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Important Hearing Procedure Note:

This is a substantial issue only hearing. Public testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Appeal Filed:	7/15/2013
49 th Day:	Waived
Staff:	J. Buhr - SC
Staff Report:	1/24/2014
Hearing Date:	2/13/2014

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal Number:	A-3-SLO-13-0220
Applicant:	San Luis Obispo County Department of Public Works
Appellant:	Jeff Edwards
Local Decision:	Approved by the San Luis Obispo County Board of Supervisors (Public Works Development Plan/Coastal Development Permit DRC2012-00044).
Project Location:	Highway 1 at 13 th Street, in the Community of Oceano, San Luis Obispo County (APNs 062-118-013; 062-118-014; 062-118-002; 061-093-044, and County and Railroad rights-of-way).
Project Description:	Drainage improvement project to alleviate flooding at Highway 1 and 13th Street, including a new culvert, drainage swale, and a sedimentation basin, as well as placement of fill at an existing recreational vehicle storage lot.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

San Luis Obispo County approved a coastal development permit (CDP) for a drainage improvement project located in the community of Oceano along Highway 1. The project is

designed to alleviate a flooding problem on Highway 1 at 13th Street. The County-approved project includes new drainage inlets, infiltrators, a new underground pipe, a concrete drainage swale, and a new concrete sedimentation basin with box culvert. Grade modifications will also be made through the addition of approximately 12,500 cubic yards of fill material to an existing RV storage site to add storage capacity for large storm events and to help direct surface flows to the swale and sedimentation basin.

The Appellant's main contentions are that: 1) coastal resources, including environmentally sensitive habitat areas (ESHA), are not intended to cleanse concentrated runoff; 2) there is no evidence that the project will enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality; 3) the primary area of fill placement and the detention basin are wetland ESHA; 4) no analysis was done relative to potential impacts that might result from groundwater migration to the sedimentation basin from under the airport property; and 5) there will be adverse impacts on federally designated endangered/threatened species.

The approved project is an allowed use at this location. Specifically, the LCP allows for the development of flood and drainage facilities adjacent to ESHA and within ESHA buffers if proper steps are taken to mitigate adverse environmental effects and there is no feasible less environmentally damaging alternative. The County evaluated several project alternatives and the approved project was determined to have the least significant environmental impacts. Regarding the Appellant's contentions related to ESHA, a natural function of wetland and riparian habitat is to act as a bio-filter. Furthermore, the approved project will improve water quality by increasing infiltration and moving stormwater off roads and through the sedimentation basin before discharge into Arroyo Grande Creek. In addition, the fill area and sedimentation basin will not be placed within ESHA. Moreover, the drainage project will not increase impacts from groundwater migration or surface water runoff coming from the Oceano County Airport because the portion of the airport where airport-related contaminants are present is located within a hydraulically separate drainage basin. Finally, the approved project includes appropriate mitigation measures, including requirements for preconstruction biological surveys, biological monitoring during construction, and construction timing to avoid the rainy season when the presence of sensitive species is most likely.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location Maps
- Exhibit 2 –Notice of Final County Action
- Exhibit 3 – Appeal of San Luis Obispo County’s CDP Decision

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion. Passage of this motion would result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission would not hear the application de novo and the local action would become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-SLO-13-0220 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

***Resolution:** The Commission finds that Appeal Number A-3-SLO-13-0220 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION AND DESCRIPTION

The San Luis Obispo County approved project authorizes a drainage improvement project in the community of Oceano to alleviate a flooding problem on Highway 1 at 13th street, and extending south to River Avenue (see **Exhibit 1** for the project location map and **Exhibit 2** for the approved project plans).

The County-approved project includes new drainage inlets, infiltrators, a new underground pipe, a concrete drainage swale, and a new concrete sedimentation basin with box culvert. Grade modifications will also be made through the addition of approximately 12,500 cubic yards of fill material to an existing RV storage site to add storage capacity for large storm events and to help direct surface flows to the swale and into the sedimentation basin. The new underground storm drain system would be located underneath Highway 1 and extend to the sedimentation basin, at River Avenue. Three drainage inlets will be installed along Highway 1 and one on Paso Robles Street to capture and direct stormwater runoff into the new underground storm drain. The first two inlets will lead directly to infiltrators that will send the first flows, and an increment of flows thereafter, back into the groundwater system. Once the infiltrators are full, additional stormwater will continue through the underground storm drain.

One other drainage inlet will be installed in the RV storage lot that will also direct flows into the underground storm drain. The underground storm drain will discharge into the sedimentation basin, which will be located within the RV storage lot on Oceano County Airport property along River Avenue. The swale will direct additional surface runoff into the top end of the sedimentation basin. Flows will make their way from the sedimentation basin into the arroyo willow area located adjacent to the downstream end of the sedimentation basin. This area

currently acts as a natural bio-filter for stormwater. Excess water that does not infiltrate at the area of arroyo willows will flow into Arroyo Grande Creek through an existing box culvert. During high flow events, water will exit directly from the sedimentation basin into Arroyo Grande Creek through a new box culvert. The drainage project is designed to handle up to ten-year storm events. In storm events that are greater than a 20-year event, flows in Arroyo Grande Creek would prevent the flap gates located on the culverts from opening. Flows would then be retained within the sedimentation basin, and once the flows within Arroyo Grande Creek subside, stormwater would once again be able to drain from the project area.

B. SAN LUIS OBISPO COUNTY CDP APPROVAL

On March 14, 2013, the San Luis Obispo County Planning Commission approved a CDP for the proposed project. The Planning Commission's approval was appealed by Jeff Edwards on March 27, 2013. On June 4, 2013, the San Luis Obispo County Board of Supervisors upheld the Planning Commission's decision to approve the project subject to the mitigation measures in the Mitigated Negative Declaration for the project, and denied the appeal. The County's notice of final local action was received in the Coastal Commission's Central Coast District office on July 1, 2013 (**Exhibit 2**). The Coastal Commission's ten-working day appeal period for this action began on July 2, 2013 and concluded at 5 pm on July 16, 2013. One valid appeal of the County's CDP decision was received during the appeal period (see below and see **Exhibit 3**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is a major public works project, is located between the sea and first public road paralleling the sea, is not the principal permitted use under the LCP, and is located within 100 feet of a coastal stream.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts a de novo hearing and

¹ The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its

ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project includes components that are located between the nearest public and the sea and thus this additional finding would need to be made if the Commission were to approve the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant makes broad contentions that the project is inconsistent with the LCP, but does not cite any specific LCP policies or regulations. Specifically, the Appellant contends that : 1) coastal resources, including environmentally sensitive habitat areas (ESHA), such as creeks, are not intended to cleanse concentrated runoff; 2) there is no evidence that the project will enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality; 3) the primary area of fill placement and the detention basin are wetland ESHA; 4) no analysis was done relative to potential impacts that might result from groundwater migration to the sedimentation basin from under the airport property; and 5) there will be an impact on federally endangered/threatened species. The Appellant also questions the need for the project given that Cal Trans has completed some remedial drainage work in the area following flooding in 2010. The Appellant also questions whether the project will have measurable beneficial impacts on stormwater runoff given that it addresses only a small portion of the larger watershed, and also questions how the approved project will function with other pending and future public works drainage projects. Please see **Exhibit 3** for the full appeal document.

E. SUBSTANTIAL ISSUE DETERMINATION

Applicable LCP Policies and Standards

The Appellant lists a number of issues in his appeal letter, which are primarily related to ESHA, but does not cite any specific Coastal Act or LCP policies. The County's LCP contains numerous policies related to the protection of ESHA, including wetlands and creeks. The following are ESHA policies and standards that are relevant to the contentions raised by the Appellant:

LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the Appellant's contentions.

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. *New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.*

Policy 2: Permit Requirement. *As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.*

Policy 7: Protection of Environmentally Sensitive Habitats. *Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored.*

Policy 16: Adjacent Development. *Development adjacent to coastal watersheds shall be sited and designed to prevent significant impacts to wetlands through noise, sediment or other disturbances. Development shall be located as far away from the wetland as feasible, consistent with other habitat values on the site.*

Policy 20: Coastal Streams and Riparian Vegetation. *Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.*

Policy 21: Development in or Adjacent to a Coastal Stream. *Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.*

Policy 26: Riparian Vegetation. *Cutting or alteration of naturally occurring vegetation that protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 23) and where no feasible alternative exists or an issue of public safety exists. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 of the California Fish and Game Code.*

Policy 28: Buffer Zone for Riparian Habitats. *Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural*

developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible.

Section 23.07.170. Environmentally Sensitive Habitats (in relevant part). *The provisions of this section are intended to protect Environmentally Sensitive Habitat areas by limiting/regulating development within 100 feet of such habitats.*

a. A land use permit application for a project on a site located within or adjacent to an Environmentally Sensitive Habitat shall also include a report by a biologist approved by the Environmental Coordinator that:

(1) Evaluates the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. For those environmentally sensitive habitat areas which are only seasonally occupied, or where the presence of the species can best be determined during a certain season (e.g., an anadromous fish species or annual wildlife flower species), the field investigation(s) must be conducted during the appropriate time to maximize detection of the subject species. The report shall identify possible impacts, their significance, measures to avoid possible impacts, mitigation measures required to reduce impacts to less than significant levels when impacts cannot be avoided, measures for the restoration of damaged habitats and long-term protection of the habitats, and a program for monitoring and evaluating the effectiveness of such measures...

(e)(4) Other prohibited uses. Prohibited development activities include:...

(iii) Disturbance or removal of native riparian vegetation on the banks of streams. Locations constituting an exception to this requirement are:

(a) In-between stream banks when essential for flood control purposes and no less environmentally damaging alternative is available to protect existing structures...

Section 23.07.172. Wetlands. *New development shall be located a minimum of 100 feet from the upland extent of all wetlands.*

(1) Permitted uses within wetland setbacks. Within the required setback buffer, permitted uses are limited passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

(i) Alternate routes are infeasible or more environmentally damaging.

(ii) Adverse environmental effects are mitigated to the maximum extent feasible.

The above LCP Policies and standards protect ESHA but also allow for development where it is sited and designed in such a manner that sensitive resources are protected. The LCP typically requires a 100-foot buffer between development and ESHA. However, the LCP allows for drainage and flood control facilities to be situated adjacent to ESHA, and within the 100-foot

buffer, so long as proper steps are taken to mitigate adverse environmental effects and if there is no feasible alternative which is less environmentally damaging.

Analysis

Alternatives Evaluated by the County

The LCP permits drainage and flood control facilities adjacent to ESHA if no less environmentally damaging feasible alternative exists. The County evaluated a range of alternatives to determine if there was a less environmentally damaging feasible alternative to the proposed project. The alternatives evaluated, and the reasons they were deemed infeasible, include: 1) repairing/modifying the existing drainage route, which was determined to be infeasible because of insufficient grades to effectively move the water; 2) installing a new drainage basin adjacent to the airport, which was also infeasible due to insufficient grades; 3) installation of upstream infiltration ponds and devices, which was determined to be infeasible because opportunities to increase the overall capacity using this type of approach have already been nearly maximized; 4) conveyance of stormwater flows to an existing basin along the railroad opposite Cienaga Street, which was determined to be infeasible because of insufficient grades and lack of capacity to handle additional flows; 5) locating the sedimentation basin outside the 100-foot ESHA setback, which was determined to be infeasible because this would place the sedimentation basin directly in the airport's runway protection zone, which is not allowed by the FAA; and 6) use of a vegetated sedimentation basin in lieu of a concrete basin, which was determined to be infeasible because it is dangerous to provide bird habitat so close to the end of an airport runway. With these alternatives determined to be infeasible, the County found that the approved project is the feasible alternative that would have the least impact on sensitive resources in the area.

ESHA and Stormwater Runoff

The approved project includes a concrete-lined sedimentation basin that will drain into a natural area of arroyo willows before entering Arroyo Grande Creek. As discussed above, the LCP allows for drainage and flood control facilities to be located within riparian buffer zones.

The Appellant contends that coastal resources, including ESHAs and associated habitats, are not intended to cleanse concentrated urban stormwater runoff. In this case, the LCP's land use maps do not show ESHA present in the vicinity of the project area. Although the County did not require an ESHA delineation on the site, the willow riparian area adjacent to the downstream end of the sedimentation basin likely meets the applicable definition provided in the Land Use Ordinance to qualify as unmapped ESHA², so the project will be analyzed as if this area were ESHA.

Riparian zones have an important role in filtering and trapping of sediment and dissolved and sediment-borne pollutants. This willow riparian area currently functions as a bio-filter for storm

² Environmentally Sensitive Habitat Area (Unmapped ESHA): A type of Sensitive Resource Area where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. They include, but are not limited to, known wetlands, coastal streams and riparian vegetation, terrestrial and marine habitats that may not be mapped as Land Use Element combining designations.

flows before they are released into Arroyo Grande Creek. As proposed, the new sedimentation basin will continue to convey drainage into the willow riparian area before release into Arroyo Grande Creek, but the project includes a new sedimentation basin that will collect debris and sediment before it is discharged into the willow riparian area. Once the project is constructed, the stormwater that ultimately makes its way into Arroyo Grande Creek will therefore contain less trash, less sediment, and fewer contaminants than it would if the project is not constructed, consistent with the LCP's requirements to enhance the ecological function of coastal streams.

Also, this willow riparian area is currently degraded and it is frequently inhabited by transients. The approved project does not include any groundbreaking construction activities within this willow riparian area but does include the removal of trash left behind by transients. Thus, applicant is not proposing development within ESHA, except for removal of trash, which is consistent with LCP requirements. For all of the above reasons, the approved project will preserve and protect the Arroyo Grande Creek riparian corridor, consistent with the LCP's ESHA policies. Therefore, the Appellant's contention does not raise a substantial issue of LCP conformance with respect to ESHA and stormwater runoff.

Water Quality and Habitat Restoration

The Appellant contends that there is a lack of evidence that the County-approved project will enhance and restore habitat and improve water quality. The LCP requires that development shall be designed to prevent impacts that would significantly degrade coastal habitat and shall be compatible with the continuance of such habitats. The approved project will improve water quality by moving stormwater off of existing roads, which contain oil and other road-associated contaminants. The stormwater will flow through underground pipes to a sedimentation basin before entering the willow area and eventually Arroyo Grande Creek.

Currently, this same storm water picks up road contaminants and contributes to flooding of local residences before entering Arroyo Grande Creek. Roadside infiltrators will be installed to intercept first-flush run-off from the project drainage area and allow water to infiltrate back into the groundwater. The sedimentation basin will act to remove debris, sediment and other suspended solids from the stormwater runoff. The project is subject to a Storm Water Pollution Prevention Plan (SWPPP) and maintenance activities, including trash and sediment removal within the basin, which will further benefit the creek habitat. In high-flow events, more direct releases of stormwater will be made into Arroyo Grande Creek through the new box culvert connected to the sedimentation basin. Nonetheless, these flows will first receive the benefit of conveyance through the new sedimentation basin before being discharged into Arroyo Grande Creek.

For all these reasons, the approved project will protect and enhance the coastal habitat due to the discharge of cleaner water into the Arroyo willow area and Arroyo Grande Creek, consistent with the requirements of the LCP. Therefore, the Appellant's contention does not raise a substantial issue of LCP conformance with respect to the protection and enhancement of riparian habitat and water quality.

Location of Fill Placement and Sedimentation Basin

The Appellant contends that the area where the fill placement and sedimentation basin are to be located may qualify as wetland and that groundwater is known to occur at three feet or less in the area. Currently, this site is used for RV storage. The County performed a soils analysis in the project area, which did not identify any hydric soils in the area of the approved fill or sedimentation basin. The County conducted an Environmental Site Assessment (ESA) to determine the historical use of the project area, which found that use of the project site for warehousing and industrial uses pre-dates the 1920s. Based on these findings, and without any evidence provided by the Appellant to support his contention that the project area is a wetland, this contention does not raise a substantial issue of LCP conformance.

Airport Runoff

The Appellant contends that the project might cause impacts to groundwater and to Arroyo Grande Creek from airport runoff due to groundwater migration into the sedimentation basin or from surface runoff to the sedimentation basin. Runoff from approximately 7.2 acres of the airport property drains into the approved project area's drainage basin. These 7.2 acres consist of the Delta Street right of way, the willow riparian area adjacent to where the sedimentation basin will be developed, and the western half of the RV storage area. The remaining approximately 51 acres of the airport property, including the airstrip, taxi-ways, and operational areas, is hydraulically separated from the project's drainage area and drains into a separate basin (Meadow Creek Lagoon). Stormwater runoff from these areas is not directed towards the approved project area and would not be treated as part of the proposed project.

Also, because a portion of the project will accommodate runoff from 7.2 acres of airport property, in February 2013 RS&H prepared the *Oceano County Airport Drainage Study* to provide information to the FAA for its review of the project. The study found that no airport related pollutants occur within the 7.2 acres of airport property located within the approved project's drainage basin. For all the above reasons, the approved project will not result in degradation to groundwater or to Arroyo Grande Creek from airport runoff. Thus, this contention does not raise a substantial issue in terms of the approved project's conformance with the certified LCP.

Endangered/Threatened Species

LCP Section 23.07.170 requires that development be consistent with the biological continuance of the habitat and also requires the use of appropriate mitigation measures to ensure impacts are reduced to a less than significant level for impacts that cannot be avoided. The Appellant contends that the approved project may threaten federally designated endangered/threatened species found in Arroyo Grande Creek, and that wildlife surveys were not conducted for the natural areas where the water discharges will occur.

A biological survey was conducted for the approved project. This survey identified several sensitive species that could potentially be found in the portion of Arroyo Grande Creek adjacent to the project area, including: steelhead trout, pacific pond turtle, two-striped garter snake and the California red-legged frog. The approved project includes mitigation measures that will adequately provide for the protection of these species.

The construction of the culvert, which will connect the sedimentation basin to Arroyo Grande Creek, will cause some temporary disturbance in the upper Arroyo Grande Creek channel. This construction is not anticipated to impact the critical habitat where steelhead trout, red-legged frogs and pacific pond turtles typically occur as no activities are proposed to occur within the low water channel. The project is estimated to take 5 months to construct. In order to minimize the potential adverse impacts to these species over this time frame, construction will be completed before the start of the rainy season. Completion of the project in the dry season will minimize potential adverse impacts to these species and reduce the temporary impacts to their habitats. This will greatly decrease the likelihood that steelhead trout will be found in the project area when the culvert is constructed.

Two-striped garter snakes have been found in the USGS quadrangle east of the project so there is potential for this species to occur within the project site. The approved project is conditioned to require a biologist to train the construction workers in the identification of sensitive species, including the two-striped garter snake, which will mitigate the risk of any significant impact on this species. If a two-striped garter snake is discovered, the proper authorities will be contacted and project construction will halt until the snake has moved out of the area.

In addition, the Mitigated Negative Declaration prepared for the approved project includes a number of mitigation measures that will be implemented to protect sensitive species, including, but not limited to: prior to the start of construction the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies; exclusionary fencing shall be erected to avoid equipment and human intrusion into adjacent habitats; all trash from the construction site shall be removed from the work site and properly disposed of regularly; a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the project site to identify any sensitive species in the area; and a Habitat Mitigation and Monitoring Plan will be prepared to include specific measures for restoration and re-vegetation of all temporarily disturbed areas.

After the project is completed it is not anticipated that any sensitive species will be impacted by the completed project. Before any future maintenance is performed in the sedimentation basin and surrounding project area, a biological monitor will inspect the site to ensure sensitive species are not present. If a sensitive species is found in the area, the maintenance will be delayed until the species has left the area. Thus, as required by the LCP, the approved project includes appropriate mitigations to protect sensitive species during and after construction.

Other Issues

Finally, it is important to note that the question before the Commission is whether the County's decision on this CDP raises substantial LCP conformance issues. The Appellant raises other issues within his appeal, such as: the County's choice to use funds on this project rather than focusing on other Oceano drainage issues; the need for the project given that Cal Trans has completed some remedial drainage work in the area following flooding in 2010; whether the project will have measurable beneficial impacts on stormwater runoff given that it addresses only a small portion of the larger watershed; how the approved project will function with other pending and future public works drainage projects; and, the adequacy of the adopted Mitigated

Negative Declaration. None of these contentions relate to the project's consistency with the certified LCP, so they do not raise a substantial issue of LCP conformity.

In addition, according to County Public Works staff, minor maintenance work was performed following flooding in 2010 but the drainage infrastructure was not improved or altered, which leaves the area subject to flooding as in past events. This drainage project addresses a known and quantifiable drainage issue that impacts the health and safety of the traveling public on public roadways and the intent of the project is not to solve all of Oceano's drainage issues but to provide significant improvements to alleviate the flooding which occurs at Highway 1 and 13th Street. Public Works completed a comprehensive Oceano Drainage and Flood Control Study, which included a review of existing drainage issues and identified near-term drainage improvements to address these issues. This project is a result of that study and is one of the near-term activities outlined to be completed by the program. Public Works further states that future public works drainage projects will be required to evaluate impacts to this drainage and will be adjusted accordingly. Thus, the Appellant's contentions in these instances do not raise any LCP-consistency issues and therefore no substantial issue exists with respect to these contentions.

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. The Commission has been guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

As described above, the appeal contentions relate to the project's consistency with various policies of the certified LCP. The County's approval appropriately considers the LCP's requirements with respect to these issue areas, the project is an allowed use at this location, and the approved conditions and required mitigations are designed to minimize potential impacts to coastal riparian and creek resources. Thus, there is adequate factual and legal support for the County's decision. The approved project addresses an existing drainage problem by adding a new storm drain, swale and sedimentation basin, which will alleviate flooding and improve the quality of stormwater entering Arroyo Grande Creek. Thus, the extent and scope of the approved project is fairly minor, and the use will not have any adverse effects on significant coastal resources. Further, because the County followed the policies of the LCP, the project is not expected to set an adverse precedent for future interpretation of the LCP. Finally, the County approved project raises only local issues as opposed to those of regional or statewide significance.

Therefore, the County approved project is consistent with the applicable LCP policies, and the Appellant's contentions are adequately addressed by the County's conditions of approval. Based on the foregoing, including when all five substantial factors are weighed together, the appeal

contentions do not raise a substantial LCP conformance issue and thus the Commission declines to take jurisdiction over the CDP application for this project.





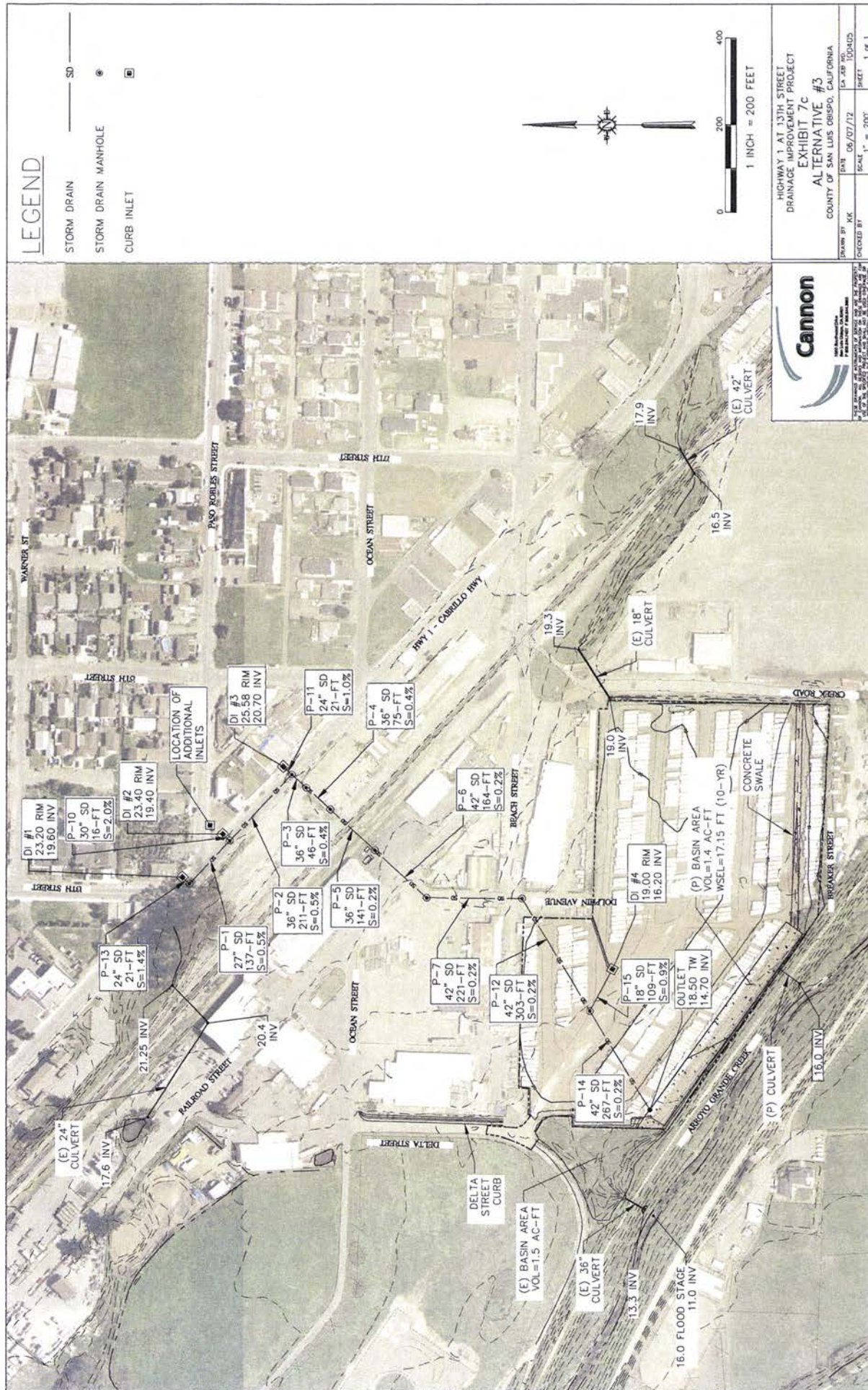
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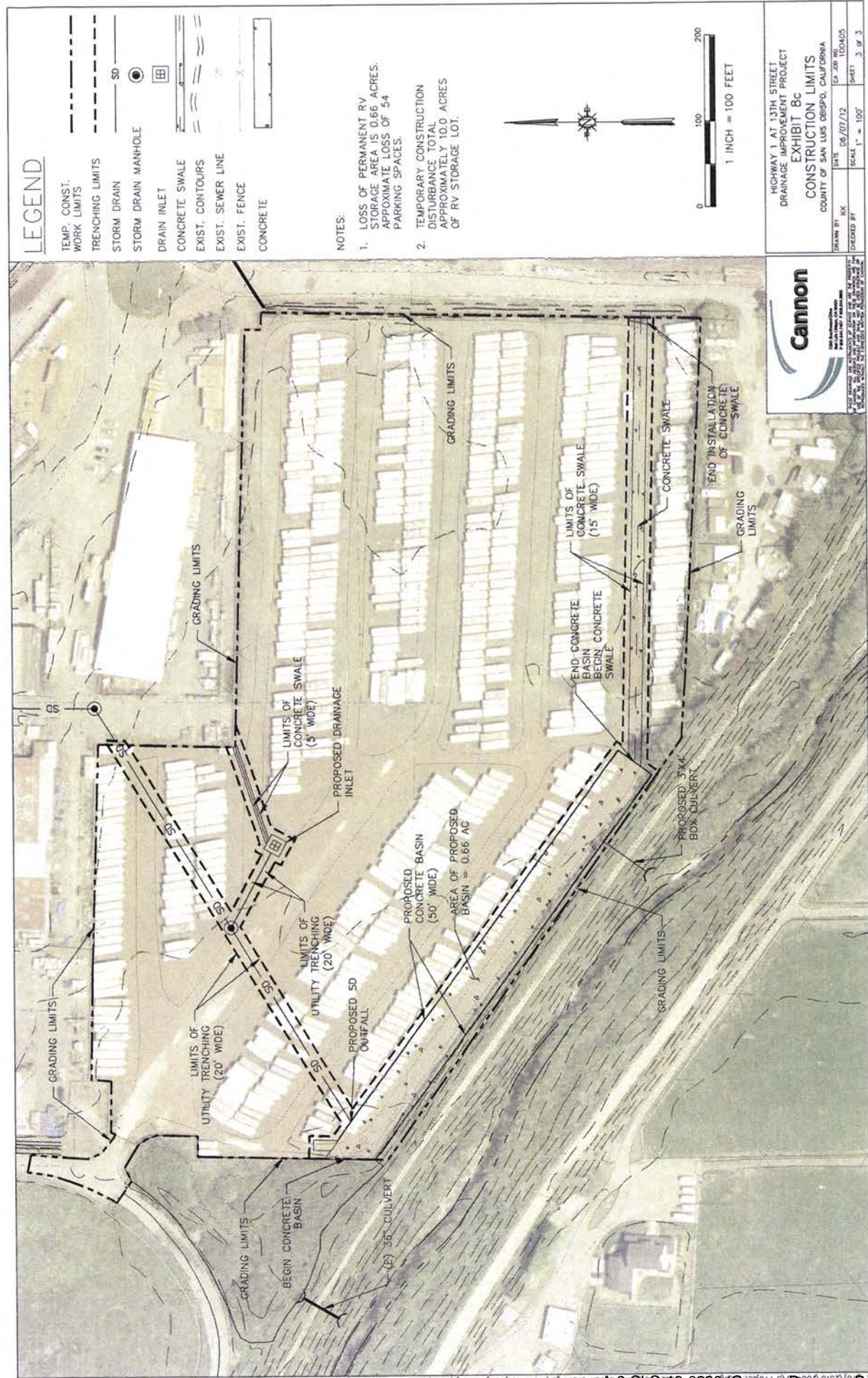
Conditional Use Permit
UPRR - PUBLIC WORKS/ DRC2012-00044

EXHIBIT

Aerial Photograph







LEGEND

- TEMP. CONST. WORK LIMITS
- TRENCHING LIMITS
- STORM DRAIN
- STORM DRAIN MANHOLE
- DRAIN INLET
- CONCRETE SWALE
- EXIST. CONTOURS
- EXIST. SEWER LINE
- EXIST. FENCE
- CONCRETE

NOTES:

1. LOSS OF PERMANENT RV STORAGE AREA IS 0.66 ACRES. APPROXIMATE LOSS OF 54 PARKING SPACES.
2. TEMPORARY CONSTRUCTION DISTURBANCE TOTAL APPROXIMATELY 10.0 ACRES OF RV STORAGE LOT.



