

Date: April 16, 2026

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR SNOW MINOR USE PERMIT / COASTAL DEVELOPMENT PERMIT  
N-DRC2023-00054 (ED26-0011)**

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.

Per 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.

**AESTHETIC RESOURCES (AES)**

**AES-1** Prior to issuance of construction permits for the project, the applicant shall submit project architectural plans to the County of San Luis Obispo for review and approval, including the following:

- a. Exterior colors of the residence and retaining wall, shall be limited to deep earth tones, muted browns, grays, and greens and no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County of San Luis Obispo Planning and Building Department.

**AES-2** Prior to issuance of construction permits for the project, the applicant shall submit planting plans to the County of San Luis Obispo Planning and Building Department for review and approval. The planting plans shall be prepared by a licensed Landscape Architect. In addition to the conceptual tree planting shown in the current plans, the planting plan shall include a visual screen planting component, including the following:

- a. The plans shall include native evergreen trees such as oaks and shrubs for the purpose of filtering views of the residential buildings when viewed from State Route (SR-) 1 and SR-41. Plants shall be installed in random-appearing patterns of varying density. Trees shall be planted from a minimum 15-gallon container size. Screen planting shall achieve a minimum 50% screening of the buildings within 7 years after project completion.
- b. The plans shall include shrub planting for the purpose of filtering views of the retaining wall when viewed from SR-1 and SR-41. Plants shall be

installed in random-appearing patterns of varying density. Screen planting shall achieve a minimum 80% screening of the retaining wall within 3 years after project completion.

**AES-3**

Prior to issuance of construction permits for the project, the applicant shall submit erosion control plans to the County of San Luis Obispo Planning and Building Department for review and approval. The erosion control plans shall include the following:

- a. The erosion control plans shall specify that all slopes shall not exceed a slope ratio of 2(h):1(v).
- b. The surface of all slopes shall be amended as necessary to support vegetative growth
- c. All slope erosion control treatments shall include a seed component that is visually compatible to the surrounding grass landcover.

**AES-4**

Prior to issuance of construction permits for the project, the applicant shall submit a lighting plan to the County of San Luis Obispo Planning and Building Department for review and approval. At a minimum, the lighting plan shall include the following:

- a. All exterior lighting shall have point sources fully shielded from off-site views.
- b. Light trespass from exterior fixtures shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
- c. Any security lighting installed on the property shall be equipped with motion detectors to prevent continuous illumination.

**AIR QUALITY RESOURCES (AQ)**

**AQ-1**

**Naturally Occurring Asbestos Survey.** Prior to issuance of grading or construction permits, the applicant shall conduct a geologic evaluation for Naturally Occurring Asbestos. The geologic evaluation must be conducted by a registered geologist to determine if the area disturbed is or is not exempt from the CARB Asbestos Air Toxics Control Measure (NOA ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17 CCR Section 93105) regulation. The geologic evaluation must be submitted to the APCD Engineering Division prior to any grading activities at the site. Evidence of APCD approval must be provided to Planning staff.

- AQ-2**      **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-1, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:
- a. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
  - b. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
  - c. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

**BIOLOGICAL RESOURCES (BIO)**

**BIO-1**      **Conduct initial grading and ground disturbance activities during the dry season, which is approximately April 15 through October 15 to avoid the California red-legged frog and burrowing owl.** Timing initial site disturbance to occur in the dry season when winter rains have ceased and the ground is not wet will avoid potential impacts to CRLF. In addition, timing initial grading activities during the dry summer and fall seasons will avoid potential impacts to the burrowing owl. Preconstruction surveys detailed below under Mitigation Measure BIO-2.

**BIO-2**      **Conduct preconstruction surveys for special-status animal species and implement avoidance and protection measures during construction.** Within seven days prior to the start or vegetation removal or grading for any phase of the project (i.e., residence construction, driveway construction, utilities installation), a qualified biologist approved by the County shall survey impact areas to ensure that special status wildlife listed above are not present. The survey must be conducted during suitable environmental conditions for detection of the target species. If construction is scheduled to start at a time of year that is inappropriate for the detection of the species, surveys shall be planned during the species' active period the season before construction to determine whether they are present onsite. If this is not possible, the biologist shall conduct the initial preconstruction survey within seven days, and also be present onsite to monitor the initial vegetation removal and ground disturbance phases.

As discussed above, with initial ground disturbance occurring in the dry season outside the winter months, impacts to burrowing owls and red-legged frogs can be avoided. For the American badger that may be present year round, a qualified biologist shall survey the project impact areas plus a 250-foot buffer for potential American badger dens. Any potential badger dens/burrows found that appear active shall be identified with flagging and stakes, and a 200-foot no-work buffer shall be delineated. All foot and vehicle traffic, construction activities, and storage of supplies and equipment, shall remain outside of buffer areas. Buffer areas shall be maintained until all construction-related disturbances have ceased. If any burrow buffer areas cannot be avoided during work activities, then the qualified biologist shall determine whether the burrows are active by installing wildlife trail cameras and/or a tracking medium and monitoring daily for at least three days. Dens/burrows determined to be inactive shall be excavated to prevent them from being occupied during the work.

Because the initial grading/ground disturbance is expected to take place during the late-spring or summer, additional measures shall be employed to determine whether dens are occupied by badger young. No dens with young shall be disturbed, and no work shall be conducted within 200 feet of maternal dens until the young have left the den as determined by a qualified biologist. If any active burrow occupied by a single adult badger is found and a 200-foot buffer area cannot be avoided, then the den shall be closed incrementally by placing sticks and debris over the entrance for three to five days, to discourage the animal from using the den. After qualified biologist determines that the badger has left the burrow, the burrow can be removed by incrementally excavating it. Hand tools are the recommended method for removing a burrow, and excavating equipment can be used with extreme caution while being monitored by a qualified biologist. If an American badger is discovered inside the burrow during excavation, activities should cease immediately and the animal allowed to leave under its own volition. After the burrow has been excavated to the end to determine that it is unoccupied, the excavation shall be filled with dirt and compacted to make sure that it cannot be reoccupied.

