

**DEVELOPER'S STATEMENT FOR
GOLDEN STATE WATER COMPANY
DEVELOPMENT PLAN / CONDITIONAL USE PERMIT DRC2019-00068**

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

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

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

Aesthetics (Visual Resources)

- AES-1 **At the time of application for construction permits**, the applicant shall submit plans to the County Department of Planning and Building showing water tank colored a dark gray-green no brighter than 6 in chroma and value on the Munsell Color Scale. In addition to the water tank, coloring shall include ladders, railing, valves, antennas and all other equipment attached or immediately adjacent to the tank.
- AES-2 **At the time of application for construction permits**, the applicant shall submit a landscape plan to the County Department of Planning and Building showing screen planting along the northern side of the water tank, and the following:
- a. The screen plants shall include trees and/or large shrubs for the purpose of screening the water tank. Screen planting shall achieve a minimum 80 percent screening of the water tank at plant maturity;
 - b. Screen planting shall include evergreen trees and/or large shrubs capable of growing to a minimum height of 20 feet tall. Trees shall be planted from a minimum fifteen-gallon container size. Shrubs shall be planted from five-gallon containers.
 - c. Screening plants shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).
 - d. The screen planting shall be along the northern side of the water tank, at a location that provides the greatest screening benefit, while at the same time minimizes potential conflicts with the goals of the Biological Resources Assessment (SWCA August 2018) regarding protection of the Morro manzanita resource.
 - e. Trees and/or shrubs within the screen planting area shall be maintained in perpetuity. Trees and/or shrubs within the screen planting area which die shall be replaced.
- AES-3 **At the time of application for construction permits**, the applicant shall submit plans to the County Department of Planning and Building showing a restoration plan that includes:

- a. Vegetation removal for construction access will be minimized to the greatest extent possible. Where possible, the alignment of the construction access shall be modified to save vegetation.
- b. All ground disturbance shall be restored to its pre-construction landform.
- c. Any trees or shrubs removed for construction access shall be replaced at a ratio of 4:1 near the location of their removal.
- d. Construction access planting shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).
- e. Any required pruning shall be conducted by an ISA Licensed Arborist.

Monitoring: (Visual Recourse Measures VR-1 to VR-3) Required at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

Air Quality

AQ-1 Fugitive PM10 Mitigation Measures. **Upon application for construction permits**, all required PM10 measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. 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;
- e. 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;
- f. 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;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should 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 are to be covered or should 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; and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans.
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. 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.

AQ-2 Standard Mitigation Measures for Construction Equipment. **Upon application for construction permits**, all standard mitigation measures for construction equipment shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. 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;
- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and

- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Monitoring: (Air Quality Measures AQ-1 to AQ-2) Required at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

Biological Resources

- BIO-1** **Prior to ground disturbing activities**, the applicant shall retain an environmental monitor approved by the County Department of Planning and Building for all measures requiring environmental mitigation to ensure compliance with the coastal development permit measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) facilitating the avoidance of Morro manzanita plants, as feasible; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing and access road installation) and be reduced to twice a week following initial disturbances or a frequency and duration determined by Golden State Water Company in consultation with the County Department of Planning and Building.
- BIO-2** **Prior to ground disturbing activities**, the environmental monitor shall conduct an environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of the special-status species that may occur in the project area, including Morro manzanita, ESHA, California legless lizard, and nesting birds. Topics of discussion shall include descriptions of the species' habitats, general provisions and protections afforded by CEQA, measures implemented to protect special-status species, review of the project boundaries and special conditions, the monitor's role in project activities, lines of communication, and procedures to be implemented in the event a special-status species is observed in the work area.
- BIO-3** **Prior to ground disturbing activities**, the environmental monitor shall coordinate with the project contractors to facilitate the avoidance of Morro manzanita to the maximum extent possible. Such coordination will include assisting the contractors in identifying the Morro manzanita occurrences and recommending grading areas that avoid the occurrences. The contractors shall make all reasonable efforts to avoid the manzanitas. Once the Morro manzanitas that can be avoided are identified, the contractors in coordination with the environmental monitor shall install construction delineation fencing that protects the Morro manzanitas to be avoided from accidental disturbance. In some cases, avoidance will not be feasible and mitigation for each manzanita plant removed shall be at a 4:1 ratio. The environmental monitor shall document the exact number of Morro manzanita plants that are removed and establish the final Morro manzanita replacement mitigation quantities.

It is estimated that the project will require the removal of 18 Morro manzanita plants. To mitigate this impact, the applicant shall prepare a Morro Manzanita Replacement Plan that provides for the installation and maintenance of 72 Morro manzanita plants

on the project parcel. If the environmental monitor determines that more than 18 Morro manzanita plants must be removed to accomplish the project goals, the applicant shall replace each of the removed Morro manzanita plants by planting and maintaining four Morro manzanita plants on the project parcel. If the environmental monitor determines that less than 18 Morro manzanita plants need to be removed for the project, the applicant may plant and maintain less than 72 Morro manzanita plants, provided that the final mitigation ratio is 4:1. The Morro manzanita Replacement Plan shall include:

- A brief narrative of the project location, description, and purpose;
- Clearly identified parties responsible for the mitigation program and their contact information;
- A map showing and quantifying all manzanita planting areas;
- A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.
- Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- A program schedule and established success criteria for a 5-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings.
- Methods for removing nonnative species from the site, inclusive of nonnative eucalyptus and pine tree seedlings, and pampas grass (*Cortaderia* species).
- Methods for the removal and disposal of the eucalyptus and pine duff that occurs on the site.

