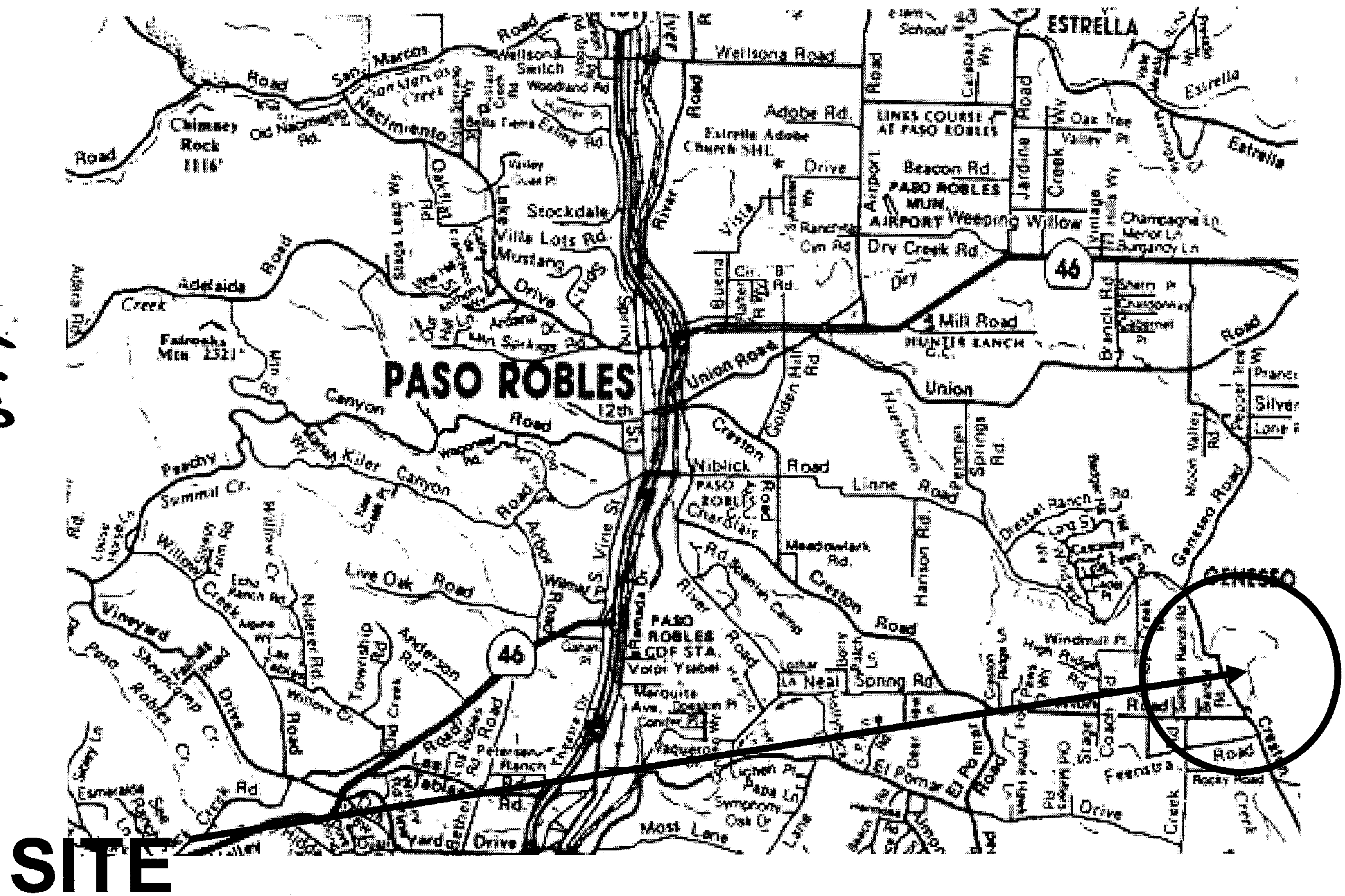
13. Prior to completion of road improvements, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.

14. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area.

15. All conditions of approval herein specified, unless otherwise noted, are to be completed prior to issuance of construction permits for any of the lots.

