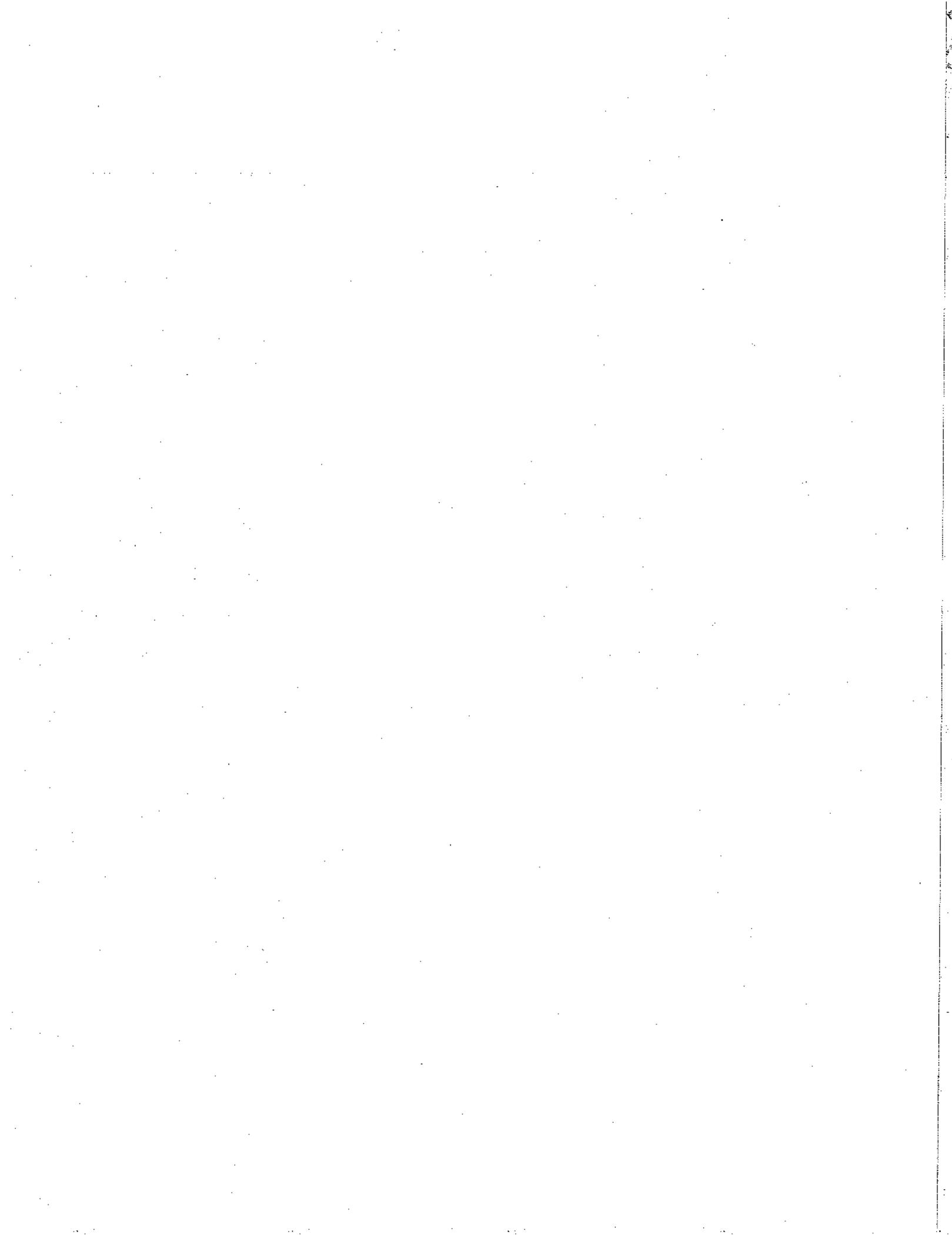


LV-34-6



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PLANNING COMMISSION  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, March 13, 2003

PRESENT: Commissioners Wayne Cooper, Doreen Liberto-Blanck, Pat Veesart,  
Chairman Bob Roos

ABSENT: Commissioner Eugene Mehlschau

RESOLUTION NO. 2003-17  
RESOLUTION RELATIVE TO THE GRANTING  
OF A CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 13<sup>th</sup> day of March, 2003, grant a Conditional Use Permit to TALLEY FARMS, INC. to allow subdivision of an approximately 4,719 acre site into 87 clustered residential lots in two clusters ranging in size from 1.0 to 2.5 acres, a 1,560 square foot private clubhouse and parking area, private equestrian facility including trailer parking, paddocks and arena, entry features including gate and roads, pedestrian/equestrian trail, two water storage tanks and water distribution lines and an open space easement restricting development on 95% of the site. In addition, the project includes a road exception request to reduce pavement width, reduce right-of-way width and reduce design speed criteria on a private road, in the Agriculture and Rural Lands Land Use Categories. The property on the east cluster is located on the east side of Lopez Drive, east of the intersection of Lopez Drive and Orcutt Road and the west cluster is located west of Lopez Drive, approximately 1/2 mile south of the intersection of Lopez Drive and Orcutt Road, APN: 047-081-031, in the San Luis Obispo and Huasna-Lopez Planning Areas. County File Number: Tract 2408/S9902<sup>344</sup>98T/D990392D.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit subject to the Statement of Overriding Considerations listed in

Exhibit A (Schedule AA).

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 13th day of March, 2003, does hereby grant the aforesaid Permit No. Tract 2408/S990298T/D990392D.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.02.050 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Permit approval shall become void.

4 On motion of Commissioner Cooper, seconded by Commissioner Liberto-Blanck, and on the following roll call vote, to-wit:

AYES: Commissioners Cooper, Liberto-Blanck, Veasart, Chairman Roos  
NOES: None  
ABSENT: Commissioner Mehlschau

the foregoing resolution is hereby adopted.

/s/ Chairman Bob Roos  
Chairman of the Planning Commission

ATTEST:

/s/ Diane Tingle  
Secretary, Planning Commission

## EXHIBIT A

**TO:** PLANNING COMMISSION

**FROM:** JAMES CARUSO, SENIOR PLANNER

**DATE:** MARCH 13, 2003

**SUBJECT:** Submittal of CEQA Required Findings and Statement of  
Overriding Considerations for Ranch Agricultural Cluster  
Subdivision Project; VTM 2408/D990392D  
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### I. PROJECT DESCRIPTION

The Biddle Ranch Agricultural Cluster Subdivision Project is a request by Talley Farms, Inc. for approval of a Vesting Tentative Tract Map (VTM) to subdivide a 4,719-acre property into 87 residential lots; and Development Plan (DP) to allow for the development of 86 residences, equestrian and other recreational facilities, and associated improvements. Approximately 4,483 acres of the site would remain as open space or agricultural lands. Proposed residential lots in the western portion of the site would have average lot sizes of 1.51-acre, while lots in the eastern portion of the site would have average lot sizes of 2.17 acre. Proposed residential lot development would occur on approximately 168 acres, or 3.6 percent of the total site area. The project is proposed to be developed in two phases, with each phase having independent services and infrastructure. The first phase would be developed on the west side of Lopez Drive and is referred to as the West Biddle Cluster. The second phase would be located on the eastern portion of the ranch and is referred to as the East Biddle Cluster. This second phase would be implemented upon completion of the Williamson Act non-renewal period in December 2004.

This project description is the project analyzed in the Final Environmental Impact Report (EIR). The following findings are based on this project description.

The project and alternatives are described in more detail in the Biddle Ranch Agricultural Cluster Subdivision Project Final EIR, and Appendices thereto, and the staff report accompanying these findings.

The County of San Luis Obispo circulated copies of the Notice of Preparation (NOP) for the proposed project in February 2001, to all Responsible/Trustee Agencies and interested groups and individuals stating that a Draft Environmental Impact Report would be prepared.

Subsequent to the public review of the Notice of Preparation, the County of San Luis Obispo internally reviewed "administrative" copies of the Draft EIR. Upon completion of the review, copies of the Draft EIR were forwarded to all Responsible/Trustee Agencies and interested groups and individuals.

The State-mandated public review of the Draft EIR began on July 12, 2002 and ended on August 26, 2002. The Final EIR includes a Response to Comments package (Section 9.0 of the Final EIR), which presents all written comments received during the public review period of the Draft EIR, and includes related changes made to the Draft EIR.

The Final EIR addressed the following alternatives to the proposed Biddle Ranch Agricultural Cluster Subdivision Project:

1. The "No Project" Alternative
2. Mitigated Project
3. Reconfigured Project A
4. Reconfigured Project B
5. Reconfigured Project C

Based upon information contained in the EIR and comments from the public and involved public agencies, the County Planning and Development staff has prepared tentative findings which recommend adoption of a modification of Reconfigured Project C (Project Alternative 5), also called the Revised Project. This recommended project is described in more detail in the Biddle Ranch Agricultural Cluster Subdivision Project Final EIR, and Appendices thereto, and the staff report accompanying these findings. This recommended project alternative also provides the basis for the following Findings of Fact.

**II. THE RECORD**

For the purposes of CEQA and the Findings IV-V, the record of the Planning Commission relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearing on the project.
2. The Biddle Ranch Cluster Subdivision Project Final EIR, circulated in July 2002.
3. The Biddle Ranch Cluster Subdivision Project application and supporting materials.
4. The Biddle Ranch Cluster Subdivision Project Staff Report prepared for the Planning Commission.
5. Matters of common knowledge to the Commission which it considers, such as:

I. Project Description	1
II. The Record	1
III. Final EIR Certification	5
IV. Insignificant Findings	5
V. Significant But Mitigable Findings	7
VI. Significant & Unmitigable Findings	13
VII. Overriding Considerations	17
VIII. CEQA General Findings	50
IX. Mitigation Monitoring Program	50

- a. The County General Plan, including the land use maps and elements thereof;
- b. The text of the Land Use Element;
- c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
- d. The County of San Luis Obispo Environmental Quality Act Guidelines;
- e. The County Annual Resources Summary Report;
- f. The Clean Air Plan, and South County Air Quality Mitigation Program;
- g. The SLO County Public Facilities Financing Plan;
- h. The Countywide Settlement Pattern Strategy Phase 1 and 2 Reports;
- i. The Countywide Growth Management Ordinance;
- j. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
- k. Additional documents referenced in the Final EIR for the Biddle Ranch Cluster Subdivision Project.

### **III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

The Planning Commission certifies the following with respect to the Biddle Ranch Cluster Subdivision Project Final EIR:

- A. The Planning Commission has reviewed and considered the Biddle Ranch Cluster Subdivision Project Final EIR.
- B. The Final Environmental Impact Report for the Biddle Ranch Cluster Subdivision Project has been completed in compliance with the California Environmental Quality Act.
- C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission, and the Planning Commission has reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Biddle Ranch Cluster Subdivision Project.
- D. The Biddle Ranch Cluster Subdivision Project Final EIR reflects the independent judgment of the Planning Commission, acting as the lead agency for the project.

### **IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)**

*The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.*

#### **A. AIR QUALITY (Class III)**

**Impact B-1:** Development of the project would result in the removal of Annual Grassland and Coastal Scrub habitat. This is considered a Class III, *less than significant* impact.

- a. **Mitigation** - None determined needed.
- b. **Findings** - Insignificant.

- c. **Supportive Evidence** - The loss of this community does not constitute a significant impact to biotic resources due to its relative abundance locally and regionally, and to the degraded nature of much of this community and extensive presence of non-native species.

**B. TRANSPORTATION and CIRCULATION (Class III)**

**Impact T-1:** Development of the project would result in the addition of 832 average daily trips, 65 A.M. peak hour trips, and 87 P.M. peak hour trips to the study-area roadways and intersections. This would not result in exceedances of roadway or intersection LOS standards. Class III, *less than significant*, impacts would result.

- a. **Mitigation** - None determined needed.

- b. **Findings** - Insignificant.

- c. **Supportive Evidence** - Based on the roadway design capacities of surrounding roads, it was determined that the addition of project traffic to the study-area roadway segments would not generate significant impacts, as the roadway levels of service would not change with project-added traffic.

**Impact T-4:** Development of the project would result in the addition of 823 average daily trips, 65 A.M. peak hour trips, and 87 P.M. peak hour trips to the study-area roadways and intersections under cumulative conditions. This would not result in exceedances of roadway or intersection LOS standards. Class III, *less than significant*, impacts would result.

- a. **Mitigation** - None determined needed. However, the following mitigation is proposed to offset potential effects to the City of Arroyo Grande:

**City of Arroyo Grande Traffic Fee.** The project applicant shall pay the City of Arroyo Grande Traffic Fee based on the number of project trips that could impact the City's roadway network.

- b. **Findings** - Insignificant.

- c. **Supportive Evidence** - Based on the roadway design capacities, it was determined that the project's traffic additions to the study-area roadway segments would not generate significant cumulative impacts, as the roadway levels of service would not change with project-added traffic. Mitigation is included to address potential effects to the City of Arroyo Grande.

**C. AIR QUALITY (Class III)**

**Impact AQ-2:** Project traffic generation, together with other cumulative traffic associated with foreseeable development would not result in CO "hotspots". Therefore, the project's potential to generate CO "hotspots" is considered to be a Class III, *less than significant* impact.

- a. **Mitigation** - None determined needed.

b. Findings - Insignificant.

c. Supportive Evidence – Please refer to pages 4.5-8 and 4.5-9 of the Final EIR.

**D. DRAINAGE, EROSION, and SEDIMENTATION (Class III)**

**Impact D-4:** Proposed habitable structures would not be located in a flood zone. However, the entrance kiosk and a portion of the parking lot at the West Biddle Cluster entrance area would be located within the flood zone associated with Arroyo Grande Creek. Since these facilities would be considered non-habitable, impacts related to flood hazard exposure are considered Class III, *less than significant*.

a. Mitigation - None determined needed.

b. Findings - Insignificant.

c. Supportive Evidence - Based on a review of Federal Emergency Management Agency Flood Insurance Rate Maps (FIRMs), proposed habitable structures would not be located within a flood zone.

**E. PUBLIC SERVICES (Class III)**

**Impact PS-1:** The project would increase the number of residents served by the San Luis Obispo County Sheriff's Department. Due to the project's location in a sparsely populated area, the project would increase response times. However, upon payment of public facility fees as a condition of project approval, the project would not substantially affect the personnel, equipment or organization of the Sheriff's Department. This is considered a Class III, *less than significant* impact.

a. Mitigation - None determined needed.

b. Findings - Insignificant.

c. Supportive Evidence - The current department ratio of number of deputies to population is currently approximately one deputy per 1,140 citizens, which does not meet the department's goal of one deputy per 750 citizens. Based on a factor of 2.85 residents per unit, the 87 proposed residential units would generate 248 new residents. The daytime population increase would result in the need for additional police department service. However, responding to additional service calls would not significantly compromise response time goals, upon payment of public facility fees. Prior to each residence being occupied, this fee is paid at the time each building permit is issued.

**Impact PS-5** The implementation of 87 single-family housing units would generate demand for parkland. The project applicant would be required to pay parkland dedication fees in the amount established by County Ordinance. With payment of these fees, the County would retain sufficient parkland and open space to satisfy the County standard of 3 acres of parkland

and open space per 1,000 residents. Therefore, the project would result in Class III, *less than significant*, impacts related to park demand.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Based on the County's factor of 2.85 persons per dwelling unit, the 87-unit project would be expected to generate approximately 235 new residents. Based on the County standard of 3 acres of parkland and open space per 1,000 residents, the project would generate a need for 0.705 additional acres in order to maintain an acceptable parkland to population ratio. As project features, the project will provide on-site private open space and the applicant will pay an in-lieu fee. Payment of in-lieu park fees will result in funding equivalent to the provision public parks in accordance with State Quimby Act standards and as required by the County.

#### F. **LAND USE (Class III)**

**Impact LU-1:** On-site construction activity would create temporary noise and air quality impacts due to the use of construction equipment and generation of fugitive dust. These effects could cause nuisances at adjacent properties and disrupt agricultural activity. However, because they would be temporary in nature, these impacts are considered Class III, *less than significant*.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Due to the distance, topography and vegetation between project construction activities and surrounding receptors, temporary land use compatibility conflicts related to construction activity would be less than significant. Most construction activity on the project site would be near the middle of the cluster sites. The mitigation measures recommended in Section 4.5, *Air Quality*, of the Final EIR would further reduce the potential for compatibility conflicts.

**Impact LU-3:** The proposed development of 87 single-family units would result in a new concentration of population and the loss of a substantial area of open land. Since residential development on the project site (as a cluster subdivision) has been anticipated in the County General Plan, these impacts would be considered Class III, *less than significant* impacts.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - The East Biddle Cluster area is designated as Agriculture and the West Biddle Cluster area is designated as Rural Lanes in the County General Plan. With these land use designations, an agricultural cluster subdivision in the density

proposed on the site would be allowable under County ordinance. The proposed level of development may also be considered consistent with the long-term growth projections inherent in the City's General Plan.

#### G. AGRICULTURE (Class III)

**Impact AG-2:** The proposed project would permanently convert areas that previously supported or could support crop production. However, this farmland does not contain prime soils and would not be considered protected farmland. Therefore, the project would result in Class III, *less than significant*, impacts related to agricultural conversion.

a. **Mitigation** - None determined needed.

b. **Findings** - Insignificant.

c. **Supportive Evidence** - Development of Lots 36 through 41 and 45 would occur in an area that previously contained orchards, which were recently removed. The project would be phased so that existing Williamson Act contracts on the East Biddle Cluster area would expire prior to construction of project improvements. The portions of the site proposed for residential development do not support prime soils.