HIGHWAY 1 AT 13TH STREET DRAINAGE IMPROVEMENT PROJECT EXHIBIT 8c CONSTRUCTION LIMITS COUNTY OF SAN LUIS OBISPO, CALIFORNIA			
DRAWN BY	DK	DATE	06/07/12
CHECKED BY		SCALE	1" = 100'
		CAL. 200	100M05
		SHEET	3 OF 3





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL
ACTION NOTICE

REFERENCE # 3-SLO-13-0414
APPEAL PERIOD 7/2 - 7/16/13

RECEIVED

JUL 01 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

June 26, 2013

County of San Luis Obispo
Attn: Department of Public Works (INTER-OFFICE)
1087 Santa Rosa Street
San Luis Obispo, CA 93408

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: June 4, 2013

SUBJECT: County of San Luis Obispo Public Works Drainage Improvement
Project
County File No. DRC2012-00044
Conditional Use Permit/Coastal Development Plan
Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

This action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission ten (10) working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

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

A-3-SLO-13-0220 (Oceano Drainage Project)

Exhibit 2: Final Local Action Notice

Page 1 of 118

976 OSOS STREET, ROOM 300

• SAN LUIS OBISPO

• CALIFORNIA 93408

• (805) 781-5600

EMAIL: planning@co.slo.ca.us

• FAX: (805) 781-1242

• WEBSITE: <http://www.sloplanning.org>

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 23.02.050 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 (6) months, or conditions have not been complied with, such Permit approval shall become void.

If you have questions regarding your project, please contact me at (805) 781-5612.

Sincerely,



RAMONA HEDGES
Custodian of Records

cc: California Coastal Commission,
725 Front Street, Suite 300, Santa Cruz, California 95060
Jeff Lee, San Luis Obispo County Department of Public Works
Jeff Edwards, P.O. Box 6070, Los Osos, California 93412

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission:

Enclosed: X Staff Report(s) dated 6/4/13
 X Resolution with Findings and Conditions

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF THE COUNTY OF SAN LUIS OBISPO
FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
DRC2012-00044

The following resolution is now offered and read:

WHEREAS, on March 14, 2013, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of the County of San Luis Obispo for Development Plan/Coastal Development Permit DRC2012-00044; and

WHEREAS, Jeff Edwards has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

Attachment I

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 4 2013, and determination and decision was made on June 4, 2013; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission should be affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the Mitigated Negative Declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the appeal filed by Jeff Edwards is hereby denied and the decision of the Planning Commission is affirmed and that the application of County Department of Public Works for Development Plan/Coastal Development Permit DRC2012-00044 is

Attachment I

hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

Attachment 1

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By:


Deputy County Counsel

Dated: May 14, 2013

STATE OF CALIFORNIA,)
County of San Luis Obispo,) ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____ Deputy Clerk.

EXHIBIT A
DRC2012-00044 PROJECT FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 31, 2013 and is hereby adopted for this project. Mitigation measures are proposed to address air quality, biological resources, cultural resources, and water are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with the intent of all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Program.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general 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 designed to improve flood control protection along Arroyo Grande Creek and Highway 1 in the vicinity of the Oceano County Airport, and does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project would expand existing storm water drainage infrastructure that is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use 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 construction-related impacts will be mitigated to acceptable levels and no long-term traffic impacts are expected to occur.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project would not affect existing access, the project is not adjacent to the beach, and public access is already allowed

Attachment 1

over the majority of the site because the project is located primarily in existing public right-of-ways. .

Airport Review Area

- H. The proposed project and land use will not generate hazards or obstructions to aircraft operations in the vicinity of the airport because proposed improvements would be located underground or at ground level. Annual vegetation management would maintain willows in the project area to allowable heights as defined by state and federal airport regulations in order to maintain flight safety, as the vegetation to be trimmed is near the end of the airport runway.
- I. The project would not result in any significant changes in existing developed uses and will be compatible with airport activities. The project is consistent with the Airport Land Use Plan in that it does not expose additional people or structures to significant hazards associated with the airport.

Flood Hazard Area

- J. The project is designed to improve storm water drainage and flood conditions in the project vicinity and would not subject additional people or structures to increased damage as a result of flood inundation. The project is compatible with the flood hazard designation and would result in improved capacity of storm water drainage facilities and alleviate flooding that currently exists in the project area.
- K. Grading associated with the project will incorporate standard drainage and erosion control measures to minimize the potential for soil erosion and sedimentation, including through development of a new sediment basin and annual sediment and trash removal.

Sensitive Resource Areas (SRA)

- L. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and the project includes elements that are beneficial to habitat and water quality within Arroyo Grande Creek.
- M. Natural features and topography have been considered in the design and siting of all proposed physical improvements and the project is proposed to avoid and minimize impacts to the sensitive resources within, adjacent to, and downstream of the proposed improvements.
- N. The proposed ground disturbance and tree trimming is the minimum necessary to provide improvements to the drainage system in compliance with mandatory regulations (Federal Aviation Administration) and will not create significant adverse effects on the identified sensitive resource, because best management practices will be implemented during construction to minimize impacts and disturbance to the SRA.
- O. The soil and subsoil conditions are suitable for any proposed grading and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. The County is required to

Attachment 1

comply with all state and federal sedimentation and erosion control requirements, and the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon.

Environmentally Sensitive Habitats

- P. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon and is sited partially within and adjacent to an existing disturbed area. Overall, the project would have beneficial effect on habitat and water quality within the Environmentally Sensitive Habitat Area.
- Q. The proposed use will not significantly disrupt the habitat because measures to avoid unnecessary disturbance have been adopted through project design and construction.

Archaeologically Sensitive Area

- R. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected. An archaeological assessment was conducted for this project with no significant resources identified and additional subsurface testing prior to construction is a condition of the project. Should any archaeological resources be discovered, construction activities would stop until a qualified archaeologist has analyzed the resource and developed a mitigation plan, which the project would implement prior to commencing construction.

Local Coastal Program

- S. The proposed project is consistent with the Local Coastal Program and the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is within the proximity of adequate public beach access and is designed to protect sensitive coastal and biological resources.

EXHIBIT B

DRC2012-00044 PROJECT CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a request by the San Luis Obispo County Department of Public Works, in coordination with Caltrans and other local agencies, for a Coastal Development Permit for development of the Oceano Drainage Project. Implementation of the project would involve construction of new storm water drainage system components, grading alterations, and annual vegetation and sedimentation maintenance. The project would be located in and alongside State Highway 1 in Oceano, beginning at the intersection of 13th Street/Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. It would include improvements within County and State right of way and on private property, and would result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill.

Conditions required to be completed prior to the start of construction

Site Development

2. **Prior to start of construction**, plans submitted shall show all development consistent with the approved site plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Mitigation Measures

Air Quality

4. [AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:
 - a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
 - b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
 - c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
 - d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total

Attachment I

- emissions exceed the APCD's construction phase thresholds;
- e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
 - f. Clean soil must be segregated from contaminated soil.
5. [AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.
6. [AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHA).
7. [AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):
- a. Reduce the amount of 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 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,

Attachment 1

- 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 should be used where feasible;
 - l. All PM10 mitigation measures require should be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor 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.
8. [AQ-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:
California Diesel Idling Regulations
- a. 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) 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.
 - b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.

9. [AQ-6] Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

Attachment 1

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
10. [AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

Biological Resources

11. [BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.
12. [BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.
13. [BR-3] 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 work areas.
14. [BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.
15. [BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species 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.
16. [BR-6] 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

Attachment 1

County shall ensure contamination of habitat does not occur during such operations.

Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

17. [BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
 - a. Silt fencing shall be placed along the down-slope side of the construction zone.
 - b. A spill and clean-up kit shall be stored onsite at all times.
 - c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).
18. [BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:
 - a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
 - c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
19. [BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued Biological Opinion. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests

Attachment I

prior to construction.

20. [BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.
21. [BR-11] Willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
22. [BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

Cultural Resources

23. [CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities

Conditions to be completed prior to completion of the project

24. Prior to completion of the project, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 48 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and

Attachment I

construction is occurring above grade.

26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.



COASTAL APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: OCEANO DRAINAGE PROJECT
@ HWY 1 & 13TH ST. File Number: DRC 2012-00044

Type of permit being appealed:

☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☒ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☒ Other: CDP

The decision was made by:

☐ Planning Director (Staff) ☐ Building Official ☐ Planning Department Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other _____

Date the application was acted on: 3/14/13

The decision is appealed to:

☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)

PLEASE SEE ATTACHED LETTER

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPEAL SEEKS DENIAL OF PROPOSED PROJECT

APPELLANT INFORMATION

Print name: JEFF EDWARDS
 Address: P.O. Box 6070 Los Osos CA 93412
 Phone Number (daytime): (805) 235-0873

We have completed this form accurately and declare all statements made here are true.

Signature: _____ Date: 3/27/13

OFFICE USE ONLY

Date Received: 3/27/13

Amount Paid: 0

By: HAZ

Receipt No. (if applicable): N/A

COASTAL APPEAL FORM
 SAN LUIS OBISPO COUNTY PLANNING & BUILDING
 SLOPLANNING.ORG

2013 MAR 27 AM 9:56

DEPT
 PLANNING/BUILDING
 SLO COUNTY
 PLANNING@CO.SLO.CA.US

PAGE 3 OF 3
 JULY 1, 2010

A-3-SLO-13-0220 (Oceano Drainage Project)

Exhibit 2: Final Local Action Notice

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J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

March 27, 2013

San Luis Obispo County Planning Department
976 Osos Street
Room 200
San Luis Obispo, CA 93408

RE: DRC2012-000444 Oceano Drainage Project at 13th St. and HWY 1
Development Plan, CUP and CDP/ED11-173 (300465)

Attention: Ramona Hedges, Planning Commission Secretary

Dear Ms. Hedges,

As you know, at its regular meeting of March 14, 2013, the Planning Commission approved the above referenced project with conditions. As you may be aware, I wrote a letter dated March 7, 2013 raising questions and concerns about the proposed project. Additionally, at the March 14, public hearing, I provided oral testimony in a similar connection.

Please be advised this letter and the attached appeal form shall serve as my official appeal of the Planning Commission approval of the above referenced project to the Board of Supervisors. The following discussion is a preliminary presentation of concerns that will be raised before the Board of Supervisors at the de Novo hearing.

Specifically, I wish to appeal the Planning Commission approval of the subject development as referenced above on Coastal Zone grounds. As proposed, the Oceano Drainage Improvement project is inconsistent with the San Luis Obispo County Coastal Zone Land Use Ordinance and LCP Plans & Policies. Furthermore, I believe the proposed Mitigated Negative Declaration is inadequate to fully assess and mitigate potential significant environmental effects from the project.

At the Planning Commission hearing, staff presented photographs of the intersection of 13th St. and HWY 1 in a storm event depicting the intersection under 2-3 feet of water in December of 2010. This is not an accurate reflection of how drainage functions at this location since remedial work was completed following the flooding of December 19, 2010. In other words, the problem as represented in the photographs no longer exists and the real scope of any remaining problem remains uncertain.

The proposed project includes grading to fill an area of approximately five (5) acres with upwards of 10,000 cubic yards of soils. It is unclear what the maximum height of the fill would be. There appears to be no detailed soils report or other geotechnical analysis of the fill area or the sedimentation/ detention basin. Staff does note in the staff report that groundwater is known to occur three (3) feet or less in the area. In the absence of hydrophytic vegetation, the presence of wetland hydrology and, or the presence of hydric soils would constitute a wetland under state law. If a wetland, the primary area of fill

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ACQUISITION MARKETING LAND USE REDEVELOPMENT

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J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

placement and the detention basin would be considered an Environmentally Sensitive Habitat Area (ESHA). The project also proposes to drain the concrete lined detention basin into a "natural" area of Arroyo Willows where the stormwater will be concentrated before it exists into Arroyo Grande Creek. I don't believe the Coastal Act supports the use of an ESHA to cleanse concentrated urban stormwater runoff.

The proposed project will collect and concentrate stormwater runoff from an approximately 40.5 acre watershed being a subset of the larger Meadow Creek watershed. The anticipated flow rate under a 10-year storm event is expected to be 45 cubic feet per second. Secondly, given the project watershed area is only 40 acres (contrast to Meadow Creek watershed of 6,400 acres) it raises the question of whether, or not this project will have measurable beneficial impacts on the storm water runoff and flooding issues that have been chronic in the community of Oceano.

Purportedly the project "is designed to enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality." There appears to be no evidence in the record to support this conclusion including baseline water quality reports, wetland delineation or other supportive documentation.

The mitigation measures addressing water quality are inadequate. It does not appear there was any water quality analysis with regard to the concentration of urban runoff including airport runoff which may include lead and other aircraft products which discharges into Meadow Creek and possibly Arroyo Grande Creek. There appears to be no demonstration that airport runoff will not migrate into the detention basin by either surface runoff or groundwater infiltration. There is a known presence of Federal Endangered Species (i.e. Tidewater goby and Steelhead trout). Also, it does not appear wildlife surveys conducted for the riparian and other natural areas were adequate to properly craft mitigation measures. Moreover, the offsite mitigation plan lacks specificity and cannot be considered adequate mitigation without doing so. Also, monitoring is not mitigation under CEQA.

Staff indicated the proposed project is one of a "suite" of projects County Public Works will be deploying to address the community of Oceano's flooding issues. However, there is no analysis of how any of the other projects will complement the proposed project. For example, it is unclear how the sand bar management, Delta St. grading, Juanita pipeline and pump, HWY 1 at 17th St./19th St. or Sand Canyon flapgate modifications will work in conjunction and collaboration with the proposed project. A programmatic EIR would be helpful to better organize and prioritize drainage solutions for the community.

Additionally, there are several other projects being undertaken in the immediate vicinity by other agencies that may significantly affect the efficacy of the proposed project. They include, additional paving and creation of impervious surfaces at the Oceano Airport (see Master Plan Exhibit 5A), California State Parks drainage improvements along Meadow Creek (SCH 2012101012) or the City of Grover Beach's recent stormwater improvements at Grand Avenue and HWY 1.

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A number of alternatives were considered to the proposed project; however all of them focused on a small portion of Oceano and the limited watershed that drains to HWY 1 and 13th Street. There appears to be no watershed-wide (Meadow Creek, 6,400 acres) approach to achieving solutions in the community. Moreover, the project scope and components appear to be driven by grant availability other than sound design strategies.

The proposed project includes a cost estimate of approximately \$2.7 million. I have several concerns in connection with the scope of the project and its overall cost. One, it appears approximately 50% of the total project cost is for engineering, administration, right-of-way acquisition and other soft costs. Secondly, there is no cost-benefit analysis to determine the relative benefits of the proposed project. Lastly, given finite financial resources and the limited availability of grant funding, it would appear these funds may be better applied in a different context.

Finally, it appears that a NEPA document will be required due to the involvement of federal agencies, including the FAA and the USACE. It is my understanding that concurrent processing of a joint CEQA and NEPA document may be the most effective approach in satisfying environmental review requirements. I recommend a programmatic EIR to address CEQA issues and an Environmental Assessment for NEPA.

Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Edwards

Jeff Edwards
805.235.0873

Cc: Ryan Hostetter, Planning Department Staff
Nicole Retana, Planning Department Secretary

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**SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
UTILITIES DIVISION**

• County Government Center, Room 207 • San Luis Obispo CA 93408 •
Phone: (805) 781-5252 • Fax: (805) 788-2182 • email: pwd@co.slo.ca.us

MEMORANDUM

May 1, 2013

TO: Ryan Hostetter, LEED AP, Project Planner
County Planning & Building Department

FROM: Jeff Lee, PE, Project Manager
Department of Public Works, Utility Division

VIA: Dean Benedix, Utilities Division Manager
Mark Hutchinson, Environmental Division Manager

SUBJECT: DRC2012-00044 – Oceano Drainage Project
Response to appeal letter from Jeff Edwards

Purpose

The purpose of this memorandum is to provide information associated with the project appeal for your use in preparation of the Board of Supervisors staff report prior to the appeal hearing on June 4, 2013.

Response

The first several paragraphs of the appeal letter speak to Planning Department items. While we disagree with the statements regarding the project's consistency with the Coastal Zone Land Use Ordinance, LCP Plans and Policies and the adequacy of the Mitigated Negative Declaration, we will leave it to Planning staff to address those items. The following response items correspond to items identified in the attached appeal letter.

Item #1

The community of Oceano and the intersection of Highway 1 and 13th Street, in particular, have experienced periodic flooding since the inception of the community in the late 19th century. As noted in the Oceano Drainage and Flood Control Study (RMC, 2004), some of the most serious flooding in Oceano takes place along Highway 1 with one of the main locations being the intersection of Hwy 1 and 13th Street. This problem is generally caused by relatively flat topography and a lack of capacity in the drainage facilities to convey runoff south towards the Arroyo Grande Creek.

While this situation has been occurring for a number of years, the existing drainage facilities and the flat topography have not changed since the December 2010 flooding. Therefore, the drainage situation as described in the Planning Commission staff report is

occurred to clear debris from the roadway; however the existing swale and storm drain pipe under the railroad tracks is on Union Pacific Railroad property and not directly maintainable by San Luis Obispo County Public Works or Caltrans. Currently this intersection drains through the swale and pipe network towards a private drainage sump known as POVE (Pismo Oceano Vegetable Exchange) Pond. The sump captures storm water and the pond overflow crosses over Railroad Street and then drains into another private storm drain system on Railroad Street. As stated above, the infrastructure has not changed significantly since 2010 and only minor maintenance within the public right of way has been performed.

Item #2

As discussed in the text of the Planning Commission staff report (Page 1-3), the Airport property and Pismo Coast Village properties will be re-graded to provide additional on-site storage capacity and positive drainage from these already disturbed properties into the drainage infrastructure. The appellant's letter underestimates the area to be graded as "approximately five (5) acres". As shown in the "Table of Graded Areas" on Page 1-4 of the Planning staff report, the Pismo Coast Village and County Airport properties encompass approximately 12.43 acres with a maximum fill depth of twelve (12) inches.

As part of preliminary plan preparation, Earth Systems Pacific prepared a "Soils Engineering and Infiltration Test Report, Oceano Drainage Project, 13th Street at Highway 1, Oceano, California", dated March 1, 2013. In the Report, Section 6.0, Conclusions, states *"In our opinion, the site is suitable...for the proposed drainage improvements, provided the recommendations contained herein are implemented in the design and construction."*

As project implementation continues, recommendations from the Soils Report will be incorporated into the final design, permitting and construction documents. These could include construction methods to address differential settling of the sedimentation basin, over-excavation and anchoring of the basin to minimize groundwater effects and installation of best management practices where appropriate.

The project will be constructed entirely in areas that do not contain sensitive aquatic resources, and would, to a small degree, enhance riparian and aquatic habitat by reducing sedimentation and improving water quality. The project is separated from the riparian corridor along Arroyo Grande Creek by the north levee, which is approximately 15 feet high and 75 feet wide at the base. Thus, although the new sedimentation basin is located within 75 feet of the unmapped riparian ESHA (environmentally sensitive habitat area), the existing levee defines the ESHA limit physically, practically and as matter of wetland functions.

Although official land use maps do not designate sensitive resource areas (SRAs) in the vicinity of the project, there are riparian and wetland habitats that meet the applicable definitions in the Land Use Ordinance adjacent to the downstream end of the sedimentation basin. As noted within the Planning Commission staff report, these habitats currently function as a bio-filter for storm flows before they are released into Arroyo Grande Creek. This area is bordered by the airport, the north levee, and an RV storage lot. No ground-

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breaking construction activities will be done in the willow riparian area. It will continue to convey drainage to Arroyo Grande Creek and provide some bio-filtering of storm flows, a function that is anticipated to be enhanced by the project since debris and sediment in storm flows will be collected in the proposed sedimentation basin, thereby reducing the need for significant maintenance within the riparian and wetland habitats. Occasional willow trimming or topping would occur to meet FAA and the Caltrans Division of Aeronautics requirements within the runway protection zone (RPZ). As part of permitting, this project proposes to include maintenance of this area as part of the project; such regular care will restore and enhance the natural functions of the wetland as envisioned by the LCP.

The project will also direct storm water away from other wetland areas not officially mapped as an SRA downstream from Highway 1. This willow dominated wetland complex lies along the northern (eastern) side of the airport and is connected to the Oceano Lagoon by existing storm drains. However, much of the runoff that flows to this area will continue to do so as the proposed project does not address the entire sub-watershed. Flows that exceed the ten year event, flows out of the Oceano Lagoon into the area, and most importantly, high ground water levels will continue to support this wetland complex. To the extent that some storm water will be intercepted by the Hwy 1 and 13th Street project, flooding of residences along Fountain Avenue may be reduced.

Currently, storm water makes its way to Arroyo Grande Creek through various means, one of which is the existing low area on Airport property that functions as a basin. The project will result in cleaner storm water entering this basin and Arroyo Grande Creek as a result of roadside infiltrators catching the first flush runoff from storm events. Additionally, as noted above, debris, sediment and other suspended solids will settle out in the new concrete-lined sediment basin. The sedimentation basin will discharge into the adjacent willow woodland riparian area (the low area), which currently acts as a basin and bio-filter for storm water from the surrounding areas before discharge into Arroyo Grande Creek.

Water quality will be improved as a result of reduced flooding of the roadway. Levels of fuels and lubricants from cars driving through the formerly flooded portion of the roadway will be reduced when flooding is alleviated, thus improving the quality of storm water runoff that is currently making its way into Arroyo Grande Creek.

All storm water (except that which percolates into the ground or enters infiltrators) currently discharges to wetlands and other waters located in Oceano, including Arroyo Grande Creek. The proposed project does not create this situation, but will preserve these natural areas by improving the quality of the runoff entering these areas by collecting debris and trash, removing or minimizing the threat of fuel and other lubricants found on cars that currently drive through this water, and allowing sediments to settle out of this water.

Item #3

The benefits of a drainage project can not be judged against the size of a drainage area. The Hwy 1 and 13th Street drainage project addresses a known and quantifiable drainage issue that impacts the health and safety of the travelling public on public roadways. As noted in the Planning Commission staff report, (Page 1-2), *"One of several long-standing*

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Oceano Drainage Project – Response to Planning Commission Appeal

problems involves poor drainage conditions at the intersection of Front Street (Highway 1) and 13th Street. Flooding at this location results in closure of an important roadway and damage to adjacent properties. The proposed project is a cooperative effort by several agencies, lead by the County...” and “...flooding persists because drainage facilities leaving the site are simply inadequate to drain storm waters. Consequently this project proposes to install a new storm drain to address this localized flooding issue.”

While it is true that the overall drainage area for Meadow Creek and Arroyo Grande Creek are significantly larger than the project drainage area; the project's 40.5 acre watershed is a sub-watershed to the larger watershed. Additionally, the flooding experienced at this intersection is more frequent and severe than other specific locations within the watershed. As such, implementation of this project will mitigate drainage issues on Highway 1 in the community of Oceano thereby contributing to a safer, healthier and more livable community.

With regards to water quality issues, road side infiltrators have been installed through-out the community of Oceano as shown on the attached exhibit. As part of this project, road-side infiltrators will be installed upstream of the Hwy 1 and 13th Street intersection. The infiltrators will intercept the first flush run-off from the project drainage area and allow water to infiltrate back into the community groundwater. The combination of infiltrators, storm drain inserts and flow velocities within the drain pipe provides a means and method for debris, sediment and other suspended solids adequate time to settle out of the storm water.

Page 1-3 of the staff report states “...the two upstream inlets lead directly to infiltrators that will direct the first flows, and an increment of flows thereafter, back into the shallow groundwater.”

In accordance with preliminary discussions with CA Coastal Commission staff, the project took into consideration the **draft** “Post-Construction Stormwater Management Requirements for Development Projects in Central Coast Region” scheduled for consideration/adoption on July 12, 2013 by the Central Coast Regional Water Quality Control Board (RWQCB).

Based upon the Performance Requirements, the project is within Watershed Management Zone 1 and subject to retain the 95% Percentile Rain Event which, according to RWQCB, corresponds to a storm water depth of 1.5” to 1.6” (0.13’). As defined in Attachment C and D of the **draft** Resolution, the project's Impervious Surface is 30,700 square feet which is the Regulated Project area. This area includes “replacing a paved surface resulting in alteration of the original line and grade, hydraulic capacity or overall footprint of the road” which is the area of Hwy 1, 13th Street and Paso Robles Street. Other project areas are outside the defined Regulated Project area in accordance with Section B.1.b. and the definition of Impervious Surface in Attachment C. Additionally, per Attachment D.1.b.i, the impervious surface is multiplied by 0.5 because it is outside an approved Urban Sustainability Area.

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Therefore, the Retention Volume for the 95% Percentile 24-hr Rainfall Depth equals:

$$\begin{aligned}\text{Volume} &= (0.13 \text{ feet}) \times (30,700 \text{ square feet}) \times (0.50) \\ &= 1,995.50 \text{ cubic feet}\end{aligned}$$

The project will address and infiltrate the required volume through installation of Infiltrators (per attached San Luis Obispo County Detail D-2c) in 13th Street and Paso Robles Street, LID devices within the drain inlets and stormwater infiltration in appropriate areas and as part of the culvert installation and proposed detention basin.

Based upon drainage information provided by Reynolds, Smith & Hills, Inc. (RS&H) in their "Oceano County Airport Drainage Study", dated February 2013, the Oceano Airport (L52) is located on approximately 58 acres. Approximately 7.2 acres of the airport property, i.e., the Delta Street right-of-way and the southeast corner of the airport (the RV storage area) are the only areas that drain into the project drainage shed. This area was taken into consideration by the design engineer during preparation of the project plans and specifications.

The remaining approximately 50.8 acres of airport property is hydraulically separate and drains into the Meadow Creek Lagoon (aka Oceano Lagoon) via a 36" storm drain pipe or into a drainage ditch that drains into Meadow Creek Lagoon. The runoff is collected in a series of vegetated swales, valley gutters and inlets equipped with oil/water separators. These drainage devices convey runoff from the Airport aprons to the swales just north of the apron which ultimately drain into the Meadow Creek Lagoon. The Airport addresses impurities within their runoff outside the purview of the Hwy 1 and 13th Street project. The CEQA document prepared for this project does not attempt to address or mitigate impacts to areas outside of this project scope.