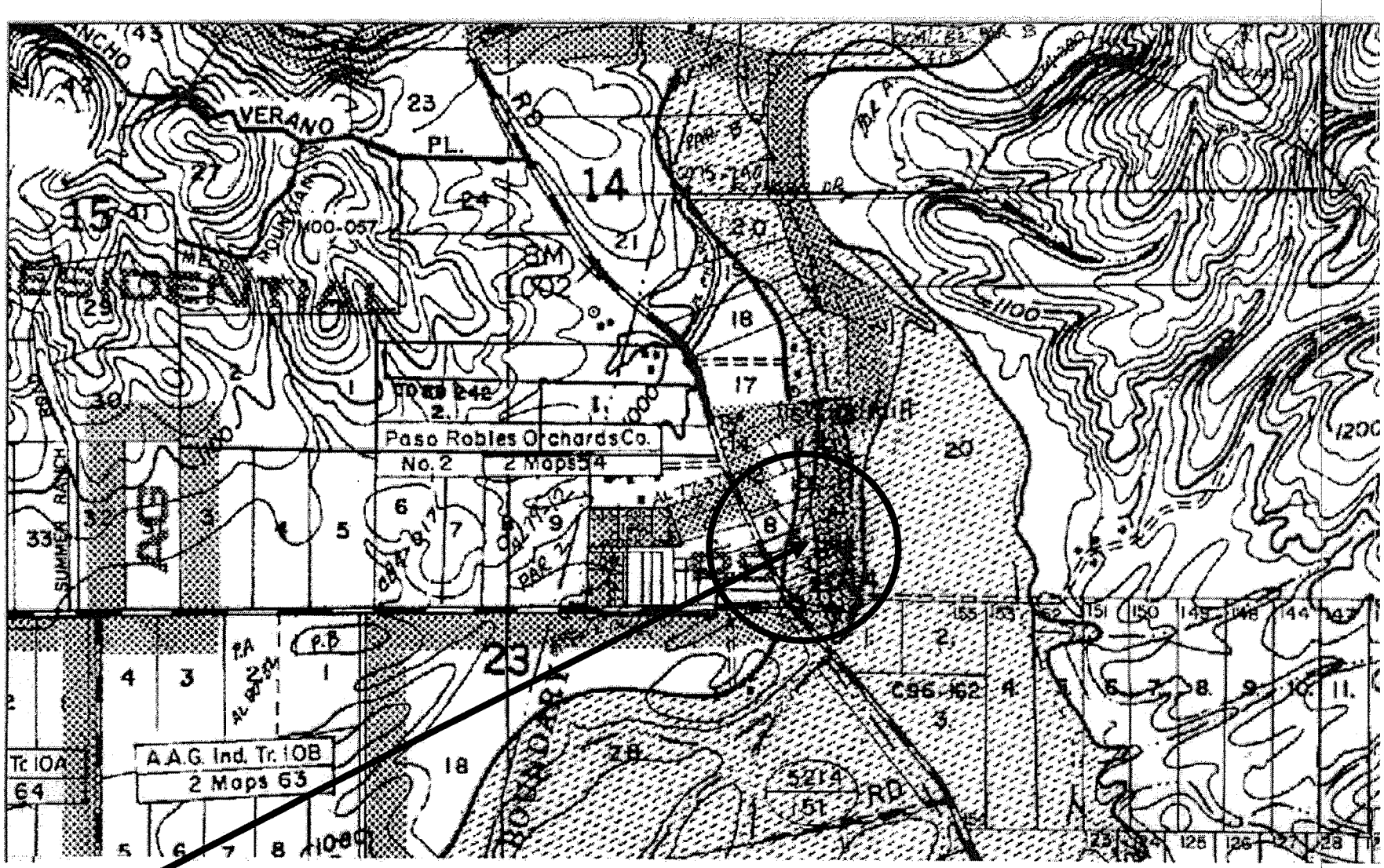
8-14

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT
Certificate of Compliance
Mallory SUB2004-0045