#### V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

*Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.*

#### A. BIOLOGICAL RESOURCES (Class II)

**Impact B-2:** Proposed project development would reduce the acreage of locally and regionally significant vegetation communities, including Valley Foothill Riparian, Ephemeral Drainages and Wetlands, which may be considered jurisdictional by the California Department of Fish and Game, Regional Water Quality Control Board, and/or U.S. Army Corps of Engineers. This is a Class II, *significant but mitigable* impact.

a. **Mitigation - Riparian and Wetland Protection.** Implementation of the following measures would mitigate the loss of riparian/wetland habitat.

1. Building envelopes shall be located so that all riparian and wetland habitat is buffered from development (including grading) by an average 50-foot setback with a minimum setback of 25 feet.
2. The riparian and wetland habitat area and average 50-foot buffer zone (minimum 25-foot) for preserved riparian/wetland areas shall be shown on all grading plans and shall be demarcated with highly visible construction fencing for the benefit of contractors and equipment operators.

3. The applicant shall prepare and submit for approval to Planning and Building a sediment and erosion control plan that specifically seeks to protect waters and riparian/wetland resources downstream of construction activities. Erosion control measures shall be implemented to prevent runoff into the onsite creeks or drainages. Silt fencing, straw bales, and/or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the stream channel. The plan shall also address frequency of sediment removal from basins and location of spoil disposal. The plan shall specify locations and types of erosion and sediment control structures and materials would be used onsite during construction activities. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.
4. During construction activities, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources.

If impacts to riparian and wetland habitat are not avoided, the following shall be implemented in order to mitigate impacts.

5. The applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design.

As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a qualified biologist, and shall at a minimum include the following components:

- a. Mitigation plantings for the loss of existing wetland and riparian habitat shall be located in the drainages that are proposed to be modified or preserved as part of the proposed project to the fullest extent feasible. The compensatory program must provide a minimum 2:1 ratio of habitat values and functions to that impacted. However, agency permitting may require a higher ratio.
- b. As part of the plan, the applicant shall prepare and submit for approval a mitigation-phasing plan to ensure that all restoration plantings are in place with sufficient irrigation prior to final inspection.
- c. Landscaping shall be with native riparian and wetland species from locally

collected stock.

- d. Removal of native species in the creeks/drainages that are to be retained shall be prohibited.
- e. Prior to commencement of grading, the applicant shall file a performance security with the County to complete restoration and maintain plantings for a five (5) year period.
- f. Outlet structures shall minimize disturbance to the natural drainage and avoid use of hard bank structures. Where erosion of outlet structures is a concern and bank stabilization must be utilized, bioengineering techniques (e.g., fiber mats and rolls, willow wattling, and natural anchors) shall be used for bank retaining walls. If concrete must be used, then prefabricated crib wall construction shall be used rather than pouring concrete. Rock grouting shall only be used if no other feasible alternative is available as determined by Planning and Building.
- g. The drainage bottoms shall not be disturbed or altered by installation of any drain or outlet structure. Undisturbed natural rocks imbedded in the stream bank shall be utilized as a base to tie in riprap if available;
- h. A grease trap and/or silt basin shall be installed in all drop inlets closest to the creek to prevent oil, silt and other debris from entering the creek. Such traps/basins shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming. The homeowners association shall be responsible for grease trap and/or silt basin maintenance activities; and
- i. Construction envelopes shall be restricted to those areas shown on site Grading Plans in order to avoid impacts to native vegetation and sensitive habitats. Envelope boundaries shall be staked in the field. Construction envelopes shall be shown on all grading and building plans.

**Trail/Riparian Separation Features.** The proposed trail alignment, where it would be adjacent to riparian areas east of Biddle Park, shall incorporate the following design features to minimize potential impacts to the adjacent riparian area:

- **Trail Alignment.** The trail shall use existing disturbed pathways where feasible.
- **Fencing.** Riparian areas shall be separated from the trail alignment by fencing that discourages users from entering the riparian area.
- **Setback/Buffer.** Where possible, landscaping shall be included along fencing that discourages trail users from entering the riparian area. Landscaping shall be compatible with and enhance the adjacent riparian habitat. Landscaping shall exclusively use native vegetation, as approved by a qualified biologist.

**Natural Drainage Feature Crossings.** The proposed trail alignment crosses four natural drainage swales on the East Biddle cluster. For development at these locations, the applicant shall consult with the Department of Fish and Game in designing this stretch of the trail. Where appropriate, and if there is concurrence with DFG, pre-engineered boardwalk structures can be constructed to minimize potential disturbance within the lowest portion of these drainages.

**b. Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

**c. Supportive Evidence -** Please refer to pages 4.6-19 through -24, and the Biological Resources setting section of the Final EIR.

**Impact B-3:** The proposed project would result in the removal of an unknown number of native coast live oak trees within Coastal Oak Woodland and Annual Grassland habitats on the project site. This is considered a Class II, *significant but mitigable* impact.

**a. Mitigation - Pre-construction Survey and Tree Protection Plan.** A qualified arborist/botanist shall inventory all trees within 100 feet of the limits-of-grading and provide measures to ensure the required replacement ratios per County Guidelines are achieved, and that remaining oak trees are adequately protected during construction activities. In addition, the project arborist/botanist shall monitor construction activities and enforce an approved tree protection plan. Tree protection guidelines and a root protection zone shall be established for each tree to be preserved. The outer edge of the tree root zone is 1.5 times the distance from the trunk to the dripline of the tree. The project arborist/botanist must approve work within the root protection zone.

Replacement plantings shall be from regionally- or locally-collected seed stock grown in vertical tubes or deep one-gallon tree pots. Replacement trees shall be planted in a natural setting (not as landscaping) on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines, etc). A seasonally timed maintenance program and appropriate browse protection will be developed for all oak tree planting areas on the project site. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced on the project site. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least three years or until the trees have successfully established as determined by the County's Environmental Coordinator. Annual monitoring reports will be prepared for the County that evaluates oak tree survivability and vigor.

All trees planted as mitigation shall have a 100% survival rate after five years. If any trees planted as mitigation do not survive five years, the replacement mitigation trees

shall also have a survival rate of 100% after five years from date of planting.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.1-25, and the Biological Resources setting section of the Final EIR.

**Impact B-5:** Construction of the proposed project would impact rare special-status plant species not formally listed by the Federal or State government occurring within the project site. This would be considered a Class II, *significant but mitigable* impact.

a. **Mitigation - Straight-Awned Spineflower and California Spineflower Monitoring Plan.** Prior to the issuance of any grading permits, a mitigation and monitoring plan that addresses impacts to all special status plant species, including the straight-awned spineflower and California spineflower shall be prepared and approved by the County of San Luis Obispo, CDFG, and USFWS. The detailed mitigation and monitoring plan shall be developed to protect and enhance the remaining occurrences of these species and to increase the overall numbers of special-status plants located within the West Biddle Cluster Area. See Impact B-4 above for the mitigation and monitoring plan's minimum requirements.

**Palmer's Spineflower and California Spineflower Seed Collection and Distribution.** Plants in this occurrence will be removed during clearing and grading activities associated with road construction. Both Palmer's spineflower and California spineflower are not Federally or State listed species. Like many closely-related species, Palmer's spineflower and California spineflower are easily grown from seed given appropriate environmental factors such as edaphic factors and competition from other plants. Therefore, mitigation for impacts to this small occurrence shall consist of collecting seed from impacted plants, storing the seed during construction activities, and distributing the seed into appropriate habitat in the vicinity of collection once construction of the proposed roadway is complete.

**Follow-Up Special-Status Plant Surveys.** Prior to the implementation of the special-status plant species mitigation and monitoring plan and one calendar year prior to commencement of ground disturbance, the applicant shall submit to the County an updated special-status plant population survey report of the East Biddle Cluster area conducted by a County approved botanist. The purpose of the follow-up special-status plant surveys is to provide accurate baseline information for the preparation of the special-status species mitigation and monitoring plan for the project. The follow-up special-status plant surveys will ensure a current and accurate assessment of the numbers of special-status plant individuals within the Biddle Ranch property that will be impacted by development. The updated special-status plant survey shall determine the extent of the special-status occurrences within the Biddle Ranch property and

quantify the number of individuals of each species impacted by the development of the proposed project using accepted scientific methodologies. The report shall ensure that the extent of the onsite special-status plant occurrences will be accurately represented on construction site plans.

**Protective Fencing.** The applicant shall identify the limits of road construction in the field and temporary fencing shall be installed around the remaining coastal scrub habitat containing the Palmer's spineflower and California spineflower occurrence prior to any construction activities in the vicinity including ground disturbance or site grading. Protective fencing shall remain in place throughout construction activities on the East Biddle Cluster period.

**Worker Education Program.** Before any grading or construction activities commence, all personnel associated with the project shall attend a worker education program regarding the Palmer's spineflower and California spineflower occurrences in the area. The specifics of this program shall include identification of both species of spineflower and their habitat, and careful review of the limits of construction required to reduce impacts to these species. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.1-31; and the Aesthetic setting section of the Final EIR.

**Impact B-6:** Project implementation could result in a direct take of the Federally Threatened California red-legged frog and/or the loss of Federally designated CRLF Critical Habitat through grading activities for the proposed development, and could fragment the amount of available habitat potentially used for movement and dispersal. This potential impact is considered a Class II, *Significant but mitigable*, impact.

a. **Mitigation** - If feasible, the applicant could redesign the proposed improvements, including removal/relocation of proposed Lots 34-38 and realignment of the project access road near Arroyo Grande Creek, to avoid potential CRLF breeding sites and movement corridors. However, if project redesign is infeasible, the following mitigation measures are required to reduce the project's direct and indirect impacts on the CRLF:

**FESA Consultation.** The project applicant shall coordinate with the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (Corps) and shall undertake consultation pursuant to Section 7 (federal nexus) and/or Section 10 (no

federal nexus) of the Federal Endangered Species Act (FESA), as applicable. This consultation may necessitate the issuance of a USFWS Biological Opinion and/or the preparation of a Habitat Conservation Plan for CRLF and their habitat. The project applicant shall implement measures that minimize the project's adverse effects on CRLF. Subject to concurrence by and coordination with USFWS, required measures may include the following:

- At least 15 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the USFWS that the biologist(s) is qualified to conduct the work.
- A USFWS-approved biologist shall survey the work site two weeks before the onset of activities. If CRLF, tadpoles, or eggs are found, the approved biologist shall contact USFWS to determine if moving any of these life-stages is appropriate. In making this determination, USFWS shall consider if an appropriate relocation site exists. If USFWS approves moving animals, the approved biologist shall be allowed sufficient time to move CRLF from the work site before work activities begin. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF.
- Before any construction activities begin on the project, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the importance of the CRLF and its habitat, the general measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- A USFWS-approved biologist shall be present at the work site until such time as all removal of California red-legged frogs, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CRLF. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS, and the Corps as applicable, shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.
- During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work

- areas.
- All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The permittee, and Corps as applicable, shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
  - A USFWS-approved biologist shall ensure that the spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. When practicable, invasive exotic plants in the project areas shall be removed.
  - Project sites shall be revegetated with an appropriate assemblage of native riparian wetland and upland vegetation suitable for the area. A species list and restoration and monitoring plan shall be included with the project proposal for review and approval by USFWS, and the Corps as applicable. Such a plan must include, but not be limited to, location of the restoration, species to be used, restoration techniques, time of year the work will be done, identifiable success criteria for completion, and remedial actions if the success criteria are not achieved.
  - Stream contours shall be returned to their original condition at the end of project activities, unless consultation with USFWS has determined that it is not beneficial to the species or feasible.
  - The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.
  - To minimize the potential for direct impacts to dispersing individuals, work activities shall be completed in the dry season, between April 1 and November 1.

**CRLF Habitat Buffers.** Buffers around aquatic sites can reduce the encroachment of humans and urban uses on breeding habitat, including protecting frogs from visual disturbances from human activities. The project applicant shall establish a 200-foot buffer area around water bodies with confirmed occurrences of CRLF. Construction activities, landscaping, and other improvements shall be prohibited within these buffer areas. The buffer areas should contain a conservation easement overlay, or some other form of protection in perpetuity, for the protection and conservation of the environmentally sensitive CRLF and its habitat.

**Pesticide Compliance.** Use of pesticides shall be in compliance with all local, state and federal regulations. (This is necessary to prevent primary or secondary poisoning

of CRLF).

**Inadvertent Take Procedure.** Any project contractor or employee that inadvertently kills or injures a CRLF or who finds any such animal either dead or injured shall be required to report the incident immediately to a supervisor overseeing the project development. In the event that such observations are made of injured or dead CRLF, a project representative shall immediately notify the USFWS by telephone. 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 USFWS for care, analysis, or disposition.

**b. Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

**c. Supportive Evidence** - Implementation of this mitigation on-site would result in the issuance of a Biological Opinion and/or preparation of an approved Habitat Conservation Plan that would ensure that authorization of incidental take of the CRLF pursuant to FESA would not jeopardize the continued existence of CRLF. Since the ESA incidental take permitting approval process requires implementation of conservation strategies to avoid, minimize, or compensate for adverse effects of a project to leave a species as good as or better than it was before the project, this would be considered a Class II significant but mitigable impact. As described in Section 6.0, *Alternatives*, implementation of Alternative 2 (Mitigated Project) or Alternative 3 (Reconfigured Project A) would minimize impacts related to CRLF and their habitat. Nevertheless, impacts related to the project as currently designed with the implementation of the above mitigation measures would result in Class II, *Significant but mitigable*, impacts. Refer also to pages 4.1-35 and -36 of the Final EIR.

**Impact B-7:** Project implementation would reduce the populations and available habitat of wildlife in general, including special-status species. Because of the size of the site, degree of habitat diversity, and known or potential presence of a number of sensitive wildlife species on-site, the loss of wildlife habitat is considered a Class II, *significant but mitigable* impact.

**a. Mitigation - Minimize Road Widths.** Roadway widths adjacent to open space/agricultural areas shall be reduced to the minimum width possible, while maintaining Fire Department Requirements for emergency access, with slower speed limits introduced. Posted speed limits should be 25 mph or less.

**Ground Disturbance Timing.** In order to avoid impacts to nesting birds including the ground-nesting northern harrier, or other birds protected under the Migratory Bird Treaty Act, all initial ground disturbing activities and tree removal should be limited to the time period between September 15 to March 31. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction

survey for active nests within the limits of grading should be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are located, then all construction work must be conducted at least 500 feet from the nest until the adults and young are no longer reliant on the nest site.

**Badger Avoidance.** The mitigation measures below are recommended to determine whether badgers are present in the area and to prevent badgers from becoming trapped in burrows during construction activities. Although displaced animals may compete with other badgers in the surrounding area, it is possible that there is available habitat for displaced individuals and that they would survive the displacement.

1. A pre-construction survey for active badger dens shall be conducted within one month of initial ground disturbance activities by a County qualified biologist. In order to avoid the potential direct take of adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by a County-approved biologist between March 1 and June 30.

Construction activities during July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers.

2. A County-approved biologist shall conduct a biological survey of the entire project site between 2 weeks and 4 weeks of the start of ground clearing or grading activity. The survey shall cover the entire area proposed for development. Surveys shall focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other acceptable method) shall be used to assess the presence of badgers. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
3. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use. The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.

**Pet Brochure.** The applicant shall prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the project site; similarly, inform potential homebuyers of the potential for coyotes to prey on domestic animals.

**Night Lighting Standards.** The following standards pertaining to night lighting shall

be added to the project's design guidelines:

Night lighting of public areas shall be kept to the minimum necessary for safety purposes:

- Exterior lighting within 100 feet of open space shall be shielded and aimed as needed to avoid spillover into open space areas. Decorative lighting shall be low intensity.
- Use of high-intensity floodlights on residential lots shall be restricted and all residential lighting shall be shielded.

**Native Landscaping.** In order to ensure that project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a County approved biologist. All invasive plant species shall be removed from the landscaping plan.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to pages 4.1-40 and -41, and the Biological Resources setting section of the Final EIR.

## **B. CULTURAL RESOURCES (Class II)**

**Impact CR-1: There is the potential that project construction will disturb previously unidentified buried archeological deposits and/or human remains. This is considered a Class II, significant but mitigable impact.**

- a. **Mitigation - Archaeological Resource Construction Monitoring.** At the commencement of project construction, an orientation meeting shall be conducted by an archaeologist for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

A qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil. In the event that archaeological and historic artifacts are encountered during project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is implemented.

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:

- I. There shall be no further excavation or disturbance of the site or any nearby area

reasonably suspected to overlie adjacent human remains until:

- A. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- B. If the coroner determines the remains to be Native American:
  1. The coroner has 24 hours to notify the Native American Heritage Commission.
  2. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.
  3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public resources Code Section 5097.98.

II. Where the following conditions occur, the landowner or his authorized representatives shall repatriate the Native American human remains and associated grave items with appropriate dignity on the property in a location not subject to further subsurface disturbance. However, any such activity will be pursuant to the discretion of a Chumash representative if a descendent is either not identified or fails to respond to notification.