County staff is fully aware of all ongoing and completed studies and projects along Arroyo Grande Creek including, but not limited to:

- Arroyo Grande Creek Habitat Conservation Plan;
- Waterway Management Program and accompanying EIR;
- Habitat Analysis of Arroyo Grande Creek prepared by Essex;
- Dr. Christopher's California red-legged frog Habitat Analysis;
- Douglas Rischbieter's annual tidewater goby surveys; and
- Meadow Creek Lagoon Biological Survey and Wetland Delineation.

Additionally, Arroyo Grande Creek provides habitat for 3 federally listed species: California red-legged frog, steelhead trout, and tidewater goby. This is well documented in the Recovery Plan for the red-legged frog and published Federal Register rules including the critical habitat rule for steelhead (70 FR 52574), and the critical habitat rule for tidewater goby (78 FR 8772). The Creek also provides habitat for nesting birds.

As noted in the Mitigated Negative Declaration prepared for the project, survey efforts were conducted within the project area. Monarch butterfly surveys were conducted on October

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Oceano Drainage Project – Response to Planning Commission Appeal

25, 2010 and December 7, 2010 at the stand of eucalyptus trees adjacent to Highway 1 by County staff (Katie Drexhage and Kelly Sybolt). A botanical survey was conducted on May 11, 2012 by County staff (Eric Wier and Katie Drexhage). Information from these surveys as well as the above-noted documents assisted in the preparation of Biological Assessments for both the California red-legged frog and steelhead.

Mitigation for the removal of four non-native Eucalyptus trees from an existing grove that does not provide monarch habitat is not a significant impact. The Initial Study prepared for the project commits to planting new trees offsite for aesthetic reasons, which is more than adequate pursuant to CEQA.

The appellant's letter states that "monitoring is not mitigation under CEQA." Several best management practices to avoid erosion, sediment runoff, and avoid and minimize impacts to sensitive species are included in the Mitigated Negative Declaration as mitigation measures. A separate measure to prepare a Habitat Mitigation Monitoring Program is also included as mitigation. The purpose of the monitoring program is to ensure the implementation of mitigation measures. The Mitigated Negative Declaration does not rely on monitoring alone for mitigation.

Item #4

Within the appellant's letter, several area-wide projects are noted as having a possible impact on operation of this project. The projects mentioned include preliminary, current, and future community projects, improvements at the Oceano Airport, State Park improvements and other recent projects in adjacent cities. Storm water from these projects does not drain into the water shed of the Hwy 1 and 13th Street project; they are hydraulically separate and lower in height than the proposed project site and drain into the Meadow Creek Lagoon. Therefore, the ability of those waters to impact the Hwy 1 and 13th Street drainage project are minimal to negligible.

As discussed at the Planning Commission hearing and in other sections of this memorandum, the purpose of the Hwy 1 and 13th Street drainage project is intended to address frequent and periodic drainage concerns at this intersection. Highway 1 is a main corridor for the travelling public and provides a connection between south county cities and communities. Flooding at this intersection causes traffic delays and potential safety issues for the travelling public and emergency services. Reducing the occurrence of flooding along this roadway will improve circulation in and through the community of Oceano.

That being said, the Hwy 1 and 13th Street project was not developed independently of other projects within the watershed. The Oceano Drainage and Flood Control Study included a review of existing drainage problems and identified near-term drainage improvements that ultimately became this project. An ancillary benefit of this project will be to lessen flows to the Oceano/Meadow Creek Lagoon area which will help mitigate existing drainage issues for residences and businesses downstream of the project site.

Item #5

With regards to project budget and associated costs, at the Planning Commission hearing it was suggested that if this situation had an easy fix, it would have already been

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accomplished. However, the combination of existing inadequate storm drain facilities, relatively flat topography, design and permitting constraints and limited available space to store storm water outside the State right-of-way adds a level of complexity and cost to the overall project.

The following is a partial list of agencies, companies and individuals necessary to implement the project:

- California Coastal Commission
- US Department of Housing and Urban Development (for CDBG funding)
- Federal Aviation Administration
- Army Corps of Engineers
 - Regional Water Quality Control Board
 - CA Fish & Wildlife Service
- Caltrans
- San Luis Obispo Council of Governments
- County Planning & Building Department & General Services-Airport Division
- Union Pacific Railroad (right-of-entry agreement)
- Utility company coordination/relocation
 - AT&T
 - Sprint
 - Pacific Crossing
 - MCI
 - Oceano CSD (water)
 - The Gas Company
 - Qwest
 - Nextel
 - Level(3)
 - Pacific Gas & Electric
 - Charter Communications
 - So. San Luis Obispo County Sanitation District (sewer)
- Private land owners and companies (for easement purposes)
 - Phelan & Taylor
 - Pismo Oceano Vegetable Exchange
 - Pismo Coast Village RV Resort

Item #6

Projects proposed, funded, or permitted by one or more State or local public agencies in California are subject to environmental review pursuant to the California Environmental Quality Act (CEQA). Projects proposed, funded, or permitted by one or more Federal agencies are subject to environmental review pursuant to the National Environmental Policy Act (NEPA). Projects involving both California and Federal agencies are subject to both statutes. For some projects, CEQA and NEPA can be addressed in joint documents that satisfy the common and unique requirements of CEQA and NEPA.

This approach works where the agencies involved have developed policies and procedures specifically to facilitate the use of joint documents. An example is Caltrans and the Federal Highway Administration (FHWA). Because the majority of highway projects in California involve Federal funding, Caltrans and FHWA have developed procedures to address both CEQA and NEPA. However, absent an ongoing and regular working relationship involving a narrow range of project types, the use of joint CEQA and NEPA documents is typically not feasible. For this project, at least three federal and five California/State local agencies

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will be subject to CEQA/NEPA as they carry out their various project roles. All eight agencies have adopted CEQA/NEPA implementing guidelines as required by the statutes, yet none have existing inter-agency CEQA/NEPA processing agreements in place. Consequently, an expectation that the involved agencies could use a single CEQA/NEPA document is simply not realistic.

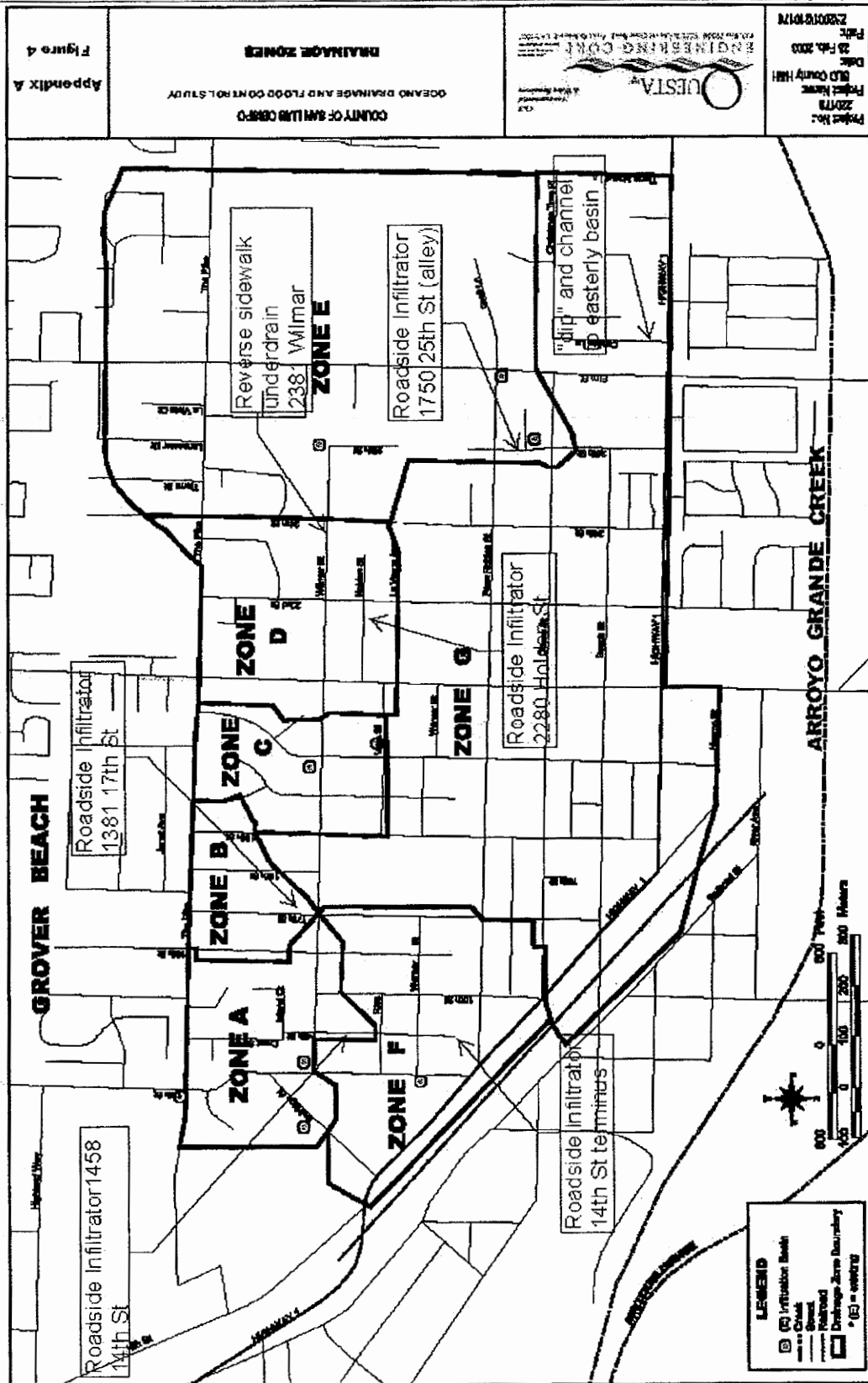
Establishing agreements between multiple agencies to move towards the use of common CEQA/NEPA documents is beyond the scope of the project, and likely beyond the scope of a single local agency. It should be noted that all of the local/State agencies will use the CEQA document prepared by the Lead Agency under CEQA (the County), and one of the Federal agencies has already completed the NEPA process for their permit role on a nationwide basis (the U.S. Army Corps of Engineers). Also, all of the CEQA/NEPA documents that are specific to the project have/will use the same environmental technical information, but will incorporate that information into their internal processes as required by their own guidelines and policies.

Thank you for the opportunity to provide this information to you. Please contact us with any questions or comments as you are preparing your staff report. We will be available and in attendance at the June 4, 2013 Board of Supervisors Appeal Hearing to provide materials and support for your presentation.

CF: 420.176.01
WBS 300465

May 1, 2013

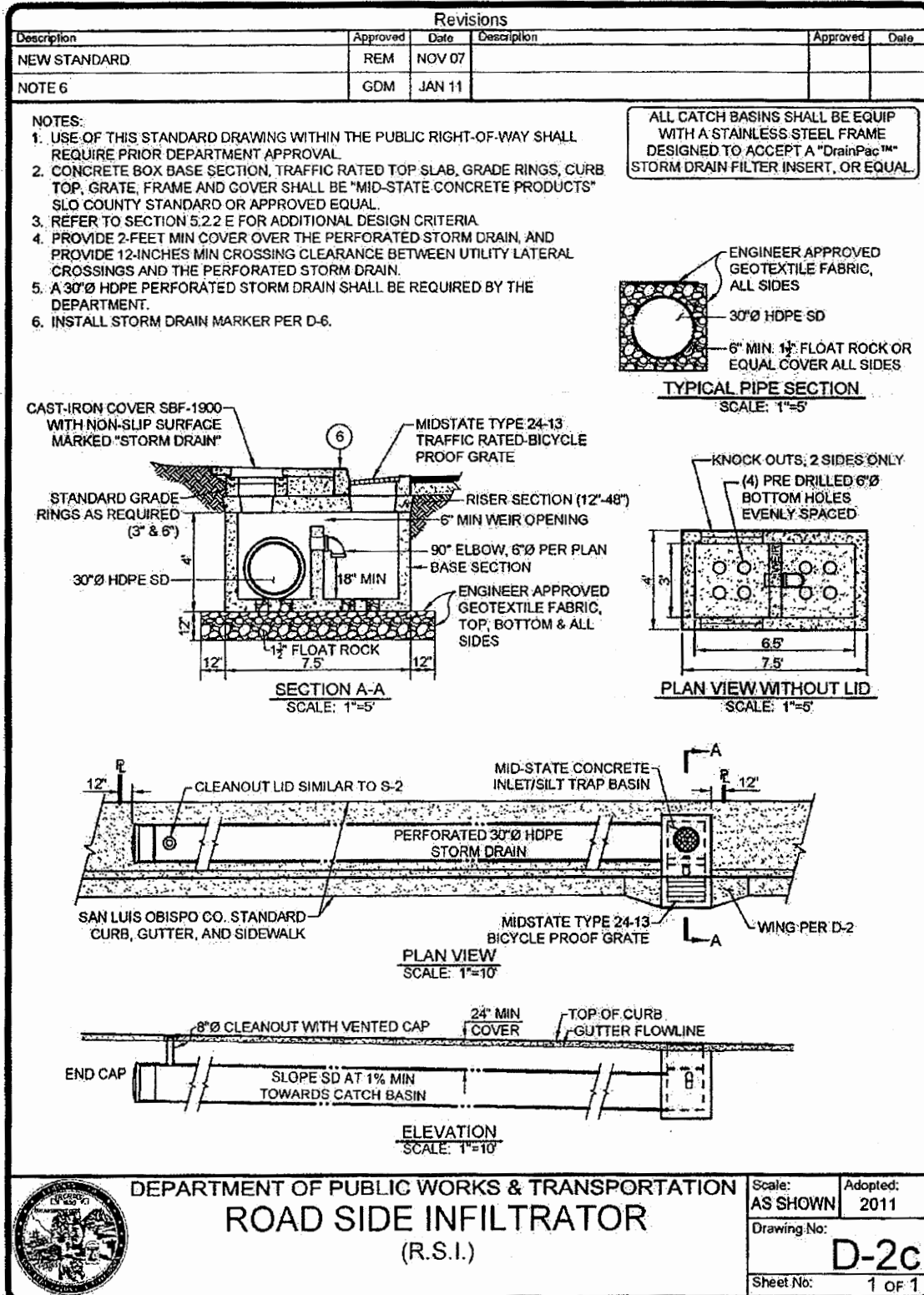
Oceano Drainage Project – Response to Planning Commission Appeal



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J. H. EDWARDS COMPANY
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March 27, 2013

San Luis Obispo County Planning Department
976 Osos Street
Room 200
San Luis Obispo, CA 93408

RE: DRC2012-000444 Oceano Drainage Project at 13th St. and HWY 1
Development Plan, CUP and CDP/ED11-173 (300465)

Attention: Ramona Hedges, Planning Commission Secretary

Dear Ms. Hedges,

As you know, at its regular meeting of March 14, 2013, the Planning Commission approved the above referenced project with conditions. As you may be aware, I wrote a letter dated March 7, 2013 raising questions and concerns about the proposed project. Additionally, at the March 14, public hearing, I provided oral testimony in a similar connection.

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Purportedly the project "is designed to enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality." There appears to be no evidence in the record to support this conclusion including baseline water quality reports, wetland delineation or other supportive documentation.

③

The mitigation measures addressing water quality are inadequate. It does not appear there was any water quality analysis with regard to the concentration of urban runoff including airport runoff which may include lead and other aircraft products which discharges into Meadow Creek and possibly Arroyo Grande Creek. There appears to be no demonstration that airport runoff will not migrate into the detention basin by either surface runoff or groundwater infiltration. There is a known presence of Federal Endangered Species (i.e. Tidewater goby and Steelhead trout). Also, it does not appear wildlife surveys conducted for the riparian and other natural areas were adequate to properly craft mitigation measures. Moreover, the offsite mitigation plan lacks specificity and cannot be considered adequate mitigation without doing so. Also, monitoring is not mitigation under CEQA.

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④

Additionally, there are several other projects being undertaken in the immediate vicinity by other agencies that may significantly affect the efficacy of the proposed project. They include, additional paving and creation of impervious surfaces at the Oceano Airport (see Master Plan Exhibit 5A), California State Parks drainage improvements along Meadow Creek (SCH 2012101012) or the City of Grover Beach's recent stormwater improvements at Grand Avenue and HWY 1.

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J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

A number of alternatives were considered to the proposed project; however all of them focused on a small portion of Oceano and the limited watershed that drains to HWY 1 and 13th Street. There appears to be no watershed-wide (Meadow Creek, 6,400 acres) approach to achieving solutions in the community. Moreover, the project scope and components appear to be driven by grant availability other than sound design strategies.

The proposed project includes a cost estimate of approximately \$2.7 million. I have several concerns in connection with the scope of the project and its overall cost. One, it appears approximately 50% of the total project cost is for engineering, administration, right-of-way acquisition and other soft costs. Secondly, there is no cost-benefit analysis to determine the relative benefits of the proposed project. Lastly, given finite financial resources and the limited availability of grant funding, it would appear these funds may be better applied in a different context.

Finally, it appears that a NEPA document will be required due to the involvement of federal agencies, including the FAA and the USACE. It is my understanding that concurrent processing of a joint CEQA and NEPA document may be the most effective approach in satisfying environmental review requirements. I recommend a programmatic EIR to address CEQA issues and an Environmental Assessment for NEPA.

Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Edwards

Jeff Edwards
805.235.0873

Cc: Ryan Hostetter, Planning Department Staff
Nicole Retana, Planning Department Secretary

P.O. Box 6070, Los Osos, CA 93412 (805)235-0873 julietacker@charter.net
ACQUISITION MARKETING LAND USE REDEVELOPMENT



Site

PROJECT
Conditional Use Permit
UPRR - PUBLIC WORKS/ DRC2012-00044



EXHIBIT _____
Vicinity Map



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

Promoting the wise use of land
Helping build great communities

MEETING DATE March 14, 2013 LOCAL EFFECTIVE DATE March 28, 2013 APPROX FINAL EFFECTIVE DATE April 18, 2013	CONTACT/PHONE Ryan Hostetter, Coastal Planner rhostetter@co.slo.ca.us (805) 788-2351	APPLICANT San Luis Obispo County Department of Public Works	FILE NO. DRC2012-00044
SUBJECT Hearing to consider a request by the San Luis Obispo County Department of Public Works, for a Development Plan / Coastal Development Permit to construct new storm drain improvements to address existing drainage and street flooding issues on State Highway 1 (Front Street) in Oceano. The overall project would be located on Highway 1, beginning at the intersection of 13 th Street/Paso Robles Street and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. This Coastal Development Permit is required for the portion of the project located in the Coastal Zone, that is, west of and including the Union Pacific Railroad right-of-way. Project elements subject to this permit will occur within County right of way, on the Oceano County Airport property, and on private property, and would result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project is within the Industrial and Commercial Retail land use categories and is located in the San Luis Bay Coastal Planning Area.			
RECOMMENDED ACTION Approve Development Plan / Coastal Development Permit DRC2012-00044 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Mitigated Negative Declaration (MND) was prepared for this project (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The Environmental Coordinator found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by the project applicant. Mitigation measures were proposed to address potential impacts and are included as conditions of approval and/or as part of the project description. No significant and unavoidable impacts would result from the proposed project. Comments will be accepted up until completion of the public hearing(s). See Exhibit B for specific CEQA mitigation measures..			
LAND USE CATEGORY Industrial, Commercial Retail, Public Facilities	COMBINING DESIGNATION Flood Hazard, Airport Review Area, Archaeologically Sensitive Areas, Coastal Appealable Zone, Local Coastal Plan Area, Coastal Original Jurisdiction	ASSESSOR PARCEL NUMBER 062-118-013; 062-118-014; 062-118-002; 061-093-044; County & Railroad ROW	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Arroyo Grande and Cienega Valleys; Airport Review Area; Oceano Lagoon; Oceano Industrial Area Standards <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
LAND USE ORDINANCE STANDARDS: Airport Review Area; Flood Hazard Area; Archaeologically Sensitive Area; Local Coastal Program <i>Does the project meet applicable Land Use Ordinance Standards: Yes – see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10 th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER y SAN LUIS OBISPO y CALIFORNIA 93406 y (805) 781-5000 y FAX (805) 781-5042</p>			

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Attachment 5

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EXISTING USES: County road right of way; Union Pacific Railroad right of way; industrial uses; RV storage	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North: Residential Multi Family; single- and multi-family residences</i> <i>South: Agriculture; Arroyo Grande Creek, irrigated row crops, equestrian pasture</i> <i>East: Commercial Retail, Industrial; restaurants, markets, irrigated row crops, agricultural production facilities, Great American Melodrama, Oceano Card Room</i> <i>West: Public Facilities; Oceano County Airport</i>	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Zone 1/1A Advisory Group, Oceano Community Services District, California Coastal Commission, California Department of Fish and Wildlife, Regional Water Quality Control Board, US Fish and Wildlife Service, the US Army Corps of Engineers, San Luis Obispo County Air Pollution Control District, California Department of Transportation, and Five Cities Fire	
TOPOGRAPHY: Nearly level	VEGETATION: Urban, ornamental, riparian
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Five Cities Fire	ACCEPTANCE DATE: January 24, 2013

BACKGROUND

The project is a part of a comprehensive set of actions to address drainage issues along State Route 1 in Oceano. It includes construction of a new storm drain, two new storm water infiltrators, grade modifications within County and State road right of way and on private property to improve drainage flows, regular maintenance of one existing and one proposed sedimentation basin, and ongoing vegetation management activities.

The community of Oceano has historically been subject to drainage and flooding issues almost since the inception of the community in the late 19th century. Portions of the community are located on rolling wind-blown sand deposits that do not contain natural drainage courses and development on small lots has resulted in a high ratio of impervious surfaces (roads, roof-tops, etc.). The remaining open areas are typically overwhelmed by storm water, leading to flooding of adjacent properties. In addition, a substantial portion of the community lies within the floodplains of both Arroyo Grande and Meadow Creeks. Lastly, the community's proximity to the ocean adds high tides and high winter surf to the list of factors that can lead to flooding. Although construction of the Arroyo Grande Creek levees in the late 1950's addressed the single largest source of damaging floods, other issues remain.

One of several long-standing flooding problems involves poor drainage conditions at the intersection of Front Street (Highway 1) and 13th Street. Flooding at this location results in closure of an important roadway and damage to adjacent properties. The proposed project is a cooperative effort by several agencies, lead by the County, to address this localized problem.

Installation of numerous storm water infiltrators, the addition of key sections of curb and gutter, and on-lot detention facilities in new development in the small watershed above Front Street at 13th Street has likely reduced the volume of water that reaches the site; however, flooding persists because drainage facilities leaving the site are simply inadequate to drain storm waters. Consequently this project proposes to install a new storm drain to address this localized flooding issue.

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New storm drain improvements to be developed include new drainage inlets and conveyance of drainage by a new underground pipe to a new concrete sedimentation basin located within the RV storage lot located on Oceano County Airport property. Upstream drainage inlets would be installed on Front Street (State Highway 1) and Paso Robles Street, with additional inlets along the path of the new storm drain. Each of the two upstream inlets lead directly to infiltrators that will direct the first flows, and an increment of flows thereafter, back into the shallow groundwater. Concrete drainage swales would be constructed within the RV storage lot and along the southern property line of Pismo Coast Village property to capture surface flows and direct them to the new concrete-lined sedimentation basin. The new underground storm drain system would be located underneath Highway 1, across private property and Union Pacific Railroad (UPRR) property, and along County road right of way to the airport, terminating at the sedimentation basin.

The new sedimentation basin will be located in a portion of the current RV storage lot adjacent to the north Arroyo Grande Creek levee. The long narrow sedimentation basin will be approximately 50 feet wide and 540 feet long (0.63 acres). It would have adequate capacity to handle a 10-year design storm event. The sedimentation basin would capture debris, soil, and other suspended solids and allow them to settle out within the basin prior to storm water release. The concrete lining will allow the basin to be cleaned on a regular basis in order to remove deleterious material from storm water flows. The sedimentation basin would discharge into the adjacent willow woodland riparian area, which currently acts as a basin and bio filter for storm water from the surrounding areas before discharge into Arroyo Grande Creek. Runoff would discharge into Arroyo Grande Creek through an existing flap gate in the willow riparian woodland area, which is currently suited to handle low flow events. A new 3-foot by 4-foot box culvert with a flap gate would handle high flows and would discharge into Arroyo Grande Creek from the new sedimentation basin.

The proposed sedimentation basin would be on County Airport lands within the Runway Protection Zone (RPZ) but outside of the central portion of the RPZ. In order to meet airport regulations (FAA requirements), the basin must be shallow and must drain with no standing water remaining after 48 hours. Additionally, due to the threat of bird strike hazards, no additional bird habitat would be allowed in or around the basin.

Grade modifications would be made within the Oceano County Airport property, RV storage lot and along Highway 1 and Delta Street. The Airport property and RV storage lot would be raised through import of approximately 12,500 cubic yards of fill material to provide additional on-site storage capacity for storm events that exceed the 10-year design storm. State Route 1 will be overlaid with additional asphalt concrete to create a centerline crown, and additional slight grade modifications would be made in order to collect a majority of flows into the proposed storm drain system. A portion of Delta Street will be re-graded and a concrete curb added to the east side of the street from Ocean Street to the entrance of the Oceano County Airport/RV storage lot to collect runoff and provide additional storage capabilities.

Table of Graded Areas		
Sedimentation Basin	1. 27,500 square feet (0.63 acres)	Unpaved and graded portion of County Airport property. Max cut depth is 4 feet
Pipeline Trenching	2. 23,000 square feet (0.53 acres)	3. Paved and unpaved roads - maximum cut depth is 10 feet
4. Work within Hwy 1, 13th and Paso Robles Streets	5. 35,000 square feet (0.80 acres)	6. Create a road crown and direct storm water towards the drain inlets - maximum cut depth is 8 feet
7. Pismo Coast Village (private property)	8. 240,000 square feet (5.51 acres)	9. Grading of the unimproved RV storage area - maximum fill depth is 12 inches
10. County Airport	11. 301,500 square feet (6.92 acres)	12. Unpaved and graded portion of County Airport property. Max fill depth is 12 inches
13. Totals:	14. 627,000 square feet (14.4 acres)	

The project includes regular maintenance of both basins (new concrete sedimentation basin and existing willow woodland basin) to remove trash and sediment, as well as occasional willow trimming/topping to meet FAA and Caltrans Division of Aeronautics requirements within the RPZ. Trash removal would be done by hand and sediment removal would be conducted using hand tools and the limited use of an excavator and haul truck. Vegetation management (willow trimming and topping) would be done annually depending on the amount of growth and re-growth, or as required by the FAA or Caltrans regulations. Prior to maintenance activities, a qualified biologist would survey the project area for sensitive species. If sensitive species are found, all maintenance activities will halt until the animal has moved out of the maintenance area without assistance (e.g., harassment or handling). Vegetation management activities would occur outside of the nesting bird season, or if activities within the nesting season are required, a qualified biologist would conduct surveys for nesting birds prior to maintenance activities.

Construction methods for the project include: grading, trenching, saw cutting, grinding, asphalt concrete resurfacing, jacking and boring (a type of trenchless pipe installation), concrete form work and relocation of existing utilities.

This project is considered development within an appealable area under Coastal Commission jurisdiction, and therefore requires this Development Plan/Coastal Development Permit. Additionally, the west end of the new sedimentation basin lies with Coastal Original Jurisdiction, and will therefore require separate action by the Coastal Commission.

PROJECT ANALYSIS

SAN LUIS BAY PLANNING AREA STANDARDS:

Airport Review Area (AR) Development Standards – Private Lands. This section limits development within the Airport Review Area to uses deemed compatible with the development standards of the ALUP.

The project would extend through Land Use Areas I-1, I-2, and TP-1. Uses that entail minimum human participation are allowed uses within these areas. The project, once constructed, would involve no human participation other than limited routine maintenance activities. No tall trees will be planted within the AR and existing trees would be maintained at allowable heights. No additional people will be exposed to hazards associated with the airport outside of minimal maintenance crew personnel.

OCEANO URBAN AREA STANDARDS:

Airport Review Area (AR). The standards of this section are intended to ensure compliance with the ALUP and consistency with airport operations.

The project would extend through Land Use Areas I-1, I-2, and TP-1. Industrial uses and other uses that entail minimum human participation are allowed uses within these areas. The project, once constructed, would involve no human participation other than limited routine maintenance activities. No tall trees will be planted within the AR and existing trees (willows) would be maintained at allowable heights. No additional people will be exposed to hazards associated with the airport outside of minimal maintenance crew personnel.