EXHIBIT
Vicinity Map



8-15

PROJECT

Certificate of Compliance

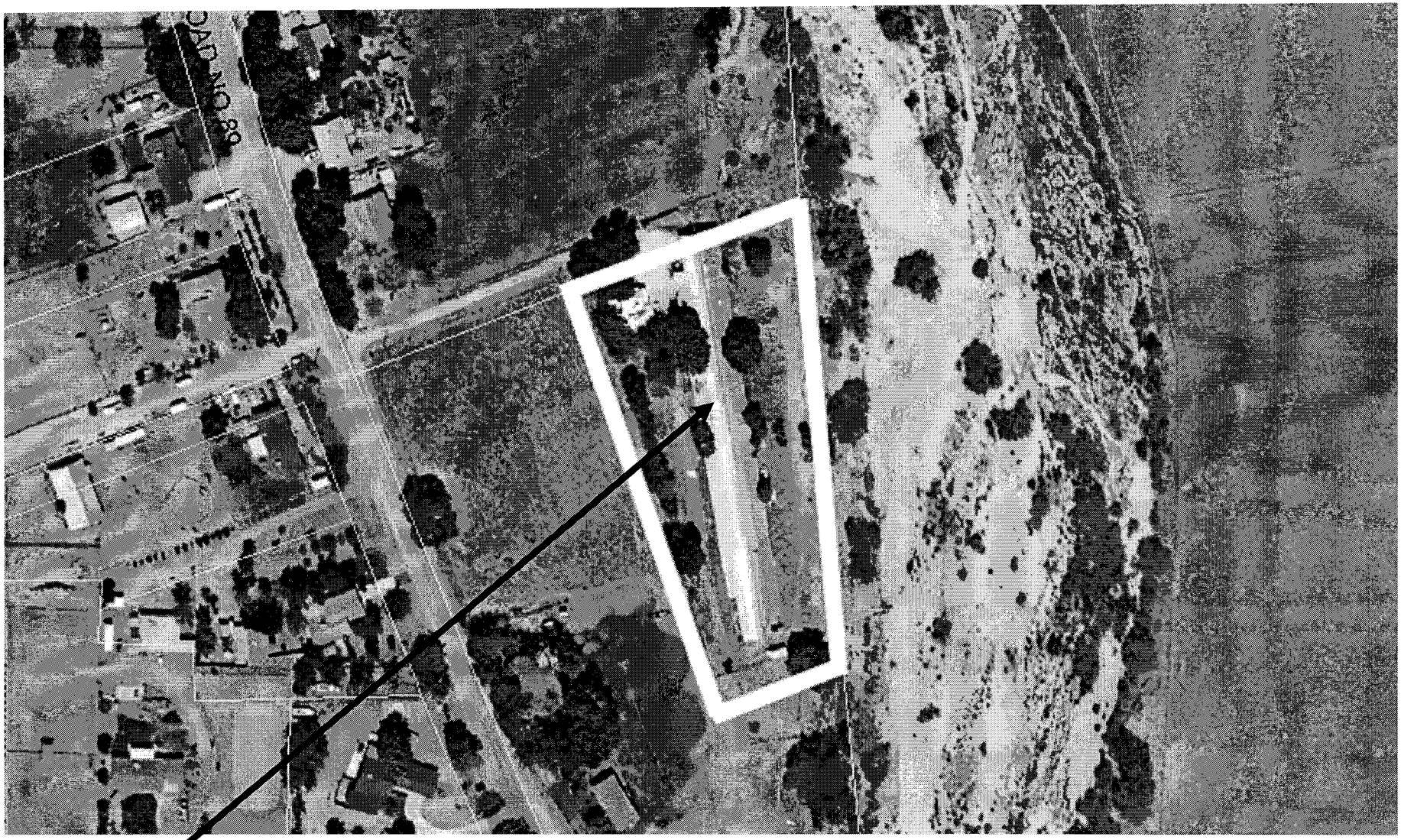
Mallory SUB2004-0045

EXHIBIT

Land Use Category

8-16

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



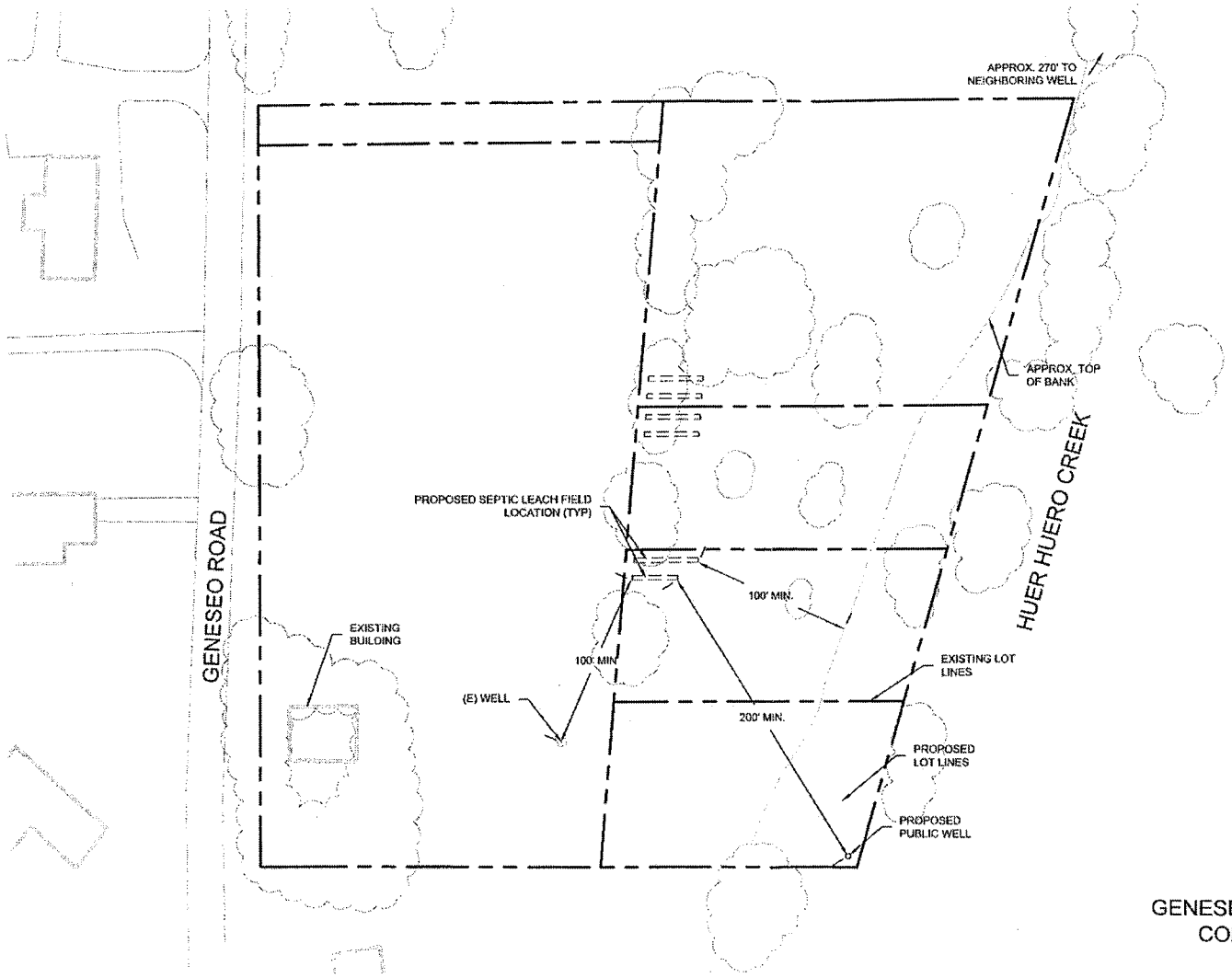
PROJECT

Certificate of Compliance

Mallory SUB2004-0045

EXHIBIT

Aerial



ABOVE GRADE ENGINEERING
1305 Marsh Street, Suite 200, San Luis Obispo, CA 93401
phone: (805) 540-5115 • fax: (805) 540-5116

1"=60'

GENESEO ROAD CERTIFICATES OF COMPLIANCE LOT EXHIBIT

8-17

PROJECT
Certificate of Compliance
Mallory SUB2004-0045

EXHIBIT
Site Plan

8-18

8-19

COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (KN)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED05-078 **DATE: April 6, 2006**

PROJECT/ENTITLEMENT: Mallory Certificate of Compliance SUB2004-00045

APPLICANT NAME: Leslie Mallory & Janet Mallory
ADDRESS: PO Box 705, Arroyo Grande, CA 93421-0705
CONTACT PERSON: Scott Stokes **Telephone:** 805-801-1259

PROPOSED USES/INTENT: Request by Leslie Mallory and Janet Mallory for four conditional Certificates of compliance for four parcels ranging from 16,500 square feet to 1.0 acre, for the purpose of sale and/or development

LOCATION: The proposed project is within the residential suburban land use category and is located 2902 Geneseo Road (east side) , south of the terminex of Mack Lane, approximately 5 miles east of the City of Paso Robles The site is in the El Pomar/Estrella 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: None

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 April 20, 2006

20-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

8-20

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: 4/3/06

County: San Luis Obispo Project No. SUB2004-00045

Project Title: Mallory Certificate of Compliance

Project Applicant

Name: Leslie Mallory & Janet Mallory

Address: PO Box 705

City, State, Zip Code: Arroyo Grande, CA 93421-0705

Telephone #: _____

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

( ) Environmental Impact Report	$	850.00
(X) Negative Declaration	$	1250.00
(X) County Clerk's Fee	$	25.00
Total amount due:		**1275.00**

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, 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.

8-21

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Mallory Certificate of Compliance C04-0450
ED05-078,SUB2004-00045

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.

Karen Nall	Karen B Nall	3/23/06
Prepared by (Print)	Signature	Date

Jeff Oliveira		Ellen Carroll, Environmental Coordinator	3/23/06