- A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- B. The descendent identified fails to make a recommendation; or
- C. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

**Halt Work Order.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to pages 4.2-7 & -8, and the Cultural Resources setting section of the Final EIR.

**Impact CR-2:** Project development will result in earth disturbance at several locations considered sensitive for archaeological resources. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation - Phase II Subsurface Archaeological Testing.** If avoidance of an archaeological site(s) is not possible, a Phase II subsurface testing program shall be completed prior to issuance of a Land Use Permit. Goals of the Phase II excavation shall include:

- a) Determination of the find/site boundaries within the project's potential impact area;
- b) Assessment of the site's integrity, (i.e., how intact the site and/or feature is);
- c) Evaluation of the site's significance through a study of its features and artifacts.

The Phase II program shall be funded by the applicant, shall be performed by a county qualified archaeologist, and shall include:

- Mapping the location of the surface remains within the proposed impact area;
- Surface collection of artifacts;
- Excavation of a sample of the cultural deposit to characterize the nature of the buried portions of the site within the proposed impact area;
- Monitoring of excavations containing Native American Indian resources by a Native American representative;
- Repatriation of Native American Indian cultural resources at the recommendation of a Native American representative;
- Analysis of all remains, submission of a final report detailing the results of the investigations, and curation of all artifacts and records detailing the results of the investigations at a county approved curation facility; and

*If the site is determined significant*, the applicant may choose to cap the resource area using culturally sterile and chemically neutral fill material and shall include open space accommodations and interpretive displays for the site to ensure its protection from development. An archaeologist and Chumash consultant shall be retained to monitor the placement of fill upon the site and to make open space and interpretive recommendations. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III Data Recovery Excavation and or monitoring.

*If the site is determined insignificant*, no capping and or further archaeological investigation shall be required. The results and recommendations of the Phase

II study shall determine the need for construction monitoring.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.2-9 through -11, and the Cultural Resources setting section of the Final EIR.

**Impact CR-3:** Implementation of the proposed project could result in indirect impacts to identified archaeological resources. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation - Prohibition of Archaeological Site Tampering.** Off-road vehicle use, unauthorized collecting of artifacts, and other activities that could destroy or damage archaeological or cultural sites shall be prohibited. Signs shall be posted on the property to discourage these types of activities and warn of trespassing violations and imposed fines.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.2-12 and the Cultural Resources setting section of the Final EIR.

**Impact CR-4:** Implementation of the proposed project could result in indirect impacts to historical resources. This is considered a Class II, *significant but mitigable* impact.

a. **Mitigation - Phase II Subsurface Historical Resource Testing.** A Phase II subsurface testing program shall be implemented to determine the location and nature of any buried historic features related to the tunnel's construction and use [refer to Mitigation CR-2 (b) for specific goals, methods, and components of the Phase II program]. Due to the extensive alluvium buildup within the drainage below the tunnel, the subsurface testing may utilize a series of monitored backhoe trenches. A data recovery program designed to record and remove significant cultural materials that could otherwise be tampered with, shall follow this work.

**Site Protection and Cultural Study.** A qualified historic archaeologist and Chumash representative shall be retained to design a plan to protect the tunnel and the adjacent rock face from looting and vandalism. If a suitable protection plan is determined infeasible, then a qualified historic archaeologist and Chumash representative shall be retained to record and remove any cultural materials within the tunnel and record any carved characters on the adjacent rock face.

**Historical Resource Construction Monitoring.** If trenching, grading or other earth

movement activities are proposed within Arroyo Grande Creek alluvial deposits, a qualified historic archaeologist shall be retained by the applicant to monitor all such activities within areas of site disturbance. If potentially significant archaeological resources are exposed, the archaeological monitor shall have the authority to temporarily halt or redirect construction activity within the vicinity of the find until the nature and significance of the find as been evaluated and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is implemented.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to page 4.2-13 and the Cultural Resources setting section of the Final EIR.

### C. WATER and WASTEWATER (Class II)

**Impact W-1:** The conversion of the on-site irrigation system from a sprinkler/furrow system to a drip system would offset the water demand from the proposed residential uses and associated facilities. Nevertheless, the use of on-site wells to provide water may contribute to overdraft of the groundwater basin if this conversion is not phased appropriately, which would be a Class II, *significant but mitigable*, impact.

- a. **Mitigation - Phasing of Irrigation System Conversion.** The proposed irrigation system conversion from a furrow/sprinkler system to a drip system shall occur prior to project occupancy. The project applicant shall furnish to Planning and Building records of water use for the three months preceding the irrigation system and three months following the system conversion.
- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to pages 4.3-3 & 4, and the Water and Wastewater setting section of the Final EIR.

**Impact W-2:** On-site soils on most proposed lots provide sufficient percolation to support effluent disposal by the leach line method. However, due to soils constraints, improper leach line design could result in health hazards or potential ground and surface water contamination. Therefore, the proposed project would result in Class II, *significant but mitigable* impacts related to wastewater disposal.

- a. **Mitigation - Septic System Design.** For all lots identified in preliminary percolation testing as having percolation rates over 60 minutes per inch, a California registered Civil Engineer competent in private wastewater system designs would be required to design septic systems for the proposed lots, pursuant to County of San Luis Obispo

standards. For all lots identified in preliminary percolation testing as having percolation rates over 120 minutes per inch, individual leach line system designs shall be submitted for review to RWQCB and the County Environmental Health Department. The lot developer shall comply with all applicable requirements of the RWQCB regarding wastewater disposal. Septic systems proposed for installation in areas containing slopes between 20% and 30% shall be engineered by a California Registered Civil Engineer. Shallow septic systems shall be prohibited in areas with slopes exceeding 30%. For Lots 1 through 27 in the West Biddle Cluster, deep well type sewage disposal (e.g., seepage pit disposal systems), in lieu of shallow disposal fields, shall be implemented in accordance with County Department of Environmental Health requirements.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.3-5, and the Water and Wastewater setting section of the Final EIR.

#### **D. TRANSPORTATION AND CIRCULATION (Class II)**

**Impact T-2:** The proposed project would provide adequate site access to the West and East Biddle Clusters. However, the internal roadway system proposed for the West and East Biddle Cluster homes could result in internal circulation conflicts as a result of the 20-foot roadway width and potential on-street parking. This would generate a Class II, *significant but mitigable*, impact.

a. **Mitigation - Parking Prohibitions.** Given the proposed 20-foot roadway widths, parking shall be prohibited along the internal streets, or 8-foot parking pullouts shall be provided in certain areas along the roadways to accommodate on-street parking and two-way roadway access.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.3-5, and the Transportation and Circulation setting section of the Final EIR.

**Impact T-3:** Development of the proposed residential units may generate parking demands in excess of the proposed parking supply. This could result in spillover parking in off-site locations. This would generate a Class II, *significant but mitigable* impact.

a. **Mitigation - Parking Spaces.** The project applicant shall provide a minimum of two private off-street spaces per residential parcel.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.4-10, and the Transportation and Circulation setting section of the Final EIR.

## E. AIR QUALITY (Class II)

**Impact AQ-1:** The proposed project would result in the emission of levels of air pollutants that would exceed recommended significance thresholds and are therefore considered to have a Class II, *significant but mitigable*, impact.

a. **Mitigation - Energy Efficiency.** The project applicant shall provide easements or land dedications for bikeways and pedestrian walkways. In addition, the following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of County Department Planning and Building staff: increase walls and attic insulation beyond Title 24 requirements; orient buildings to maximize natural heating and cooling; plant shade trees along southern exposures of buildings to reduce summer cooling needs; use solar water heaters; and use double-paned windows. Project design shall also:

- Use built-in energy efficient appliances;
- Include outdoor electrical outlets to encourage the use of electric appliances and tools;
- Use low energy street lighting;
- Use low energy interior lighting;
- Ensure that new homes are built with flexibility in the internal wiring/cabling to allow telecommuting, teleconferencing, and telelearning to occur simultaneously at several locations throughout homes.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.5-7 & 8, and the Air Quality setting section of the Final EIR.

**Impact AQ-3:** The proposed project has the potential to generate construction related emissions as the site develops. These emissions would not exceed recommended ozone precursor or PM10 significance thresholds. However, since San Luis Obispo County is currently non-attainment for ozone and PM10, the project would contribute to this existing condition. Therefore, construction related emissions are considered to be Class II, *significant but mitigable*.

a. **Mitigation** - Because all construction projects can produce nuisance dust emissions, dust mitigation measures are required for all construction activities. The following mitigation measures are recommended to minimize emissions and to reduce the amount of dust that drifts onto adjacent properties. These measures would apply to both tract grading and development of individual lots.

**Application of CBACT.** The following measures shall be implemented to reduce combustion emissions from construction equipment.

- The project owner shall require that all construction equipment and portable engines shall be properly maintained and tuned according to manufacturer's specifications.
- The project owner shall require that all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel (non-taxed off-road diesel is acceptable).
- The project owner shall install a diesel oxidation catalyst on each of the two pieces of equipment projected to generate the greatest emissions. Installations must be prepared according to manufacturer's specifications.
- Use gasoline or alternatively fueled construction equipment, such as compresses natural gas (CNG), liquefied natural gas (LNG) or electric in place of diesel powered equipment, where feasible.
- Maximize to the extent feasible, the use of diesel construction equipment meeting the California Air Resources Board's 1996 certification standard for off-road heavy-duty diesel engines.

**Dust Control.** The following measures shall be implemented to reduce PM10 emissions during project construction:

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible.
- All dirt-stock-pile areas shall be sprayed daily as needed.
- Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to revegetation shall be stabilized using

approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

- All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
- Construction personnel shall wear protective face masks while grading and excavating soils that contain serpentine.
- The applicant shall develop an Asbestos Dust Mitigation Plan, which addresses:
  - Track-out prevention and control measures
  - Keeping active storage piles adequately wetted or covered with tarps;
  - Control for disturbed or storage areas that would be inactive for more than 7 days;
  - Control of Onsite Traffic
  - Control of Earthmoving Activities
  - Control for Offsite Transport
  - Post-Construction Stabilization of the Site

**Cover Stockpiled Soils.** If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin. It is the contractor or builder's responsibility to control dust at all times. Stockpiles should be watered or covered to prevent dust within 24 hours of placement unless being actively worked."

**Dust Control Monitor.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.

**Active Grading Areas.** Prior to commencement of tract improvements, a Construction Management Plan shall be submitted for county approval that shows how the project will not exceed continuous working of more than four acres at any given time. The Dust Control Monitor shall verify in the field during tract improvements that the Construction Management Plan is being followed.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.5-9 and 10, and the Air Quality setting section of the Final EIR.

**Impact AQ-4:** The proposed project involves development of onsite equestrian facilities and a private septic system, which have the potential to generate odor nuisance effects. These impacts are considered to be Class II, *significant but mitigable*.

a. **Mitigation - Odor Abatement Plan.** The applicant shall develop and implement an Odor Abatement Plan (OAP). The OAP shall include the following:

- Name and telephone number of contact person(s) responsible for logging and responding to odor complaints;
- Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint;
- Description of potential odor sources at the facility;
- Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment; and
- Contingency measures to curtail emissions in the event of a continuous public nuisance.

Refer also to Mitigation W-4(a) in Section 4.3, *Water and Wastewater*, of the Final EIR. This mitigation measure involves preparation of an Equestrian Management Plan that includes manure management that would reduce odors associated with the proposed equestrian facilities.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.5-13, and the Air Quality setting section of the Final EIR.

#### F. **AESTHETICS (Class II)**

**Impact AES-1:** The clustering of the proposed residential units and preservation of open space and agricultural lands would partially maintain the rural character of the site. However, the proposed development has the potential to alter the aesthetic character of the site vicinity through alteration of scenic vistas from public viewing locations, introduction of community design elements that may be aesthetically inconsistent with the surrounding area, introduction of new light and glare generators in to the area, and the changing of the area's character from a rural to rural-residential condition. This is considered Class II, *significant but mitigable*, impact to aesthetic character of the area.

- a. **Mitigation - Prohibition of Structural Silhouetting.** Proposed lots located on on-site ridgelines shall be relocated, building heights shall be limited, and/or vegetative screening shall be provided such that the residential units do not silhouette against the sky when viewed from off-site viewpoints. If structural setbacks are implemented, structures shall be setback as follows: units on Lots 63, 64, 65, 69, 70, 71 and 72 shall be setback to the south from the top of the bluff a sufficient vertical distance to preclude silhouetting of units on the top of on-site bluffs. This could require the relocation of Lots 66, 67 and 68.

**Architectural and Landscape Guidelines.** The applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines. Enforcement of compliance with the Guidelines shall be the responsibility of the Planning and Building Department.

**Tract landscaping.** Landscaping guidelines shall describe the following elements:  
Landscaping shall emulate and be compatible with the surrounding natural environment to the extent possible;  
Fuel management techniques shall be used;  
Fire-resistant vegetation shall be used in as tract landscaping;

**Individual House Landscaping.** Landscaping Plans for individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into surrounding area while preserving identified viewsheds. The project landscaping plans shall incorporate plants consistent with the Master Landscaping Plan for the project.

**Roofing and Feature Color and Material.** Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.

**Individual House Lighting.** Prior to development of individual lots, proposed lighting shall be indicated on site plans that demonstrates that spill-over of lighting would not affect residential areas located east and west of the project site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan.  
Non-glare lighting shall be used.

**Avoidance of Visual Prominence.** To avoid the visual prominence of structures

located at Lots 63-72, no structure shall exceed a height of 22 feet, except for ancillary features such as antennas or other elements determined to be compatible by Planning and Building.

**Compatibility with Adjacent Uses.** The design, scale, and character of the project architecture shall be compatible with the scale of existing residential uses north, south, east and west of the site.

**Understory and Retaining Wall Treatment.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted.

**Bury Water Tanks.** The water tanks shall be placed below grade to reduce their visual profile. The tanks shall be placed at a depth such that the tanks do not silhouette against the sky. If water tanks are placed above ground, natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces.

**Entrance Monuments.** Project entrance monuments shall not be visually prominent and shall be consistent with the natural character of the area.

**Lighting Limitations.** All lighting of equestrian facilities shall be designed as accent features, and provided for safety and security only. Walkways and outdoor parking areas (if any) shall be lighted with bollard-style posts, limited to four feet in height. Any security lighting shall be screened such that lighting globes are not visible from a distance of 20 feet.

**Street Light Limitations.** Project streetlights shall be pedestrian in scale, not to exceed a height of 10 feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination.

**Clear Excess Debris.** The developer shall clear the project site of all excess construction debris when completed with individual developments.

**b. Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

**c. Supportive Evidence** - Please refer to pages 4.6-3 through -5, and the Aesthetics setting section of the Final EIR.

## **G. GEOLOGICAL RESOURCES (Class II)**

**Impact G-1:** Due to the presence of active faults in the vicinity of the site and potentially active faults located on the project site, the project site and surrounding area is subject to strong ground shaking. Ground shaking has the potential to cause fill material to settle, destabilize slopes, and cause physical damage to structures, property, utilities and road access. This is considered a Class II, *significant but mitigable impact*.

a. **Mitigation - UBC Compliance.** Aboveground structures shall be designed and built according to UBC Seismic Zone 4 standards.

**Residence Setbacks.** All habitable structures to be located in the proposed East Biddle Cluster shall have the following setbacks as described in the "Fault Location Investigation" prepared by GeoSolutions, Inc. (July 2001):

- 100 feet from the south side of the South Trace of the fault in the Monterey Formation
- 15 feet from the north side of the South Trace of the fault in the Monterey Formation
- 25 feet from both sides of the North Trace of the fault in the Monterey Formation.

**Clubhouse Setback.** The exact location of the Los Osos Fault through the area of the proposed clubhouse on the East Cluster site is not known, although it is approximated to be in the immediate vicinity. As a precautionary measure, the clubhouse shall be located at least 200 feet from the inferred trace of the fault in the vicinity of the proposed clubhouse location.

b. **Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence -**Please refer to pages 4.7-10 & 11, and the Geologic Resources setting section of the Final EIR.

**Impact G-2:** Soils at the site have the potential to present soil-related hazards (expansive soils, erosive soils) to structures and roadways on the project site and are considered Class II, *significant but mitigable impacts*.

a. **Mitigation - Soils/Foundation Preparation.** In order to avoid soil-related hazards, the project applicant shall implement the recommendations of the Soil Engineering Reports prepared for the project site in July 2001 by GeoSolutions, Inc. This shall include: preparation of building pads; preparation of paved areas; conventional foundations; slabs-on-grade construction; retaining walls; and pavement design. One or more of the following may be considered during design of the project:

1. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.

2. Removal of the highly expansive material and replacement with non-expansive import fill material.
3. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
4. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

**Grading and Erosion Control Plan.** A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the project applicant or representative thereof, prior to issuance of Grading Permits. It must include the following:

Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Arroyo Grande Creek and its tributaries during grading and construction activities.

Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If determined necessary by Planning and Building, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.

After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the Planning and Building Department Grading Division and APCD. These methods may include importing of topsoil is to be imported and spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodible soils.

Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at the building sites and replacement with compacted fill.

Where necessary, construction on transitional lots shall include overexcavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.

Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.

Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to land use clearance for grading.

Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff. Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.

Brow ditches and/or berms shall be constructed and maintained above all cut and fill

slopes, respectively.