Industrial. This section limits development within the Industrial category to uses allowed by Coastal Table O.

The project is an allowed use (public safety facilities).

COASTAL ZONE LAND USE ORDINANCE:

COMBINING DESIGNATIONS

23.07.022 – 028 Airport Review (AR). This section is intended to ensure consistency with the Airport Land Use Plan (ALUP).

The project will not increase development density in the ALUP area or attract more people to this area, and therefore would not expose additional persons to aircraft hazards other than for limited annual maintenance activities. Additionally, no tall tree species will be planted within the project area, consistent with ALUP policy. Uses that entail minimum human participation are allowed uses within these areas. The project, once constructed, would involve no human participation other than limited routine maintenance activities to ensure vegetation is maintained to ALUP and FAA standards.

23.07.062. – 066 Flood Hazard (FH). This section provides limited exceptions to the Flood Hazard combining designation standards, including temporary uses, emergency work, and the continuance, repair or maintenance of lawful existing uses.

The project consists of runoff and storm water drainage improvements within the flood hazard zone, and is intended to provide additional flood protection to surrounding areas through new storm drain system collection and conveyance improvements. The project is clearly "development," as defined in the Coastal Act and Local Coastal Plan, but is an allowed use in

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the Flood Hazard designation because it addresses the community impact issues that the Flood Hazard designation was created to highlight. That is, development within areas prone to flooding typically induces secondary impacts on both man made and natural systems. This project recognizes these impacts and has been developed to mitigate existing impacts that have resulted from previous development in flood prone areas. In addition, the project will not limit the capacity of the floodway or increase flood heights, and does not propose to alter or relocate any watercourses. Therefore, the project is an appropriate use in the Flood Hazard combining designation.

23.07.104 - Archaeologically Sensitive Area (AS). Prior to issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The purpose of this preliminary site survey is to examine existing records and to conduct a preliminary surface check of the site to determine the likelihood of the existence of resources.

A Phase I Surface Survey was conducted for areas that will be impacted by the project (Applied Earthworks 2012). Although no archaeological surface sites were observed, the potential for subsurface deposits was identified. Mitigation measures, including additional subsurface testing for buried deposits, are proposed which reduce cultural impacts to a level of insignificance under CEQA. These measures are included as conditions of approval.

23.07.120. Local Coastal Program Area (LCP). The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan (see policies below).

23.07.164 – 166 Sensitive Resource Area (SRA). The standards of this section are intended to protect the natural features of any site that are the basis for a Sensitive Resource Area (SRA) designation. These standards are intended to protect shoreline, lake, pond, wetland, or perennial watercourse areas within an SRA through prohibition of grading and paving and design guidelines to avoid any impacts to important SRA features.

The project would be constructed entirely in areas that do not contain sensitive aquatic resources, and would to a small degree enhance riparian and aquatic habitat by reducing sedimentation and improving water quality, consistent with the intent of this combining designation.

Although official land use maps do not designate SRA's in the vicinity of the project, there are riparian and wetland habitats that meet the applicable definitions in the Land Use Ordinance adjacent to the downstream end of the sedimentation basin that, as noted above, function as a biofilter for storm flows before they are released in Arroyo Grande Creek. This area is currently degraded by sedimentation, regular vegetation cutting for aircraft safety purposes, trash dumping, and irregular use as a homeless camp. This project proposes to include maintenance of this area as part of the project; such regular care will restore and enhance the natural functions of the wetland as envisioned by the LCP.

The project will also direct storm water away from additional wetland areas not officially mapped as an SRA downstream from Highway 1. This willow dominated wetland complex lies along the northern (eastern) side of the airport and is connected to the Oceano Lagoon by existing storm drains. However, much of the runoff that flows to this area will continue to do so as the proposed project does not address the entire sub-watershed. Flows that exceed the ten year event, flows out of the Oceano Lagoon into the area, and most importantly, very high ground water levels will continue to support this wetland complex. To the extent that some storm water will be intercepted the flooding of residences along Fountain Avenue may be reduced.

23.07.170. Environmentally Sensitive Habitats. The provisions of this section are intended to protect Environmentally Sensitive Habitat areas by limiting/regulating development within 100 feet of such habitats.

The project would place facilities (a portion of underground storm drain and the sedimentation basin) within 100 feet of the willow riparian woodland associated with Arroyo Grande Creek. As noted above, the new sedimentation basin will need to connect with the existing willow wetland/bio-filter in order to function. As a practical matter, there will be no loss of area or function because the area proposed for the sedimentation basin is currently part of a larger RV storage lot which is completely devoid of vegetation. The project is separated from the riparian corridor adjacent to Arroyo Grande Creek by the north levee, which is approximately 15 high and 75 feet wide at the base, thus, the sedimentation basin is within 75 feet from the unmapped riparian ESHA. Again, however, the existing levee defines the limit of ESHA both practically and as matter of wetland functions and the project will enhance riparian and aquatic habitat within the ESHA by reducing sedimentation and improving water quality.

23.07.172. Wetlands. This section protects wetland areas by regulating development within or adjacent to such areas, including siting requirements, setbacks, and site development standards. Section 23.07.172(d)(1) provides that drainage and flood control facilities are permitted within wetland setbacks under certain circumstances:

(1) Permitted uses within wetland setbacks: Within the required setback buffer, permitted uses are limited to passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that:

- (i) Alternative routes are infeasible or more environmentally damaging.
- (ii) Adverse environmental effects are mitigated to the maximum extent feasible.

As noted above, a portion of the project (the sedimentation basin) would occur within 100 feet of the boundary of the unmapped Wetland ESHA associated with Arroyo Grande Creek on both the north and south sides of the north levee (that is, directly adjacent to habitat north of the levee and 75 feet from habitat behind the levee). However, as also noted above, as a practical matter project elements must be adjacent to creek side habitat to convey water flows, and the levee itself forms an existing and adequate buffer between the sedimentation basin the creek itself. And also as noted, the project will enhance and restore riparian and aquatic habitat within the ESHA by reducing sedimentation and improving water quality. An analysis of alternatives is included in the Policy 26 discussion below.

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COASTAL PLAN POLICY DISCUSSION:

Shoreline Access: Policy No(s): 2
Recreation and Visitor Serving: ☒ N/A
Energy and Industrial Development: ☒ N/A
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A
Environmentally Sensitive Habitats: Policy No(s): 1, 2, 7, 12, 16, 20, 21, 22, 26
Agriculture: ☒ N/A
Public Works: Policy No(s): 7
Coastal Watersheds: Policy No(s): 7, 8, 9, 10
Visual and Scenic Resources: ☒ N/A
Hazards: Policy No(s): 1
Archeology: Policy No(s): 1, 4, 6
Air Quality: ☒ N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

Shoreline Access

Policy 2: Vertical access ways will be required at the time of new development when adequate vertical access is not available within a reasonable distance (one-quarter mile within urban areas and one mile in rural areas) and where prescriptive rights may exist.

The project area contains nearby beach access via Pier Avenue approximately 0.75 mile north, and Silver Spur Place approximately 0.25 mile south. Public safety issues associated with the Oceano County Airport west of the project site make access nearer to the project site inappropriate. No new access is proposed or necessary as part of this project.

The project will not in any way interfere with existing informal coastal access along the levee tops. Since the levees exist primarily within easements over private property, the County Flood Control District (the owner of the levees) maintains vehicle gates to prevent driving on and attendant damage to the levees. To the extent that other forms of trespass are accepted is in the purview of the underlying property owners.

Environmentally Sensitive Habitats

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats. The proposed project is located within an area designated as sensitive due to the nearby location of the Oceano Lagoon SRA (approximately 600 feet west and downstream of the project at the nearest point).

All elements of the project are located within existing developed and/or disturbed areas. As described above, the project is designed to enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality and therefore will not negatively impact the Oceano Lagoon SRA.

Policy 2: Permit Required. The project as proposed will not have a significant impact on the sensitive habitats and is consistent with the biological continuance of the habitats.

The proposed project is consistent with this policy because it would not have a significant impact on sensitive habitats, and would not disrupt the biological continuance of the habitat. The project would include trash and sediment removal, willow trimming and topping, and habitat restoration pursuant to an approved Habitat Mitigation and Monitoring Plan. Prior to maintenance activities, a qualified biologist would survey the project area for sensitive species. If sensitive species are found, all maintenance activities will halt until the animal has moved out of the maintenance area without assistance (e.g., harassment or handling). Vegetation

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management activities would occur outside of the nesting bird season, or if activities within the nesting season are required, a qualified biologist would conduct surveys for nesting birds prior to maintenance activities. As proposed, and with implementation of mitigation measures, the project would not have a direct or indirect adverse effects on the SRA.

Policy 7: Protection of Environmentally Sensitive Habitats. Wetlands shall be protected, preserved, and where feasible, restored.

The project as proposed does not include direct impacts to wetland habitat. As described above, the project is designed to enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality and therefore will not negatively impact ESHA's. During construction, downstream wetlands will be protected through implementation of standard erosion control measures.

Policy 12 and 22: State Department of Fish and Game [Fish and Wildlife] Review. The State Department of Fish and Game [Fish and Wildlife] shall review all applications for development in or adjacent to coastal wetlands and recommend appropriate mitigation measures where needed, which should be incorporated in the project design.

Consultation with the Department of Fish and Wildlife occurred through the project planning phase; a Streambed Alteration Agreement (Permit) issued by the California Department of Fish and Wildlife is also required for this project.

Policy 16: Adjacent Development. Development shall be sited to prevent significant impacts to wetlands.

The proposed project complies with this requirement as it is located within an existing developed area and includes measures for the protection of Arroyo Grande Creek and associated wetland habitat, as described above.

Policy 20: Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

The proposed project is consistent with this policy because the project has been designed to protect and enhance riparian and aquatic habitat in the creek channels. As noted above, actions within the riparian vegetation associated with Arroyo Grande Creek include willow trimming and topping, which would be conducted in compliance with identified mitigation measures. Overall, the project will have a beneficial effect on water quality within the creek, because the storm water basin would allow for sediment settling and the drainage system would divert runoff from roadways through bio filters installed within the proposed storm water drainage system.

Policy 21: Development in or Adjacent to a Coastal Stream. Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

The proposed project is consistent with this policy as the project is located within an existing developed area and includes measures for the protection of Arroyo Grande Creek. Implementation of the project would occur pursuant to an approved Storm water Pollution Prevention Plan (SWPPP), and maintenance actions include trash and sediment removal.

Policy 26: Riparian Vegetation. Cutting or alteration of naturally occurring vegetation that
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protects riparian habitat is not permitted except for permitted streambed alterations (defined in Policy 22) and where no feasible alternative exists or an issue of public safety exists. Minor incidental public works project may also be permitted where no feasible alternative exists including but not limited to utility lines, pipelines, driveways and roads. Where permitted, such actions must not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area. This must be in accordance with the necessary permits required by Sections 1601 and 1603 [now 1602] of the California Fish and Game Code.

The proposed project is consistent with this policy as it is an allowable public works project and willow topping would be performed for public safety concerns consistent with the ALUP, FAA and Caltrans regulations. The project has also been designed to protect water quality of Arroyo Grande Creek, as noted above (see Policy 20 discussion). A Streambed Alteration Agreement will be obtained from the Department of Fish and Wildlife.

A range of alternatives was examined in order to determine that no less environmentally damaging feasible alternative to the project exists. Alternatives include:

- a. Repairing/modifying the existing drainage route from Highway/13th Street to the Oceano Lagoon. Drainage from the intersection at Highway 1/13th Street currently flows through an open unlined ditch through a eucalyptus grove, into a culvert under the railroad, and ties into a junction box located underneath the Pismo/Oceano Vegetable Exchange (POVE) processing building. After collecting wash water from the business, a culvert leads from the junction box to a settling pond on the POVE property, which then overflows across Railroad Avenue on a concrete apron and into an open ditch between industrial buildings, and then into open land adjacent to the airport. After surface flowing across private property the drainage crosses airport property, enters a 325 foot long culvert under both Airpark and Mendel Drive, under a portion of the County's Oceano Park, and then flows into the "duck pond" portion of the Oceano Lagoon. Attempts to design improvements to this route resulted in insufficient grades to move water, interference with existing buildings, and conflicts with numerous existing utilities. In addition, more efficient conveyance of drainage into the area along Fountain Avenue would likely exacerbate flooding of residences. Consequently, this alternative was determined to be infeasible.*
- b. Install a new drainage basin adjacent to the airport. This alternative is similar to "a" above, but would intercept water upstream from the Fountain Avenue area in a new large drainage basin. As noted above, insufficient grades to move water, interference with existing buildings, and conflicts with numerous existing utilities would prevent water from efficiently reaching the basin; in addition, groundwater in the area of the proposed basin is less than three feet below ground surface, severely limiting basin capacity and making attempt to percolate storm water moot. Also, this alternative would create a larger area of new bird habitat adjacent to the airport. Therefore, this alternative was determined to be infeasible.*
- c. Installation of upstream infiltration ponds and devices. An analysis of the amount of hardscape in the watershed above Highway 1/13th Street quickly showed that new infiltrators and/or percolation basins could not accommodate flows that would be generated by even small storms. Infiltrators have already been installed in low lying swales that collect storm water, and new development has retained/detained drainage on site. Opportunities to increase the overall capacity of this type of approach have already been maximized. Therefore, except for the addition of two new infiltrators at the upstream end of this project, this alternative has been determined to be infeasible.*

- d. Convey storm water flows to an existing basin along the railroad opposite Cienaga Street. Hydraulic analysis shows that the grade of a new 1600 foot +/- storm drain in Highway 1 to the existing basin would have insufficient grades to effectively flow storm water. In addition, the basin(s) has insufficient capacity to handle additional flows without designing and building an outflow system which, due to existing topography and land use, would end at the same location as the proposed project. Therefore, this alternative was determined to be infeasible.
- e. Locate the sedimentation basin outside of the 100 foot ESHA setbacks. This alternative would place the basin directly in the path of the runway protection zone of the airport, and is not allowed by FAA and Caltrans regulations, making it infeasible
- f. Use a vegetated sedimentation basin in lieu of a concrete basin. This alternative would result in the addition of additional bird habitat at the end of the airport runway, and would interfere with basin maintenance activities, potentially allowing sediment and other deleterious material to eventually flow into Arroyo Grande Creek. Therefore, this alternative was determined to be infeasible.

The result of the examination of alternatives shows that the proposed project is the alternative that would result in least impact to riparian areas, and would not cause significant stream bank erosion, have a detrimental effect on water quality or quantity, or impair the wildlife habitat values of the area.

Public Works:

Policy 7: Permit requirements. A permit is required for projects within the coastal zone.

The applicant is requesting approval of a Development Plan / Coastal Development Permit, consistent with the requirements of this policy.

Coastal Watersheds

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent. Grading that will occur on slopes of greater than 20 percent requires a Minor Use Permit or Development Plan approval and shall consider site characteristics such as proximity of nearby streams, erosion potential, and slope stability, amount of grading necessary, and measures proposed to reduce potential erosion and sedimentation.

The project site is generally flat (less than 5% slope). Standard drainage and erosion control measures will be implemented as part of the required SWPPP.

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems.

Based on the relatively flat topography and implementation of standard drainage and erosion control measures as part of the SWPPP, the potential for erosion and sedimentation problems is low.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures shall be utilized to minimize erosion and sedimentation.

The project site is generally flat (less than 5% slope). Standard drainage and erosion control measures will be implemented as part of the required SWPPP.

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Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion.

The project has been sited and designed to improve existing runoff and drainage conditions, and would not increase erosion.

Hazards

Policy 1: New Development. All new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property.

The project is consistent with this policy because it would improve flood and drainage conditions in the project vicinity and no increased risk to human life or property would result. Those portions of the project within the Flood Hazard designation (portions of the storm drain and the sedimentation basin) have been designed to function when inundated and would not require extraordinary maintenance to operate at full capacity after the conclusion of a flooding event.

Archaeology

Policy 1: Protection of Archaeological Resources. The project is located within a defined Archaeologically Sensitive Area.

A Phase I Surface Study was conducted for the project area. No resources were located, but the potential for subsurface resources was identified. Mitigation measures, including additional subsurface testing for buried resources, would be implemented, consistent with this policy.

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas. The project is located within a defined Archaeologically Sensitive Area.

A Phase I Surface Study was conducted for the project area. No resources were located, but the potential for subsurface resources was identified. Mitigation measures, including additional subsurface testing for buried resources, would be implemented, consistent with this policy.

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. Where substantial archaeological resources are discovered during construction of new development or through non-permit related activities, all activities shall cease until a qualified archaeologist can determine the significance of the resource and submit alternative mitigation measures.

The project is consistent with this policy because in the event archaeological resources are unearthed or discovered during any construction activities, standards in the County Land Use Ordinance would apply, including Section 23.07.104 and 23.05.140, which require a stop of all work activities until a mitigation plan, prepared by a qualified professional archaeologist is completed and implemented.

MAJOR ISSUES

Development of the sort usually anticipated within an urbanized area would raise major issues if proposed in close proximity (and partly on) the airport, within the Flood Hazard designation, and in close proximity to wetlands. However, the proposed project is located in these sensitive areas precisely because it was conceived and designed to address the impacts of other, nearby development. These impacts include flooding of major streets, deposition of sediments in sensitive areas, and the degradation of water quality in coastal streams and wetlands. The project would enhance and maintain existing riparian and aquatic habitat within Arroyo Grande Creek and adjacent to the Oceano Lagoon SRA, while also providing the public benefit of storm

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water management and improved storm water quality in the area. Therefore, the project is consistent with the intent of the planning area and combining designation standards and does not raise major inconsistency issues.

COMMUNITY ADVISORY GROUP COMMENTS: None received to date

AIRPORT LAND USE COMMISSION REVIEW:

The proposed project and land use will not generate hazards or obstructions to aircraft operations in the vicinity of the airport because proposed improvements would be located underground or at ground level. Annual vegetation management would maintain willows in the project area as defined by state and federal airport regulations in order to maintain flight safety, as the vegetation to be trimmed is near the end of the airport runway. The project would not result in any significant changes in existing developed uses and will be compatible with airport activities. The project is consistent with the Airport Land Use Plan in that it does not expose additional people or structures to significant hazards associated with the airport.

AGENCY REVIEW:

General Services – Project will need FAA approval and therefore a NEPA document and negotiated agreement for use of and compensation for Airport property; standard requirements for projects on or near the Airport apply.

CalFire – Project is in Five Cities Fire jurisdiction; no further comments.

US Army Corps of Engineers – Confirmed USACE permit would be required; no further comments.

Staff report prepared by Ryan Hostetter and reviewed by Bill Robeson.

PROJECT FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 31, 2013 and is hereby adopted for this project. Mitigation measures are proposed to address air quality, biological resources, cultural resources, and water are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with the intent of all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Program.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general 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 designed to improve flood control protection along Arroyo Grande Creek and Highway 1 in the vicinity of the Oceano County Airport, and does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project would expand existing storm water drainage infrastructure that is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use 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 construction-related impacts will be mitigated to acceptable levels and no long-term traffic impacts are expected to occur.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project would not affect existing access, the project is not adjacent to the beach, and public access is already allowed over the majority of the site because the project is located primarily in existing public right-of-ways.

Airport Review Area

- H. The proposed project and land use will not generate hazards or obstructions to aircraft operations in the vicinity of the airport because proposed improvements would be

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located underground or at ground level. Annual vegetation management would maintain willows in the project area to allowable heights as defined by state and federal airport regulations in order to maintain flight safety, as the vegetation to be trimmed is near the end of the airport runway.

- I. The project would not result in any significant changes in existing developed uses and will be compatible with airport activities. The project is consistent with the Airport Land Use Plan in that it does not expose additional people or structures to significant hazards associated with the airport.

Flood Hazard Area

- J. The project is designed to improve storm water drainage and flood conditions in the project vicinity and would not subject additional people or structures to increased damage as a result of flood inundation. The project is compatible with the flood hazard designation and would result in improved capacity of storm water drainage facilities and alleviate flooding that currently exists in the project area.
- K. Grading associated with the project will incorporate standard drainage and erosion control measures to minimize the potential for soil erosion and sedimentation, including through development of a new sediment basin and annual sediment and trash removal.

Sensitive Resource Areas (SRA)

- L. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and the project includes elements that are beneficial to habitat and water quality within Arroyo Grande Creek.
- M. Natural features and topography have been considered in the design and siting of all proposed physical improvements and the project is proposed to avoid and minimize impacts to the sensitive resources within, adjacent to, and downstream of the proposed improvements.
- N. The proposed ground disturbance and tree trimming is the minimum necessary to provide improvements to the drainage system in compliance with mandatory regulations (Federal Aviation Administration) and will not create significant adverse effects on the identified sensitive resource, because best management practices will be implemented during construction to minimize impacts and disturbance to the SRA.
- O. The soil and subsoil conditions are suitable for any proposed grading and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. The County is required to comply with all state and federal sedimentation and erosion control requirements, and the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon.

Environmentally Sensitive Habitats

- P. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon and is sited partially within and adjacent to an existing disturbed area. Overall, the project would have

beneficial effect on habitat and water quality within the Environmentally Sensitive Habitat Area.

- Q. The proposed use will not significantly disrupt the habitat because measures to avoid unnecessary disturbance have been adopted through project design and construction.

Archaeologically Sensitive Area

- R. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected. An archaeological assessment was conducted for this project with no significant resources identified and additional subsurface testing prior to construction is a condition of the project. Should any archaeological resources be discovered, construction activities would stop until a qualified archaeologist has analyzed the resource and developed a mitigation plan, which the project would implement prior to commencing construction.

Local Coastal Program

- S. The proposed project is consistent with the Local Coastal Program and the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is within the proximity of adequate public beach access and is designed to protect sensitive coastal and biological resources.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a request by the San Luis Obispo County Department of Public Works, in coordination with Caltrans and other local agencies, for a Coastal Development Permit for development of the Oceano Drainage Project. Implementation of the project would involve construction of new storm water drainage system components, grading alterations, and annual vegetation and sedimentation maintenance. The project would be located in and alongside State Highway 1 in Oceano, beginning at the intersection of 13th Street/Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. It would include improvements within County and State right of way and on private property, and would result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill.

Conditions required to be completed prior to the start of construction

Site Development

2. **Prior to start of construction**, plans submitted shall show all development consistent with the approved site plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Mitigation Measures

Air Quality

4. [AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:
 - a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
 - b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
 - c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
 - d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;
 - e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
 - f. Clean soil must be segregated from contaminated soil.
5. [AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.

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6. [AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
7. [AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):
 - a. Reduce the amount of 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 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;
 - 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 PM10 mitigation measures required should be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor 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.
8. [AQ-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

 - a. 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 A-3-SLO-13-0220 (Oceano Drainage Project)
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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:

1. 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
 2. Shall not operate a diesel-fueled auxiliary power system (APS) 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.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.
9. [AQ-6] Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
10. [AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

Biological Resources

11. [BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.
12. [BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.
13. [BR-3] 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 work areas.
14. [BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-

legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.

15. [BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species 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.
16. [BR-6] 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 County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
17. [BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
 - a. Silt fencing shall be placed along the down-slope side of the construction zone.
 - b. A spill and clean-up kit shall be stored onsite at all times.
 - c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).
18. [BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:
 - a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
 - c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
19. [BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued Biological Opinion. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be

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- consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.
20. [BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.
 21. [BR-11] Willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
 22. [BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

Cultural Resources

23. [CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities

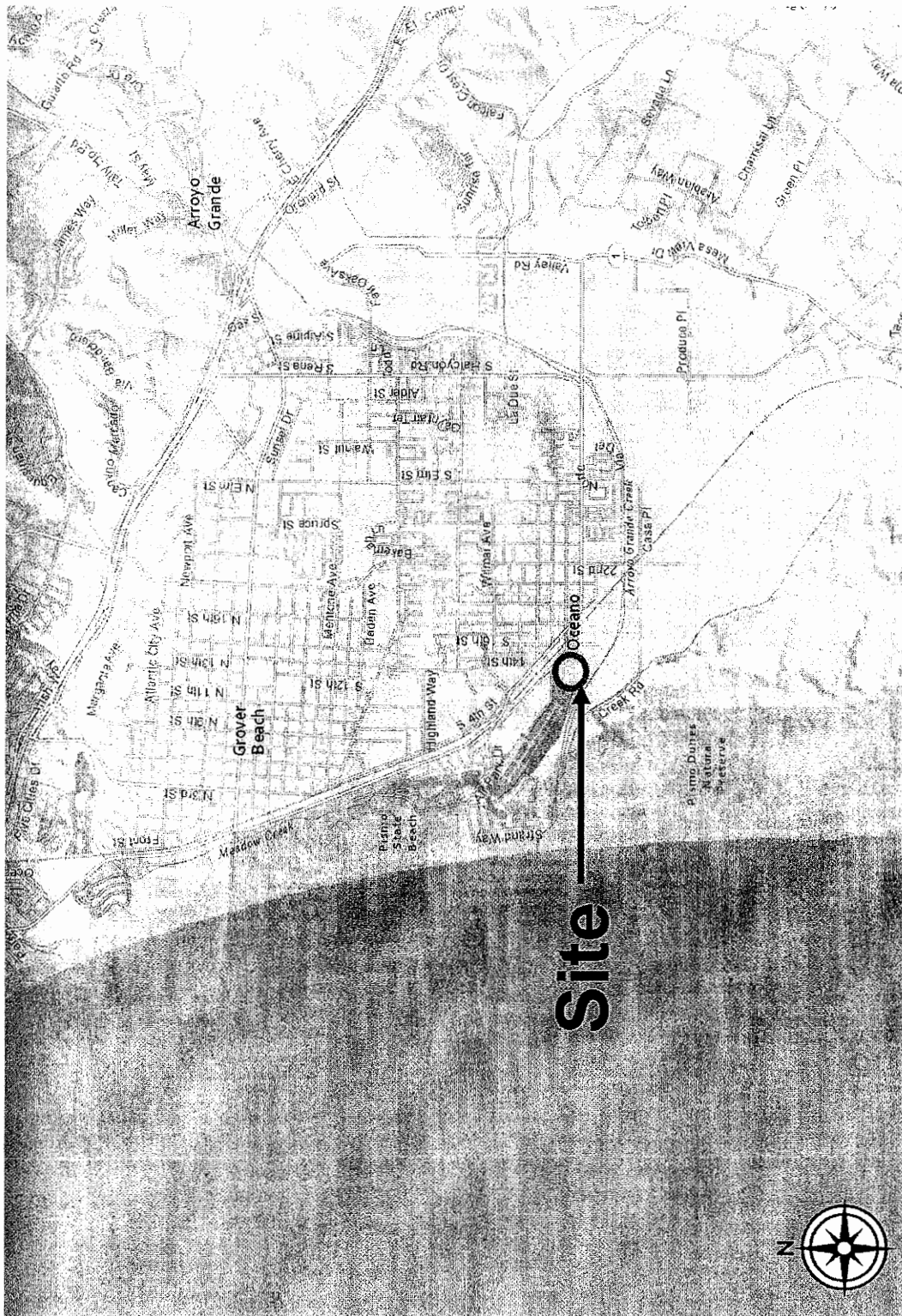
Conditions to be completed prior to completion of the project

24. Prior to completion of the project, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 48 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