Reviewed by (Print)	Signature	(for)	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 Leslie Mallory & Janet Mallory for four conditional certificates of compliance for four parcels of approximately 1.0 acre, 19,000 square feet, 17,500 square feet and 16,500 square feet each for the purpose of sale and/or development. The project includes off-site road improvements. If approved, the proposed parcels will likely develop with 2 single family residences. The project will result in the disturbance of approximately 20,000 square feet total which includes road improvemnets and future residerntial construction. The proposed project is within the residential suburban land use category and is located 2902 Geneseo Road on the east side of Geneseo Road, south of the terminex of Mack Lane approximately 5 miles north of the community of Creston. The site is in the El Pomar/Estrella planning area.

ASSESSOR PARCEL NUMBER(S): 035-211-003 SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: El Pomar/Estrella, Rural

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): Flood Hazard

EXISTING USES: Residence , accessory structures

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

PARCEL SIZE: 2.6 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban; residential	*East:* Agriculture; Huer Huero Creek
South: Residential Suburban; residential	*West:* Residential Suburban; residential

8-23

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 subject site and surrounding area can be characterized as level topography and having a residential suburban atmosphere. The site has an existing residence and 20,000 square foot barn which was constructed in the 1950's. The applicants are in the process of demolishing the barn. The project will not be visible from any major public roadway or silhouetting against any ridgelines as viewed from public roadways. The development of the parcels with residential and accessory structures is considered compatible with the surrounding uses.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. **AGRICULTURAL RESOURCES** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	☐	☐	☒	☐
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☐	☒	☐

8-24

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Other: _____	☐	☐	☐	☐

Setting. The soil types include: Pico fine sandy loam, (0 - 2% slope), Xerofluvents-Riverwash association (NA Slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV to VIII", and the "irrigated" soil class is "NA to I". As discussed above the there is a 20,000 square foot barn currently being demolished. The barn was used to raise chickens in the past but has not been used recently.