Cut and fill benches shall be constructed at regular intervals.

Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.

The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a Planning and Building Department Building and Safety approved erosion control plan is in place and all measures therein are in effect.

The applicant shall post a bond with the County and hire a Planning and Building - qualified geologist or soils engineer prior to land use clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.7-12 & 13, and the Geologic Resources setting section of the Final EIR.

**Impact G-3:** Portions of the East Biddle Cluster are underlain by the Franciscan Formation, which presents moderate slope stability hazards. Although proposed structures would not be exposed to slopes stability hazards, landsliding could affect project roadways. This is considered a Class II, *significant but mitigable*, impact.

a. **Mitigation - Roadway and Trail Alignment Review.** During site development and grading, an Engineering Geologist or a Soils Engineer shall identify potential surface slumping areas within and adjacent to proposed roadway and trail alignments. Roads shall be realigned to avoid identified surface slumping areas or underlying soils shall be excavated and recompacted in accordance with the recommendations of a qualified engineering geologist.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.7-15 & -16, and the Geologic Resources setting section of the Final EIR.

**Impact G-4:** The surface materials in the West Biddle Cluster allow for percolation of groundwater and may result in seepage into building foundations. This is considered a Class II, *significant but mitigable*, impact.

a. **Mitigation - Subdrains.** An Engineering Geologist or a Soils Engineer shall observe construction activities to review the potential for subsurface water. If necessary, subdrains shall be installed within foundations, soft areas, or roadways, to alleviate ponding of water. On the West Biddle Cluster site, subdrains shall be installed in all foundations to alleviate upslope ponding of water. In addition, subdrains shall be installed within all lots that maintain swales or topographic depressions where a residence is proposed. Surface water shall not be concentrated onto surface materials in any lot.

**Access Road Culverts.** Culverts shall be constructed under Secondary Access Road "D" on the proposed West Biddle Cluster development site to divert surface flow to the main drainage. An Engineering Geologist shall assess the placement of these culverts during grading.

b. **Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence -** Please refer to page 4.7-16, and the Geologic Resources setting section of the Final EIR.

**Impact G-5:** Shallow groundwater and sandy material near the entrance kiosk and parking area for the West Biddle Cluster create a moderate to high potential for liquefaction in that immediate area. Liquefaction could damage structures in this location. This is considered a Class II, *significant but mitigable*, impact.

a. **Mitigation - Reduction of Liquefaction Potential.** Appropriate techniques to minimize liquefaction potential shall be prescribed by an engineering geologist and implemented by the project applicant. Suitable measures to reduce liquefaction impacts could include specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the ground characteristics. All on-site structures shall comply with applicable methods of the Uniform Building Code.

b. **Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence -** Please refer to page 4.7-17, and the Geologic Resources setting section of the Final EIR.

## H. DRAINAGE, EROSION, and SEDIMENTATION (Class II)

**Impact D-1:** During construction, the soil surface would be disrupted and potentially become subject to erosion, with potential off-site sedimentation of the creeks. After construction, some

erosion may be expected, especially in the existing steep (30%+) sloped areas. This is considered a Class II, *significant but mitigable* impact.

**a. Mitigation - NPDES Permit.** Prior to approval of Land Use Permits for the tract, the applicant shall obtain a NPDES storm water permit from the California Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) for the entire site (not individual lots) shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. Additional BMPs should be implemented for on-site construction activities including fuel storage and handling, concrete waste management, material delivery and storage. A list of BMPs shall be attached to project plans and posted at the construction site.

**Temporary Berms and Basins.** Temporary berms and sediment basins shall be constructed to avoid unnecessary siltation into local streams during construction activities.

**Permanent Detention Basins.** Permanent detention basin(s) and detention traps shall be installed on the project site at locations outside of the stream channel that minimize conveyance of debris and eroded soils into the unnamed intermittent drainages and Arroyo Grande Creek.

**Grading and Drainage Plans.** Grading and drainage plans for both the tract and individual lots shall be designed to minimize erosion and water quality impacts. Plans shall include the following:

Grading shall be prohibited within 100 feet of the top of bank of Arroyo Grande Creek and on-site drainages, with the exception of approved trail improvements;

Graded areas shall be revegetated within 60 days of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established;

Grading shall be avoided on slopes greater than 30% due to the potential for geologic problems and endangering lands at lower elevations as well as scarring of hillside landforms;

Temporary storage of construction equipment shall be limited to a minimum of 100 feet away from Arroyo Grande Creek and on-site drainages; and  
Erosion control structures shall be installed.

**Grading Limitations.** The tract developers shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a County-approved erosion control plan is in place and all measures therein are in effect.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to pages 4.8-2 & 3, and the Drainage, Erosion, and Sedimentation setting section of the Final EIR.

**Impact D-2:** The project would introduce paved and roofed areas and thus has the potential to result in increased peak stormwater discharges and volumes of runoff. Impacts are considered Class II, *significant but mitigable*.

a. **Mitigation** - The following mitigation measure is recommended in addition to Mitigation Measure D-1(c), which would ensure that a permanent sediment traps are installed on the project site subject to the approval of the County.

**Drainage Features.** All runoff water from impervious areas shall be conveyed by impervious conduits via energy dissipaters to existing drainage channels. In addition, drainage shall be consistent with approved drainage plans which include:

Locations of all proposed pipelines;

Pipe diameters;

Locations where the pipe(s) would surface in the creek; and

Amount of water that would flow from each pipeline.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.8-5, and the Drainage, Erosion, and Sedimentation setting section of the Final EIR.

**Impact D-3:** The project proposes to improve and utilize one existing on-site culvert crossing and create an additional crossing to provide access from Lopez Drive to the East Biddle Cluster across Arroyo Grande Creek. In addition, the project would utilize one existing on-site culvert crossing to provide access from Lopez Drive to the West Biddle Cluster, as well as crossings of unnamed drainages. This creates the potential for blockage and associated flood impacts in the 100-year drainage course. This impact is considered a Class II, *significant but mitigable* impact.

a. **Mitigation - Flood Protection Plan.** The applicant shall implement a Flood Protection Plan addressing debris plugging bridge locations and overland escape. The Plan shall include:

- A 100-foot structural setback from the FCD verified top-of-bank of Arroyo Grande Creek and the unnamed intermittent on-site drainages;
- A grading and drainage plan to include standard requirements, bank stabilization methods, sediment basins and erosion control measures. Sediment traps shall not be in-channel;
- Culverts shall be designed to convey 100-year storm flows without ponding;
- Consideration of alternative crossing methods, such as Arizona (low water) crossings.

If any of these conditions are not met, the proposed grading and drainage plan must be revised to conform with these specifications.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to page 4.8-6, and the Drainage, Erosion, and Sedimentation setting section of the Final EIR.

**Impact D-5:** Project residents and structures could be exposed to flooding and inundation hazards in the unlikely event of failure of Lopez Dam. Impacts are considered Class II, *significant but mitigable*.

- a. **Mitigation - Disclosure of Potential Hazard.** Upon the transfer of real property within the West Biddle area, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners aware that the entrance to this area is located within a dam failure inundation hazard area. The same stipulation shall be made with respect to Lot 87.
- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to page 4.8-8, and the Drainage, Erosion, and Sedimentation setting section of the Final EIR.

**Impact D-6:** Due to the intensification of uses proposed on the project site, there is the potential for storm water transport of pollutants, bacteria, and sediment into downstream facilities. Impacts are considered Class II, *significant but mitigable*.

- a. **Mitigation - Equestrian Management Plan.** The applicant shall prepare an Equestrian Management Plan to demonstrate sensitivities to storm water transport of bacteria and sediment into downstream facilities. Appropriate best management practices shall be provided in the management plan, such as on-site manure management, site design characteristics, and citizen awareness and education provisions. On-site manure management shall include the provision for cleaning equestrian facilities and

- The plan shall outline vegetation management standards such as:

- Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses shall be mowed elsewhere.

- Trees must be limbed up to one third of their height to a maximum of 10 feet.

- Flammable native shrubs shall not be planted or allowed to grow in continuous masses. Small clusters will be allowed as long as the minimum space between clusters is observed.

- The Fire/Vegetation Management Plan must clearly state exactly what management practices must be accomplished, date of annual compliance, and responsibility for cost of compliance.
- The plan must also include a Wildland Emergency Response check list (approved by County Fire Department) to be made available to all residents.

**Structural Safeguards.** Provide stringent structural safeguards that would reduce the need for rapid response of first alarm fire resources. This would include the installation of fire sprinklers throughout every structure, including garages, attics, enclosed patios and overhanging patios. The following features would be required:

- *Exterior Sprinkler Systems.* If 50-foot vegetation management zones are not employed, the perimeter structures within the fire hazard area must have exterior exposure sprinkler systems separately applied, per NFPA 13.
- *Class A Roofs.* All structures in the development within the fire hazard area should have non-wood Class A roofs, with the ends of tile blocked, spark arresters visible from the street, proper vent screens, and non-combustible gutters and down spouts. No combustible paper in or on attic insulation shall be allowed.
- *Design of Accessory Features.* Decks, gazebos, patio covers, fences, etc. must not overhang slopes and must be one-hour fire retardant construction. Front doors should be solid core, minimally 1 ¼ inch thick. Garage doors should be noncombustible.
- *Yard Characteristics.* Vegetation growing on fences should be prevented.
- *Power Lines.* All new power lines will be installed underground in order to prevent fires caused by arcing wires.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project

which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Please refer to page 4.9-4 & -5, and the Public Services setting section of the Final EIR.

**Impact PS-4:** The project would generate an estimated total of 32 elementary, middle and high school students. Students generated by the project would exacerbate existing overcrowded conditions at Paulding Middle School and Arroyo Grande High School. Impacts to these two schools are considered *significant but mitigable*, Class II

a. **Mitigation - Buildout Date Notification.** The applicant shall notify the Lucia Mar School District of the expected buildout date of each phase of the project to allow the District time to plan in advance for new students.

**Statutory School Fees.** The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school districts.

b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. **Supportive Evidence** - Mitigation Measure PS-4(b) would require the full development fees be charged to a developer by the school districts. Currently the mitigation fee is \$2.05 per square foot of residential development. These fees would contribute funding for new school facilities for the students potentially generated by the project. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or developed of real property, or any change in governmental organization or reorganization." Therefore, subsequent to payment of statutory fees, school impacts would be considered less than significant. Please refer also to page 4.9-10, and the Public Services setting section of the Final EIR.

**Impact PS-7:** The proposed project would generate approximately 104 tons of solid waste per year. The solid waste disposal services and landfill that would serve the project have adequate capacity to accommodate the waste generated by the project. However, the project would result in the use part of the limited remaining capacity of the landfill. Therefore, solid waste generation would be considered a Class II, *significant but mitigable* impact.

a. **Mitigation - Construction Solid Waste Minimization.** During the construction phases of the project, the following mitigation measures will be implemented to reduce solid waste generation to the maximum extent feasible:

- Prior to construction, the contractor will arrange for construction recycling service

with a waste collection provider. Roll-off bins for the collection of recoverable construction materials will be located onsite. The applicant, or authorized agent thereof, shall arrange for pick-up of recycled materials with a waste collection provider or shall transport recycled materials to the appropriate service center. Wood, concrete, drywall, metal, cardboard, asphalt, soil, and land clearing debris may all be recycled.

- The contractor will designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors will be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.
- The contractor will use recycled materials in construction wherever feasible.
- The above construction waste recycling measures will be incorporated into the construction specifications for the contractor.
- The project's CC&R's shall require each residence to subscribe to waste and recycling/greenwaste recycling services. Non-residential project components shall also be required to include recycling services.

**Occupancy Solid Waste Minimization.** During the long-term occupancy phase of the project, the following mitigation measures will be implemented to reduce solid waste generation to the maximum extent feasible.

**Gardening Waste:** The following mitigation measures will be the responsibility of the applicant.

- During landscape design trees will be selected for the appropriate size and scale to reduce pruning waste over the long-term.
- Slow-growing, drought-tolerant plants will be included in the landscape plan. Drought-tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than non drought-tolerant plants.
- On-site space will be allocated for a compost area to serve the residential development.

**b. Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

**c. Supportive Evidence -** Please refer to page 4.9-16, and the Public Services setting section of the Final EIR.

## J. LAND USE (Class II)

**Impact LU-2:** Development may result in land use conflicts between the proposed urban uses and existing Biddle County Park lands located to the northwest of the East Biddle Cluster. This is considered a Class II, *significant but mitigable* impact.

- a. **Mitigation** - Mitigation recommended in Section 4.6, *Aesthetics*, would reduce the visibility of on-site development from both public and private viewing areas, in addition to improving the visual compatibility of the proposed facilities with adjacent agricultural and open space areas. In addition, mitigation recommended in Section 5.5, *Air Quality*, would reduce project impacts related to construction emissions. Additionally, the following mitigation measure is intended to reduce long-term land use compatibility impacts.

**Height Restriction.** New homes that would be developed within the viewshed of Biddle County Park (i.e., Lots 63, 64, 65, 69, 70, 71 and 72) shall be limited to one-story in height.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. **Supportive Evidence** - Implementation of mitigation measure LU-2(a), as well as the mitigation measures recommended in Sections 4.5, *Aesthetics*, and 4.6, *Air Quality*, would reduce impacts on Biddle County Park to a less than significant level. Impacts related to increased demand for park facilities and use of Biddle County Park are discussed in Section 4.9, *Public Services*, of this EIR. Refer to Section 4.11, *Agricultural Resources*, of this EIR for a discussion of project impacts related to compatibility between adjacent agricultural and residential land uses. Please refer also to page 4.10-3, and the Land Use setting section of the Final EIR.

## K. AGRICULTURAL RESOURCES (Class II)

**Impact AG-1:** The proposed project would alter visual conditions on the project site, and has the potential to create visual compatibility conflicts with adjacent agricultural uses and grazing land. This is considered a Class II, *significant but mitigable* impact.

- a. **Mitigation** - Mitigation recommended in Section 4.6, *Aesthetics*, would reduce the visibility of on-site development from both public and private viewing areas, in addition to improving the visual compatibility of the proposed facilities with adjacent agricultural and open space areas.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. **Supportive Evidence** - Please refer to pages 4.11-2 & -3, and the Agricultural Resources setting section of the Final EIR.

**Impact AG-3:** Development may result in land use conflicts between existing agricultural operations on-site as well as off-site on adjacent properties. This is considered a Class II, *significant but mitigable*, impact.

- a. **Mitigation - Disclosure of Potential Nuisance.** In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property on the project site, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the proposed project aware that although potential impacts or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. Should crop maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents.

**Maintain 300-Foot Agricultural Buffer.** Where feasible, the applicant shall maintain a minimum 300-foot landscaped buffer between residential lots and orchards.

**Trail Security Measures.** In areas adjacent to irrigated cropland, the trail shall incorporate security measures to discourage trespassing onto adjacent agricultural lands. These could include, but not be limited to, fencing, signage, and landscaping. The portions of the trail adjacent to irrigated agriculture should include gates, such that it can be closed during times that spraying or other sensitive agricultural operations occur.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. **Supportive Evidence** - Please refer to pages 4.11-4 and -5, and the Agricultural Resources setting section of the Final EIR.

**Impact AG-4:** Several lots in the East Biddle Cluster area would be located in areas that are currently in use and have historically been used as orchards. Development in these areas could expose people to hazards related to residual quantities of presently-banned agricultural chemicals. This is considered a Class II, *significant but mitigable* impact.

- a. **Mitigation - Sampling and Remediation of Soils.** Soil samples shall be taken within the project site by a qualified hazardous materials specialist to determine the presence or

absence of banned pesticides. If soil sampling indicates the presence of any contaminant in hazardous quantities, the RWQCB and DTSC will be contacted to determine the level of any necessary remediation efforts, and these soils shall be remediated in compliance with applicable laws. The project applicant would be required to comply with applicable local, state, and federal requirements regarding site assessment, soils evaluation, and remediation in areas where soil contamination is known or suspected to occur. Site assessments that result in the need for soil excavation would be required to include: an assessment of air impacts and health impacts associated with excavation activities; identification of any applicable local standards that may be exceeded by the excavation activities, including dust levels and noise; transportation impacts from the removal or remedial activities; and risk of upset practices should an accident occur at the site.

**b. Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

**c. Supportive Evidence** - Please refer to page 4.11-16, and the Agricultural Resources setting section of the Final EIR.

## **VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)**

*The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:*

### **A. BIOLOGICAL RESOURCES (Class I)**

**Impact B-4:** Construction of the proposed project would impact Pismo clarkia, a Federally-listed Endangered and State-listed Rare plant species, occurring within the project site. This would be considered a Class I, *Significant and Unavoidable* impact.

**a. Mitigation - Pismo Clarkia Preservation, Salvage, and Relocation.** Development of an open space preserve consisting of occupied Pismo clarkia habitat on the west site in concert with the creation of a Pismo clarkia mitigation and monitoring plan will be required to protect this species and its long term survival. The Pismo clarkia open space preserve shall be established in the northwest portion of the West Biddle Cluster Area. The Pismo clarkia open space preserve shall consist of the currently occupied areas and the appropriate habitat immediately surrounding each occurrence on the west site. An open space easement shall be placed on the Pismo clarkia open space preserve by a private land conservation entity that will protect and manage this species in perpetuity. A setback or buffer zone shall be established around the Pismo clarkia open space preserve to minimize potential edge effects from nearby residential development and roadways. The buffer zone shall consist of 25 to 50 feet of

unoccupied Pismo clarkia habitat surrounding the open space preserve. The buffer zone shall be delineated in the field from the closest observed occurrence of individual Pismo clarkia plants as identified during the follow-up special-status plant surveys.

