

**DEVELOPER'S STATEMENT FOR
HOWES VARIANCE
N-SUB2025-00003 / ED25-0037**

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

Pursuant to Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval ("COAs") should the project be approved. The Lead Agency ("County") or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

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

EXHIBIT B - MITIGATION SUMMARY

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

Air Quality

AQ-1 Fugitive Dust Construction Control Measures. Prior to acceptance of tract improvements & prior to issuance of construction permits on individual lots, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control.;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114.
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then

fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

7. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities.
10. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
12. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 **ROG, NOx, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. **These measures shall be shown on grading and building plans:**

1. Implement Mitigation Measure AQ-1, as identified above.
2. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed

for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

- a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - b. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
3. Maintain all construction equipment in proper tune according to manufacturer's specifications.
 4. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 5. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
 6. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
 7. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
 8. Electrify equipment when possible.
 9. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
 10. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-1 & AQ-2 Monitoring: The applicant shall ensure all activities are consistent with the mitigation measures noted above. Where required, a contact person responsible for ensuring these requirements are met on site shall be provided to the Department of Planning and Building. Department of Planning and Building shall verify compliance (AQ-1 & AQ-2) in consultation with the Environmental Coordinator.

Biological Resources

- BIO-1 Oak Tree Avoidance and Protection Plan. Prior to Issuance of Construction and/ or Grading Permits.** Native oak trees in and near the Project footprint shall be protected in place. All oak trees 6 inches in diameter or greater shall be shown on grading plans. Canopy pruning may be conducted under the direction of a licensed Arborist in a manner that would not result in a decrease in tree health. The CRZs of native oak trees shall be defined as an area of root space equivalent to 1.5 times the radius of the canopy dripline (e.g.: a 10-foot radius canopy has a CRZ of 15- feet around the trunk). Impacts include any ground disturbance within the CRZ, such as grading, trenching, parking vehicles, or staging materials. After permit issuance and prior to commencement of construction, protective high visibility fencing shall be installed at the outer limit of the CRZ. The fencing shall be marked with signage indicating No Access – Tree Protection Zone or similar text. Fencing shall be maintained in good condition for the duration of construction. Prior to issuance of conduction and/ or grading permits, the project applicant shall provide an Oak Tree Avoidance and Protection Plan detailing how the project will conform with the requirements of BIO-1.
- BIO-2 As-Built Oak Tree Impact Report. Prior to Final.** A licensed Arborist or qualified Botanist shall inspect and approve tree protective fencing prior to start of earthwork. If tree protection fencing placed at the limits of the CRZ must be temporarily removed to complete construction activities, an Arborist or Botanist shall be present. If grading or other ground disturbance occurs within oak tree CRZ, or if trimming or pruning of oak tree limbs/branches occur, the tree and area of impact shall be mapped in the field and recorded. Any roots of 1-inch diameter or greater that are exposed during grading that cannot be saved, should be cut clean with a sharp pruning tool and treated per Arborist direction. Upon completion of earthwork, an As-built Oak Tree Impact Report shall be provided to the County that includes an assessment of tree impacts and removals that occurred, and required mitigation (typically replacement at a 2:1 mitigation ratio for impacted oak trees and 4:1 ratio for removed oak trees).
- BIO-3 Oak Tree Mitigation/ Monitoring Plan. Prior to Final.** Impacted and removed oaks documented in the As-built Oak Tree Impact Report shall be replaced using the appropriate mitigation ratio and a mitigation plan shall be prepared and approved by the County of San Luis Obispo. The mitigation plan shall incorporate the most current County standards for mitigating impacts to oak trees. Impacts to oak trees with a DBH of 6 inches or greater shall be mitigated by planting additional trees on site. Oaks removed shall be replaced in kind at a 4:1 ratio (i.e., four replacement trees per one removed tree). Oaks impacted shall be replaced in kind at a 2:1 ratio. Replacement trees shall be a minimum of one gallon in size, of local origin, and of the same species as was impacted. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least five years. A mitigation monitoring plan will be prepared that outlines success criteria and provides a timeline for monitoring replacement trees. Annual reports will be provided to the County that will include monitoring results and recommendations for tree establishment success. The Oak Tree Mitigation Plan shall incorporate a grand total of all oak tree mitigation (expected and as-built replacement) and explain monitoring activities to ensure success.
- BIO-4 Manzanita Avoidance and Protection. At the Time of Submittal for Construction and/ or Grading Permits.** The project arborist or qualified biologist shall provide a Manzanita avoidance and protection plan ensuring the project plans conform with the avoidance and protection measures required for Manzanita populations.

BIO-5 Manzanita Avoidance and Protection. During Construction Activities & Prior to Final.

Santa Margarita manzanita shrubs shall be avoided where feasible, consistent with the Manzanita avoidance and protection plan submitted at the time of submittal and verified prior to issuance. Upon completion of grading staking, the project botanist shall meet with the construction manager to make in-field determinations for manzanita protection. All manzanita shrubs within 25 feet of grading limits shall be fenced and protected for the duration of construction. Where shrubs cannot be avoided, the botanist will recommend pruning or removal. The Botanist shall be present for all pruning and removals. A final manzanita avoidance and protection report shall be prepared and submitted to the County detailing impacts and removals of manzanita shrubs. If impacts to Santa Margarita manzanita cannot be fully avoided, a manzanita mitigation and monitoring plan shall be prepared by the project biologist and provided to the County.