Impact. The project was referred to the Agriculture Department and they concluded that the project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

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

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

Impact. The proposed project is for 4 certificates of compliance. If approved 3 single family residence will likely be constructed on the vacant parcels. This will result in the disturbance of approximately 20,000 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any

mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

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 following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Vernal Pools/Fairy shrimp. The project site occurs within a region identified as potential vernal pool habitat. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species.

Impact. A site visit of the project site was made to identify the potential for vernal pool habitat and/or listed plant and fairy shrimp species. At this time, no evidence of vernal pools or potential areas for ponded water was observed. The topography on the project site is such that water would not pool in a manner consistent with the characteristics of vernal pools or seasonal wetlands and the sandy soils would preclude vernal pool habitat occurrence. Therefore, there was no indication of habitat suitable for supporting fairy shrimp or sensitive plant species associated with vernal pools.

Plants: None

Wildlife: San Joaquin Kit Fox (Vulpes macrotis mutica)

Habitats: Potential Coast Horned Lizard Habitat; Potnetial Least Bells Viero and Wilow Flycatcher habitat app. 0.3 miles north of the property; Blue Oak Woodland (Scattered <10% Density) app. 0.3 miles northeast of the property

Impact. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.5 acres of kit fox habitat.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 acres (0.5 acres multiplied by a 3:1 ratio) be mitigated.

Mitigation. The applicant will be required to mitigate the loss of 1.5 acres of kit fox habitat by one of the following ways: Deposit of funds to 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.

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. The project is located in an area historically occupied by the Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is located in an area historically occupied by the Obispeño and Northern Salinian. The project is located in an area that would be considered culturally sensitive due to its location near the Huer Huero Creek corridor. Thor Conway, Heritage Discoveries Inc., conducted a Phase I (surface) survey on January 6, 2006. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

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

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *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 California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?*	☐	☐	☒	☐
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?*	☐	☐	☒	☐
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. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high.
No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO) section 22.14.070 (c) to evaluate the area's geological stability relating to the proposed use.

DRAINAGE – The area proposed for development is within the 100-year Flood Hazard designation.

The closest creek (Huer Huero Creek) from the proposed development is adjacent east of the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION – The soil types include: Pico fine sandy loam, (0 - 2% slope), Xerofluvents-Riverwash association (NA Slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and low shrink-swell characteristics.

Impact. As proposed, the project will result in the disturbance of approximately 20,000 square feet. Future construction may expose structures and residents to the effects of high liquefaction hazards during an earthquake. In addition, future development would also expose future structures and residents to the hazards of flooding due to the properties' location within the Flood Hazard designation.

Future construction on the parcels, including the likely placement of significant quantities of fill would result in the potential release of sediment into Huer Huero Creek due to the properties' proximity to the creek.

Mitigation/Conclusion. Prior to issuance of construction permits, a geological report must be prepared to identify any concern with high liquefaction. Any recommendation of the geological report should be adhered to, including specific construction measures to reduce the effects of liquefaction. A drainage plan will also be required prior to issuance of any building permits as required by the land use ordinance for development within the flood hazard designation. Mitigations may include addition of fill to raise the surface elevation to level above the 100 year flood level.

Standard ordinance requirements would require a sedimentation and erosion control plan be prepared and implemented for any construction requiring a grading permit. This will adequately address the potential impacts as a result of sedimentation and erosion control.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☐	☒	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Expose people to safety risk associated with airport flight pattern?*	☐	☐	☐	☒
d) *Increase fire hazard risk or expose people or structures to high fire hazard conditions?*	☐	☐	☒	☐
e) *Create any other health hazard or potential hazard?*	☐	☐	☒	☐
f) *Other:* _____	☐	☐	☐	☐

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

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

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

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

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

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

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

9. POPULATION/HOUSING - *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 In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

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

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

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
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Creston Station 43) is approximately 5 miles to the south. The closest Sheriff substation is in Templeton, which is approximately 12 miles from the proposed project. The project is located in the Paso Robles Joint Unified School District.

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

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

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

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

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

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☐	☒	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☐	☒	☐

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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. Future development will access onto the following public road(s): Mack Lane and Geneseo Roads. Referrals were sent to Public Works. No significant traffic-related concerns were identified however, the project will be conditioned for road improvements to Mack Lane.

Impact. The proposed project is estimated to generate about 20 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

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

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

13. WASTEWATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) *Adversely affect community wastewater service provider?*	☐	☐	☒	☐
d) *Other:* _____	☐	☐	☐	☐

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: flood hazards. These limitations are summarized as follows:

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.

Impact. The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from the Huer Huero Creek, 100 from any private well and at least 200 from the proposed community water system well. Prior to building permit issuance, the septic systems will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

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. The project proposes to create a community water system which is a requirement for the

creation of parcels less than 2.5 acres in size. 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. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level The closest creek (Huer Huero Creek) which is adjacent to the site. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

Impact. As proposed, the project will result in the disturbance of approximately 20,000 square feet. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 3.4 acre feet/year (AFY)

3 *residential lots (w/primary (0.85 afy) = 2.55 afy*
Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Future construction on the parcels, including the likely placement of significant quantities of fill would result in the potential release of sediment into Huer Huero Creek due to the properties' proximity to the creek.