If total avoidance of the Pismo clarkia occurrences is not feasible, then the area containing the largest occurrence of Pismo clarkia will be set aside as the Pismo clarkia open space preserve, and a mitigation and monitoring plan including a salvage and relocation program for the smaller occurrence shall be prepared by a qualified botanist. Furthermore, the mitigation and monitoring plan shall be implemented for five years following the development of lots and roads in the occurrence areas to ensure the proposed salvage and relocation program is successful. The salvage and relocation program shall consist of a seed collection, propagation and reintroduction program, and shall be initiated and implemented in appropriate habitat within the preserved Pismo clarkia open space area on site. Salvage and relocation activities will include: seed collection, germination of seed by a qualified horticulturist in a nursery setting, transplanting seedlings and hand broadcasting seed into the appropriate habitat within the open space preserve, an active non-native plant management program and annual monitoring. The mitigation and monitoring plan shall, at a minimum, include the following:

- The overall goal and measurable objectives of the mitigation and monitoring plan;
- Specific areas proposed for revegetation and their size;
- Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the Pismo clarkia and other special-status species to be included (i.e.: annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of Pismo clarkia preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed seed collection, propagation, and reintroduction of Pismo clarkia into specified receiver sites);
- Success criteria based on the goals and measurable objectives to ensure a viable Pismo clarkia population on the West Biddle Ranch Development Cluster project in perpetuity;
- An adaptive management program to address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs;
- Remedial measures to address negative impacts to Pismo clarkia and its habitat that may occur during construction activities as well as post-construction when dwellings are occupied;
- Education Program to inform residents of the presence of Pismo clarkia and other special-status plants and sensitive biological resources onsite, and to provide methods that residents can employ to reduce impacts to Pismo clarkia occurrences in protected open space areas;
- Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel.

The primary goal of the mitigation and monitoring plan shall ensure a viable population and no-net-loss of Pismo clarkia habitat within the West Biddle Cluster

Area. To ensure a no-net-loss of this species, the applicant shall create two acres of occupied Pismo clarkia habitat for every one acre of habitat impacted by project development. If monitoring data collected over a several year period determine that gross population numbers are consistently declining within the protected areas from the baseline population censusing data, then additional measures (i.e.: habitat assessments to determine factors influencing low population numbers, erosion control, additional reintroduction efforts, etc.) shall occur to ensure the long-term viability of the onsite Pismo clarkia occurrences and to reintroduce genetic material collected from extant occurrences within the Biddle Ranch vicinity.

**Follow-Up Special-Status Plant Surveys.** Prior to the implementation of the mitigation and monitoring plan, the applicant shall submit to the County an updated special-status plant population survey report of the West Biddle Cluster area conducted by a County approved botanist. The purpose of the follow-up special-status plant surveys is to provide accurate baseline information for the establishment of the Pismo clarkia open space preserve and the preparation of the Pismo clarkia mitigation and monitoring plan for the project. The follow-up special-status plant surveys will ensure a current and accurate assessment of the numbers of special-status plant individuals within the Biddle Ranch property that will be impacted by development. The updated special-status plant survey shall determine the extent of the special-status occurrences within the Biddle Ranch property and quantify the number of individuals of each species impacted by the development of the proposed project using accepted scientific methodologies. The report shall ensure that the extent of the onsite special-status plant occurrences will be accurately represented on construction site plans.

**Protective fencing.** Temporary fencing shall be installed around the Pismo clarkia open space preserve prior to any construction activities including, ground disturbance or site grading. Protective fencing shall remain in place throughout the West Biddle Cluster construction period.

**Worker Education Program.** Before any grading or construction activities commence, all personnel associated with the project shall attend a worker education program regarding the sensitive biological resources occurring in the project area (i.e., Pismo clarkia, other special-status plant species, and sensitive biological resources). Specifics of this program shall include identification of Pismo clarkia and its habitat, and careful review of the mitigation measures required to reduce impacts to this species. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.

**b. Findings -** Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding

considerations discussed in Section VII. The applicant has revised the project to completely avoid the Pismo clarkia. Impacts of the project are now considered Class II.

- c. **Supportive Evidence** - since individuals of a federally protected special-status plant species would be removed, impacts will not be reduced to a less than significant level.

## B. AIR QUALITY (Class I)

**Impact AQ-5:** The proposed project is consistent with the land use designations and population assumptions of the San Luis Obispo County General Plan. However, due to the distance of the project site from City services, project implementation would result in a substantial increase in vehicle miles traveled. Therefore, the project is considered to be inconsistent with the Clean Air Plan (CAP). This is considered to be a Class I, *significant and unavoidable* impact.

- a. **Mitigation - Distribution of Alternative Transportation Information.** The applicant shall provide an on-site bulletin board specifically for the posting of bus schedules and notices of availability for car-pooling and/or shall distribute such information to property owners upon occupancy. The applicant shall be responsible for maintaining this board and updating it every two months.

- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. **Supportive Evidence** - Since no mitigation measures are feasible to sufficiently reduce vehicle miles traveled associated with the project due to the distance between the project site and City services, impacts related to consistency with the CAP would remain Class I, *significant and unavoidable*.

## D. CUMULATIVE ISSUES (Class I)

**Biological Resources** - Development of the proposed project would contribute to cumulative biological impacts in the area. These impacts would include the loss of wildlife foraging/breeding areas, loss of Pismo clarkia, and restrictions to movement opportunities for the CRLF. The cumulative effect of these impacts depends on the proximity of other approved and proposed projects to the project under consideration. The site is currently surrounded by relatively undisturbed or agricultural lands. Due to the loss of foraging habitat, breeding habitat, Pismo clarkia, and CRLF habitat that would occur as a result of project development in combination with other expected development in the area, cumulative impacts to biological resources are considered Class I, *Significant and Unavoidable*.

**Air Quality** - In San Luis Obispo County, impact thresholds have been established to assess a

project's effect on the regional air quality. A project that does not exceed SLOAPCD thresholds and is consistent with the Clean Air Plan and the Clean Air Plan is considered to have a less than significant cumulative impact on the airshed. Conversely, a project that exceeds the SLOAPCD significance thresholds or is found to be inconsistent with the CAP is considered to result in significant cumulative impacts. Since the project exceeds the SLOAPCD Tier II thresholds of significance, is considered to be potentially inconsistent with long-term regional air quality planning efforts, the project is expected to have significant and unavoidable impacts on air quality.

**Aesthetics** - The County General Plan land use designation of the proposed project site is agriculture, and the cluster development of 87 residential units is allowable pursuant to County General Plan Agricultural Ordinance #22 (refer to Appendix E of the Final EIR). Development of the site for residential use was therefore expected and is consistent with the General Plan. Therefore, any impacts to the visual character of the site and the surrounding area were anticipated in the General Plan EIR. However, several other residential projects are also proposed for the surrounding areas (refer to Section 3.3 of the Final EIR). Cumulative development of these proposed developments would result in a significant cumulative loss of open space and would irrevocably alter the character of the area from rural to semi-rural. The proposed project would incrementally contribute to this change in aesthetic character of the site and the surrounding areas. Cumulative aesthetic impacts are therefore considered *Significant and Unavoidable (Class I)*.

a. **Mitigation** - None, short of substantially reducing development to rural levels.

b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

c. **Supportive Evidence** - Allowing development at the proposed densities could result in significant cumulative affects for the following resources:

- Development will contribute to the direct displacement of plants and wildlife, some of which are considered sensitive;
- Introduction of domestic pets and humans will contribute to disruption of any wildlife corridors;
- suburban density levels of development is not generally conducive to reducing single-occupant vehicle trips;
- suburban density levels of development will change the character from rural to a suburban/urban setting.

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

**A. The projects significant, unmitigable, unavoidable adverse effects are as follows:**

1. The project would remove Pismo clarkia, a federally-listed Endangered and state-listed Rare plant species, occurring within the project site. However, the applicant has revised the project to completely avoid the Pismo clarkia and the impacts are now considered Class II.
2. The project's density is too low to support alternative transportation options and the location of proposed lots are away from rather than adjacent to existing urban development, which would result in inconsistency with the Clean Air Plan (CAP), a Class I, *significant and unavoidable* impact.
3. The proposed development will have significant cumulative impacts on biological resources, air quality and change to the rural setting.

**B. Findings** - The Planning Commission has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission finds that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable".

**C. Supporting Evidence**

1. Social and Economic Benefits The project would result in the following social and economic benefits:

- a. Open space and recreational opportunities and pursuits represent a legitimate and important social need. The project proposes to set aside over 4,480 acres as non-buildable agricultural lands or open space. This non-buildable open space will provide unobstructed views to the public of several prominent hillsides. The project will provide a multi-purpose trail alignment roughly 3 miles in length to serve bicyclists and/or pedestrians through the site, in accordance with the County Trails Master Plan.
- b. The construction of the project will result in both short-term and long-term economic benefits to the County of San Luis Obispo and its residents. The project will increase contribution to County property taxes. The project will indirectly provide for a number of jobs relating to construction of and maintaining approximately 87 new homes and related improvements.

2. Mitigation Enhancement. The Final EIR contains mitigation measures which will substantially lessen the significant effects of the project. The following are some of the more substantial environmental benefits:

- a. Protect and enhance the existing sensitive habitats, including wetland and riparian habitats, and on-site oak trees;

- b. Maintain at least a 100-foot wide wildlife corridor along Arroyo Grande Creek, and a 200-foot buffer from all on-site drainages identified as potentially containing California red-legged frog;
- c. Avoid impacting all known cultural resources;
- d. Preserve and restore sensitive vegetation found on the subject property;
- f. Provide 4,480 acres of permanent agricultural land/open space which will be limited to passive uses, which in turn will provide for habitat enhancement and permanent protection.

3. **Alternatives.** The recommended project is a revision of the original project, and is a modification of Reconfigured Project Alternative C. It is also known as the Revised Project. It is recommended because it is environmentally superior to the proposed project examined in the Environmental Impact Report, as well as the alternatives studied in that document. The following project alternatives identified in the Environmental Impact Report, although feasible from a technical standpoint, are rejected for the following reasons:

- a. **"No Project" alternative.** Under the No Project alternative, the project site would remain as is. This alternative would not provide any permanent open space/recreational benefits and limited economic benefits. In addition, none of the project objectives would be met.
- b. **Mitigated Project Alternative.** The primary differences with the proposed project would be the relocation of lots to reduce or eliminate visual impacts, avoid sensitive Pismo Clarkia habitat, and avoid prime breeding habitat for California red-legged frog. This alternative would generally meet the project goals and objectives. It is rejected because it does not provide mitigation to the same extent as the Revised Project, which is a combination of Reconfigured Project C and the Mitigation Project Alternative.
- c. **Reconfigured Project Alternative A.** This alternative mainly focused on reducing impacts by relocating all proposed lots to the West Biddle Cluster. This would reduce visual impacts, slope stability impacts, fault hazards, impacts on California red-legged frogs and their habitat, and conflicts with existing agricultural uses, related to development on the East Biddle Cluster. This alternative would generally meet the project goals and objectives. However, it would not include the mitigation enhancements associated with the East Biddle Cluster, and it would concentrate development on the West Cluster, where there are more sensitive resources, including Pismo clarkia. Related drainage impacts would also likely be worse. It may be difficult to achieve the required minimum one-acre lot size while avoiding such impacts, without substantially removing oak woodland areas.
- d. **Reconfigured Project Alternative B.** This alternative mainly focused on reducing impacts by relocating all proposed lots to the East Biddle Cluster. This alternative would concentrate units in the East Biddle Cluster, which

would increase land use compatibility impacts related to adjacent residential and agricultural uses, but would reduce land use compatibility issues associated with residential development in the West Biddle Cluster area. The concentration of units in the East Biddle Cluster would increase the rate of peak runoff from the East Biddle Cluster, while reducing the peak runoff from the West Biddle Cluster, when compared to the proposed project. This alternative could be considered superior due to the avoidance of sensitive Pismo clarkia and the straight-awned spine flower, but would result in greater impacts on sensitive CRLF breeding habitat and movement corridors. This alternative would result in greater impacts related to geologic stability and agriculture, due to the fault lines, steep slopes, and existing agricultural resources located in the East Biddle Cluster area. This alternative would generally meet the project goals and objectives. However, this alternative would not allow would not provide mitigation to the extent of the Revised Project, which is a combination of Reconfigured Project Alternative C and the Mitigated Project Alternative.

4. Subsequent to the publication of the Final EIR, the applicant has revised the proposed project to include the mitigation measures and alternatives that reduce significant environmental impacts to a less than significant level. These changes include:

- i. Relocating lots 16, 17 and 18 and the water tank access road so that no impacts will occur to the colony of Pismo clarkia on the West Biddle Cluster.
- ii. Relocate lots on the East Biddle Cluster to reduce visual and geologic impacts.

## **VIII. CEQA GENERAL FINDINGS**

- A. The Planning Commission finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Biddle Ranch Agricultural Cluster Subdivision Final EIR.
- B. The Planning Commission finds that the project as approved includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

## **IX. MITIGATION MONITORING PROGRAM**

- A. The applicant, Talley Farms, Inc., will be primarily responsible for ensuring that all project mitigation measures are complied with. They will be assisted in this effort by the County Department of Planning and Building's Planning and Environmental Divisions. Mitigation measures are programmed to occur at, or prior to, the following milestones:
  - ◆ Prior to commencement of construction/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to

remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.

- ◆ During project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
- ◆ Prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.). In order for the plan to be available for use at project completion, it will need to be prepared and completed before project construction is finished.
- ◆ At the time of project completion/During operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
- ◆ Prior to approval of discretionary or building permit and/or recordation of the final map.
- ◆ Prior to occupancy or final inspection of the development.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B. As lead agency for the Biddle Ranch Agricultural Cluster Subdivision Final EIR, the Planning Commission hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

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**EXHIBIT A  
CONDITIONAL USE PERMIT FINDINGS**

- A. As conditioned the proposed project is consistent with the General Plan and the Land Use Element of the general plan because the proposed project is consistent with the Ag and Open Space:
- a. The property is located within 5 miles of an urban area and is eligible for clustering.
  - b. The number of parcels allowed on the site is equal to the maximum number of dwelling units that could be allowed on a standard subdivision (i.e. two per parcel).
  - c. All resulting open space parcels will be covered by a permanent easement.
  - a. All resulting residential parcels are limited to one dwelling.
- B. As conditioned, the project or use satisfies all applicable provisions of Title 22 of the San Luis Obispo County Code because:
1. The proposed project will result in the continuation, enhancement and long-term preservation of agricultural operations consisting of the production of food and fiber on the subject site and in the surrounding area because the clustered lots have been located in an areas not conducive to ag operations, the clustered lots are located in areas that will not be affected by the external effects of production agriculture such as noise, odors and chemicals.
  2. Locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties because the clustered lots have been located in areas that do not contain prime soils. the prime soils on the site are located in the bottom lands near the creeks and the clustered lots are located either on the slopes above ht creeks or on the west side of Lopez Drive that is outside of the agriculturally designated lands.
  3. Minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing roads because roads used to access the clustered lots are chiefly existing ranch roads that require some amount of widening but minimize new construction.
  4. Avoid placement of roads or structures on any environmentally sensitive habitat areas because all road and residential construction is located outside of Sensitive Resource Areas, Geologic Study Areas and Flood hazard areas.
  5. Minimize impacts of non-agricultural structures and roads on public views from public roads and public recreation areas because new residential construction will not be visible from nearby parkland (Biddle Park) due to rearrangement of proposed lot locations as mentioned in the Final EIR.

6. Cluster proposed residential structures to the maximum extent feasible so as to not interfere with agricultural production and to also be consistent with the goal of maintaining the rural character of the area because residential lots are located in areas well away from the production ag uses located in the bottom lands along the creeks. The clustered lots are located on the higher slopes or on adjacent Rural lands designated property west of Lopez Drive and at least ½ mile from productive ag lands.
  7. Minimize risks to life and property due to geologic, flood and fire hazard and soil erosion because new development is not located within flood zones, water storage and water delivery systems are adequate for fire protection purposes and any setbacks from geologic features have been provided for..
- C. The proposed project will not result in significant adverse social impacts affecting on-site or off-site agricultural operations, including but not limited to trespass, vandalism, and complaints about agricultural practices because the project is subject to Right-To-Farm ordinance requirements; the new residential development is located well away from existing productive ag lands and operations and 31 of the 87 residential lots are located in Rural lands designated areas, not agricultural areas.
- D. The water resources and all necessary services are adequate to serve the proposed development, including residential uses as well as existing and proposed agricultural operations on the subject site and in the site vicinity because the owner has completed a program to change agricultural irrigation practices from furrow to drip, thereby reducing water usage by approximately 25%. the water usage from new residential development is minor when compared to water savings from irrigation practice changes
- E. The proposed clustered development and the conditions, covenants and restrictions governing the Homeowners Association and/or individual lots are adequate to ensure permanent maintenance of the lands to remain in agricultural production and/or open space because perpetual open space easements will be required for both phases of the subdivision prior to recordation and the productive ag lands will stay in the ownership of the agriculturalist.
- F. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in this particular case, be detrimental to the health, safety or welfare of the general working public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- G. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed parcels are located

in a manner that minimizes potential conflicts with neighboring agricultural uses.