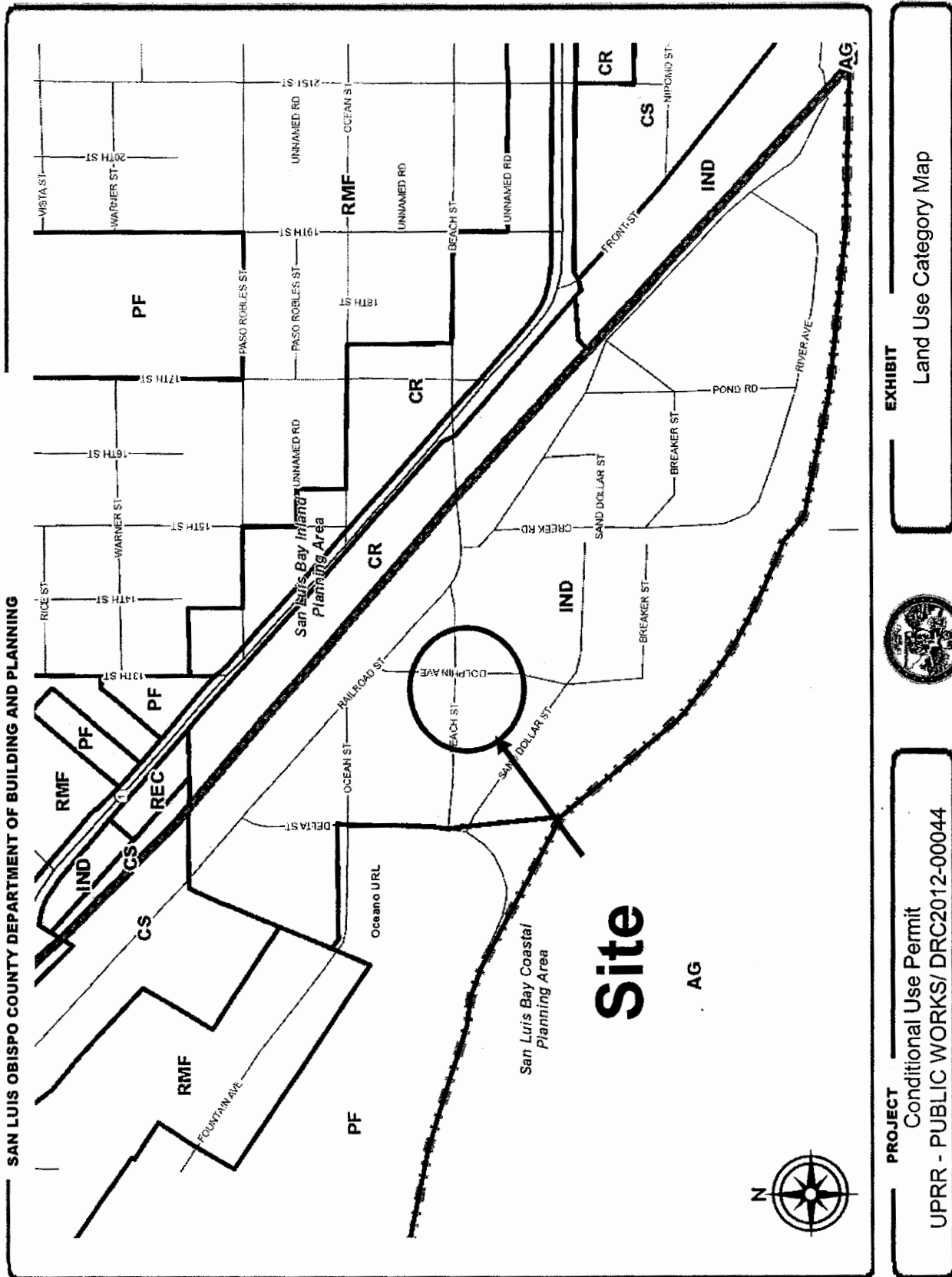
EXHIBIT

Vicinity Map



PROJECT

Conditional Use Permit
UPRR - PUBLIC WORKS/ DRC2012-00044

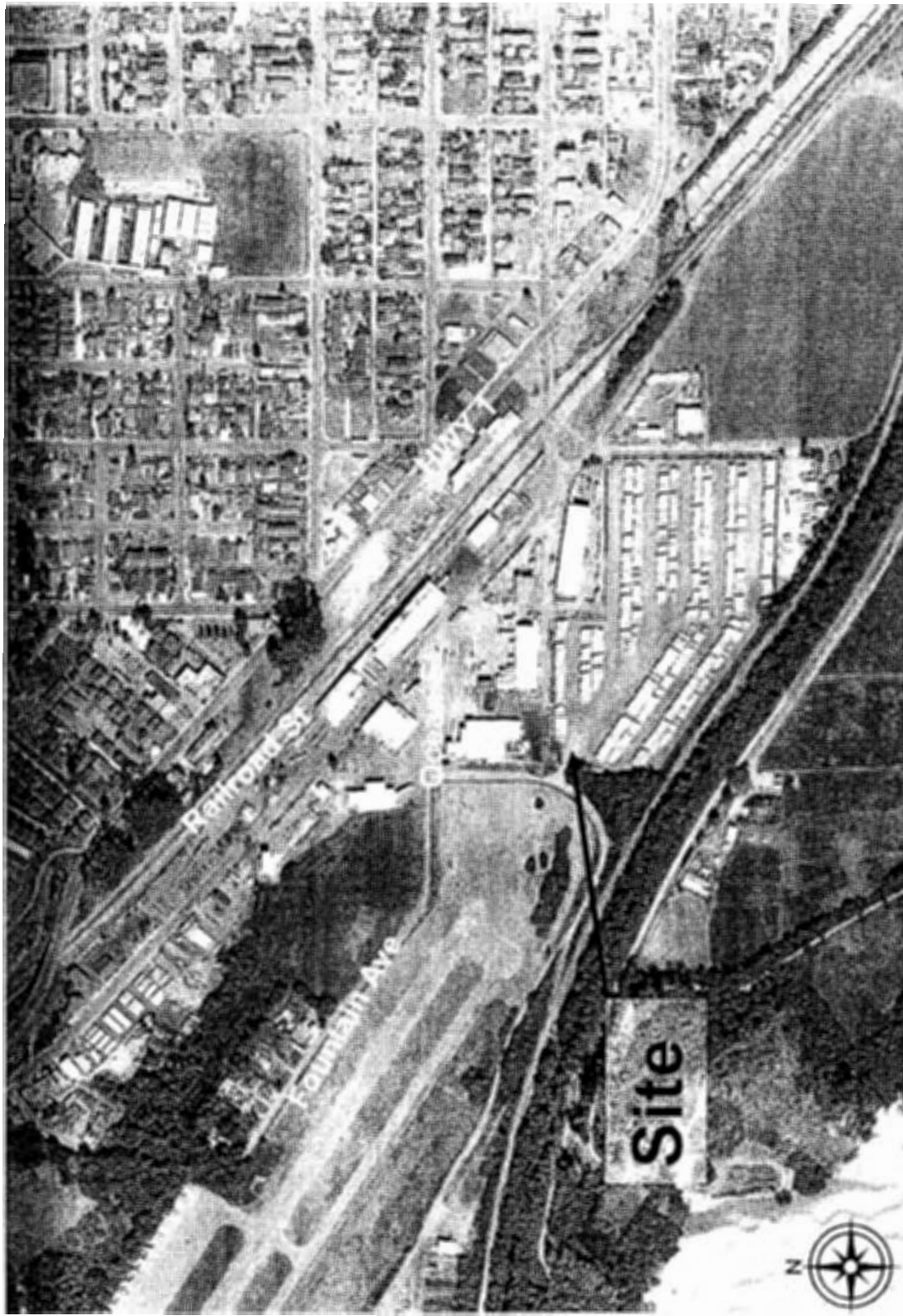


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EXHIBIT

Aerial Photograph



PROJECT

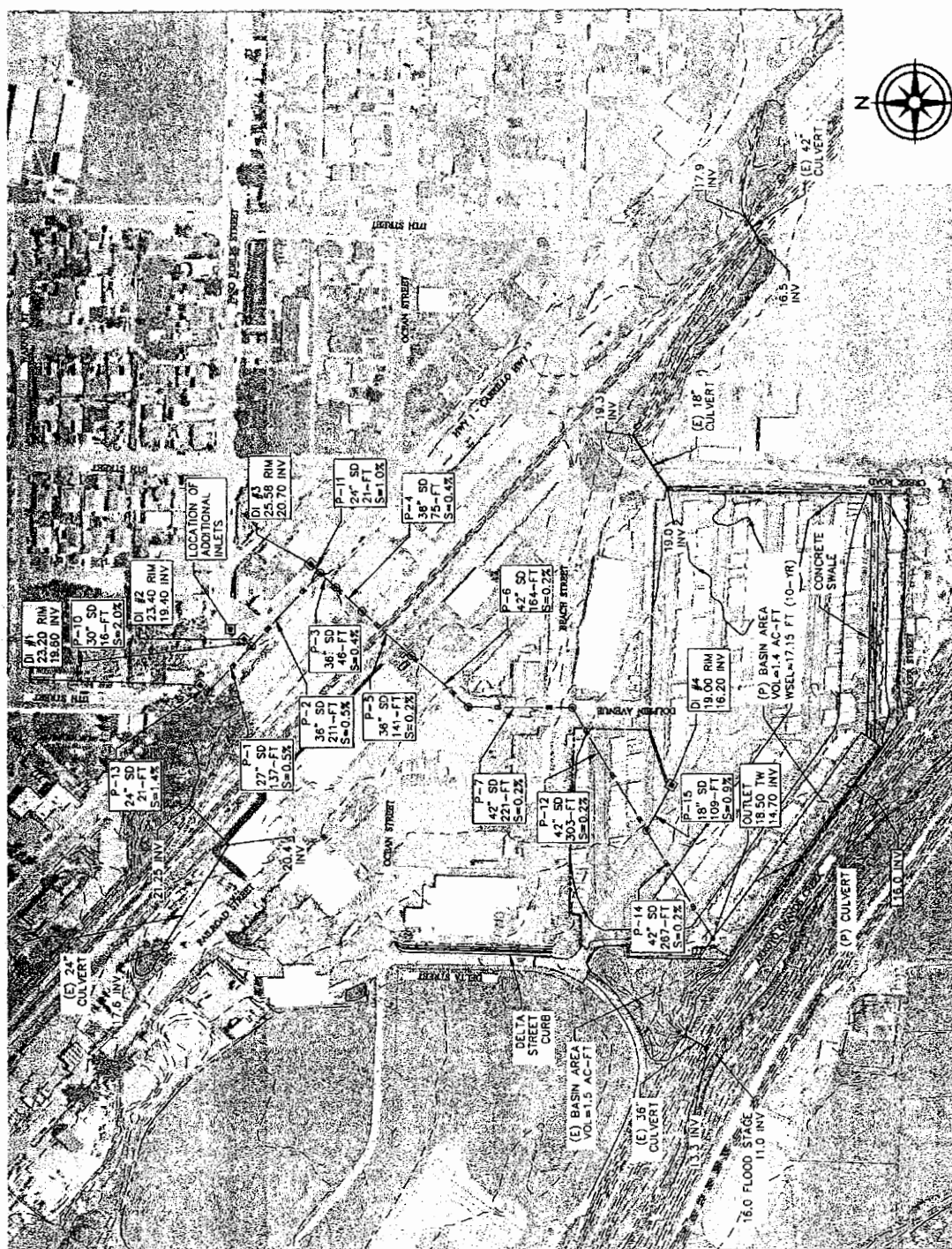
Conditional Use Permit

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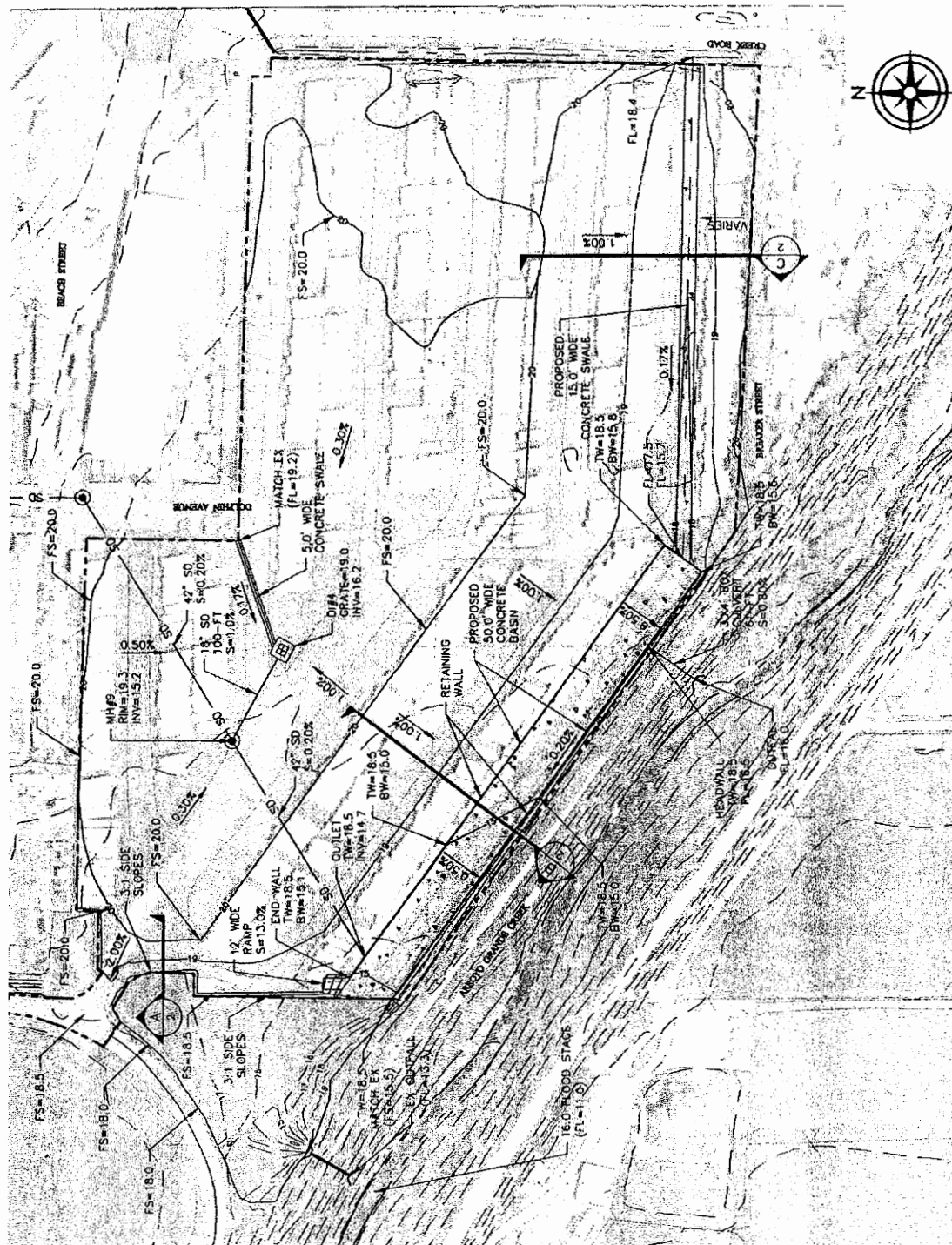


Section 10. Conditional Use Permit

UPRR - PUBLIC WORKS/ DRC2012-00044



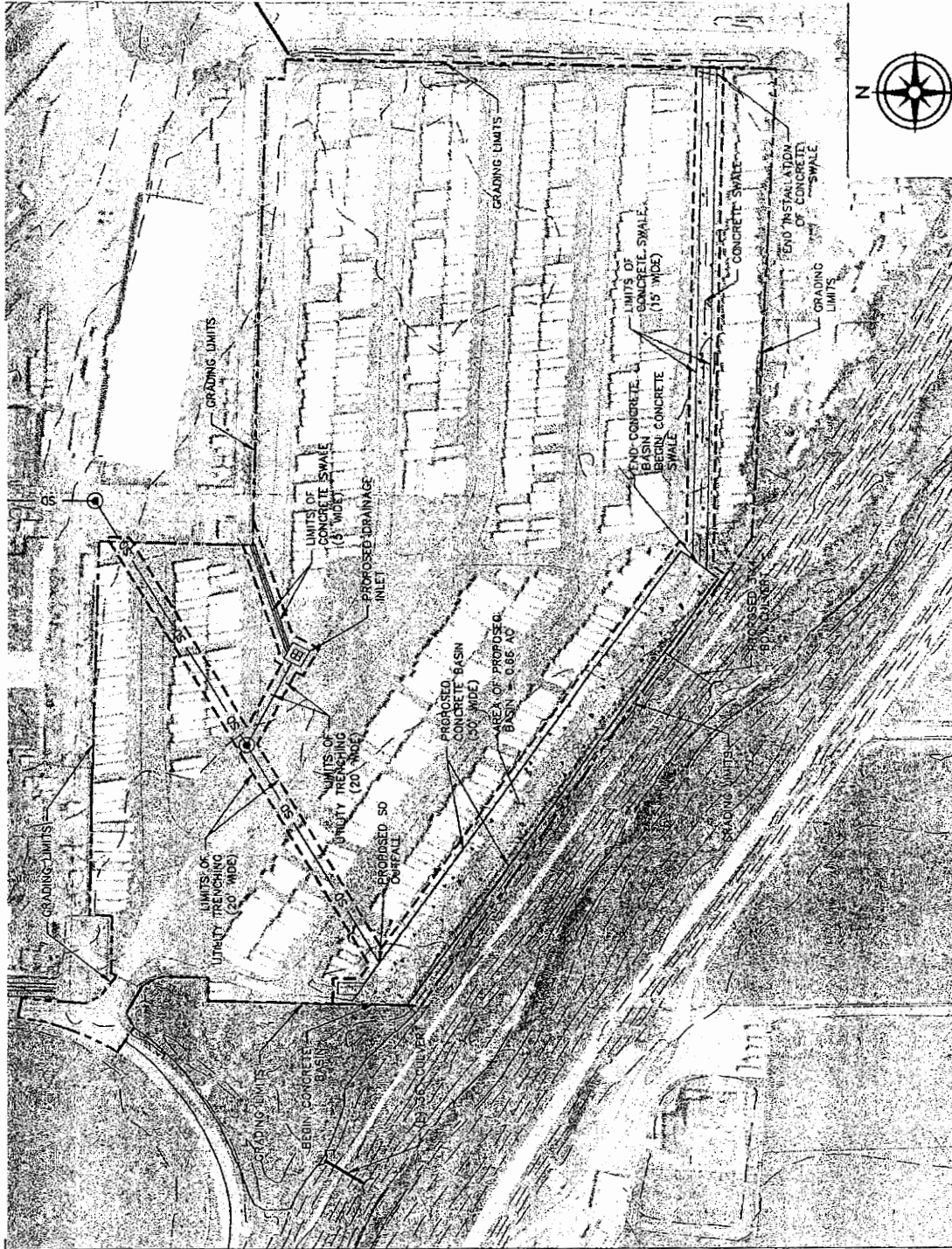
Exhibit 7c Alternative #3



Conditional Use Permit

Exhibit 8a Proposed Basin

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

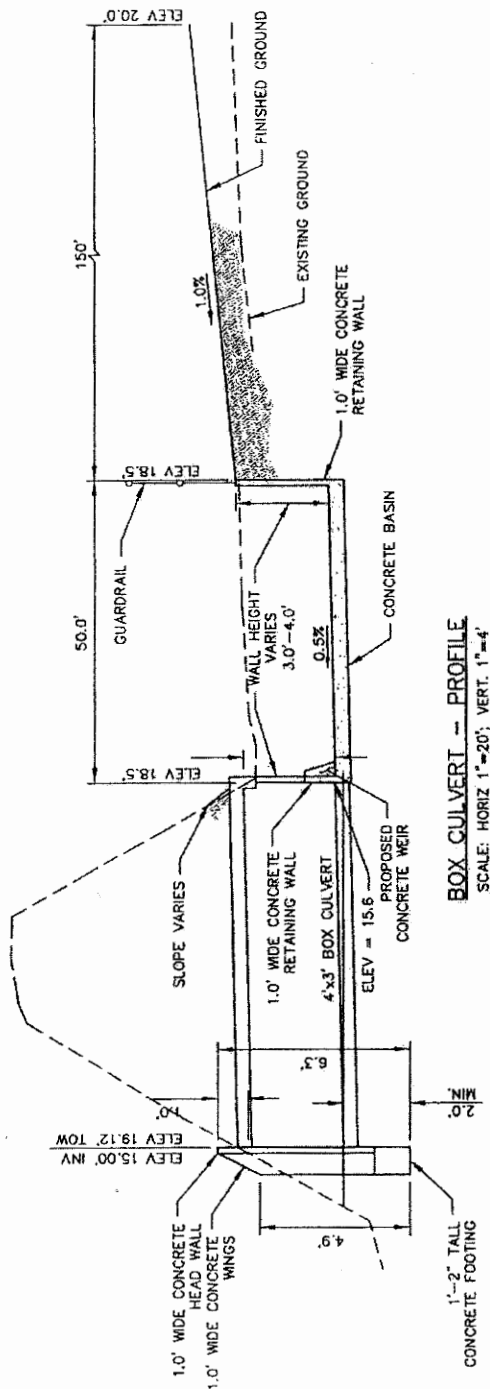
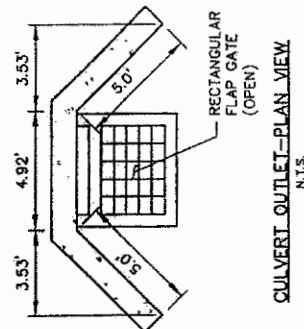
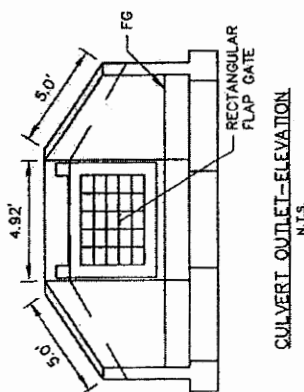
Conditional Use Permit
UPRR - PUBLIC WORKS/ DRC2012-00044

EXHIBIT

Exhibit 8c Construction Limits



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

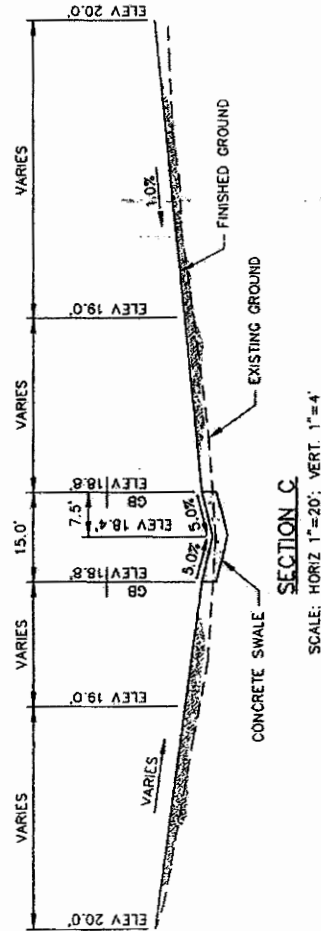
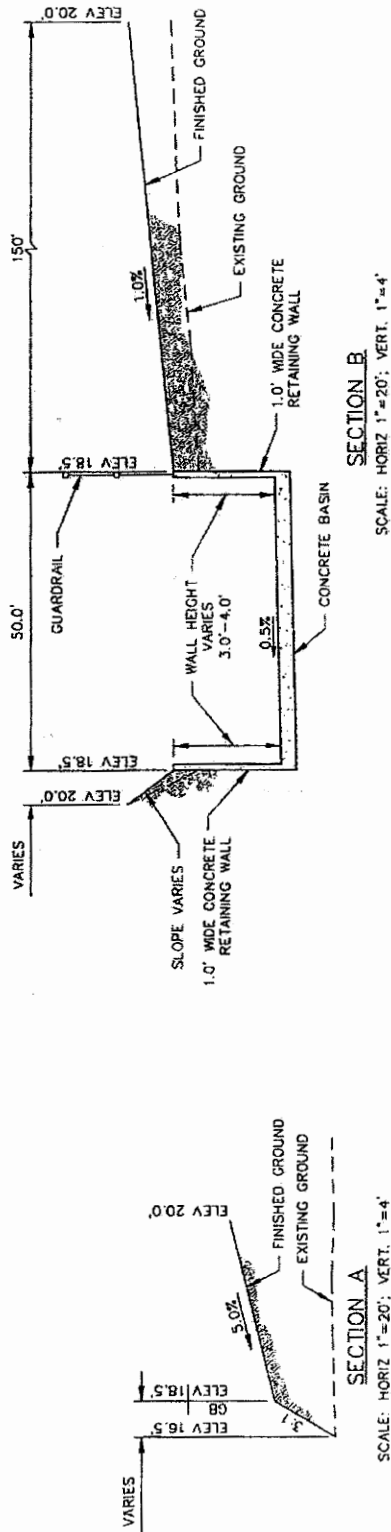
Conditional Use Permit
UPRR - PUBLIC WORKS/ DRC2012-00044

EXHIBIT

Box Culvert Schematic



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Conditional Use Permit
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EXHIBIT

Exhibit 8b Cross Sections





NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

ENVIRONMENTAL DETERMINATION NO. ED11-173 (DRC2012-00044) **DATE:** January 31, 2013

PROJECT/ENTITLEMENT: Oceano Drainage Project

APPLICANT NAME: County of San Luis Obispo.

ADDRESS: 1050 Monterey Street Room 207 San Luis Obispo CA 93408

CONTACT PERSON: Katie Drexhage, County Public Works

Telephone: 805-781-5252

PROPOSED USES/INTENT: Request by San Luis Obispo County Public Works for a Development Plan/Conditional Use Permit/Coastal Development Permit to construct new storm drain improvements to alleviate existing drainage issues which will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County and State Right of Way and on private property.

LOCATION: The project is located alongside State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek, in the San Luis Bay Coastal and Inland planning areas.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

OTHER POTENTIAL PERMITTING AGENCIES: Cal Trans, CA Department of Fish and Wildlife,
Regional Water Quality Control Board, US Army Corps of Engineers

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

ADDITIONAL INFORMATION: Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT4:30 p.m. February 14, 2013

30 Day PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and
has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Ryan Hostetter

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

A-3-SLO-13-0220 (Oceano Drainage Project)

Exhibit 2: Final Local Action Notice

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Oceano Drainage Project at 13th Street and Highway 1
ED11-173 / WBS 300465

**MITIGATED NEGATIVE DECLARATION, NOTICE OF DETERMINATION, &
INITIAL STUDY**



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
ENVIRONMENTAL & RESOURCE MANAGEMENT DIVISION

County File Number: ED11-173 (300465)

SCH Number: _____

**COUNTY DEPARTMENT OF PUBLIC WORKS
OCEANO DRAINAGE PROJECT
AT 13th STREET AND HIGHWAY 1
COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & INITIAL STUDY**

Abstract

The Project is a proposal by the Department of Public Works in coordination with Caltrans and other local agencies, to construct new storm drain improvements to alleviate existing drainage issues. The Project will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County Right of Way and on private property. The proposed project is located alongside the State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. The proposed project is within the Industrial and Commercial Retail land use categories in the San Luis Bay Coastal and Inland planning areas, fourth Supervisorial district. Comments on this document should be sent to Katie Drexhage, County Department of Public Works, County Government Center, San Luis Obispo, CA 93408.

The following persons may be contacted for additional information concerning this document:

Katie Drexhage, Environmental Programs Division
or
Jeff Lee, Project Manager
County Department of Public Works
County Government Center, Room 207
San Luis Obispo, CA 93408
(805) 781-1043

This proposed Mitigated Negative Declaration has been issued by:

11.7.2012
Date

Ellen Carroll
Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

The project proponent, who agrees to implement the mitigation measures for the project, is:

11.26.2012
Date

Paavo Ogren
Paavo Ogren, Director of Public Works
County of San Luis Obispo



Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
Promoting the Wise Use of Land • Helping to Build Great Communities

(ver 5.0) Initial Form

Project Title & No. (Oceano Drainage Project at Highway 1 and 13th Street in Oceano)
ED11-173 (300465)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water /Hydrology
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Katie Drexhage
Prepared by (Print)

Signature

11/7/12
Date

Murry Wilson
Reviewed by (Print)

Signature

Ellen Carroll,
Environmental Coordinator
(for)

11/7/12
Date



Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the County of San Luis Obispo Department of Public Works (County), in coordination with Caltrans and other local agencies, to construct new storm drain improvements to alleviate existing drainage issues which will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County and State Right of Way and on private property. The Oceano Drainage Project (Project) is located alongside the State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek, in the San Luis Bay Coastal and Inland planning areas (Figure 1).

DISCUSSION:

The Project aims to:

- Reduce flooding at the intersection of Highway 1 and 13th Street;
- Mitigate storm water runoff impacts to properties downstream of Union Pacific Railroad;
- Treat storm water runoff with LID solutions;
- Minimize the amount of property acquisition;
- Avoid relocation and conflict with existing infrastructure (utilities, buildings, etc.);
- Minimize environmental impacts;
- Minimize long-term operation and maintenance of storm water facilities;
- Minimize impacts to Airport operations; and
- Comply with Federal, State and local standards.