Mitigation/Conclusion. Since no potentially significant water quantity impacts were identified, no specific measures above standard requirements have been determined necessary.

A drainage plan will be required prior to issuance of any building permits as required by the land use ordinance for development within the flood hazard designation. Mitigations may include addition of fill to raise the surface elevation to level above the 100 year flood level.

Standard ordinance requirements would require a sedimentation and erosion control plan be prepared and implemented for any construction requiring a grading permit. This will adequately address the potential impacts to surface water as a result of sedimentation and erosion control.

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?	☐	☐	☒	☐

8-35

15. LAND USE - *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting/Impact. The proposed project is a request for four conditional certificates of compliance in order to legalize the parcels which were created in violation of the State Subdivision Map Act. The certificates of compliance will allow the development and or sale of the four individual parcels. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., 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.

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.

8-37

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Division	**Attached**
☒	County Agricultural Commissioner's Office	**In File****
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Game	**Not Applicable**
☐	CA Department of Forestry	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Service District	**Not Applicable**
☐	Other _____	**Not Applicable**
☐	Other _____	**Not Applicable**

*** "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
- ☐ 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.)
- ☐ Other ____

8-38

Exhibit B - Mitigation Summary Table

Biological Resources

San Joaquin Kit Fox

Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.5 acres of kit fox habitat.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1, which requires that a total compensatory acreage of 1.5 acres (0.5 acres multiplied by a 3:1 ratio) be mitigated. 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.

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 and Resource 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 of 1.5 acres of 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 if 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 total $3,750. 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 1.5 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 1.5 acres 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, the applicant shall provide evidence 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 a 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, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine 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 or active kit fox den: 100 feet
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.

BR-3 **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (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**, 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.

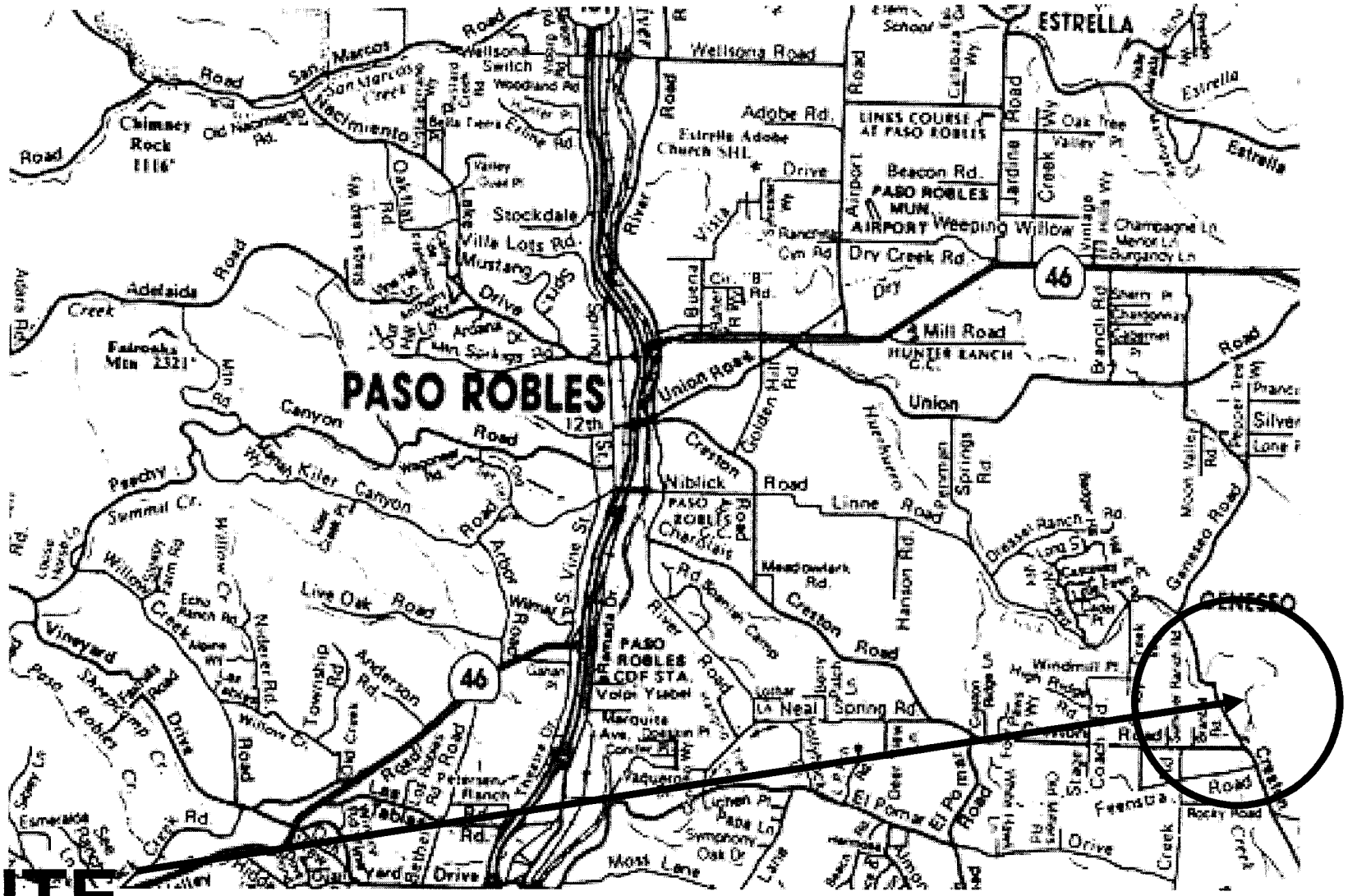
Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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