- H. The project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the LOS on area roads will remain above LOS C.
- I. It is not feasible to extend the multi-use trail any further south than its terminus as shown on Planning Commission Exhibit "A" dated March 13, 2003 because those lands are in agricultural production and the county Trails Policy states that trails shall not be located in active agricultural production areas and shall instead be within public lands.

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**EXHIBIT B  
CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL  
BIDDLE RANCH**

1. This approval authorizes a cluster subdivision consisting of the following elements:
  - a. 31 lots as identified in Tract 2408 in the West Biddle cluster
  - b. 56 lots as identified in Tract 2408 in the East Biddle cluster
  - c. Recordation of the map in two phases:
    - i. Phase I - West cluster
    - ii. Phase II - East cluster
  - d. Construction of private road system
  - e. Construction of entry features at Lopez Drive and east cluster and west cluster.
  - f. Construction and operation of an equestrian facility.
  - g. Construction of water storage tanks
  
2. Site development shall be consistent with the approved tract map and development plan.

**Traffic Fees**

3. The project applicant shall pay the City of Arroyo Grande Traffic Fee based on the number of project trips that could impact the City's roadway network. Prior to issuance of a building permit for development of each lot, the applicant shall pay 60% of the City of Arroyo Grande traffic fee as determined at the time of issuance of the building permit.

**Biological Resources**

4. Building envelopes shall be located so that all riparian and wetland habitat is buffered from development (including grading) by a 50-foot setback. Setbacks shall clearly be shown on building plans.
  
5. The riparian and wetland habitat area and average 50-foot buffer zone for preserved riparian/wetland areas shall be shown on all grading plans and shall be demarcated with highly visible construction fencing for the benefit of contractors and equipment operators.
  
6. The applicant shall prepare and submit for review and approval to Planning and Building a sediment and erosion control plan that specifically seeks to protect waters and riparian/wetland resources downstream of construction activities during tract improvement activities. Erosion control measures shall be implemented to prevent runoff into the onsite creeks or drainages. Silt fencing, straw bales, and/or sand bags shall be used in conjunction with other methods to prevent erosion and siltation of the stream channel. The plan shall also address frequency of sediment removal from basins and location of spoil disposal. The plan shall specify locations and types of erosion and

sediment control structures and materials would be used onsite during construction activities. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.

7. During construction of tract improvements, common facilities and residential uses on individual lots, washing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed near sensitive biological resources.
8. If it is determined by the County and/or ACOE that impacts to riparian and wetland habitat are not avoided, the following shall be implemented in order to mitigate impacts:
  - a. The applicant shall obtain a permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, a water quality certification from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act, and a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 et seq. of the California Fish and Game Code for any grading or fill activity within drainages and wetlands. It is recommended that the applicant contact these agencies prior to final plan submittal in order to incorporate any additional requirements into the project design.
  - b. As part of the permitting process, the applicant will be required to provide a compensatory habitat creation/restoration program to mitigate impacts to jurisdictional areas. The plan shall be written and implemented by a qualified biologist, and shall at a minimum include the following components:
    - i. Mitigation plantings for the loss of existing wetland and riparian habitat shall be located in the drainages that are proposed to be modified or preserved as part of the proposed project to the fullest extent feasible. The compensatory program must provide a minimum 2:1 ratio of habitat values and functions to that impacted. However, agency permitting may require a higher ratio.
    - ii. As part of the plan, the applicant shall prepare and submit for approval a mitigation-phasing plan to ensure that all restoration plantings are in place with sufficient irrigation prior to final inspection.
    - iii. Landscaping shall be with native riparian and wetland species from locally collected stock.
    - iv. Removal of native species in the creeks/drainages that are to be retained shall be prohibited.
    - v. Prior to commencement of grading, the applicant shall file a performance security with the County to complete restoration and maintain plantings for a five (5) year period.

- vi. Outlet structures shall minimize disturbance to the natural drainage and avoid use of hard bank structures. Where erosion of outlet structures is a concern and bank stabilization must be utilized, bioengineering techniques (e.g., fiber mats and rolls, willow wattling, and natural anchors) shall be used for bank retaining walls. If concrete must be used, then prefabricated crib wall construction shall be used rather than pouring concrete. Rock grouting shall only be used if no other feasible alternative is available as determined by Planning and Building.
  - vii. Except for culvert construction, the drainage bottoms shall not be disturbed or altered by installation of any drain or outlet structure. Undisturbed natural rocks imbedded in the stream bank shall be utilized as a base to tie in riprap if available;
  - viii. A grease trap and/or silt basin shall be installed in all drop inlets closest to the creek to prevent oil, silt and other debris from entering the creek. Such traps/basins shall be maintained and cleaned out every spring and fall to prevent overflow situations and potential mosquito habitats from forming. The homeowners association or equivalent shall be responsible for grease trap and/or silt basin maintenance activities; and
  - ix. Construction envelopes shall be restricted to those areas shown on site Grading Plans in order to avoid impacts to native vegetation and sensitive habitats. Envelope boundaries shall be staked in the field. Construction envelopes shall be shown on all grading and building plans.
9. **Trail/Riparian Separation Features:** The proposed trail alignment, where it would be adjacent to riparian areas east of Biddle Park, shall incorporate the following design features to minimize potential impacts to the adjacent riparian area:
- a. The trail shall use existing disturbed pathways where feasible.
  - b. **Fencing:** Riparian areas shall be separated from the trail alignment by fencing that discourages users from entering the riparian area.
  - c. **Setback/Buffer:** Where possible, landscaping shall be included along fencing that discourages trail users from entering the riparian area. Landscaping shall be compatible with and enhance the adjacent riparian habitat. Landscaping shall exclusively use native vegetation, as approved by a qualified biologist.
  - d. **Natural Drainage Feature Crossings:** The proposed trail alignment crosses four natural drainage swales on the East Biddle cluster. For development at these locations, the applicant shall consult with the Department of Fish and Game in designing this stretch of the trail. Where appropriate, and if there is concurrence with DFG, pre-engineered boardwalk structures can be constructed to minimize potential disturbance within the lowest portion of these drainages.

10. Pre-construction Survey and Tree Protection Plan. A qualified arborist/botanist shall inventory all trees within 100 feet of the limits-of-grading and provide measures to ensure the required replacement ratios per County Guidelines are achieved, and that remaining oak trees are adequately protected during construction activities. In addition, the project arborist/botanist shall monitor construction activities and enforce an approved tree protection plan. Tree protection guidelines and a root protection zone shall be established for each tree to be preserved. The outer edge of the tree root zone is 1.5 times the distance from the trunk to the dripline of the tree. The project arborist/botanist must approve work within the root protection zone.
11. The project CC&Rs shall include tree protection and removal requirements for development of the following lots. These trees are located in the building envelopes. No trees located outside of building envelopes shall not be removed. Lots not mentioned in the following list shall not be subject to any tree removal.

**West Cluster**

<u>Lot #</u>	<u>Protected trees</u>	<u>Removable trees</u>
1	204-208	203
2	214-216; 219-224	None
3	236-240; 254-260	None
4	266-272; 275-280	281
5	283-286; 292-297	295
6	298-300; 304-312	None
7	314-317	None
8	334-336	None
10	426-428	None
11	201	None
12	202	None
14	339, 340	337, 338
18	52-59	None
19	60-74	None
22	350, 351	None
23	352; 353; 356	None
24	358; 362-368; 370	None
25	374-377; 382, 383	373; 378-381

**East Cluster**

<u>Lot #</u>	<u>Protected trees</u>	<u>Removable trees</u>
35	197-199, 1002-1004, 1006-1013	1005, 1014
47	173-174, 819-820, 822-824	176-177; 1000; 101; 102
48	128,130,134-136, 138-143, 145, 147, 170-171, 158	125, 127, 129
49	677, 681, 682, 684, 686, 688-689, 692-694, 699-701, 704, 705	683, 685, 690, 691
52	186-196	None
61	48-51, 178, 181-183, 1073-1078	179-180, 184-185, 1075

12. The following trees may be removed for purposes of road construction:

- a. Road A - up to 100 trees
- b. Road C - up to 30 trees
- c. Road D - up to 100 trees
- d. Road I - up to 50 trees

13. At the time of application for subdivision improvement plans or grading permits, the applicant shall submit an Oak tree Protection and Replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed]. No more than 300 oak trees having a six inch diameter or larger at four feet from the ground and/or identified on tree removal surveys shall be removed as a result of the development of the project. The County's Environmental Monitor may allow minor changes to tree removal due to construction conditions. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be

- controlled so only enough is used to initially establish the tree, and reducing to zero over a three year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.
14. Replacement plantings shall be from regionally- or locally-collected seed stock grown in vertical tubes or deep one-gallon tree pots. Replacement trees shall be planted in a natural setting (not as landscaping) on the north side of and at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines, etc). A seasonally timed maintenance program and appropriate browse protection will be developed for all oak tree planting areas on the project site. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced on the project site. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least three years or until the trees have successfully established as determined by the County's Environmental Coordinator. Annual monitoring reports will be prepared for the County that evaluates oak tree survivability and vigor.
  15. To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population
  16. All trees planted as mitigation shall have a 100% survival rate after five years. If any trees planted as mitigation do not survive five years, the replacement mitigation trees shall also have a survival rate of 100% after five years from date of planting.
  17. Straight-Awned Spineflower and California Spineflower Monitoring Plan: Prior to the issuance of any grading permits, a mitigation and monitoring plan that addresses impacts to all special status plant species, including the straight-awned spineflower and California spineflower shall be prepared and approved by the County of San Luis Obispo, CDFG, and USFWS. The detailed mitigation and monitoring plan shall be developed to protect and enhance the remaining occurrences of these species and to increase the overall numbers of special-status plants located within the West Biddle Cluster Area. See Impact B-5 of the Final EIR for the mitigation and monitoring plan's minimum requirements.
  18. Palmer's Spineflower and California Spineflower Seed Collection and Distribution:

Plants in this occurrence will be removed during clearing and grading activities associated with road construction. Both Palmer's spineflower and California spineflower are not Federally or State listed species. Like many closely-related species, Palmer's spineflower and California spineflower are easily grown from seed given appropriate environmental factors such as edaphic factors and competition from other plants. Therefore, mitigation for impacts to this small occurrence shall consist of collecting seed from impacted plants, storing the seed during construction activities, and distributing the seed into appropriate habitat in the vicinity of collection once construction of the proposed roadway is complete.

19. **Follow-Up Special-Status Plant Surveys:** Prior to the implementation of the special-status plant species mitigation and monitoring plan and one calendar year prior to commencement of ground disturbance, the applicant shall submit to the County an updated special-status plant population survey report of the East Biddle Cluster area conducted by a County approved botanist. The purpose of the follow-up special-status plant surveys is to provide accurate baseline information for the preparation of the special-status species mitigation and monitoring plan for the project. The follow-up special-status plant surveys will ensure a current and accurate assessment of the numbers of special-status plant individuals within the Biddle Ranch property that will be impacted by development. The updated special-status plant survey shall determine the extent of the special-status occurrences within the Biddle Ranch property and quantify the number of individuals of each species impacted by the development of the proposed project using accepted scientific methodologies. The report shall ensure that the extent of the onsite special-status plant occurrences will be accurately represented on construction site plans.
20. **Protective Fencing:** The applicant shall identify the limits of road construction in the field and temporary fencing shall be installed around the remaining coastal scrub habitat containing the Palmer's spineflower and California spineflower occurrence prior to any construction activities in the vicinity including ground disturbance or site grading. Protective fencing shall remain in place throughout construction activities on the East Biddle Cluster period.
21. **Worker Education Program:** Before any grading or construction activities commence, all personnel associated with the project shall attend a worker education program regarding the Palmer's spineflower and California spineflower occurrences in the area. The specifics of this program shall include identification of both species of spineflower and their habitat, and careful review of the limits of construction required to reduce impacts to these species. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Department of Planning and Building shall be notified of the time that the applicant intends to hold this meeting.
22. If feasible, and unless conditions have been found to have changed so that impacts to the

CRLF can be avoided, the applicant could redesign the proposed improvements, including removal/relocation of proposed Lots 37-42 and realignment of the project access road near Arroyo Grande Creek, to avoid potential CRLF breeding sites and movement corridors. However, if project redesign is infeasible, the following mitigation measures are required to reduce the project's direct and indirect impacts on the CRLF:

23. **FESA Consultation:** The project applicant shall coordinate with the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (Corps) and shall undertake consultation pursuant to Section 7 (federal nexus) and/or Section 10 (no federal nexus) of the Federal Endangered Species Act (FESA), as applicable. This consultation may necessitate the issuance of a USFWS Biological Opinion and/or the preparation of a Habitat Conservation Plan for CRLF and their habitat. The project applicant shall implement measures that minimize the project's adverse effects on CRLF. Subject to concurrence by and coordination with USFWS, required measures may include the following:
  - a. At least 15 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologists who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the USFWS that the biologist(s) is qualified to conduct the work.
  - b. A USFWS-approved biologist shall survey the work site two weeks before the onset of activities. If CRLF, tadpoles, or eggs are found, the approved biologist shall contact USFWS to determine if moving any of these life-stages is appropriate. In making this determination, USFWS shall consider if an appropriate relocation site exists. If USFWS approves moving animals, the approved biologist shall be allowed sufficient time to move CRLF from the work site before work activities begin. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of CRLF.
  - c. Before any construction activities begin on the project, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the importance of the CRLF and its habitat, the general measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
  - d. A USFWS-approved biologist shall be present at the work site until such time as all removal of California red-legged frogs, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee

shall designate a person to monitor the on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives training outlined above and in the identification of CRLF. The monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by USFWS during review of the proposed action. If work is stopped, USFWS, and the Corps as applicable, shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.

- e. During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from the work areas.
- f. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The permittee, and Corps as applicable, shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the permittee shall prepare and comply with a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- g. A USFWS-approved biologist shall ensure that the spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. When practicable, invasive exotic plants in the project areas shall be removed.
- h. Project sites shall be revegetated with an appropriate assemblage of native riparian wetland and upland vegetation suitable for the area. A species list and restoration and monitoring plan shall be included with the project proposal for review and approval by USFWS, and the Corps as applicable. Such a plan must include, but not be limited to, location of the restoration, species to be used, restoration techniques, time of year the work will be done, identifiable success criteria for completion, and remedial actions if the success criteria are not achieved.
- i. Stream contours shall be returned to their original condition at the end of project activities, unless consultation with USFWS has determined that it is not beneficial to the species or feasible.
- j. The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the above measures.

- k. To minimize the potential for direct impacts to dispersing individuals, work activities shall be completed in the dry season, between April 1 and November 1.
24. **CRLF Habitat Buffers.** Buffers around aquatic sites can reduce the encroachment of humans and urban uses on breeding habitat, including protecting frogs from visual disturbances from human activities. Except for approved subdivision roads, the project applicant shall establish a 200-foot buffer area around water bodies with confirmed occurrences of CRLF. Construction activities, landscaping, and other improvements shall be prohibited within these buffer areas. The buffer areas should contain an open space easement overlay, or some other form of protection in perpetuity, for the protection and conservation of the environmentally sensitive CRLF and its habitat.
25. **Pesticide Compliance.** Use of pesticides shall be in compliance with all local, state and federal regulations. (This is necessary to prevent primary or secondary poisoning of CRLF).
26. **Inadvertent Take Procedure.** Any project contractor or employee that inadvertently kills or injures a CRLF or who finds any such animal either dead or injured shall be required to report the incident immediately to a super-visor overseeing the project development. In the event that such observations are made of injured or dead CRLF, a project representative shall immediately notify the USFWS by telephone. 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 USFWS for care, analysis, or disposition.
27. **Minimize Road Widths.** Roadway widths adjacent to open space/agricultural areas shall be reduced to the minimum width possible, while maintaining Fire Department Requirements for emergency access, with slower speed limits introduced. Posted speed limits should be 25 mph or less.
28. **Ground Disturbance Timing.** In order to avoid impacts to nesting birds including the ground-nesting northern harrier, or other birds protected under the Migratory Bird Treaty Act, all initial ground disturbing activities and tree removal should be limited to the time period between September 15 to March 31. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading should be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active nests are located, then all construction work must be conducted at least 500 feet from the nest until the adults and young are no longer reliant on the nest site.
29. **Badger Avoidance.** The mitigation measures below are recommended to determine whether badgers are present in the area and to prevent badgers from becoming trapped in

burrows during construction activities. Although displaced animals may compete with other badgers in the surrounding area, it is possible that there is available habitat for displaced individuals and that they would survive the displacement.