Historically, Highway 1 floods during small rain events at the intersection of 13th and Paso Robles Street. Existing flooding at this location is a result of insufficient and undersized drainage facilities and relatively flat topography. The proposed improvements include new drainage inlets and conveyance of drainage by an underground pipe, south, to a new concrete sedimentation basin located within the RV storage lot. Runoff will discharge into Arroyo Grande Creek through an existing flap gate in the willow riparian woodland area adjacent to the RV storage lot (situated on Oceano Airport property) and a new box culvert. Additionally, roadside infiltrators will be installed and utilized for the Project to capture and treat first flush storm water runoff. The drainage inlets will connect into a new underground storm drain system.



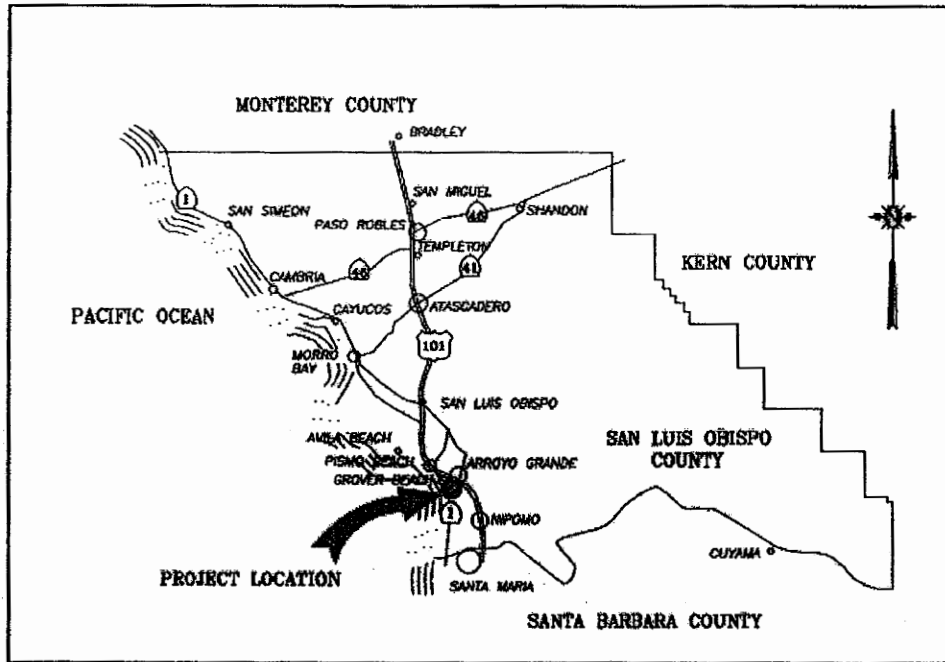


Figure 1: Project Location Map

The drainage inlets (along Front Street and Paso Robles Street) and road side infiltrators (along 13th and Paso Robles Street) will connect to a new underground storm drain system underneath Highway 1, through private property, Union Pacific Railroad (UPRR) property and along County roads to the concrete sedimentation basin.

The concrete sedimentation basin will be 0.66 acre and have a storage capacity of 1.42 acre-feet and an elevation of 17.5-feet. The storage capacity of the sedimentation basin is adequate to handle the 10-year design storm event. The proposed sediment basin will be on County Airport lands within the runway protection zone (RPZ), but outside of the central portion of the RPZ. In order to meet airport regulations (FAA requirements), the basin must be shallow and must drain with no standing water remaining after 48-hours. Additionally, due to the threat of bird strike hazards, no bird habitat will be allowed. It is anticipated that the sediment basin will be finished with concrete and gravel in order to meet airport regulations and facilitate implementation of proposed long-term maintenance activities including sediment/debris removal by the County Public Works Roads Division.

The sediment basin will discharge to the adjacent willow woodland riparian area, which currently acts as a basin for storm water from the surrounding areas. The new sediment basin will be the primary feed to the existing basin in the willow woodland area. Storm water will move through the willow woodland, which will act as a bio filter, to an existing 36-inch flap gate as well as through a new 3-foot by 4-foot box culvert with a flap gate, which outlets to Arroyo Grande Creek. The existing culvert and willow woodland riparian area will handle low flow and the new box culvert will handle high flow situations. The sedimentation basin will capture debris, sediments and other suspended solids and allow them to settle out within the basin prior to release to the bio-swale. Refer to the attached plan sheet (Appendix A).

The Project includes regular maintenance of both basins (existing willow woodland and new concrete sediment basin) to remove trash and sediment. Additionally, the Project includes occasional willow trimming/topping to meet FAA and the Caltrans Division of Aeronautics requirements within the RPZ. Trash removal would occur by hand and sediment removal would be conducted using hand tools and



the limited use of an excavator and haul truck. The volume of sediment removal would vary from year-to-year, and in some years sediment removal may not be required at all.

Vegetation management, i.e., willow trimming and topping, would be done annually depending upon the amount of growth and re-growth or as required by the FAA and Caltrans. Trimming activities for willows greater than 4" DBH will consist of trimming horizontal branches to a height of no more than six feet above ground level. Willow sprouts less than 4" DBH will be cut to within 6" of the ground. Willow topping would be in accordance with FAA and Caltrans requirements or to a maximum height of 20 feet above ground level, whichever is greater.

Willow trimming and topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities.

Prior to maintenance activities, a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-striped garter snake, nesting birds, and pacific pond turtles). If sensitive species are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling). If nesting birds are discovered within the maintenance area, CDFG will be contacted to establish an appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the Migratory Bird Treaty Act (MBTA) and applicable Project mitigation measures.

Currently, the willow woodland/natural basin is used by trespassing transients for shelter. By implementing a regular maintenance program, this area would be cleaned up and cleared of trash which could potentially attract wildlife predators of sensitive species. Thus, the basin habitat within the woodland would be improved by maintenance activities.

Clearing debris and sediment from the new concrete basin would allow it to continue to function as a settling pond and prevent vegetation from growing within the newly-constructed basin. Since this concrete basin provides flood control functions, preventing vegetation establishment within the basin will discourage wildlife from using it as habitat which minimizes and avoids impacts to sensitive species. Access to the concrete basin will be via an access ramp off of Delta Street and will not impact the willow riparian basin or wildlife habitat.

The anticipated area of disturbance for construction of the Project is 14.4 acres (629,000 square feet). Overall, the construction duration is anticipated to be five (5) months, starting as early as June of 2014 and ending by November of the same year. The County requests that all regulatory permits be valid through 2017 in case construction is delayed by permit process procedures.

PROJECT ACTIVITIES:

A concrete drainage swale will be constructed within the RV storage lot for surface flows from adjacent properties along Railroad Street. This swale will capture flow from Railroad Street and discharge runoff into the new drainage system that runs through the RV storage lot. Another concrete drainage swale will be constructed along the southern property line of Pismo Coast Village (PCV) property. The runoff currently flows into an existing swale along the eastern edge of the PCV property. The new concrete drainage swale will be constructed to take this existing flow and direct it to the sediment basin on the RV storage lot.

The storage capacity of the basin is adequate to handle the 10-year design storm event. The additional storage added by the raising of the RV storage lot and PCV property will be used when



storm events in Oceano exceed the 10-year design storm. Import will be required to raise the RV storage site. Elevations will range from 15.7' to 21.8'. Approximately 12,500 cubic yards of material will be required to raise the RV storage lot site. If material excavated from the project area is acceptable, onsite material will be used rather than importing fill to raise the RV storage lot.

In order to collect a majority of flows into the proposed storm drain system, Highway 1 will be overlaid with additional asphalt concrete (AC) to create a centerline crown. Slight grade modifications are also proposed to help with drainage flows. A portion of Delta Street will be re-graded and a concrete curb added to the east side of the street from Ocean Street to the entrance of the RV storage lot. Once ponding begins in the unimproved portion of the RV storage lot, drainage will collect in the existing swale next to Delta Street. The curb will be used for additional storage capabilities. To create additional storage capacity, the existing ground within the RV storage lot will be raised to an elevation of 15.7- to 21.8-feet.

The types of construction methods for this Project include: grading, trenching, sawcutting, grinding, asphalt concrete resurfacing, jacking and boring (a type of trenchless pipe installation), concrete form work and relocation of existing utilities. Equipment most likely used for this work may include: dump trucks, bulldozers, water tanks, backhoes, scrapers, and rollers.

Some resurfacing and reconstruction for new grade changes and storm drainage work will occur along Highway 1. This work will include: preparing the existing surface for an AC overlay, grinding operations, sawcutting, removal of existing roadway, compaction, paving, installation of new inlets and manholes, and slurry sealing the asphalt. The limits of this work will be from Belridge Street to Ocean Street.

ASSESSOR PARCEL NUMBER(S): County Right of Way and 062-118-013, 062-118-014, 062-118-002, & 061-093-044

Latitude: 35 degrees 5' 59" N Longitude: 120 degrees 36' 56" W **SUPERVISORIAL DISTRICT # 4**

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, Coastal/ Inland **TOPOGRAPHY:** Nearly level

LAND USE CATEGORY: Industrial and Commercial Retail

VEGETATION: None, urban built-up

PARCEL SIZE: N/A

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Industrial; multi-family residences	<i>East:</i> Industrial;
<i>South:</i> Industrial; blue line creek	<i>West:</i> Industrial;

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.





COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create glare or night lighting, which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Project starts at 13th Street and Highway 1 in Oceano. It extends southwest through an industrial area consisting of Pismo Oceano Vegetable Exchange (POVE)-property, UPRR tracks which run parallel to Highway 1, and an existing RV storage lot. The RV storage lot is owned by the County and is a part of the Runway Protection Zone (RPZ) for the Oceano Airport. The Project terminates at Arroyo Grande Creek. An existing sediment basin will be incorporated into the Project; this, too, is owned by the County and is a part of the RPZ.

Impact. After construction, the Project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The drainage system will be flush with the ground surface or underground, and the new culvert to Arroyo Grande Creek will be installed in an existing earthen levee which is adjacent to an RV storage lot. The Project is considered compatible with the surrounding uses. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



2. AGRICULTURAL RESOURCES*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: [Industrial, Commercial Retail] Historic/Existing Commercial Crops: None

State Classification: Farmland of Statewide Importance, Prime Farmland if irrigated In Agricultural Preserve? Yes, Arroyo Grande Valley AG Preserve

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Mocho fine sandy loam. This nearly level soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities, slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Mocho Variant fine sandy loam. This nearly level soil is considered well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class III without irrigation and Class III when irrigated.

Oceano sand (0 - 9 % slope). This nearly level to gently sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VI without irrigation and Class IV when irrigated.

Impact. The Project is located in an area with agricultural activities occurring to the south and east of the project site. Agricultural support activities (packing and shipping) occur in the vicinity of the proposed improvements as well. The project will not encroach upon agricultural operation nor will it interfere with agricultural support activities. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



3. AIR QUALITY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GREENHOUSE GASES				
f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 2012 CEQA Air Quality Handbook to evaluate Project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via

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Exhibit 2: Final Local Action Notice

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regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County APCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. As proposed, the Project will result in the disturbance of approximately 14.4 acres (629,000 square feet). This will result in the creation of construction dust, as well as short- and long-term vehicle emissions associated with on-going maintenance activities. Based on Table 2-1 of the CEQA Air Quality Handbook, the Project may result in an exceedance of the 2.5 ton PM₁₀ quarterly threshold.

Using the GHG threshold information described in the Setting section, the Project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the Project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this Project's emissions fall under the threshold established by the



APCD, no mitigation is required.

The project has the potential to encounter hydrocarbon contaminated soils, Naturally Occurring Asbestos (NOA), existing utility lines, and create construction related dust impacts. The project will also result in vehicle emissions associated with construction activities.

The Project is consistent with the general level of development anticipated and projected in the Clean Air Plan with the inclusion of the mitigation measures discussed below.

Mitigation/Conclusion. The Project's cumulative contribution to GHG emissions is limited to construction and is relatively small and considered insignificant therefore no mitigation is necessary beyond the measures listed below (which have been incorporated into the project description).

The following recommendations (which have been turned into project components) were made by APCD in their May 29, 2012 comment letter for the Project. These measures will mitigate impacts to air quality to a level that is less than significant.

[AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;
- e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
- f. Clean soil must be segregated from contaminated soil.

[AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.

[AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

[AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):

- a. Reduce the amount of 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 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;
- 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 PM₁₀ mitigation measures required should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor 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-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) 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.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.



- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.

[AQ-6] Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

- [AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

4. BIOLOGICAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Game or U.S. Fish & Wildlife Service?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

Setting. The following are existing elements on or near the proposed Project relating to potential biological concerns:

On-site Vegetation: Coyote brush scrub, non-native (ruderal) grassland, willow riparian woodland, eucalyptus stand.

Name and distance from blue line creek(s): The Arroyo Grande Creek is approximately 20 feet west of the proposed Project.



The California Natural Diversity Data Base (CNDDB) was accessed for information on sensitive plant, invertebrate, and wildlife species known to occur in the action area and its vicinity (CNDDB 2012). A search radius of the USGS Oceano Quadrangle and eight surrounding Quads was used for the CNDDB. Sensitive species include all federally and state-listed endangered and threatened species, candidates, species proposed for listing, state species of concern, and species considered rare by the California Native Plant Society (CNPS).

Monarch butterfly surveys were conducted on October 25, 2010 and December 7, 2010 at the stand of eucalyptus trees adjacent to Highway 1 by County staff (Katie Drexhage and Kelly Sypolt). A botanical survey was conducted on May 11, 2012 by County staff (Eric Wier and Katie Drexhage). Biological studies have been completed for other on-going projects along the Arroyo Grande Creek including the Arroyo Grande Creek Habitat Conservation Plan and Arroyo Grande Creek Channel Waterways Management Program. Information from these documents also assisted in the preparation of this Biological Assessment.

The Project site is surrounded by State Highway 1, residential homes, industrial facilities, a County airport, and a wastewater treatment facility that services the town of Oceano as well as the cities of Arroyo Grande and Grover Beach. The majority of the Project area is located in an area actively used for industrial purposes and RV storage.

One of the two aspects of the Project that may impact a sensitive habitat is where the new culvert will be created to outlet storm water through the levee into Arroyo Grande Creek. The Arroyo Grande Creek low water channel, which contains constant flowing water as a result of releases from Lopez Dam, will not be disturbed. The culvert would be located approximately 0.65- to 0.76-mile upstream from Arroyo Grande Creek's outlet to the ocean.

As authorized by a separate project, "The Arroyo Grande Creek Channel Waterways Management Plan," this section of creek is actively managed on an annual basis to control vegetative cover within the channel for the purposes of flood control. Vegetation growth and sediment within this section of the channel will be regularly managed, permits pending, for flood control purposes.

The second aspect of the Project that could impact a sensitive habitat is the use of the 0.75-acre area of willow riparian woodland located adjacent to the County airport facility and within the airport's RPZ. This area is considered "Environmentally Sensitive Habitat Area" by the Coastal Commission. This area is highly disturbed as it is regularly used by trespassing transients as living quarters. It is bordered by the airport, the north levee, and an RV storage lot. No construction activities will impact this habitat. Occasional willow trimming/topping would occur to meet FAA and the Caltrans Division of Aeronautics requirements within the RPZ.

Vegetation

Per the California Department of Fish and Games comments received on May 17, 2012, the County addressed potential impacts to Gambel's watercress (*Nasturtium gambelii*), marsh sandwort (*Arenaria paludicola*), and La Graciosa thistle (*Cirsium loncholepis*) (B. Sanderson pers. comm.).

Four plant community types occur within the Project Area including willow riparian woodland, coyote brush scrub, ruderal (weedy) grassland, and a lone stand of eucalyptus trees.

Special Status Plant Species

Based on a records search of the CNPS and CNDDB inventories and the presence of suitable habitat, the following Federally-listed floral species have the potential to occur within the Project area: Morro Manzanita (*Arctostaphylos morroensis*), marsh sandwort, Chorro Creek bog thistle (*Cirsium fontinale*



var. obispoensis), La Graciosa thistle, Gambel's watercress, Gaviota tarplant (*Deinandra increscens ssp. villosa*), Indian knob mountainbalm (*Eriodictyon altissimum*), Nipomo Mesa lupine (*Lupinus nipomensis*), Pismo clarkia (*Clarkia speciosa ssp. immaculata*), and San Bernardino aster (*Symphotrichum defoliatum*). Some of the above-listed floral species are both Federally- and State-listed. In addition to this list, the following State-listed species surfaced during the inventory search: surf thistle (*Cirsium rhotophilum*) and beach spectaclepod (*Dithyrea maritima*).

None of these floral species were detected during field surveys conducted in May of 2012; therefore, no impacts to special status plant species are anticipated to occur as a result of the Project.

Wildlife

Per the California Department of Fish and Games comments received on May 17, 2012, the County addressed potential impacts to California red-legged frog, steelhead, and tidewater goby (B. Sanderson pers. comm.). It was also noted that this project would likely require a Lake or Streambed Alteration Agreement from the Department of Fish and Game.

Special status wildlife species include those proposed for listing, candidates for listing, or those listed by either the Federal or State resource agencies as threatened or endangered. Special status wildlife species also includes State species of special concern. In addition, all raptor nests are protected by Fish and Game Code, and all migratory birds are protected by the Federal Migratory Bird Treaty Act.

Special status wildlife species were evaluated for their known and/or potential presence in the Project area as described in Appendix B. Special status wildlife species that are known or likely to inhabit the Project area are described briefly below.

In addition to the wildlife species listed in Appendix B, several other special status wildlife species are known to occur within 10 miles of the general study area vicinity, but are not expected to occur on site because the site lacks suitable habitat.

Impacts to Federally-listed animals and other sensitive species may occur as a result of this Project. Avoidance and minimization measures are recommended below in the Mitigation/Conclusion section.

California red-legged frog (*Rana draytonii*)

The California red-legged frog is federally listed as threatened and is a State Species of Special Concern. This species is found in quiet pools along streams, in marshes, and ponds. Red-legged frogs are closely tied to aquatic environments, and favor intermittent streams which include some areas with water at least 0.7 meters deep, a largely intact emergent or shoreline vegetation, and a lack of introduced bullfrogs and non-native fishes. This species' breeding season spans January to April (Stebbins 1985). Females deposit large egg masses on submerged vegetation at or near the surface. Recent studies have shown that although only a small percentage of red-legged frogs from a pond population disperse, they are capable of moving distances of up to 2 miles (Bulger 1999). The red-legged frog occurs west of the Sierra Nevada-Cascade crest and in the Coast Ranges along the entire length of the state. Much of its habitat has undergone significant alterations in recent years, leading to extirpation of many populations. Other factors contributing to its decline include its former exploitation as food, water pollution, and predation and competition by the introduced bullfrog and green sunfish (Moyle 1973, Hayes and Jennings 1988).

California red-legged frogs have been observed within Arroyo Grande Creek. Surveys conducted downstream of the dam outlet in Arroyo Grande Creek have documented observations of California red-legged frogs (Essex Environmental 2002; Rischbieter 2009). The Project site may provide summer and foraging habitat. The Project site is not likely to provide suitable breeding habitat due to swift winter flows. The Project site is not within the currently designated critical habitat for California red-legged frog (USFWS 2010).



Steelhead Trout, South Central California Coast ESU, (*Onchorynchus mykiss*)

The Steelhead Trout is federally listed as threatened and is a State species of special concern. Steelhead are genetically indistinct from rainbow trout and differ only in their behavior. They prefer cool, clear, coastal streams and rivers with a gradient less than five percent. Steelhead exhibit life cycle strategies similar to other salmonids, known as anadromy. Steelhead enter streams and rivers to prepare for migration to spawning grounds as soon as streamflow is adequate and the summer sand bar present at the mouths of many coastal lagoons have breached.

Central coast steelhead populations have experienced a significant decline in numbers over the last 50 years due to water supply projects, barriers to migration, loss of habitat, reduced water quality, increased fine sediment production, and introduction of non-native predatory fish. The decline in steelhead numbers can often be directly correlated to the level of development within individual watersheds. The most significant impact to steelhead on Arroyo Grande Creek was the building of Lopez Dam, which was completed in 1969. The dam blocked much of the steelhead's historic spawning and rearing habitat located in the primary tributaries such as Lopez Creek. Without access to these areas, steelhead were forced to utilize lower quality habitat on the mainstem that was being impacted by agriculture and urban development. Habitat surveys in 1997 and 2004 suggest that the Arroyo Grande lacks deep pools, has high water temperatures during the summer, and contains non-native fish species that prey on juvenile steelhead. Adult steelhead are also known to have occurred within Arroyo Grande Creek where they were vulnerable to stranding as a result of fluctuations in instream flow levels.

The most recent habitat assessment and steelhead abundance surveys were conducted in 2004 and 2006, respectively. Habitat assessments of the entire mainstem of Arroyo Grande Creek below Lopez Reservoir were conducted in the summer of 2004 by the California Conservation Corps (Close and Smith 2004). Based on this assessment, a random sample of discreet habitat units was surveyed for fish abundance in the fall of 2006 (Dvorsky and Hagar 2008). Within the lower portion of Arroyo Grande Creek, which includes the Project area, a total of five discreet habitat units were sampled representing approximately 840 feet of channel. All of the habitat units were sampled via snorkeling and one of the habitat units was sampled via both snorkeling and electrofishing. The number of steelhead observed via snorkeling in all five habitat units sampled as part of the study was five. No steelhead were captured via electrofishing in the single habitat unit (Dvorsky 2010).

In addition to steelhead a number of other species of fish occur in the system including Sacramento sucker, California roach, and threespine stickleback. Non-native fish species include bullhead, centrarchids, and mosquitofish (Dvorsky 2010). Tidewater gobies occur within the lagoon where Arroyo Grande Creek intersects with Meadow Creek, on the Arroyo Grande Creek side of an earthen levee and flap gates. Occasionally a goby has been found approximately 150 yards upstream of the lagoon area (Rischbieter pers. comm. 2012). Project impacts will not extend down to this area, which is approximately 0.66 mile from the Project site.

Steelhead Critical Habitat

The study area is within the Oceano Hydrologic Sub-area, 331031, of the Estero Bay Hydrologic Unit, 3310, of critical habitat for steelhead (70 FR 52488 - 52627). The primary constituent elements essential for the conservation of the species within ESUs are those sites and habitat components that support one or more life stages, including:

1. Freshwater spawning sites with water quantity and quality conditions and substrates supporting spawning, incubation and larval development;



2. Freshwater rearing sites with: a. Water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; b. Water quality and forage supporting juvenile development; and c. Natural cover such as shade, submerged and overhanging large wood, log jams, and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks;
3. Freshwater migration corridors free of obstruction and excessive predation, with water quantity and quality conditions, and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks, supporting juvenile and adult mobility and survival;
4. Estuarine areas free of obstruction and excessive predation with: a. Water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; b. Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels; and c. Juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation;
5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels;
6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

Pacific pond turtle (*Actinemys marmorata*)

The Pacific pond turtle is a Federal and State Species of Special Concern. This aquatic turtle inhabits ponds, lakes, streams, marshes, and other permanent waters located in woodland, grassland, and open forests below 6,000 ft (Stebbins 1985). Pond turtles can often be seen basking in the sun on partially submerged logs, rocks, mats of floating vegetation or mud banks. During cold weather, they hibernate in bottom mud. The diet of these turtles consists of aquatic vegetation, insects, fish, worms, and carrion. Females dig soil nests in or near stream banks (Rathbun et al. 1992). Eggs are deposited between April and August. One factor in the decline of this species is the introduction of non-native fish which prey on hatchlings and juveniles.

Arroyo Grande Creek provides habitat for turtles which have been found approximately 3.3 miles northeast of the Project site in Arroyo Grande Creek (CNDDDB 2012). It is possible that the Project site provides suitable nesting habitat for turtles due to rocky and muddy bottom and stream margins which females utilize to dig nests and deposit eggs.

Two-striped garter snake (*Thamnophis hammondi*)

The two-striped garter snake is a State Species of Special Concern. This species is primarily aquatic and it is diurnal (active during the day). In some areas this species is also active at night and at dusk during hot weather. These snakes can be active from January to November depending on weather conditions. Breeding has been observed in late March and early April, with live young born in late July and August. This species eats tadpoles, newt larvae, small frogs and toads, fish, and occasionally worms and fish eggs. It is likely that this species forages for food in and under water (California Herps 2010).

Two-striped garter snakes have been found in the USGS quadrangle east of the Project's quadrant. There is potential for this species to occur within the Project site. Two-striped garter snakes may be present in the riparian corridor surrounding Arroyo Grande Creek at the Project site but are unlikely in



the agriculturally active fields adjacent to the site due to the lack of thick vegetative cover which offers protection from predation.

Monarch butterfly (*Danaus plexippus*)

The Monarch butterfly has been found about 1.9 miles to the northeast. This species is considered a "threatened phenomenon" by the State and "rare" under CEQA Guidelines Section 15380 because of declining availability of winter roosting habitat. Monarchs from west of the Rocky Mountains spend the winter along the California coast. Overwintering sites typically occur in dense, wind-protected tree groves with eucalyptus, Monterey pine (*Pinus radiata*), and/or Monterey cypress (*Cupressus macrocarpa*) with nectar and water supplies nearby. This species has been found near the coast from northern Mendocino to Baja California (CNDDDB 2012). The reference site located 1.9 miles northeast of the Project site was used to determine whether or not monarchs were present within the area during survey efforts conducted in 2010. Monarchs were present during survey efforts at the reference site; however, no monarchs were present within the eucalyptus trees adjacent to Highway 1. Therefore, impacts to this species are not anticipated.

Impact. Arroyo Grande Creek supports federally threatened California red-legged frog and south-central California coast steelhead and is designated steelhead critical habitat. The Project site has the potential to provide habitat for pacific pond turtles, two-striped garter snakes, and monarch butterflies. No special status or sensitive floral species were detected during field surveys.

Project activities are proposed to occur during the dry season (typically from May 1 to November 1) when California-red legged frogs are less active to avoid or minimize impacts to Federally-listed species. Refer to the Avoidance and Minimization Measures, below in the Mitigation/Conclusion section, for measures proposed to offset impacts associated with erosion and sedimentation.

Because steelhead have been identified in or near the Project site, the proposed Project may affect, but is not likely to adversely affect this species. Appropriate Project timing would minimize potential adverse effects to these species and would reduce impacts to their habitats. The temporary impacts associated with construction of this Project are not anticipated to impact steelhead critical habitat as no activities are proposed to occur within the low water channel, where water is present. All work will occur within the upper channel which consists of non-native grassland and coyote scrub. Avoidance and minimization measures proposed will reduce the potential for the Project to significantly impact habitat within/near the Project site.

Up to four of the 30 eucalyptus trees will be removed to facilitate the construction of roadside ditches and inlets along Highway 1. The four trees are approximately 1 to 5 feet west of Highway 1. If trees will be removed during nesting bird season, surveys will be conducted prior to any removal activities. With the implementation of this avoidance measures, and because these trees do not provide habitat for monarchs, no impacts to sensitive species are anticipated as a result of tree removal and construction of the above referenced project components.

The Project will permanently impact approximately 0.014 acre of coyote brush scrub and nonnative grassland as a result of the installation of a culvert through the existing earthen levee. Storm water will continue to filter through the existing basin (i.e., woodland riparian basin) into Arroyo Grande Creek. Although this Project will create one additional outlet into Arroyo Grande Creek, storm water is anticipated to be cleaner than current conditions with the addition of the new sediment basin.

With the exception of occasional trimming or topping, no additional disturbance will occur within the willow riparian woodland area. This area currently functions as a basin for storm water from the surrounding area. The new sediment basin will become the primary feed to this basin. Water will pool in this area and outlet to Arroyo Grande Creek, as it does now. Surveys would be conducted prior to



trimming/topping activities if they occur within the nesting bird season to avoid disturbing nesting birds.

Currently, the willow woodland/natural basin is used by trespassing transients for shelter. By implementing a regular maintenance program, this area would be cleaned up and cleared of trash which currently could potentially attract wildlife predators of sensitive species. Thus, the habitat within the woodland would be improved by maintenance activities.

Clearing sediment from the new concrete basin would allow it to continue to function as a settling pond and prevent vegetation from growing within the newly-constructed basin. This basin will function for flood control purposes; by preventing vegetation establishment within the basin, wildlife will be discouraged from using the basin as habitat, which will minimize and avoid impacts to sensitive species.