The preconstruction survey(s) shall be repeated for each phase of the project scheduled to commence upon a different date. The biologist shall submit a preconstruction survey report to the County detailing the methods and results of the surveys. The report should detail the number and location of any special-status animal species found during the surveys and measures implemented for avoidance prior to the start of construction. Observations of special-status species shall be submitted to the CNDDDB.

**BIO-3**

**Conduct a preconstruction nesting bird survey and avoid active nests.** For any vegetation removal or initial grading that is scheduled to start between February 1<sup>st</sup> and August 31<sup>st</sup>, a qualified biologist shall conduct a preconstruction survey for nesting birds within approximately 500 feet of the

work area, as appropriate within the limits of the property. The survey shall be conducted within seven days before the initiation of construction. During this survey, the qualified biologist shall search for birds exhibiting nesting behavior and attempt to locate their nests. Any nests identified in the survey area shall be monitored to determine if they are active. If no active nests are found, construction may proceed. If an active nest is found within 50 feet (500 feet for raptors) of the construction area, the biologist in coordination with the County shall determine the extent of a buffer to be established around the nest. The buffer should be delineated with flagging, and no work shall take place within the buffer area until the young have left the nest, as determined by the qualified biologist. Once nesting has ceased and the young are no longer reliant on the nest, project activities can commence in the buffer zone.

**BIO-4 Implement stormwater protection measures and install appropriate erosion and pollution control methods.** The following stormwater Best Management Practices (BMPs) and avoidance/protection measures (in addition to any required by a qualified engineer) are required to be implemented during and after each of the phases of the project:

1. As determined to be warranted to protect downstream biological resources identified within this BRA, and in compliance with the Coastal Plan Policies Coastal Watersheds Policy 8, land clearing and grading shall occur outside of the rainy season (County 2007), which is typically defined from October 15<sup>th</sup> through April 15<sup>th</sup>.
2. Disturbance of soils should be kept to the smallest area and shortest feasible period. Driveway improvements within 100 feet of Drainage 3 shall minimize the amount of grading to the extent feasible. The top of bank shall be fenced with high visibility construction fence or other appropriate material within 100 feet up-and downstream from the road crossing prior to construction and the fencing shall be maintained throughout the construction period. The fencing is to serve as a visual boundary of the protected stream area, and shall be depicted on all construction plans. The fencing can be removed when ground disturbance has been completed.
3. Spill kits shall be maintained on the site, and a Spill Response Plan prepared by a qualified individual shall be in place. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.
4. No vehicles or equipment shall be refueled within 100 feet of drainage features unless a bermed and lined refueling area is constructed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles should be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

Construction staging areas should attain zero discharge of stormwater runoff into these habitats.

5. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter drainages.
6. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the United States Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
7. A Sediment and Erosion Control Plan as required by the County shall be prepared by a qualified individual, as required under Coastal Plan Coastal Watersheds Policy 9 (County 2007).
8. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs to prevent erosion and protect the drainage features onsite and offsite. Silt fencing, erosion control blankets, straw bales, sandbags, fiber rolls and/or other types of materials shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation, including hydromulching, shall be used as feasible. Additional measures specified in Coastal Plan Policies Coastal Watersheds Policy 9 include sediment basins and terracing (County 2007). Selection of appropriate measures shall be based on evaluation of the project design, site conditions, pre-project erosion rates, environmental sensitivity of the adjacent area, and costs of on-going maintenance. All sediment and erosion control measures shall be installed per the engineer's requirements, and in place prior to October 15. These measures shall be maintained in good operating condition throughout the construction period. Methods that are not biodegradable should be removed after vegetation has become established and following the end of the rainy season (late-spring or summer).
9. Areas with temporarily disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as needed. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix as detailed in Table 1. Native seed mix shall be applied to the graded areas through either direct hand seeding or hydroseeding methods prior to the onset of the rainy season (by October 15). Compost, mulch, fiber and tackifier may also be incorporated.
10. Following construction, the revegetated areas shall be inspected by the qualified restoration ecologist to ensure that disturbed soils have successfully been stabilized in the short- and long-term. The monitoring visit

should include the removal of non-native species that favor disturbed conditions and outcompete native species.

**Table 4 - 1: Erosion Control Native Seed Mix**

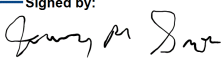
Common Name	Scientific Name	Application Rate (pounds/acre)
California brome	<i>Bromus carinatus</i>	10
Purple needlegrass	<i>Stipa pulchra</i>	5
Six weeks fescue	<i>Vulpia microstachys</i>	5
Small fescue	<i>Festuca microstachys</i>	5
Tomcat clover	<i>Trifolium wildenovii</i>	5
<b>Total</b>		<b>30</b>

11. The BMPs provided in Merhaut et al. (2012) or other reputable sources that are specific to avocado orchards are recommended for future agricultural activities. These methods may include:

- Pressure regulators for the irrigation system and use of drip or microsprinkler irrigation;
- Mulching the ground to conserve soil moisture;
- Cover crops between rows;
- Nutrient management based upon soil characteristics; and
- An integrated pest management program

**Monitoring:** Required prior to application for project grading, building, and construction permits and during construction activities. Compliance will be verified by the County Department of Planning and Building.

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

Signed by:  
  
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4/27/2026

**Signature of Applicant**

**Name (Print)**

**Date**