- a. A pre-construction survey within the development footprint for active badger dens shall be conducted within one month of initial ground disturbance activities by a County qualified biologist. In order to avoid the potential direct take of adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by a County-approved biologist between March 1 and June 30.
  - b. Construction activities during July 1 and March 1 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers.
    - i. County-approved biologist shall conduct a biological survey of the entire project site between 2 weeks and 4 weeks of the start of ground clearing or grading activity. The survey shall cover the entire area proposed for development. Surveys shall focus on both old and new den sites. If dens are too long to see the end, a fiber optic scope (or other acceptable method) shall be used to assess the presence of badgers. Inactive dens shall be excavated by hand with a shovel to prevent badgers from re-using them during construction.
    - ii. Badgers shall be discouraged from using currently active dens prior to the grading of the site by partially blocking the entrance of the den with sticks, debris and soil for 3 to 5 days. Access to the den shall be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use. The County-approved biologist shall be present during the initial clearing and grading activity. If badger dens are found, all work shall cease until the biologist can safely close the badger den. Once the badger dens have been closed, work on the site may resume.
30. **Pet Brochure.** The applicant shall prepare a brochure that informs prospective homebuyers about the impacts associated with non-native animals, especially cats and dogs, and other non-native animals to the project site; similarly, inform potential homebuyers of the potential for coyotes to prey on domestic animals.
31. **Night Lighting Standards.** The following standards pertaining to night lighting shall be added to the project's design guidelines. Night lighting of public areas shall be kept to the minimum necessary for safety purposes:

- a. Exterior lighting within 100 feet of open space shall be shielded and aimed as needed to avoid spillover into open space areas. Decorative lighting shall be low intensity.
  - b. Use of high-intensity floodlights on residential lots shall be restricted and all residential lighting shall be shielded.
32. **Native Landscaping.** In order to ensure that project landscaping does not introduce invasive non-native plant species into the vicinity of the site, the final landscaping plan shall be reviewed and approved by a County approved biologist. All invasive plant species shall be removed from the landscaping plan.

### Cultural Resources

33. Prior to the commencement of project construction, an orientation meeting shall be conducted by an archaeologist, approved by the County for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.
34. Prior to recordation of the final maps or start of subdivision improvements, the project archaeologist, approved by the County, shall submit a Cultural Resource Protection and Monitoring Plan (CRPMP) to the Dept for review and approval. The Plan shall, as a minimum include recommendations for monitoring; suggestions for reducing impacts to resources.

A qualified archaeologist and Native American representative shall monitor all earth moving activities within native soil pursuant to the Plan. In the event that archaeological and historic artifacts are encountered during project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is implemented.

35. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps will be taken:
- a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
    - i. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
    - ii. If the coroner determines the remains to be Native American:
      1. The coroner has 24 hours to notify the Native American Heritage

Commission.

2. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.
  3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public resources Code Section 5097.98.
- b. Where the following conditions occur, the landowner or his authorized representatives shall repatriate the Native American human remains and associated grave items with appropriate dignity on the property in a location not subject to further subsurface disturbance. However, any such activity will be pursuant to the discretion of a Chumash representative if a descendent is either not identified or fails to respond to notification.
- i. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
  - ii. The descendent identified fails to make a recommendation; or
  - iii. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
36. **Halt Work Order.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission
37. **Phase II Subsurface Archaeological Testing.** If avoidance of an archaeological site(s) is not possible, a Phase II subsurface testing program shall be completed prior to issuance of a Land Use Permit. Goals of the Phase II excavation shall include:
- a) Determination of the find/site boundaries within the project's potential impact area;
  - b) Assessment of the site's integrity, (i.e., how intact the site and/or feature is);

- c) Evaluation of the site's significance through a study of its features and artifacts.
38. The Phase II program shall be funded by the applicant, shall be performed by a county qualified archaeologist, and shall include:
- a. Mapping the location of the surface remains within the proposed impact area;  
Surface collection of artifacts;
  - b. Excavation of a sample of the cultural deposit to characterize the nature of the buried portions of the site within the proposed impact area;
  - c. Monitoring of excavations containing Native American Indian resources by a Native American representative;
  - d. Repatriation of Native American Indian cultural resources at the recommendation of a Native American representative;
  - e. Analysis of all remains, submission of a final report detailing the results of the investigations, and curation of all artifacts and records detailing the results of the investigations at a county approved curation facility; and
39. *If the site is determined significant*, the applicant may choose to cap the resource area using culturally sterile and chemically neutral fill material and shall include open space accommodations and interpretive displays for the site to ensure its protection from development. An archaeologist and Chumash consultant shall be retained to monitor the placement of fill upon the site and to make open space and interpretive recommendations. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III Data Recovery Excavation and or monitoring.
40. *If the site is determined insignificant*, no capping and or further archaeological investigation shall be required. The results and recommendations of the Phase II study shall determine the need for construction monitoring.
41. **Prohibition of Archaeological Site Tampering.** Off-road vehicle use, unauthorized collecting of artifacts, and other activities that could destroy or damage archaeological or cultural sites shall be prohibited. Signs shall be posted on the property to discourage these types of activities and warn of trespassing violations and imposed fines.
42. **Phase II Subsurface Historical Resource Testing.** A Phase II subsurface testing program shall be implemented to determine the location and nature of any buried historic features related to the tunnel's construction and use [refer to Mitigation CR-2 (b) for specific goals, methods, and components of the Phase II program]. Due to the extensive alluvium buildup within the drainage below the tunnel, the subsurface testing may utilize a series of monitored backhoe trenches. A data recovery program designed to record and remove significant cultural materials that could otherwise be tampered with, shall follow this work.

43. **Site Protection and Cultural Study.** A qualified historic archaeologist and Chumash representative shall be retained to design a plan to protect the tunnel and the adjacent rock face from looting and vandalism. If a suitable protection plan is determined infeasible, then a qualified historic archaeologist and Chumash representative shall be retained to record and remove any cultural materials within the tunnel and record any carved characters on the adjacent rock face.
44. **Historical Resource Construction Monitoring.** If trenching, grading or other earth movement activities are proposed within Arroyo Grande Creek alluvial deposits, a qualified historic archaeologist shall be retained by the applicant to monitor all such activities within areas of site disturbance. If potentially significant archaeological resources are exposed, the archaeological monitor shall have the authority to temporarily halt or redirect construction activity within the vicinity of the find until the nature and significance of the find as been evaluated and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is implemented.

#### Water Supply

45. **Phasing of Irrigation System Conversion.** The proposed irrigation system conversion from a furrow/sprinkler system to a drip system shall occur prior to project occupancy. The project applicant shall furnish to Planning and Building records of water use for the three months preceding the irrigation system and three months following the system conversion or shall supply other evidence that indicates water savings.

#### Wastewater

46. **Septic System Design.** For all lots identified in preliminary percolation testing as having percolation rates over 60 minutes per inch, a California registered Civil Engineer competent in private wastewater system designs would be required to design septic systems for the proposed lots, pursuant to County of San Luis Obispo standards. For all lots identified in preliminary percolation testing as having percolation rates over 120 minutes per inch, individual leach line system designs shall be submitted for review to RWQCB and the County Environmental Health Department. The lot developer shall comply with all applicable requirements of the RWQCB regarding wastewater disposal. Septic systems proposed for installation in areas containing slopes between 20% and 30% shall be engineered by a California Registered Civil Engineer. Shallow septic systems shall be prohibited in areas with slopes exceeding 30%. For Lots 1 through 27 in the West Biddle Cluster, deep well type sewage disposal (e.g., seepage pit disposal systems), in lieu of shallow disposal fields, shall be implemented in accordance with County Department of Environmental Health requirements.

#### Traffic and Circulation

47. **Parking Prohibitions.** Given the proposed 20-foot roadway widths, parking shall be prohibited along the internal streets, or 8-foot parking pullouts shall be provided in certain areas along the roadways to accommodate on-street parking and two-way roadway access.
48. **Parking Spaces.** The project applicant shall provide a minimum of two private off-street spaces per residential parcel.

### Air Quality

49. **Energy Efficiency.** The project applicant shall provide easements or land dedications for bikeways and pedestrian walkways. In addition, the following energy-conserving techniques shall be incorporated unless the applicant demonstrates their infeasibility to the satisfaction of County Department Planning and Building staff: increase walls and attic insulation beyond Title 24 requirements; orient buildings to maximize natural heating and cooling; plant shade trees along southern exposures of buildings to reduce summer cooling needs; use solar water heaters; and use double-paned windows. Project design shall also:
  - a. Use built-in energy efficient appliances;
  - b. Include outdoor electrical outlets to encourage the use of electric appliances and tools;
  - c. Use low energy street lighting;
  - d. Use low energy interior lighting;
  - e. Ensure that new homes are built with flexibility in the internal wiring/cabling to allow telecommuting, teleconferencing, and telelearning to occur simultaneously at several locations throughout homes
50. The following mitigation measures are recommended to minimize emissions and to reduce the amount of dust that drifts onto adjacent properties. These measures would apply to both tract grading and development of individual lots.
51. **Application of CBACT.** The following measures shall be implemented during subdivision improvements to reduce combustion emissions from construction equipment.
  - a. The project owner shall require that all construction equipment and portable engines shall be properly maintained and tuned according to manufacturer's specifications.
  - b. The project owner shall require that all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel (non-taxed off-road diesel is acceptable).

- c. The project owner shall require, if feasible, a diesel oxidation catalyst on each of the two pieces of equipment projected to generate the greatest emissions. Installations must be prepared according to manufacturer's specifications.
- d. Use gasoline or alternatively fueled construction equipment, such as compresses natural gas (CNG), liquefied natural gas (LNG) or electric in place of diesel
- e. Maximize to the extent feasible, the use of diesel construction equipment meeting the California Air Resources Board's 1996 certification standard for off-road heavy-duty diesel engines.

52. **Dust Control.** The following measures shall be implemented to reduce PM10 emissions during project construction:

- a. Reduce the amount of the disturbed area where possible.
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible.
- c. All dirt-stock-pile areas shall be sprayed daily as needed.
- d. Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities.
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
- f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
- g. All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
- l. Construction personnel shall wear protective face masks while grading and excavating soils that contain serpentine.
- m. The applicant shall develop an Asbestos Dust Mitigation Plan, which addresses:

- i. Track-out prevention and control measures.
  - ii. Keeping active storage piles adequately wetted or covered with tarps;
  - iii. Control for disturbed or storage areas that would be inactive for more than 7 days;
  - iv. Control of Onsite Traffic
  - v. Control of Earthmoving Activities
  - vi. Control for Offsite Transport
  - vii. Post-Construction Stabilization of the Site
53. **Cover Stockpiled Soils.** If importation, exportation, or stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin. It is the contractor or builder's responsibility to control dust at all times. Stockpiles should be watered or covered to prevent dust within 24 hours of placement unless being actively worked."
54. **Dust Control Monitor.** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. Their duties shall include holiday and weekend periods when work may not be in progress.
55. **Active Grading Areas.** Prior to commencement of tract improvements, a Construction Management Plan shall be submitted for county approval that shows how the project will not exceed continuous working of more than four acres at any given time. The Dust Control Monitor shall verify in the field during tract improvements that the Construction Management Plan is being followed.
56. **Odor Abatement Plan.** The applicant shall develop and implement an Odor Abatement Plan (OAP). The OAP shall include the following:
- a. Name and telephone number of contact person(s) responsible for logging and responding to odor complaints;
  - b. Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint;
  - c. Description of potential odor sources at the facility;
  - d. Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment; and
  - e. Contingency measures to curtail emissions in the event of a continuous public nuisance.

### Visual Resources

57. **Prohibition of Structural Silhouetting.** Proposed lots located on on-site ridgelines shall have building heights limited, and/or vegetative screening shall be provided such that the residential units do not significantly silhouette against the sky when viewed from off-site, public viewpoints. If structural setbacks are implemented, structures shall be setback as follows: units on Lots 71, 72, 73, 74, 78, 79 (and others as may be required) shall be setback to the south from the top of the bluff a sufficient vertical distance to preclude silhouetting of units on the top of on-site bluffs.
58. **Architectural and Landscape Guidelines.** The applicant shall develop and implement Architectural and Landscape Guidelines that include the components listed below. The Guidelines shall include clear criteria and requirements to guide the design, layout, and landscaping of individual residential lots. All future development shall comply with the Guidelines. Enforcement of compliance with the Guidelines shall be the responsibility of the Planning and Building Department.
59. **Tract landscaping.** Landscaping guidelines shall describe the following elements:
- a. Landscaping shall emulate and be compatible with the surrounding natural environment to the extent possible;
  - b. Fuel management techniques shall be used;
  - c. Fire-resistant vegetation shall be used in as tract landscaping;
60. **Individual House Landscaping.** Landscaping Plans for individual houses shall be prepared by a qualified Landscape Architect, and shall be designed to screen and blend the proposed development into surrounding area while preserving identified viewsheds. The project landscaping plans shall incorporate plants consistent with the Master Landscaping Plan for the project.
61. **Roofing and Feature Color and Material.** Development plans shall include earth-tone colors on structure roofing and other on-site features to lessen potential visual contrast between the structures and the hilly terrain that constitutes the visual backdrop of the area. Natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces of all structures, including fences.
62. **Individual House Lighting.** Prior to development of individual lots, proposed lighting shall be indicated on site plans that demonstrates that spill-over of lighting would not affect residential areas located east and west of the project site. The lighting plan shall incorporate lighting that direct light pools downward to prevent glare on adjacent and surrounding areas. Lights shall have solid sides and reflectors to further reduce lighting impacts by controlling light spillage. Light fixtures that shield nearby residences from excessive brightness at night shall be included in the lighting plan. Non-glare lighting shall be used.

63. **Avoidance of Visual Prominence.** To avoid the visual prominence of structures located at Lots 71-79, no structure shall exceed a height of 22 feet, except for ancillary features such as antennas or other elements determined to be compatible by Planning and Building.
64. **Compatibility with Adjacent Uses.** The design, scale, and character of the project architecture shall be compatible with the scale of existing residential uses north, south, east and west of the site.
65. **Understory and Retaining Wall Treatment.** Understories and retaining walls higher than six (6) feet shall be in tones compatible with surrounding terrain using textured materials or construction methods which create a textured effect. Native vegetation to screen retaining walls shall be planted.
66. **Bury Water Tanks.** The water tanks shall be placed to reduce their visual profile. The tanks shall be placed such that the tanks do not silhouette against the sky. If water tanks are placed above ground, natural building materials and colors compatible with surrounding terrain (earthtones and non-reflective paints) shall be used on exterior surfaces. **Entrance Monuments.** Project entrance monuments shall not be visually prominent and shall be consistent with the natural character of the area.
67. **Lighting Limitations.** All lighting of equestrian facilities shall be designed as accent features, and provided for safety and security only. Walkways and outdoor parking areas (if any) shall be lighted with bollard-style posts, limited to four feet in height. Any security lighting shall be screened such that lighting globes are not visible from a distance of 20 feet.
68. **Street Light Limitations.** Project streetlights shall be pedestrian in scale, not to exceed a height of 10 feet, and shall be architecturally compatible with surrounding development. Streetlights, where they are included, shall be primarily for pedestrian safety (at roadway intersections only), and shall not provide widespread illumination.
69. **Clear Excess Debris.** The developer shall clear the project site of all excess construction debris when completed with individual developments.

### Geology

70. All habitable structures to be located in the proposed East Biddle Cluster shall have the following setbacks as described in the "Fault Location Investigation" prepared by GeoSolutions, Inc. (July 2001):
  - a. A minimum of 100 feet from the south side of the South Trace of the fault in the

- Monterey Formation**
- b. A minimum of 15 feet from the north side of the South Trace of the fault in the Monterey Formation
  - c. A minimum of 25 feet from both sides of the North Trace of the fault in the Monterey Formation.
  - d. Exact fault and landslide setbacks shall be established by a Certified Engineering Geologist (CEG) and approved by the County CEG prior to final map recordation.
71. **Clubhouse Setback.** The exact location of the Los Osos Fault through the area of the proposed clubhouse on the East Cluster site is not known, although it is approximated to be in the immediate vicinity. As a precautionary measure, the clubhouse shall be located at least 200 feet from the inferred trace of the fault in the vicinity of the proposed clubhouse location.
72. **Soils/Foundation Preparation.** In order to avoid soil-related hazards, the project applicant shall implement the recommendations of the Soil Engineering Reports prepared for the project site in July 2001 by GeoSolutions, Inc. This shall include: preparation of building pads; preparation of paved areas; conventional foundations; slabs-on-grade construction; retaining walls; and pavement design. One or more of the following may be considered during design of the project:
- a. Use continuous deep footings (i.e., embedment depth of 3 feet or more) and concrete slabs on grade with increased steel reinforcement together with a pre-wetting and long-term moisture control program within the active zone.
  - b. Removal of the highly expansive material and replacement with non-expansive import fill material.
  - c. The use of specifically designed drilled pier and grade beam system incorporating a structural concrete slab on grade supported approximately 6 inches above the expansive soils.
  - d. Chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.
73. **Grading and Erosion Control Plan.** A grading and erosion control plan that minimizes erosion, sedimentation and unstable slopes shall be prepared and implemented by the project applicant or representative thereof, prior to issuance of Grading Permits. It must include the following:
- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, and sand bags shall be used to minimize erosion on slopes and siltation into Arroyo Grande Creek and its tributaries during grading and construction activities.
  - b. Graded areas shall be revegetated within 4 weeks of grading activities with deep-rooted, native, drought-tolerant species to minimize slope failure and erosion

- potential. If determined necessary by Planning and Building, irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. After construction of tract improvements, exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the Planning and Building Department Grading Division and APCD. These methods may include importing of topsoil is to be imported and spread on the ground surface in areas having soils that can be transported by the wind, and/or the mixing of the highly erosive sand with finer-grained materials (silt or clay) in sufficient quantities to prevent its ability to be transported by wind. The topsoil or silt/clay mixture is to be used to stabilize the existing soil to prevent its ability to be transported by wind. As a minimum, six inches of topsoil or silt/clay/sand mixture is to be used to stabilize the wind-erodible soils.
  - d. Where necessary, site preparation shall include the removal of all or a portion of the expansive soils at the building sites and replacement with compacted fill.
  - e. Where necessary, construction on transitional lots shall include overexcavation to expose firm sub-grade, use of post tension slabs in future structures, or other geologically acceptable method.
  - f. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
  - g. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by Planning and Building prior to land use clearance for grading.
  - h. Grading on slopes steeper than 5:1 shall be designed to minimize surface water runoff.
  - i. Fills placed on slopes steeper than 5:1 shall be properly benched prior to placement of fill.
  - j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
  - k. Cut and fill benches shall be constructed at regular intervals.
  - l. Retaining walls shall be installed to stabilize slopes where there is a 10-foot or greater difference in elevation between buildable lots.
  - m. The applicant shall limit excavation and grading to the dry season of the year (typically April 15 to November 1, allowing for variations in weather) unless a Planning and Building Department Building and Safety approved erosion control plan is in place and all measures therein are in effect.
  - n. The applicant shall post a bond with the County and hire a Planning and Building -qualified geologist or soils engineer prior to land use clearance for grading, and to ensure that erosion is controlled and mitigation measures are properly implemented.