BIO-6 Manzanita Mitigation and Monitoring Plan. Prior to Final. If Santa Margarita manzanita cannot be fully avoided, a manzanita mitigation and monitoring plan (MMP) shall be prepared that provides for 1:1 replacement of removed shrubs. The goal of the MMP shall be the retention of a viable population of Santa Margarita manzanita on the Property.

1. The mitigation plan shall require that plant materials (seeds or cuttings) come from the site so that genetic material of the original population will be maintained.
2. The plan shall be subject to approval by the County.
3. The mitigation site shall be within a deed restricted area and shall be maintained and monitored for a minimum of five years.

BIO-7 Paniculate Tarplant Onsite Mitigation Plan. Prior to Issuance of Construction and/ or Grading Permits. Mitigation for permanent impacts to Paniculate Tarplant, a CRPR 4.2 species, shall be preservation and/or creation of tarplant habitat by collecting seed from onsite tarplants to be impacted by the Project and dispersing the seed within a pre-determined mitigation site selected based on similar grassland/disturbed habitat and soil conditions. The mitigation area shall be mapped, and an onsite mitigation report prepared by a qualified biologist shall be submitted to the County prior to issuance of construction and/ or grading permits.

BIO-8 Paniculate Tarplant Onsite Mitigation. Prior to Final. Upon completion of BIO-7 and the Paniculate Tarplant onsite mitigation plan, the applicant shall provide the final report prepared by the project biologist detailing the methods and activities utilized to complete the Paniculate Tarplant onsite mitigation plan and any mitigation completed. The mitigation area shall be complete and an onsite mitigation report prepared by a qualified biologist detailing the final shall be submitted to the County prior final.

BIO-9 Worker Environmental Awareness Program (WEAP). Prior to Site Disturbance. A qualified biological monitor shall provide WEAP training to all personnel associated with the project within 30 days prior to initiation of site disturbance and/or construction, to avoid or reduce impacts to biological resources. At a minimum, the training shall include information on the protection of nesting birds, oak woodlands, and special status species present and with potential to occur on the site. A fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers, and other personnel involved with the construction of the project. Prior to start of work, the applicant shall provide a sign in sheet that includes all of the members who attended the training, the sheet shall be signed by the biologist who provided the training.

- BIO-10 Preconstruction Survey for Nesting Birds. Prior to Site Disturbance.** Within one week of ground disturbance activities, if work occurs between February 1 and September 15, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. A preconstruction survey report shall be submitted to the County immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions and/or species present. No work shall begin until the County has been provided the nesting bird survey results and/ or confirmed work is clear to begin.
- BIO-11 Biological Monitoring. During Construction Activities & Prior to Final.** Qualified biological monitor(s) shall be present onsite during ground or vegetation disturbing construction. Prior to the start of construction activities each day, biologist(s) will survey the work sites for wildlife. A biologist will look under parked vehicles and heavy equipment frequently (especially every morning before work starts). Species captured during surveys or construction activities will be relocated to the nearest suitable habitat outside of the Project area. Work shall stop in the unlikely event that federal, or state listed species are present, and the appropriate agency shall be contacted. Prior to Final, the project biologist shall provide a comprehensive report detailing the time and date each monitoring event occurred and any findings or measures taken as a part of the monitoring.
- BIO-12 Bat Preconstruction Survey. Prior to Site Disturbance.** Prior to removal of any trees over 20 inches DBH, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. The survey may include visual inspection of potential roost trees and/or acoustic surveys using bat detectors. If a non- maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Wildlife and the County, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in a similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed. No work shall begin until the County has been provided the required bat preconstruction survey results and/ or confirmed work is clear to begin.
- BIO-13 American Badger Preconstruction Survey. Prior to Site Disturbance.** A preconstruction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are present. The results of the survey shall be sent to the project manager and the County of San Luis Obispo. If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire impact area, plus a 500-foot buffer, and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are

present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. Exclusion of badgers from dens may only be done during the non-breeding season by a qualified biologist experienced in den exclusions. Dens must be fully excavated and backfilled after eviction is complete.

BIO-1 through BIO-13 Monitoring: The applicant shall ensure all activities are consistent with the mitigation measures noted above. Where required, a contact person responsible for ensuring these requirements are met on site shall be provided to the Department of Planning and Building. Department of Planning and Building shall verify compliance with all requirements in consultation with the Environmental Coordinator and project biologist / arborist.

Hazards and Hazardous Materials

HAZ-1 Prior to Issuance of Construction and/ or Grading Permits. The following should be placed on the plans as a note and incorporated into the awareness training. Equipment maintenance and refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 Prior to Issuance of Construction and/ or Grading Permits. The following should be placed on the plans as a note and incorporated into the awareness training. Spill response protocol. During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

HAZ-1 & HAZ-2 Monitoring: The applicant shall ensure all activities are consistent with the mitigation measures noted above. Where required, a contact person responsible for ensuring these requirements are met on site shall be provided to the Department of Planning and Building. Department of Planning and Building shall verify compliance with all requirements in consultation with the Environmental Coordinator and project applicants on-site contact.

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

Ryan Howes

Signature of Agent(s)/Owner

08/06/2025

Date

Ryan Howes

Name (Print)