BIO-4 **Prior to construction permit issuance**, the applicant shall provide for the installation of a temporary irrigation system on the project parcel that is designed to provide water to the replacement Morro manzanita replacement plantings. The temporary irrigation system shall be maintained and functional throughout the 5-year mitigation program.

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

BIO-5 The eucalyptus and pine trees on the parcel deposit duff that reduces native plant success on and adjacent to the parcel. **During project construction**, the applicant shall remove the three eucalyptus trees and seven pine trees that are in the parcel

boundaries to maximize the survival of the replacement Morro manzanita plants and minimize the adverse effects of these nonnative species on the adjacent Morro manzanita chaparral. If mitigation for other resource areas (e.g., Aesthetics) requires the replacement of the trees, the replacement vegetation shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

BIO-6 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (March through September). If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected, the following measures should be implemented:

- The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- The County-approved biologist should contact the County to determine in consultation with CDFW, an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
- The County-approved biologist should document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.

BIO-7 **Within 30 days prior to site grading and during site grading**, the environmental monitor shall conduct surveys for silvery legless lizards and other reptiles. The surveyor should utilize hand search or cover board methods in areas of disturbance where legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they should commence at least 30 days prior to the start of construction. Hand search surveys should be completed immediately prior to and during grading activities. During grading activities, the environmental monitor shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the environmental monitor shall submit a project completion report to the County that documents the number of silvery legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities.

Geology and Soils

GEO-1 **At the time of application for construction permits**, the project applicant shall verify that grading and construction plans incorporate recommendations identified by the Geotechnical and Geologic Hazards Report – Alamo Tank Replacement Project (Yeh and Associates 2018). These recommendations shall apply to earthwork (general), tank foundation design, site preparation, grading, footing design, trench design, pavement design, and construction considerations.

GEO-2 **Prior to issuance of an encroachment permit**, the applicant shall coordinate with the County Public Works Department to ensure that slope stability and erosion are adequately addressed by design features and erosion control measures. Applicable erosion control measures shall be noted on all project plans. Plans shall be submitted to the County Public Works Department for review and approval prior to issuance of an encroachment permit.

GEO-3 **Throughout the construction and site restoration period**, the applicant shall retain a qualified geological engineer to periodically monitor grading, vegetation removal, and erosion control activities to evaluate and ensure effectiveness of implementation of required erosion control measures. At minimum, monitoring shall occur before and after rain events and in response to any complaints regarding erosion at the project site. The applicant shall provide the name and telephone number of the qualified geological engineer to the County prior to the start of any grading, earthwork or demolition.

Hazards and Hazardous Materials

HAZ-1 **At the time of application for construction permits**, the project applicant shall prepare a Hazardous Material Spill Prevention, Control and Countermeasure Plan to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project. The plan shall be submitted for review and approval by the County, and shall include, at minimum, the following:

- a. A description of storage procedures and construction site maintenance and upkeep practices;
- b. Identification of a person or persons responsible for monitoring implementation of the plan and spill response;
- c. Identification of Best Management Practices (BMPs) to be implemented to ensure minimal impacts to the environment occur, including but not limited to the use of containment devices for hazardous materials, training of construction staff regarding safety practices to reduce the chance for spills or accidents, and use of non-toxic substances where feasible;
- d. A description of proper procedures for containing, diverting, isolating, and cleaning up spills, hazardous substances and/or soils, in a manner that minimizes impacts on surface and groundwater quality and sensitive biological resources;
- e. A description of the actions required if a spill occurs, including which authorities to contact and proper clean-up procedures; and
- f. A requirement that all construction personnel participate in an awareness training program conducted by qualified personnel approved by the County. The training must include a description of the Hazardous Materials Spill Prevention, Control and Countermeasure Plan, the plan's requirements for spill prevention, information regarding the importance of preventing spills, the appropriate measures to take should a spill occur, and identification of the location of all clean-up materials and equipment.

These requirements shall be noted in plan specifications and the Hazardous Materials Spill Prevention, Control and Countermeasure Plan shall be included with the project plans.

Measures in the Plan shall be implemented, as appropriate, through the duration of the construction activities. Implementation of the Plan shall occur prior to and during construction.

Plans shall be reviewed for consistency with these requirements by the County prior to construction. Construction personnel training shall be confirmed by the County prior to construction by review of appropriate documentation of the training, including a list of the training attendees. The County shall perform periodic site inspections to ensure compliance with these requirements.

HAZ-2 **At the time of application for construction permits**, a Fire Awareness and Avoidance Plan shall be prepared to minimize potential construction related fire hazards. The Plan shall include the following measures:

- a. Fire preventative measures addressing cutting, grinding and welding;
- b. Maintaining fire extinguishers in every vehicle on site and appropriate locations within the work area;
- c. Communication with emergency response agencies; and
- d. Methods for ensuring compliance with the San Luis Obispo County Coastal Zone Land Use Ordinance Section 23.05.080, Fire Safety.

These requirements shall be noted in plan specifications and the Fire Awareness and Avoidance Plan shall be included in the project plans.

The County Planning Department shall review the plans and inspect the project site prior to construction to ensure consistency with these requirements.

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

Noise

NOISE-1 Construction activities shall be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, consistent with San Luis Obispo County construction noise exception standards, per the Coastal Zone Land Use Ordinance Section 23.06.042.

NOISE-2 Internal combustion engines shall be equipped with the muffler recommended by the manufacturer. Internal combustion engines shall not be operated on the job site without the appropriate muffler.

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.

Signature of Agent(s)

Date

Name (Print)