74. **Roadway and Trail Alignment Review.** During site development and grading, an Engineering Geologist or a Soils Engineer shall identify potential surface slumping areas

within and adjacent to proposed roadway and trail alignments. Roads shall be realigned to avoid identified surface slumping areas or underlying soils shall be excavated and recompacted in accordance with the recommendations of a qualified engineering geologist.

### **Drainage**

75. **Subdrains.** An Engineering Geologist or a Soils Engineer shall observe construction activities to review the potential for subsurface water. If necessary, subdrains shall be installed within foundations, soft areas, or roadways, to alleviate ponding of water. On the West Biddle Cluster site, subdrains shall be installed in all foundations to alleviate upslope ponding of water. In addition, subdrains shall be installed within all lots that maintain swales or topographic depressions where a residence is proposed. Surface water shall not be concentrated onto surface materials in any lot.
76. **Access Road Culverts.** Culverts shall be constructed under Secondary Access Road "D" on the proposed West Biddle Cluster development site to divert surface flow to the main drainage. An Engineering Geologist shall assess the placement of these culverts during grading.
77. **Reduction of Liquefaction Potential.** Appropriate techniques to minimize liquefaction potential shall be prescribed by an engineering geologist and implemented by the project applicant. Suitable measures to reduce liquefaction impacts could include specialized design of foundations by a structural engineer, removal or treatment of liquefiable soils to reduce the potential for liquefaction, drainage to lower the groundwater table to below the level of liquefiable soils, in-situ densification of soils, or other alterations to the ground characteristics. All on-site structures shall comply with applicable methods of the Uniform Building Code.
78. **NPDES Permit.** Prior to start of subdivision improvements, the applicant shall obtain a NPDES storm water permit from the California Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) for the entire site (not individual lots) shall be developed prior to the initiation of grading and implemented for all construction activity on the project site. The SWPPP shall include specific BMPs to control the discharge of material from the site and into the creeks and local storm drains. BMP methods may include, but would not be limited to, the use of temporary retention basins, straw bales, sand bagging, mulching, erosion control blankets and soil stabilizers. Additional BMPs should be implemented for on-site construction activities including fuel storage and handling, concrete waste management, material delivery and storage. A list of BMPs shall be attached to project plans and posted at the construction site.
79. **Temporary Berms and Basins.** Temporary berms and sediment basins shall be constructed to avoid unnecessary siltation into local streams during construction

activities.

80. **Permanent Detention Basins.** Permanent detention basin(s) and detention traps shall be installed on the project site at locations outside of the stream channel that minimize conveyance of debris and eroded soils into the unnamed intermittent drainages and Arroyo Grande Creek.
81. **Grading and Drainage Plans.** Grading and drainage plans for both the tract and individual lots shall be designed to minimize erosion and water quality impacts. Plans shall include the following:
  - a. Grading shall be prohibited within 100 feet of the top of bank of Arroyo Grande Creek and on-site drainages, with the exception of approved trail improvements and project roads;
  - b. Graded areas shall be revegetated within 60 days of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established;
  - c. Grading shall be avoided on slopes greater than 30% due to the potential for geologic problems and endangering lands at lower elevations as well as scarring of hillside landforms;
  - d. Temporary storage of construction equipment shall be limited to a minimum of 100 feet away from Arroyo Grande Creek and on-site drainages; and
  - e. Erosion control structures shall be installed.
82. **Grading Limitations.** The tract developers shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a County-approved erosion control plan is in place and all measures therein are in effect.
83. **Drainage Features.** All runoff water from impervious areas shall be conveyed by impervious conduits via energy dissipaters to existing drainage channels. In addition, drainage shall be consistent with approved drainage plans which include:
  - a. Locations of all proposed pipelines;
  - b. Pipe diameters;
  - c. Locations where the pipe(s) would surface in the creek; and
  - d. Amount of water that would flow from each pipeline.
84. **Flood Protection Plan.** The applicant shall implement a Flood Protection Plan addressing debris plugging bridge locations and overland escape. The Plan shall include:
  - a. A 100-foot structural setback from the FCD verified top-of-bank of Arroyo Grande Creek and the unnamed intermittent on-site drainages;

- b. A grading and drainage plan to include standard requirements, bank stabilization methods, sediment basins and erosion control measures. Sediment traps shall not be in-channel;
- c. Culverts shall be designed to convey 100-year storm flows without ponding;
- d. Consideration of alternative crossing methods, such as Arizona (low water) crossings.

If any of these conditions are not met, the proposed grading and drainage plan must be revised to conform with these specifications.

- 85. **Disclosure of Potential Hazard.** Upon the transfer of real property within the West Biddle area, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners aware that the entrance to this area is located within a dam failure inundation hazard area. The same stipulation shall be made with respect to Lot 87.
- 86. **Equestrian Management Plan.** Prior to issuance of a construction permit for the equestrian facility, the applicant shall prepare an Equestrian Management Plan to demonstrate sensitivities to storm water transport of bacteria and sediment into downstream facilities. Appropriate best management practices shall be provided in the management plan, such as on-site manure management, site design characteristics, and citizen awareness and education provisions. On-site manure management shall include the provision for cleaning equestrian facilities and collecting manure in areas that minimizes the potential for dispersion into creek beds, and possibly establishing a manure compost system. Deliberate dumping of manure into creekbeds shall be prohibited. However, equestrians shall not be required to clean streambeds and trails from normal equestrian fecal production that occurs while trail riding activities take place.
- 87. **Pollutant Removal Techniques.** The applicant shall integrate into the project design available technologies and techniques to remove pollutants from site runoff prior to entering the drainage courses. Such techniques shall include reduced slope grading, drainage through vegetative zones (e.g., bio-swale) and other options to intercept pollutants being conveyed toward drainage paths. Technological solutions such as gravelly filter blankets or particulate filters (e.g. Fossil Filters) may also be installed as pollutant-removal solutions.

#### **Fire and Public Safety**

- 88. **Defensible Space Features.** The applicant shall be required to implement defensible space features, including security lighting, in common areas, subject to the review and approval of the Sheriff's Department. In addition, individual lot developers shall be required to incorporate structural defensible space features, including burglary-resistant hardware, into individual building plans.

89. **Road Widths, Fire Hydrants.** Road widths and circulation, as well as the placement of fire hydrants shall be designed with the guidance of the Fire Department. A road system that allows unhindered Fire Department access and maneuvering during emergencies shall be provided. Specifically, the following measures are required:
- a. Project roads must be an all weather surface at least 20 feet in width, unobstructed by parking. Cul-de-sacs and turnouts must be to Fire Department standards. If the roads are to be a private system, there must be on-going, legally binding provisions in effect to maintain the roads to Fire Department approval.
  - b. Road grades on all roads shall not exceed 16%, per the Uniform Fire Code.
  - c. House numbers and street signs shall be designed to County standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency.
  - d. All fire apparatus access roads and driveways shall be designed and maintained to support the imposed loads of 20 tons at 25 mph, and shall be provided with a surface so as to provide all-weather driving capabilities and maintain 90% compaction.
  - e. Proposed Road D shall be designed and constructed so as to meet CDF road requirements for a two-way road.
90. **Fire/Vegetation Management Plan.** Prior to recordation of the final map, the applicant shall prepare and submit a Fire/Vegetation Management Plan to the Fire Department that will meet the following requirements:
- a. The plan must set forth requirements to assure ongoing protection of all structures and roads, both prior to and after lot sales.
  - b. The plan shall require 100 feet of clearance from chaparral brush to structures throughout the development, and 30 feet of clearance from grasslands to structures throughout the development.
  - c. Vegetation within the first 30 feet of all structures must be strictly irrigated and controlled, with specific shrub species eliminated. No conifer (except Monterey pine, single specimen), eucalyptus, juniper, cypress, pampas grass, acacia, or palm trees should be allowed within the 100-foot zone. Coastal live oak (*Quercus* sp.), California sycamore, Toyon and shrubs/trees approved by the County Fire Department will be acceptable within the 100-foot zone as well as the 30-foot zone.
  - d. The plan shall outline vegetation management standards such as:
    - i. Grasses and groundcovers shall be maintained at no more than 18 inches in height on slopes that require erosion control measures. Grasses shall be mowed elsewhere.
    - ii. Trees must be limbed up to one third of their height to a maximum of 10 feet.
    - iii. Flammable native shrubs shall not be planted or allowed to grow in

continuous masses. Small clusters will be allowed as long as the minimum space between clusters is observed.

- e. The Fire/Vegetation Management Plan must clearly state exactly what management practices must be accomplished, date of annual compliance, and responsibility for cost of compliance.
- f. The plan must also include a Wildland Emergency Response check list (approved by County Fire Department) to be made available to all residents.

91. **Structural Safeguards.** Provide stringent structural safeguards that would reduce the need for rapid response of first alarm fire resources. This would include the installation of fire sprinklers throughout every structure, including garages, attics, enclosed patios and overhanging patios. The following features would be required:

- a. *Exterior Sprinkler Systems.* If 50-foot vegetation management zones are not employed, the perimeter structures within the fire hazard area must have exterior exposure sprinkler systems separately applied, per NFPA 13.
- b. *Class A Roofs.* All structures in the development within the fire hazard area should have non-wood Class A roofs, with the ends of tile blocked, spark arresters visible from the street, proper vent screens, and non-combustible gutters and down spouts. No combustible paper in or on attic insulation shall be allowed.
- c. *Design of Accessory Features.* Decks, gazebos, patio covers, fences, etc. must not overhang slopes and must be one-hour fire retardant construction. Front doors should be solid core, minimally 1 3/4 inch thick. Garage doors should be noncombustible.
- d. *Yard Characteristics.* Vegetation growing on fences should be prevented.
- e. *Power Lines.* All new power lines will be installed underground in order to prevent fires caused by arcing wires.

### Schools

- 92. **Buildout Date Notification.** The applicant shall notify the Lucia Mar School District of the expected buildout date of each phase of the project to allow the District time to plan in advance for new students.
- 93. **Statutory School Fees.** The applicant shall pay the statutory school fees in effect at the time of issuance of building permits to the appropriate school districts.

### Solid Waste

- 94. **Construction Solid Waste Minimization.** During the construction phases of the project, the following mitigation measures will be implemented to reduce solid waste generation to the maximum extent feasible:

- a. Prior to construction, the contractor will arrange for construction recycling service with a waste collection provider. Roll-off bins for the collection of recoverable construction materials will be located onsite. The applicant, or authorized agent thereof, shall arrange for pick-up of recycled materials with a waste collection provider or shall transport recycled materials to the appropriate service center. Wood, concrete, metal, cardboard, asphalt, soil, and land clearing debris generated during all phases of the project shall be recycled.
  - b. The contractor will designate a person to monitor recycling efforts and collect receipts for roll-off bins and/or construction waste recycling. All subcontractors will be informed of the recycling plan, including which materials are to be source-separated and placed in proper bins.
  - c. The contractor will use recycled-content building materials in construction wherever feasible. For example: asphalt paving for roads, construction fencing, traffic barricades, site and street furnishings, sheathing, insulation, flooring, and other similar materials. (see [www.ciwmb.ca.gov/rcp/](http://www.ciwmb.ca.gov/rcp/))
  - d. The above construction waste recycling measures will be incorporated into the construction specifications for the contractors and subcontractors.
  - e. The project's CC&R's shall require each residence to subscribe to waste and recycling/greenwaste recycling services. Non-residential project components shall also be required to include recycling services.
95. **Occupancy Solid Waste Minimization.** During the long-term occupancy phase of the project, the following mitigation measures will be implemented to reduce solid waste generation to the maximum extent feasible:
- a. During landscape design trees will be selected for the appropriate size and scale to reduce pruning waste over the long-term.
  - b. Slow-growing, drought-tolerant plants will be included in the landscape plan.
  - c. Drought-tolerant plants require less pruning and generate less long-term pruning waste, require less water, and require less fertilizer than non drought-tolerant plants.
  - d. On-site space will be allocated for a compost area to serve the residential development.

#### Land Use

96. **Height Restriction.** New homes that would be developed within the viewshed of Biddle County Park (i.e., Lots 71, 72, 73, 74, 78 and 79) shall be limited to one-story in height.
97. **Disclosure of Potential Nuisance.** In accordance with the County Right to Farm Ordinance (No. 2050), upon the transfer of real property on the project site, the transferor shall deliver to the prospective transferee a written disclosure statement that shall make all prospective homeowners in the proposed project aware that although potential impacts

or discomforts between agricultural and non-agricultural uses may be lessened by proper maintenance, some level of incompatibility between the two uses would remain. This notification shall include disclosure of potential nuisances associated with on-site agricultural uses, including the frequency, type, and technique for pesticide spraying, frequency of noise-making bird control devices, dust, and any other vineyard practices that may present potential health and safety effects. Should crop maintenance practices change substantially (e.g., through the use of new agricultural chemicals or application techniques), notification shall be provided to existing and prospective project residents.

98. **Maintain 300-Foot Agricultural Buffer.** Where feasible, the applicant shall maintain a minimum 300-foot landscaped buffer between residential lots and orchards.

### Trail

99. Prior to recordation of the final map or approval of the project's improvement plans (whichever occurs first) for Phase II, the applicant shall offer for dedication a trail easement as shown in Planning Commission Exhibit "A" dated March 13, 2003. All trail easement widths are minimums. The final trail alignment shall be subject to review and approval of the Department of General Services, Parks Division in consultation with the Dept of Planning and Building and shall result in no net loss of agricultural land. In some cases, the trail may be located on an existing agricultural roads. Within 500 feet of Biddle Ranch, where any trail corridor goes through an undisturbed riparian area, the applicant shall be responsible for obtaining a trail permit for a minimum 10 foot wide trail or shall relocate this portion of the trail.
100. Prior to recordation of the final map for Phase II or approval of the project's improvement plans for Phase II (whichever occurs first), the applicant shall submit a Trail Fencing Plan to the Dept of Planning and Building and the Dept of General Services - Parks Division for review and approval. The trail fencing plan shall include, at a minimum the following:
- a. Proposed fencing where the trail is adjacent to riparian vegetation and/or agricultural land.
101. Prior to recordation of the final map for Phase II, the applicant shall install fencing and signage per the approved fencing plan.
102. **Trail Security Measures.** In areas adjacent to irrigated cropland, the trail shall incorporate security measures to discourage trespassing onto adjacent agricultural lands. These could include, but not be limited to, fencing, signage, and landscaping. The portions of the trail adjacent to irrigated agriculture should include gates, such that it can be closed during times that spraying or other sensitive agricultural operations occur. Along the northern most segment of the trail easement, on-going damage caused by

agricultural vehicles shall be repaired by the applicant.

### **Soils Sampling**

103. **Sampling and Remediation of Soils.** Soil samples shall be taken within the project site's former avocado orchard (lots 38-50) by a qualified hazardous materials specialist to determine the presence or absence of banned pesticides. If soil sampling indicates the presence of any contaminant in hazardous quantities, the RWQCB and DTSC will be contacted to determine the level of any necessary remediation efforts, and these soils shall be remediated in compliance with applicable laws. The project applicant would be required to comply with applicable local, state, and federal requirements regarding site assessment, soils evaluation, and remediation in areas where soil contamination is known or suspected to occur. Site assessments that result in the need for soil excavation would be required to include: an assessment of air impacts and health impacts associated with excavation activities; identification of any applicable local standards that may be exceeded by the excavation activities, including dust levels and noise; transportation impacts from the removal or remedial activities; and risk of upset practices should an accident occur at the site.

### **Paleontology**

104. **Prior to recordation of each Phase of the final map or start of road grading, the applicant shall retain a qualified paleontologist to prepare a report identifying the existence and extent of paleontological resources on site. During road construction, a paleontologist shall monitor road cuts in sensitive resource areas to recover and identify paleontological resources.**