24-8

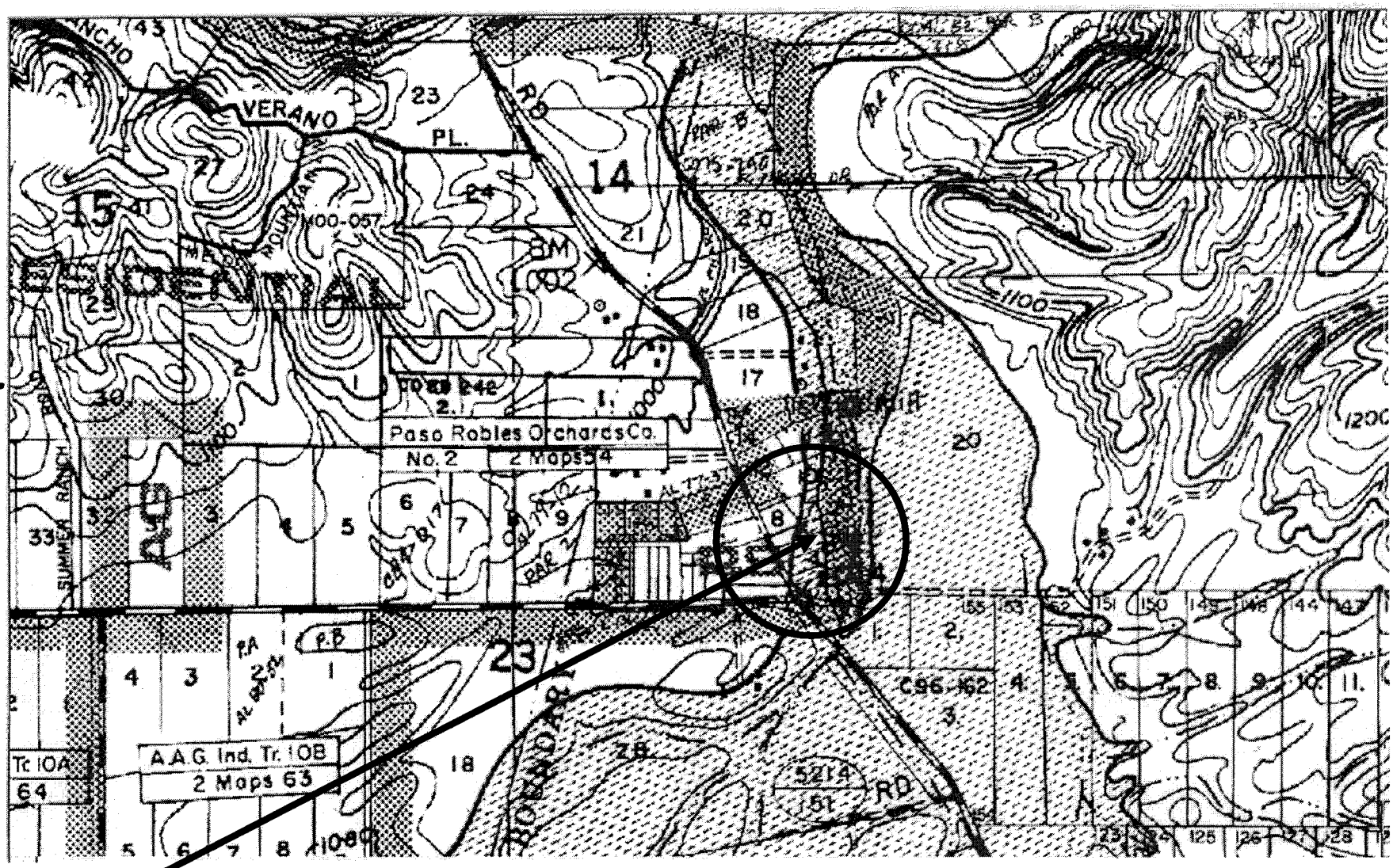
PROJECT

Certificate of Compliance
Mallory SUB2004-0045

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



3-43

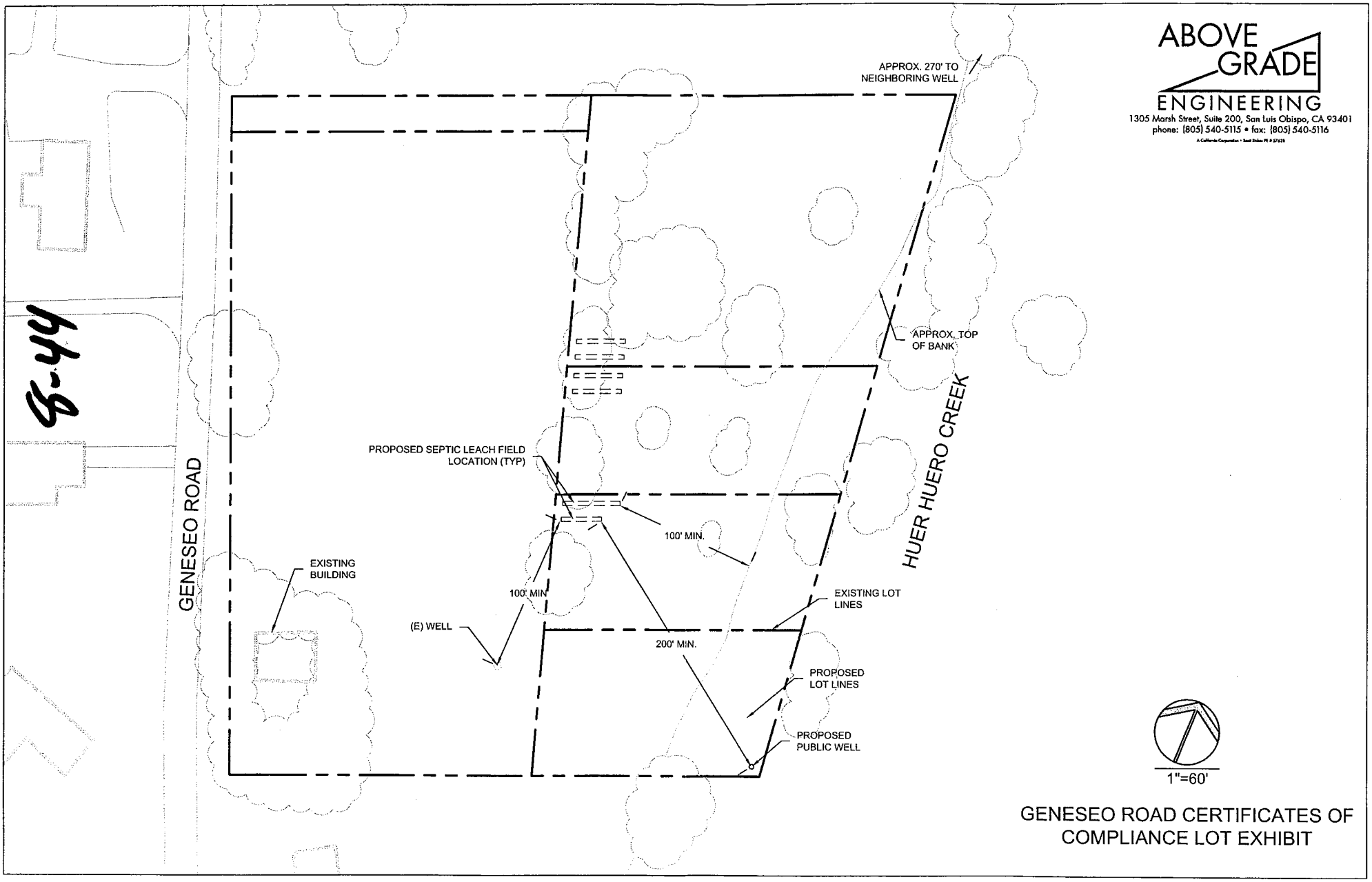
PROJECT

Certificate of Compliance

Mallory SUB2004-0045

EXHIBIT

Land Use Category



ABOVE GRADE ENGINEERING
1305 Marsh Street, Suite 200, San Luis Obispo, CA 93401
phone: (805) 540-5115 • fax: (805) 540-5116

GENESEO ROAD CERTIFICATES OF COMPLIANCE LOT EXHIBIT

B-44

8-45

Date: February 22, 2006

DEVELOPER'S STATEMENT FOR
MALLORY CERTIFICATES OF COMPLIANCE
SUB2004-00045 C04-0450

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

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

San Joaquin Kit Fox

Your project will impact 1.5 acres of San Joaquin kit fox habitat. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the Creston and Paso Robles area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.5 acres of kit fox habitat. You agreed to accept the standard mitigation ratio of 3:1 for your project. Total compensatory mitigation required for your project is 1.5 acres, based on 3 times 0.5 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

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 and Resource 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 of 1.5 acres of 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 if 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 total $3,750. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.5 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.

c. 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 1.5 acres 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: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

BR-2 **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. 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.

d. **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 a den is discovered,, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) 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, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines 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. 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.

d. 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 or active kit fox den: 100 feet

    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: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management .

BR-3 **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25 mph (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,** 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 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 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.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

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

8-50

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

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

Date: 3-21-06

Signature of Owner(s)

Ronald Mallory
Melanie Mallory
Name (Print)