As proposed, the Project will result in the disturbance of an approximately 60-foot by 10-foot area within the upper Arroyo Grande Creek channel to install the new box culvert from the new sediment basin, through the earthen levee, and into Arroyo Grande Creek. Dust, erosion, and/or sedimentation associated with Project activities could impact listed species and their habitats. Although some willows may be trimmed in order to access either Project site, no willows will be removed, as this could compromise creek bank stability. To minimize these impacts, in addition to measures [BR-1] through [BR-12], the contractor 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.

It is anticipated that Project construction will take approximately 5 months and is anticipated to be completed by November of 2014. Appropriate Project timing would minimize potential adverse effects to these species and would reduce temporary impacts to their habitats. The County is also required to obtain permits from the U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board prior to commencement of disturbance within Arroyo Grande Creek.

In an effort to minimize impacts, construction access will be limited to the western bank of Arroyo Grande Creek in the prescribed Project area and equipment will be operated within the County-Right-of-Way on top of the earthen levee. Trimming of riparian vegetation during proposed site preparation activities including channel excavation could potentially result in harm or take of California red-legged frogs, pacific pond turtles, and two-striped garter snakes. A Habitat Mitigation and Monitoring Plan [BR-10] will reduce habitat degradation from construction access and activities and implement a recovery plan for disturbed areas of the Project.

The Project will temporarily introduce potentially hazardous materials into the area in the form of fuel in construction equipment. A spill and clean-up kit will be stored onsite at all times. All fueling and maintenance of vehicles and other equipment and staging areas will occur at least 20 meters from any riparian habitat or water body. Prior to the onset of work, the County will ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills [BR-6 and -7]. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

With the implementation of avoidance and minimization measures such as preconstruction surveys and relocation efforts, the construction of this Project will have minimal, temporary effects on listed and sensitive species and their habitats. No adverse cumulative effects on biological resources are anticipated to occur as a result of this Project.

The Project should improve water quality by allowing additional settling time for sediments in the newly constructed sediment basin, so cleaner storm water flows to Arroyo Grande Creek. The Project



will also improve water quality by moving storm water off of existing roads, which contain oil and other road-associated contaminants, & directing water to an underground pipeline, a sediment basin, and natural basin where the water can pass through existing bio filters and into Arroyo Grand Creek. Currently, this same storm water picks up road contaminants and contributes to flooding of local residents before finally reaching Arroyo Grande Creek.

Mitigation/Conclusion. Because both Federally-listed species have been identified in or near the Project site, the proposed Project may impact California red-legged frogs, steelhead critical habitat, pacific pond turtles, two-striped garter snakes, and monarchs if they are present. The below mitigation measures will ensure that impacts to biological resources resulting from the Project are less than significant.

[BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.

[BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.

[BR-3] 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 work areas.

[BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.

[BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species 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.

[BR-6] 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 County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

[BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:



- a. Silt fencing shall be placed along the down-slope side of the construction zone.
- b. A spill and clean-up kit shall be stored onsite at all times.
- c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).

[BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:

- a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
- c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued *Biological Opinion*. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.

[BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.

[BR-11] Eucalyptus tree removal and willow trimming and/or topping will occur outside of the nesting bird season. If tree removal and/or willow trimming/topping can not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within



the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. A Phase I Cultural Resources Study was prepared for the project and one cultural resource was identified within the project area (Applied Earthworks 2012). A segment of the Southern Pacific Railroad Coast Line is within the northern portion of the project area. The storm drain will bore under the railroad and will not impact the structure.

Impact. A Phase I Surface Survey was conducted for areas that will be impacted by the Project. Although no archaeological sites were identified from the field survey, there is a potential for subsurface deposits.

Mitigation/Conclusion. The Phase I Study recommends additional subsurface testing prior to construction or an archaeologist and a Native American monitor during ground-disturbing activities. This measure will ensure that no significant impacts to Cultural Resources occur as a result of the Project.

[CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities.

6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



6. GEOLOGY AND SOILS*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: High

Nearby potentially active faults?: No Distance? Not applicable

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

The Project is not within the Geologic Study area designation; however, Oceano has highly liquefiable soils.

DRAINAGE -- The following relates to the Project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Arroyo Grande Creek Distance? Approximately 20 feet

Soil drainage characteristics: Well drained

This Project will improve drainage in this area of Oceano.

SEDIMENTATION AND EROSION -- The Project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the Project's soil erodibility is as follows:

Soil erodibility: Low



The Project will impact more than 1 acre and will require the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff.

Impact. As proposed, the Project will result in the disturbance of approximately 14.4 acres (629,000 square feet). Although the Project area contains highly liquefiable soils, no new buildings or major underground utilities are proposed as a part of the Project; therefore, mitigation is not warranted (Holzer et al. 2004).

Mitigation/Conclusion. No significant impacts to Geology and Soils were identified; therefore, no mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable

f) Other: _____

☐☐☐☐

Setting. The Project is not located in an area of known hazardous material contamination. The Project is within the Airport Review area.

With regards to potential fire hazards, the subject Project is within the low Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 6-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The Project is within close proximity to a business that includes either permitted hazardous materials or waste storage (Phelan & Taylor Produce Co., 1820 Railroad Street, Oceano).

A Phase I Hazardous Material Assessment was completed and recommended the completion of Preliminary Site Assessment activities along the Project Site between State Route 1 and Railroad Street to assess the proposed storm drain alignment for elevated metals concentrations from historical metals-containing herbicide spraying along the UPRR railroad tracks and at a possible former cooling tower site located east of Railroad Street and the UPRR tracks. The preliminary site assessment should include the advancement of drill holes along the proposed storm drain alignment segment between State Route 1 and Railroad Street, collection of discrete soil samples within the anticipated depth of trenching, and chemical analyses of selected soil samples for the presence of petroleum hydrocarbons, volatile organic compounds, chlorinated herbicides, and California-regulated metals.

Portions of the subject Project are within the 100-year Flood Hazard Combining designation (FH). The Project is within the Lopez Dam "dam inundation" area. The boundary of the dam inundation area is intended to show the maximum water limit line should there be a catastrophic release/failure of the upstream dam. The Project's goal is to alleviate flooding issues as a result of storm events.

Impact. The Project does not propose the use of hazardous materials. The Project does not present a significant fire safety risk. The Project is not expected to conflict with any regional evacuation plan. A Preliminary Site Assessment was conducted and concluded that none of the soil samples chemically analyzed exceeded established regulatory criteria, with the exception of one soil sample drilled at 5 feet. However, the soil at this depth was observed to contain inert asphaltic fragments. Asphaltic material does not pose a significant risk to human health or the environment. No further action was recommended for the Project. The County Public Works Department is working closely with County Airport representatives to avoid ALUP conflicts and obtain Federal Aviation Administration (FAA) approvals.

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



8. NOISE*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. A portion of the Project is within close proximity to a transportation noise source (Highway 1), an active airport, and industrial facilities that operate on a daily basis. Work associated with this Project will occur only during daylight hours and construction-related noise is not expected to compete with surrounding noise sources.

Impact. Noise impacts resulting from construction will be of a short duration, during normal work hours, and temporary in nature. It is not expected that County noise standards will be exceeded as a result of the Project. The Project is not expected to generate loud noises, nor conflict with the surrounding uses after completion of construction activities.

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

9. POPULATION/HOUSING*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



9. POPULATION/HOUSING*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Mitigation/Conclusion. No impacts to population or housing, and no substantial use of fuel or energy are anticipated; therefore, no mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Project area is served by the following public services/facilities:

Police: County Sheriff Location: Oceano (Approximately 950 feet to the northwest of Project)

Fire: Five Cities Fire Hazard Severity: low Response Time: 5-10 minutes

Location: Approximately 1 block north.

School District: Lucia Mar Unified School District.

The proposed Project is approximately 577 feet from Even Start/Oceano Migrant, Oceano Elementary and Lucia Mar Adult Education Center, California State Preschool at Oceano, and Five Cities Head Start school.

Impact. No significant Project-specific impacts to utilities or public services were identified. Construction-related traffic may use the same roads as public services.



Mitigation/Conclusion. No impacts are anticipated therefore impacts are considered less than significant.

11. RECREATION

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the County Trails Map, the Project is within reasonably close proximity to the Arroyo Grande Creek Trail.

Impact. The proposed Project will not create a significant need for additional park, Natural Area, and/or recreational resources. The trail appears to be proposed along the District's levee which is a flood-control structure. The levee is zoned as a public facility for storm water purposes. Although it is signed (no trespassing signs citing public and County codes), the levee is used frequently for beach access by pedestrians and equestrians. The Project will have no impact on this proposed trail. Temporary impacts to unauthorized access of the levee may occur during culvert installation activities.

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

12. TRANSPORTATION/CIRCULATION

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As a result of the Project, a small number of vehicles may use Highway 1 and surrounding roads to access the site on a daily basis for the construction phase of the project. However, most of the construction will take place in County Right of Way or on adjacent private property. Staging may occur on UPRR property on Highway 1 (with UPRR approval), the Phelan & Taylor property (fronting Highway 1), and possibly a portion of Delta Street during construction.

Airport Review Combining Designation. The Project is within the County's Airport Review combining designation (AR). The AR is used to recognize and minimize the potential conflict between new development around the Oceano airport and the ability of aircraft to safely and efficiently maneuver to and from this airport. This includes additional standards relating to limiting structure/vegetation heights as well as avoiding airport operation conflicts (e.g., exterior lighting, radio/electronic interference, 48-hour maximum storage duration in basin, etc.). The Airport Land Use Plan (ALUP) provides guidance for and limitations to the type of development allowed within the AR designation.

Impact. Construction vehicle access will be needed temporarily during Project construction. Otherwise, the Project may temporarily slow traffic but will have no negative effects on transportation or circulation. The County Public Works Department is working closely with Caltrans on this Project and no significant traffic-related concerns have been identified to date.

The County Public Works Department is working closely with County Airport representatives to avoid ALUP conflicts and obtain Federal Aviation Administration (FAA) approvals.

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

13. WASTEWATER

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



13. WASTEWATER*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed Project involves reducing flooding of a developed area which is not anticipated to generate waste or wastewater or adversely affect wastewater facilities and solid waste capacity. No impacts resulting from wastewater would occur as a result of the proposed Project.

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

14. WATER & HYDROLOGY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
QUANTITY				
h) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



14. WATER & HYDROLOGY*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The topography of the project is nearly level. Arroyo Grande Creek is located less than 200 feet from the proposed development. As described in the NRCS Soil Survey, the soil surface is considered to have low erodability. The subject property is within the Arroyo Grande groundwater basin.

DRAINAGE – The following relates to the Project's drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Arroyo Grande Creek Distance? Approximately 20 feet

Soil drainage characteristics: Well drained

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The Project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the Project's soil erodibility is as follows:

Soil erodibility: Low

The Project is within close proximity to an area (Phelan & Taylor Packing Facility and Bell Craig Facility) identified as having a problem with an underground tank. The Hazardous Material Site Assessment conducted for the Project found no contamination issues (Section 7).

Impact. The Project could result in water quality impacts through the discharge of sediments during construction or an accidental spill of petroleum based fuels or lubricants. However, mitigation measures will be implemented to decrease these potentials (BR-6 & BR-7). Additionally, this Project will result in more than one acre of disturbance so the County will prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion and focus on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

The Project will not affect groundwater levels. The Project should improve water quality by allowing additional settling time for sediments in the newly constructed sediment basin, so cleaner storm water flows to Arroyo Grande Creek. The Project will also improve water quality by moving storm water off of existing roads, which contain oil and other road-associated contaminants, & directing water to underground pipes, a sediment basin, and natural basin where the water can pass through existing bio filters and into Arroyo Grand Creek. Currently, this same storm water picks up road contaminants



and contributes to flooding of local residents before finally reaching Arroyo Grande Creek.

The project will result in a change to the direction of surface runoff. The project includes two Low Impact Development (LID) components: the willow riparian woodland basin, which acts as a second stage settlement basin for storm water overflow; and the installation of road-side infiltrators in Paso Robles Street and 13th Street. These components will also work to improve water quality.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above the items discussed above have been determined necessary. Standard drainage and erosion control measures will be included as part of the SWPPP for the proposed Project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE

Will the project:

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed Project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance (LUO), Local Coastal Plan (CZLUO), etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., APCD for Clean Air Plan, Caltrans, etc.). The Project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The Project is adjacent to an area proposed to be covered by a Habitat Conservation Plan; however, that Plan is not final and the Project is consistent or compatible with the draft Plan. The Project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.



16. MANDATORY FINDINGS OF SIGNIFICANCEPotentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable*Will the project:*

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* ☐ ☐ ☒ ☐
- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)* ☐ ☐ ☒ ☐
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ☐ ☐ ☐ ☒

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.



Exhibit A - Initial Study References and Agency Contacts

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

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input type="checkbox"/>	County Public Works Department	Not Applicable
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	In File**
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Game	In File**
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Oceano Community Service District	In File**
<input checked="" type="checkbox"/>	Other <u>Zone 1-1A</u>	None
<input checked="" type="checkbox"/>	Other <u>U.S. Army Corps of Engineers</u>	In File**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> San Luis Bay(Coastal) and San Luis Bay (Inland) Area Plan and Update EIR
<u>County documents</u>	<input checked="" type="checkbox"/> South County Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin - Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other
<input type="checkbox"/> Real Property Division Ordinance	
<input checked="" type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	



In addition, the following Project specific information and/or reference materials have been considered as a part of the Initial Study:

Bulger, J. B. 1999. Terrestrial activity and conservation of California red-legged frogs (*Rana aurora draytonii*) in forested habitats of Santa Cruz County, California. Report prepared for Land Trust of Santa Cruz, dated March 2, 1999.

California Herps. 2012. Accessed on May 9, 2012. [Http://www.californiaherps.com](http://www.californiaherps.com).

California Natural Diversity Database (CNDDB), Biogeographic Data Branch, Department of Fish and Game. Version 3.1.0. May 9, 2012.

Close, Bobby Jo and Stacey Smith. 2004. Stream Inventory Report, Arroyo Grande Creek, Summer 2004. Prepared for Central Coast Salmon Enhancement. 71 pp.

Dvorsky, J. and J. Hagar. 2008. Arroyo Grande Creek Steelhead Distribution & Abundance Study - 2006. Prepared for Central Coast Salmon Enhancement in association with Hagar Environmental Science. March 20, 2008.

Dvorsky, John. 2010. Arroyo Grande Creek Channel Waterway Management Program. Prepared for San Luis Obispo County Flood and Water Conservation District Zones 1 and 1A Flood Control District.

Essex Environmental. 2002. 2002 Postconstruction Monitoring Report for the Arroyo Grande Creek Sediment Removal Project. Unpublished report prepared for San Luis Obispo County, November 2002.

Hayes and Jennings. 1988. "Habitat correlates of distribution of California Red-Legged Frog (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylei*): implications for management," pages 144-158 in Proceedings of the Symposium on the Management of Amphibians, Reptiles and Small Mammals in North America, USDA Forest Service General Technical Report RM-166.

Moyle, P. B. 1973. Effects of introduced bullfrogs, *Rana catesbeiana*, on the native frogs of the San Joaquin Valley, California. *Copeia* 1973:18-22.

Rathbun, G.B., N. Siepel, and D. Holland. 1992. Nesting behavior and movements of Western Pond Turtles, *Clemmys marmorata*. *Southwestern Naturalist* 37:319-324.

Rischbieter, Douglas. 2009. Lower Arroyo Grande Creek and Lagoon Fishery and Aquatic Resources Summary 2008 Monitoring Report. Oceano Dunes State Vehicular Recreation Area, Pismo Dunes Natural Preserve.

Rischbieter, Douglas. 2012. "TWG Upstream Extent (A.G. Creek)." Email to Katie Drexhage, San Luis Obispo County Public Works Department. August 7, 2012.

Stebbins. 1985. A field guide to western reptiles and amphibians. Houghton Mifflin, Boston, MA.

U.S. Fish and Wildlife Service (USFWS). 2010. Revised Designation of Critical Habitat for the California Red-Legged Frog. 75 FR 12816 – 12959.



Exhibit B - Mitigation Summary Table**AIR QUALITY**

[AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;
- e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
- f. Clean soil must be segregated from contaminated soil.

[AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.

[AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

[AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):

- a. Reduce the amount of 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 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;
- 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 PM₁₀ mitigation measures require should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor 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-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) 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.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.

[AQ-6] Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

[AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have

the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

BIOLOGICAL RESOURCES

- [BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.
- [BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.
- [BR-3] 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 work areas.
- [BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.
- [BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species 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.
- [BR-6] 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 County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- [BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
- Silt fencing shall be placed along the down-slope side of the construction zone.
 - A spill and clean-up kit shall be stored onsite at all times.
 - Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).
- [BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:
- If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified



and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;

- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
- c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued *Biological Opinion*. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.

[BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.

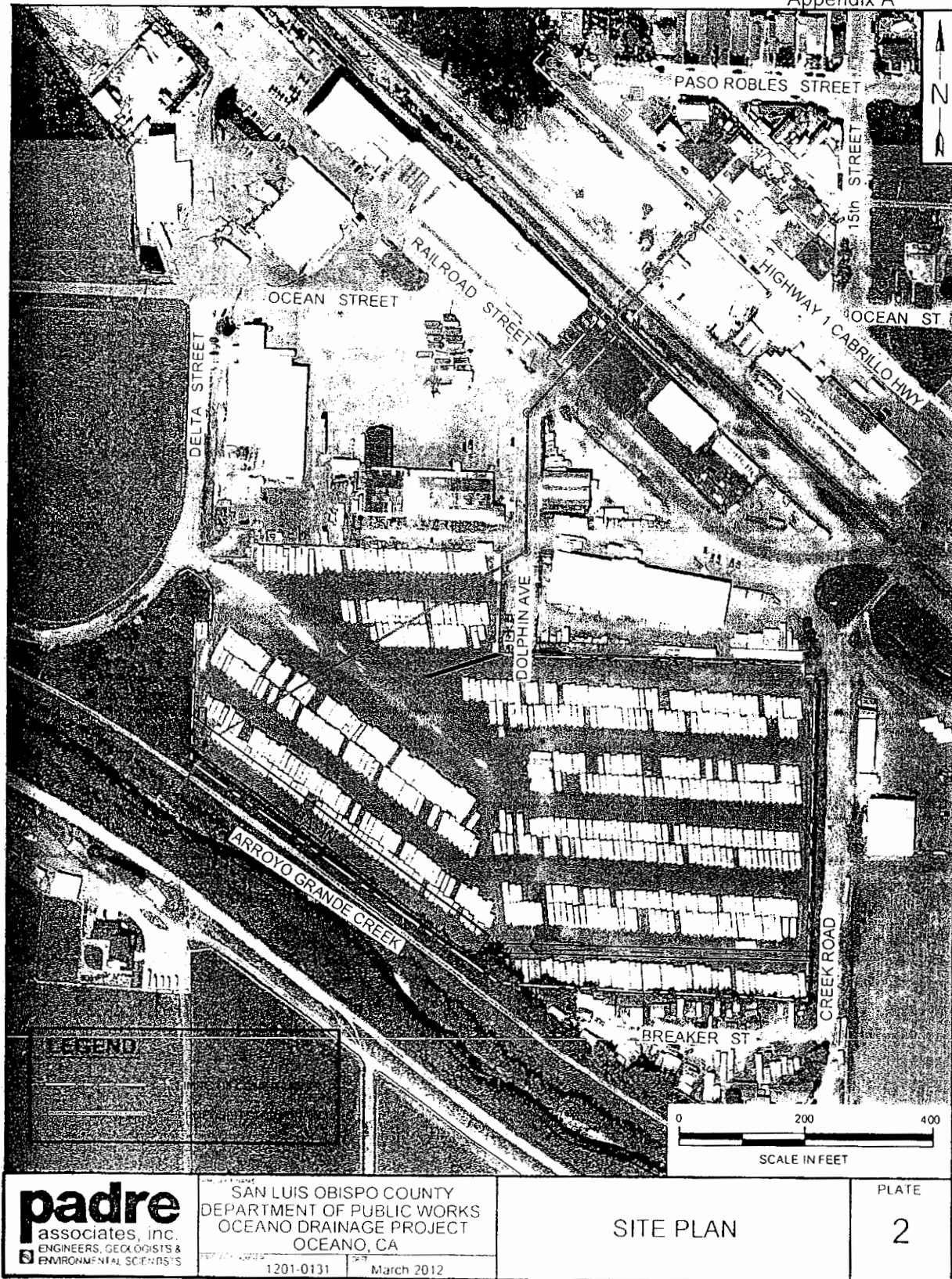
[BR-11] Willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

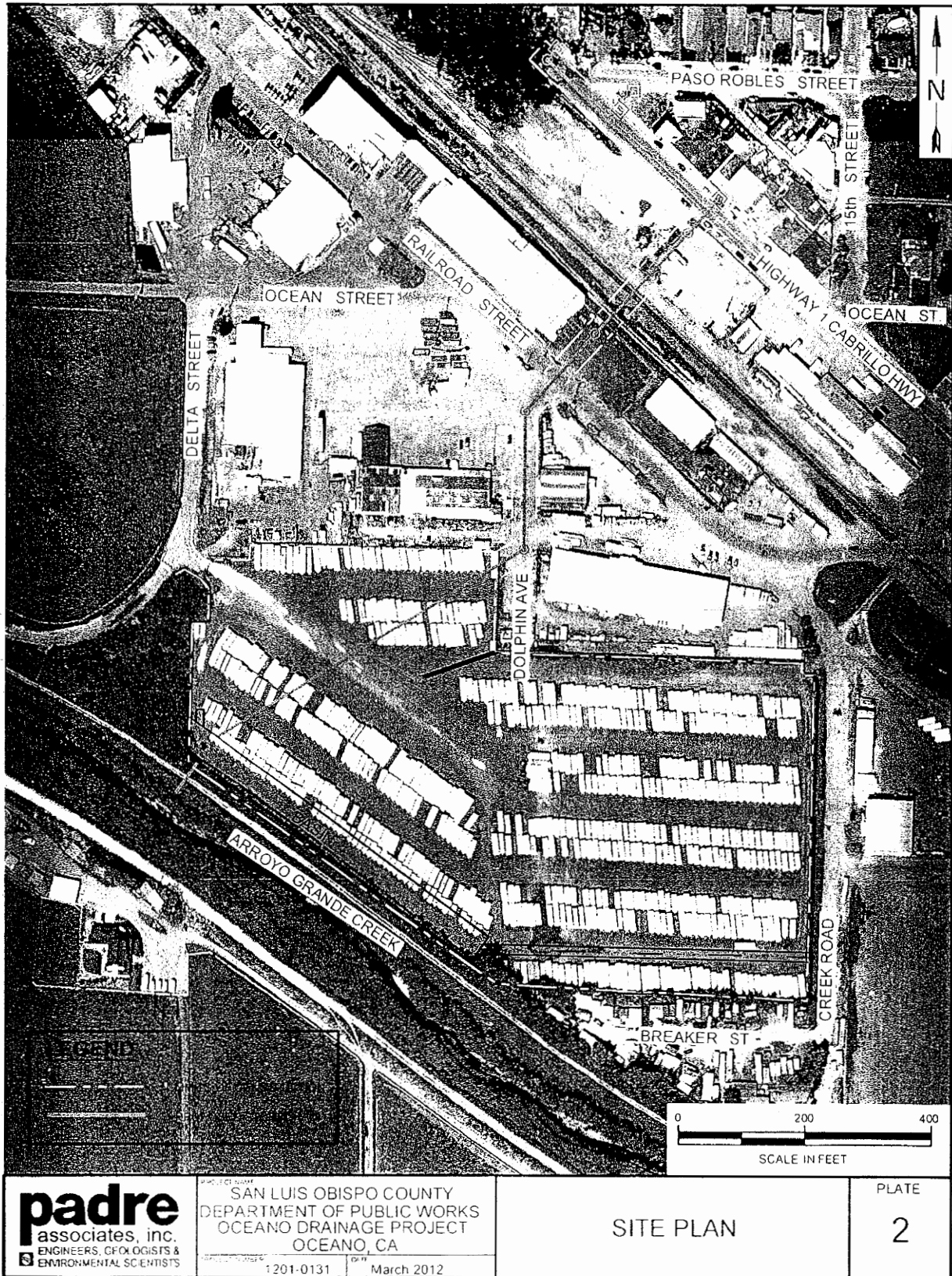
[BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

CULTURAL RESOURCES

[CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities.

Appendix A





Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

Species	Habitat Description	Habitat Presence/Absence	Details
<i>Agrostis hooveri</i> Hoover's bent grass	Chaparral, cismontane woodland, valley and foothill grassland; sandy sites	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Ambystoma californiense</i> California tiger salamander	Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding	Absent	Not expected due to lack of suitable habitat.
<i>Anniella pulchra pulchra</i> silvery legless lizard	Sandy or loose loamy soils under sparse vegetation; soil moisture is essential	Absent	Not expected due to lack of suitable habitat.
<i>Aphanisma blitoides</i> Aphanisma	Coastal bluff scrub, coastal dunes, coastal scrub	Absent	Not expected due to lack of scrub and dune habitat. Not detected during field surveys.
<i>Arctostaphylos luciana</i> Santa Lucia Manzanita	Chaparral; on shale outcrops, on slopes, in chaparral	Absent	Not expected due to lack of chaparral habitat. Not detected during field surveys.
<i>Arctostaphylos morroensis</i> Morro Manzanita	Chaparral, cismontane woodland, coastal dunes, coastal scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arctostaphylos pechoensis</i> Pecho Manzanita	Closed-cone coniferous forest, chaparral, coastal scrub; grows on siliceous shale with other chaparral associates	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arctostaphylos pilosula</i> Santa Margarita Manzanita	Closed-cone coniferous forest; chaparral; shale outcrops and slopes; reported growing on decomposed granite or sandstone in SLO	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arctostaphylos rudis</i> sand mesa Manzanita	Chaparral, coastal scrub; on sandy soils in Lompoc/Nipomo area	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arenaria paludicola</i> marsh sandwort	Marshes and swamps; growing up through dense mats of Typha, Juncus, Scirpus, etc. in freshwater marsh	Absent	Not expected due to lack of suitable marsh habitat. Not detected during field surveys.
<i>Astragalus didymocarpus</i> var. <i>milesianus</i> Mile's milk-vetch	Coastal scrub; clay soils	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Athene cunicularia</i> Burrowing owl	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation	Absent	Not expected due to lack of suitable habitat.
<i>Atriplex serenana</i> var. <i>davidsonii</i> Davidson's saltscare	Coastal bluff scrub, coastal scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	Inhabits small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools	Absent	Not expected due to lack of suitable habitat. Found in quadrangle northwest of Project's quadrangle.
<i>Calochortus</i>	Chaparral, coastal scrub,	Absent	Not expected due to lack of

Appendix B: 9-quadrangle CNDDB search results for the Oceano Drainage Project, 300465

<i>obispoensis</i> La Panza mariposa-lily	valley and foothill grassland; often in serpentine grassland		suitable habitat. Not detected during field surveys.
<i>Calochortus simulans</i> San Luis Obispo mariposa-lily	Valley and foothill grassland, cismontane woodland, chaparral; decomposed granite	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i> Cambria morning-glory	Chaparral, cismontane woodland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Castilleja densiflora</i> ssp. <i>obispoensis</i> San Luis Obispo owl's-clover	Valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Centromadia parryi</i> ssp. <i>congonii</i> Congdon's tarplant	Valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Charadrius alexandrinus nivosus</i> western snowy plover	Sandy beaches, salt pond levees & shores of large alkali lakes; needs sandy, gravelly or friable soils for nesting	Absent; additionally, proposed critical habitat is not present in the project area.	Not expected due to lack of suitable habitat.
<i>Chenopodium littoreum</i> Coastal goosefoot	Coastal dunes	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Chorizanthe breweri</i> Brewer's spineflower	Chaparral, cismontane woodland, coastal scrub, closed-cone coniferous forest; rocky or gravelly serpentine sites; usually in barren areas	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Chorizanthe rectispina</i> Straight-awned spineflower	Chaparral, cismontane woodland, coastal scrub; often on granite in chaparral	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Cirsium fontinale</i> var. <i>obispoensis</i> Chorro Creek bog thistle	Chaparral, cismontane woodland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Cirsium loncholepis</i> La Graciosa thistle	Coastal dunes, brackish marshes, riparian scrub; lake edges, riverbanks, other wetlands; often in dune areas	Absent; additionally, critical habitat not designated in the project area.	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Cirsium rhotophilum</i> Surf thistle	Coastal dunes, coastal bluff scrub; open areas in central dune scrub; usually in coastal dune	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Clarkia speciosa</i> ssp. <i>immaculata</i> Pismo clarkia	Chaparral, cismontane woodland, valley and foothill grassland; on ancient sand dunes not far from the coast; sandy soils	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Deinandra increscens</i> ssp. <i>foliosa</i> Leafy tarplant	Valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Deinandra increscens</i> ssp. <i>villosa</i> Gaviota tarplant	Coastal scrub, valley and foothill grassland, coastal bluff scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Delphinium parryi</i> ssp. <i>blochmaniae</i> dune larkspur	Chaparral, coastal dunes (maritime); on rocky areas and dunes	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.

Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i> Eastwood's larkspur	Chaparral, valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Delphinium umbraculorum</i> Umbrella larkspur	Cismontane woodland; mesic sites	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Dithyrea maritima</i> beach spectaclepod	Coastal dunes, coastal scrub; formerly more widespread in coastal habitats in So Cal; sea shores on sand dunes and sandy places near shore	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Dudleya abramsii</i> ssp. <i>murina</i> Mouse-gray dudleya	Chaparral, cismontane woodland; serpentine outcrops	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i> Blochman's dudleya	Coastal scrub, coastal bluff scrub, valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Actinemys marmorata</i> Pacific pond turtle	Inhabits permanent or nearly permanent bodies of water in many habitat types; requires basking sites such as partially submerged logs, vegetation mats, or open mud banks	Present	Has been found along Arroyo Grande Creek; potential to occur in uplands near culvert outlet into creek.
<i>Erigeron blochmaniae</i> Blochman's leafy daisy	Coastal dunes	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Eriodictyon altissimum</i> Indian knob mountainbalm	Chaparral (maritime), cismontane woodland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Eryngium aristulatum</i> var. <i>hooveri</i> Hoover's button-celery	Vernal pools	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Eucyclogobius newberryi</i> tidewater goby	Brackish water habitats along the CA coast from Agua Hedionda Lagoon, San Diego Co. to the mouth of the Smith River; found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water & high oxygen levels	Absent	This species has been found in Arroyo Grande Creek in the lagoon. Species is not expected at project site due to lack impacts to low water channel and/or brackish water.
<i>Gila orcuttii</i> Arroyo chub	Los Angeles basin south coastal streams; slow water stream sections with mud or sand bottoms	Absent	Species is not expected at project site due to lack impacts to low water channel.
<i>Gymnogyps californianus</i> California condor	Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges or moderate altitude; deep canyons containing clefts in the rocky walls provide nesting sites; forages up to 100 miles from roost/nest	Present	There is potential for this species to fly over the project site. Project activities will be temporary in nature and are not expected to affect this species. No trees will be removed as a result of project activities.
<i>Horkelia cuneata</i> ssp. <i>puberula</i> mesa horkelia	Chaparral, cismontane woodland, coastal scrub; sandy or gravelly sites	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Horkelia cuneata</i> ssp.	Closed-cone coniferous	Absent	Not expected due to lack of

Appendix B: 9-quadrangle CNDDB search results for the Oceano Drainage Project, 300465

<i>sericea</i> Kellogg's horkelia	forest, coastal scrub, chaparral; old dunes, coastal sandhills		suitable habitat. Not detected during field surveys.
<i>Laterallus jamaicensis coturniculus</i> California black rail	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays	Absent	Species is not expected at project site due to lack impacts to low water channel and/or meadow or marsh habitat.
<i>Layia jonesii</i> Jones' layia	Chaparral, valley and foothill grassland; clay soils and serpentine outcrops	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Lupinus ludovicianus</i> San Luis Obispo County lupine	Chaparral, cismontane woodland; open areas in sandy soil, Santa Margarita formation	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Lupinus nipomensis</i> Nipomo Mesa lupine	Coastal dunes; dry sandy flats, restricted to back dunes, assoc with central dune scrub habitat – a rare community type	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Monardella crispa</i> crisp monardella	Coastal dunes, coastal scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Monardella frutescens</i> San Luis Obispo monardella	Coastal dunes, coastal scrub; stabilized sand of the immediate coast	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Monardella palmeri</i> Palmer's monardella	Cismontane woodland, chaparral	Absent	Not expected due to lack of suitable habitat. CNDDB lists occurrences in quadrants northwest and north of Tar Springs.
<i>Nasturtium gambelii</i> Gambel's water cress	Marshes and swamps; freshwater and brackish marshes at the margins of lakes and along streams, in or just above the water level	Absent	Species is not expected at project site due to lack impacts to low water channel and/or meadow or marsh habitat. Not detected during field surveys.
<i>Nemacladus secundiflorus</i> var. <i>robbinsii</i> Robbin's nemacladus	Chaparral, valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Oncorhynchus mykiss irideus</i> Steelhead	Runs in coastal basins from the Pajaro River south to, but not including, the Santa Maria River	Present	This species has been found in Arroyo Grande Creek. Species is not expected at project site due to lack impacts to low water channel.
<i>Phrynosoma coronatum</i> (frontale population) coast horned lizard	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes; open areas for sunning, bushes for cover, patches of loose soil for burial & abundant supply of ants and other insects	Absent	Not expected due to disturbed nature of habitat.
<i>Rana draytonii</i> California red-legged frog	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation	Present	Has been found along Arroyo Grande Creek; potential to occur in uplands near culvert outlet into creek.
<i>Scrophularia atrata</i> Black-flowered figwort	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub,	Absent	Not expected due to lack of suitable habitat. Not detected during field

Appendix B: 9-quadrangle CNDDB search results for the Oceano Drainage Project, 300465

	riparian scrub; sand, diatomaceous shales, and soils derived from other parent material; around swales and in sand dunes		surveys.
<i>Spea hammondi</i> Western spadefoot	Occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for egg-laying	Absent	Not expected due to lack of suitable breeding habitat.
<i>Sternula antillarum browni</i> California least tern	Nests along the coast; colonial breeder on bare or sparsely vegetated, flat substrates; sand beaches, alkali flats, landfills, or paved areas	Absent	Not detected during field surveys.
<i>Symphyotrichum defoliatum</i> San Bernardino aster	Meadows and seeps, marshes and swamps, coastal scrub, cismontane woodland, lower montane coniferous forest, grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Taricha torosa torosa</i> Coast Range newt	Coastal drainages; lives in terrestrial habitats and will migrate over 1 km to breed in ponds, reservoirs, and slow moving streams	Present	Potential to occur within either project site. This species has been found in Arroyo Grande Creek at the base of Lopez Dam, approximately 12 miles north of the project sites.
<i>Taxidea taxus</i> American badger	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats with friable soils; need sufficient food, friable soils & open, uncultivated ground	Absent	Not detected during field surveys.
<i>Thamnophis hammondi</i> Two-striped garter snake	Coastal California; highly aquatic, found in or near permanent freshwater; often along streams with rocky beds and riparian growth	Present	Potential to occur within the project site.

Attachment 6
Planning Commission Minutes

HEARINGS: (9:11 AM)

1. Hearing to consider a request by SAN LUIS OBISPO COUNTY PUBLIC WORKS DEPARTMENT, for a Conditional Use Permit / Development Plan / Coastal Development Permit to construct new storm drain improvements to alleviate existing drainage issues. The project would be located alongside State Route 1 in Oceano, beginning at the intersection of Paso Robles Street and State Route 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. A portion of the project is located within the Coastal Zone as well as outside of the Coastal Zone. It would include improvements within County and State right of way and on private property, and would result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project is within the Industrial and Commercial Retail land use categories and is located in the San Luis Bay Coastal and Inland Planning Areas. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 31, 2013 for this project. Mitigation measures are proposed to address air quality, biological resources, and cultural resources and are included as conditions of approval. County File Number: DRC2012-00044 APN(s): 062-118-013, -014, 061-093-044, County Right of Way & Railroad Right of Way Supervisorial District: 4 Date Accepted: January 25, 2013 Ryan Hostetter, Project Manager Recommend approval

APPROVED (9:11 AM)

Ryan Hostetter, Project Manager: introduces team Jeff Lee and Mark Hutchinson from Public Works. The team shows a Power Point presentation regarding the specifics of the project and addresses correspondence received regarding concerns about the project.

Commissioners: begin their deliberations.

Jim Irving: opens Public Comment.

Jeff Edwards: speaks.

Mark Hutchinson, Public Works: addresses Mr. Edwards' comments.

Ryan Hostetter, Project Manager: addresses comments regarding inconsistency with the Local Coastal Plan.

Commissioners: continue their deliberations.

Thereafter, on motion of Tim Murphy, seconded by Carlyn Christianson, and on the following vote:

Attachment 6
Planning Commission Minutes

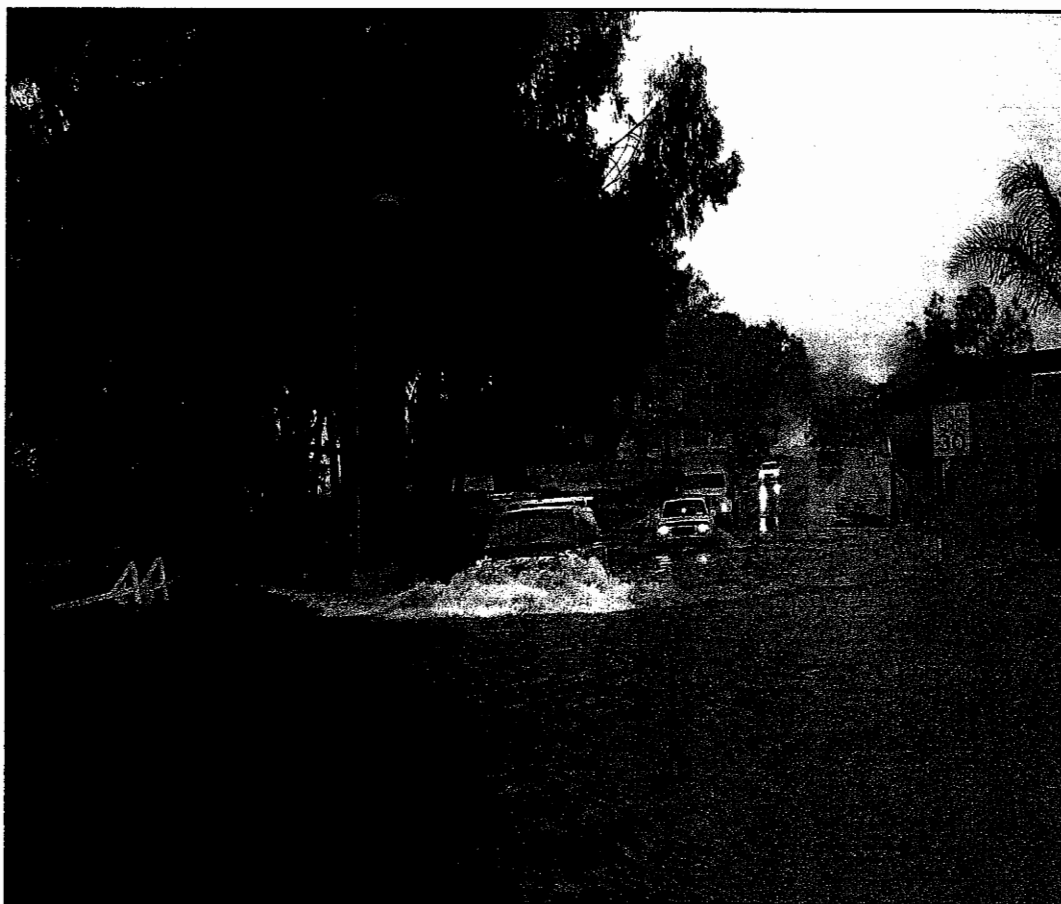
AYES: Commissioner(s) Tim Murphy, Carlyn Christianson, Jim Irving, Don Campbell.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission approves Development Plan / Coastal Development Permit DRC2012-00044 based on the findings listed in Exhibit A and the Conditions listed in Exhibit B.
Adopted.

OCEANO DRAINAGE PROJECT
At Highway 1 and 13th Street
San Luis Obispo County Public Works Department
300465/ED11-173
HABITAT MITIGATION AND MONITORING PLAN



**San Luis Obispo County
Department of Public Works**

November 2012

Oceano Drainage Project at Highway 1 and 13th Street, 300465

1

SUMMARY

This Habitat Mitigation and Monitoring Plan (HMMP) for the Oceano Drainage Project provides a comprehensive approach for the restoration, enhancement, and replacement of wildlife habitat temporarily lost as a result of proposed storm drain improvement activities.

The project would alleviate existing drainage issues and will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County Right of Way and on private property. The Oceano Drainage Project (Project) is located alongside the State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek, in the San Luis Bay Coastal and Inland planning areas. The project will treat storm water runoff with LID solutions and improve water quality.

This HMMP includes creek protection measures, best management practices, and a revegetation plan. This plan identifies 14.4 acres for restoration of disturbed habitat, and includes measures for restoration and revegetation of all temporarily disturbed areas, protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success. This plan will be implemented prior to and during construction activities.

The Project will improve water quality by allowing additional settling time for sediments in the newly constructed sediment basin, so cleaner storm water flows to Arroyo Grande Creek. The Project will also improve water quality by moving storm water off of existing roads, which contain oil and other road-associated contaminants, & directing water to an underground pipeline, a sediment basin, and natural basin where the water can pass through existing bio filters and into Arroyo Grande Creek. Currently, this same storm water picks up road contaminants and contributes to flooding of local residents before finally reaching Arroyo Grande Creek.

PROJECT DESCRIPTION

The proposed improvements include new drainage inlets and conveyance of drainage by an underground pipe, south, to a new concrete sedimentation basin located within the RV storage lot. Runoff will discharge into Arroyo Grande Creek through an existing flap gate in the willow riparian woodland area adjacent to the RV storage lot (situated on Oceano Airport property) and a new box culvert. Additionally, roadside infiltrators will be installed and utilized for the Project to capture and treat first flush storm water runoff. The drainage inlets will connect into a new underground storm drain system.

The Project includes regular maintenance of both basins (existing willow woodland and new concrete sediment basin) to remove trash and sediment. Additionally, the Project includes occasional willow trimming/topping within the existing willow woodland to meet FAA and the Caltrans Division of Aeronautics requirements since it is within the Runway Protection Zone (RPZ). Trash removal would occur by hand and sediment removal would be conducted using hand tools and the limited use of an excavator and haul truck. The volume of sediment removal would vary from year-to-year, and in some years sediment removal may not be required at all.

The anticipated area of disturbance for construction of the Project is 14.4 acres (629,000 square feet). Overall, the construction duration is anticipated to be five (5) months.

Clearing debris and sediment from the new concrete basin would allow it to continue to function as a settling pond and prevent vegetation from growing within the newly-constructed basin. Since this concrete basin provides flood control functions, preventing vegetation establishment within the basin will discourage wildlife from using it as habitat which minimizes and avoids impacts to sensitive species. Access to the concrete basin will be via an access ramp off of Delta Street and will not impact the willow riparian basin or wildlife habitat.

EXISTING CONDITIONS

Based on the search of the CNDDB inventory and visual observations of the Project site, there is no potential for federally listed plant species to occur within the Project site. Appendix B of the Mitigated Negative Declaration prepared for the Project includes the species considered and evaluated. This evaluation is based on presence of suitable habitat for certain sensitive plant species. No impacts to Federally-listed plants are expected due to this Project. As such, no minimization measures for special status plants are recommended.

There are no seasonal wetlands that will be affected by project construction. Permanent disturbance to areas within the ordinary high water mark of Arroyo Grande Creek will occur within the upper portion of the channel which is typically dry outside of storm events. Four plant community types occur within the Project Area including willow riparian woodland, coyote brush scrub, ruderal (weedy) grassland, and a lone stand of eucalyptus trees.

PROJECT IMPACTS

Storm water will continue to filter through basins into Arroyo Grande Creek. Although this project will create one additional outlet into Arroyo Grande Creek, storm water is anticipated to be cleaner than current conditions with the addition of the new sediment basin.

Most of the 14.4 acres of disturbance will occur as a result of raising of the RV storage lot and PCV property to increase storage capacity of the new sediment basin. This area will continue to function as an RV storage lot once project construction is complete; therefore, the area will be compacted but no hydroseed will be applied.

The Project will result in 0.014 acre of permanent disturbance to coyote brush scrub and nonnative grassland as a result of the new culvert through the existing levee. The Arroyo Grande Creek low water channel, which contains constant flowing water as a result of releases from Lopez Dam, will not be disturbed. The culvert would be located approximately 0.65- to 0.76-mile upstream from Arroyo Grande Creek's outlet to the ocean. To offset permanent disturbance, the disturbed area surrounding the new culvert will be hydroseeded with a native seed mix (Table 2).

Willow trimming is proposed within the willow riparian woodland. This area is considered "Environmentally Sensitive Habitat Area" by the Coastal Commission. This area is highly disturbed as it is regularly used by trespassing transients as living quarters. By implementing a regular maintenance program, this area would be cleaned up and cleared of trash which could potentially attract wildlife predators of sensitive species. Thus, the basin habitat within the woodland would be improved by maintenance activities. The willow riparian woodland is bordered by the airport, the north levee, and an RV storage lot. No construction activities will

Oceano Drainage Project at Highway 1 and 13th Street, 300465

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impact this habitat. Occasional willow trimming/topping would occur to meet FAA and the Caltrans Division of Aeronautics requirements within the RPZ.

With the exception of occasional trimming or topping, no additional disturbance will occur within the willow riparian woodland area. This area currently functions as a basin for storm water from the surrounding area. The new sediment basin will become the primary feed to this basin. Water will pool in this area and outlet to Arroyo Grande Creek, as it does now. Surveys would be conducted prior to trimming/topping activities if they occur within the nesting bird season to avoid disturbing nesting birds.

Up to 4 of the 30 eucalyptus trees will be removed to facilitate the construction of roadside ditches and inlets along Highway 1. The four trees are approximately 1 to 5 feet west of Highway 1 and are 80", 16", 60", and 24" dbh. If trees will be removed during nesting bird season, surveys will be conducted prior to any removal activities. With the implementation of this avoidance measures, and because these trees do not provide habitat for monarchs, no impacts to sensitive species are anticipated as a result of tree removal and construction of the above referenced project components. These trees will be replaced at a 2:1 mitigation ratio with tree species that are native to the area.

SITE PREPARATION, PLANTING MATERIALS, AND ESTABLISHMENT

To offset the 0.014 acre of permanent disturbance, a 0.042-acre area surrounding the new culvert will be hydroseeded with the native seed mix shown in Table 2.

The four eucalyptus trees will be replaced at a 2:1 mitigation ratio with tree species that are native to the area. Table 1 contains specific mitigation ratios per tree proposed for removal.

Onsite mitigation is not possible due to State ROW issues and FAA airspace issues. Therefore, replacement trees will be planted off site on the County Oceano Park property. This property is within the Coastal Zone and is a source of recreation. The trees will be planted around the lagoon. Exact locations will be determined in coordination with County Park staff to allow for the lagoon/high water table and to prevent future root rot and ensure the survival of the trees.

Oceano Drainage Project at Highway 1 and 13th Street, 300465

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Table 1: Mitigation Strategy

Impact	Mitigation	# and species
0.014 permanent impacts to coyote scrub & non-native grassland	Enhance 0.042 acre area of habitat along levee (3:1 ratio)	Revegetate disturbed area along levee with native hydroseed mix (Table 2)
Loss of 1 80" eucalyptus	Replace at 2:1 ratio	2 western sycamores (1 gallon)
Loss of 1 16" eucalyptus	Replace at 2:1 ratio	2 coast live oaks (1 gallon)
Loss of 1 60" eucalyptus	Replace at 2:1 ratio	2 western sycamores (1 gallon)
Loss of 1 24" eucalyptus	Replace at 2:1 ratio	2 coast live oaks (1 gallon)

Table 2: Native Hydroseed Mix

Species name	Common name	lbs per acre
<i>Bromus hordeadeus</i>	Blando brome	40
<i>Trifolium hirtum hykon</i>	Hykon rose clover	40
<i>Vulpia myuros var. hirsute</i>	Zorro annual fescue	40

SUCCESS CRITERIA

The planting site shall be maintained and monitored for three years or longer, depending on growth and survival. To determine whether this HMMP achieved success, replacement tree survival must total 6 trees (8 trees x 70%).

Permanent disturbance will affect a 0.014-acre area (609 square feet). To offset these impacts at a 2:1 ratio, a 0.042-acre (1,829 square feet) area will be revegetated via hydro-seeding with a native, County-approved seed mix once construction activities are completed.

We expect that some mortality will occur within the first year or two. If mortality is such that the goal of 70% survival is not attained, then replacement planting will take place. Planting shall occur in the fall and winter to maximize likelihood of success and shall be spaced in a natural, random manner to mimic distributions normally found near Arroyo Grande Creek.

LONG-TERM MAINTENANCE

For the plant establishment period (at a minimum three years after planting), annual status reports shall be submitted to the Department of Fish and Game. These reports shall assess the condition of the trees (observations on health and growth), make recommendations, and include information regarding the previous year's maintenance schedule, observations, and survival counts.

If success criteria are not met, then an analysis of the failure will be provided along with recommended remedial action. If appropriate, additional work will be performed to correct the deficiency. The monitoring period will be extended for the appropriate length of time following any remedial action. Should enhancement planting establishment fail to meet designated performance criteria, an intensive planting program and/or contingency enhancement site will be developed as an alternate. Implementation, monitoring, and long-term maintenance procedures are the responsibility of San Luis Obispo County Public Works Department and will be completed under the direction of a qualified restoration specialist.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Jeff Edwards

Mailing Address: PO Box 6070

City: Los Osos

Zip Code: 93412

Phone: 805-235-0873

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Luis Obispo County Board of Supervisors

2. Brief description of development being appealed:

Storm drain improvements include new drainage inlets and underground pipe to a concrete sedimentation basin located within an existing RV storage lot on County Airport property.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Drainage inlets would be installed along HWY 1 and Paso Robles Street and road side infiltrators would be installed along 13th Street and Paso Robles Street. Concrete drainage swales would be constructed within the RV storage lot and along the southern property line of Pismo Coast Village Property to capture surface flows and direct them to the new concrete sedimentation basin.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SLO-13-0220

DATE FILED: July 15, 2013

DISTRICT: Central Coast

RECEIVED

A-3-SLO-13-0220 (Oceano Drainage Project)

JUL 15 2013

Exhibit 3: Appeal

Page 1 of 7

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: June 4, 2013

7. Local government's file number (if any): DRC2012-00044

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

County of San Luis Obispo
Attention: Department of Public Works
1087 Santa Rosa Street
San Luis Obispo, CA 93408

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) none

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

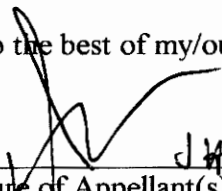
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see letter attached.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: July 10, 2013

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

RECEIVED

July 10, 2013

JUL 15 2013

California Coastal Commission
Central Coast District Office
725 Front Street Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

RE: DRC2012-000444 Oceano Drainage Project at 13th St. and HWY 1
Development Plan, CUP and CDP/ED11-173

Dear Ladies and Gentlemen,

As you know, your office received the Notice of Final County Action RE: County of San Luis Obispo Public Works Drainage Improvement Project (Oceano) on July 1, 2013. Enclosed please find the completed appeal form Coastal Permit Decision of Local Government for the above referenced project. I respectfully request staff recommend and the Commission find that a Substantial Issue exists with regard to the approval of the proposed project, including conditions.

As proposed, the Oceano Drainage Improvement project is inconsistent with the San Luis Obispo County Coastal Zone Land Use Ordinance and LCP Plans & Policies. Furthermore, I believe the proposed Mitigated Negative Declaration is inadequate to fully assess and mitigate potential significant environmental effects from the project.

At the Board of Supervisors hearing on June 4, 2013, staff presented photographs of the intersection of 13th St. and HWY 1 in a storm event depicting the intersection under 2-3 feet of water in December of 2010. This is no longer an accurate reflection of how drainage functions at this location since remedial work was completed by Cal Trans following the flooding of December 19, 2010. In other words, the problem as represented in the photographs no longer exists and the real scope of any remaining problem remains uncertain which raises questions about the need for the proposed project.

The proposed project includes *grading to fill an area of approximately twelve (12) acres with upwards of 10,000 cubic yards of soils*. Groundwater is known to occur three (3) feet or less in the area. In the absence of hydrophytic vegetation, the presence of wetland hydrology (high groundwater) would constitute a wetland. If a wetland, the primary area of fill placement and the detention basin would be considered an Environmentally Sensitive Habitat Area (ESHA). The project also proposes to drain the concrete lined detention basin into a "natural" area of Arroyo willows where the stormwater will be concentrated before it exists into Arroyo Grande Creek. Coastal resources including ESHA's and associated habitats are not intended to cleanse concentrated urban stormwater runoff under the Coastal Act.

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

The proposed project will collect and concentrate stormwater runoff from an approximately 40.5 acre watershed being a subset of the larger Meadow Creek watershed. The anticipated flow rate under a 10-year storm event is expected to be 45 cubic feet per second. Secondly, given the project watershed area is only 40 acres (contrast to Meadow Creek watershed of 6,400 acres) it raises the question of whether, or not this project will have measurable beneficial impacts on the storm water runoff and flooding issues that have been chronic in the community of Oceano.

Purportedly the project "is designed to enhance and restore riparian and aquatic habitat by reducing sedimentation and improving water quality." There appears to be no evidence in the record to support this conclusion, including baseline water quality reports not associated with the Arroyo Grande Creek Waterway Management Plan. Also, no analysis was done relative to potential impacts that might result from groundwater migration to the sedimentation basin from under the airport property. The airport use is known for lead contamination from aviation fuel, aircraft lubricants and cleaning agents. The Meadow Creek Lagoon system north of the airport property is known to be polluted with these and other contaminants.

Urban stormwater and possible groundwater from the airport will concentrate pollutants entering Arroyo Grande Creek. In the creek area, there is a known presence of Federal Endangered/Threatened Species (i.e. Tidewater goby and Steelhead trout). Also, it does not appear wildlife surveys were conducted for the riparian and other natural areas where discharges will occur. Impacts to coastal resources are likely. Moreover, the proposed offsite mitigation plan lacks specificity and cannot be considered adequate mitigation.

As represented by the County, the proposed project is one of a "suite" of projects County Public Works will be deploying to address Oceano flooding issues. However, there is no analysis of how any of the other projects will complement the proposed project. For example, it is unclear how the sand bar management (Arroyo Grande Creek), HWY 1 at 17th St./19th St. improvements or Sand Canyon flapgates modifications will work in conjunction and collaboration with the proposed project. A more comprehensive engineering review and analysis, particularly on a water-shed wide basis, would be helpful to better organize and prioritize drainage solutions for the community.

Coincidentally, the contemplated drainage at HWY 1 and 17th St./19th St. is actually a subsequent phase to the proposed project, yet the County has not provided any analysis of how the projects dovetail. There are several other projects being undertaken in the immediate vicinity that may significantly affect the efficacy of the proposed project. They include, additional paving and creation of impervious surfaces at the Oceano Airport by County General Services, California State Parks drainage improvements along Meadow Creek (SCH 2012101012) or the City of Grover Beach's recent stormwater improvements at Grand Avenue and HWY 1.

J. H. EDWARDS COMPANY
A REAL PROPERTY CONCERN

A number of alternatives were considered to the proposed project; unfortunately all of them focused on a small portion of Oceano and the limited watershed that drains to HWY 1 and 13th Street. There appears to be no watershed-wide (Meadow Creek, 6,400 acres) approach to achieving solutions in the community. Moreover, the project scope and components appear to be driven by grant availability rather than sound engineering design strategies.

Ironically, on December 19, 2010 stormwater runoff flooded homes, businesses and the South San Luis Obispo County Sanitation District facilities, yet the proposed project will have little, if any measureable benefit to the affected area. It is noteworthy, several hundred thousand gallons of untreated sewage were released into the environment from the Sanitation District treatment plant with significant impacts to coastal resources.

In closing, I again request staff and the Commission find a Substantial exists with regard to the grounds on which the approval by San Luis Obispo County was based. Please feel free to contact me with any questions you may have.

Sincerely,

Jeff Edwards

Jeff Edwards
805.235.0873