

RESOLUTION NO. 12-009

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING AN ADDENDUM TO MITIGATED NEGATIVE DECLARATION  
FOR PLANNED DEVELOPMENT 08-001 AMENDMENT  
(PASO ROBLES RV PARK)  
APN: 025-435-022, 023

WHEREAS, PD 08-001 & CUP 08-001 (The PR Motorcoach Resort project) and associated Mitigated Negative Declaration was approved by the City Council on February 10, 2004, via Resolutions 09-025, 09-026 & 09-027; and

WHEREAS, the project is located on the 73-acre site at the northern end of Golden Hill Road, on the east side of the road; and

WHEREAS, the project allows for the development of a 332 space RV resort; and

WHEREAS, North Coast Engineering on behalf of Paso 33 LP, has applied to amend PD 08-001 & CUP 08-001; and

WHEREAS, the proposed amendment would consist of the following changes:

- Consider a new design that would reduce the disturbed area (grading) from 73 acres to 50;
- Reduce the amount of grading, retaining walls and paving for roads;
- Reduce the RV space size and reduce the use of impermeable materials;
- Relocate reception building to the northeast, further away from Golden Hill Road;
- Eliminate the club house;
- Replace the masonry wall proposed along Golden Hill Rd. with a combination of masonry wall and open fence with screening landscaping;
- Eliminate the RV sites at the south east corner of the site, reducing views of RVs from Golden Hill Rd.;
- Request to review various conditions of approval related to road improvements and fees;
- Addendum to the Mitigated Negative Declaration related to Kit Fox mitigation as a result of less site impact.

WHEREAS, the Mitigated Negative Declaration (Res. 09-025) originally approved for the project identified mitigation measures necessary to reduce environmental impacts to a level of "less than significant" in the following areas: Biological, Transportation/Circulation, Air Quality and Hazards (Airport related mitigation); and

WHEREAS, since the project was previously approved along with a Mitigated Negative Declaration (MND), and since the proposed project amendments will reduce the projects disturbed area from approximately 73 acres down to 50 acres; and

WHEREAS, changes to the MND would consist of minor technical changes related to Kit Fox mitigation measures, the California Environmental Quality Act (CEQA) Section 15164, allows an agency to prepare an "Addendum to a Negative Declaration" to be considered by the Planning Commission and need not be circulated for public review; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 10, 2012 to consider the request for amending the project, and the Planning Commission continued the open public hearing to the February 14, 2012 hearing; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 14, 2012 to consider the request for amending the project, and to accept public testimony regarding this proposed project, and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, based on its independent judgment, to approve an Addendum to Mitigated Negative Declaration for Planned Development 08-001 and Conditional Use Permit 08-001(Resolution No. 09-027) in accordance with the California Environmental Quality Act; and

1. All mitigation measures identified in Resolution 09-025, shall remain in full effect and be complied with at the time as indicated by said resolutions, and exhibits, except that Mitigation Measure BR-18 related to San Joaquin Kit Fox, be replaced with the following new language to reflect the reduced site disturbance and habitat impact as indicated in the attached Kit Fox Habitat Evaluation Form (Exhibit A):

**BR-18** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **100 (50 disturbed area x2)** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before City or State permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **\$250,000**. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **100** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **\$250,000**. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City or State permit issuance and initiation of any ground disturbing activities.

- 2. The timing of the requirement to complete the mitigation measures outlined in the Mitigation Monitoring and Reporting Table, Exhibit B.

PASSED AND ADOPTED THIS 14th day of February 2012, by the following roll call vote:

- AYES: Vanderlip, Gregory, Garcia, Barth
- NOES: Treatch, Holstine, Peterson
- ABSENT: None
- ABSTAIN: None

  
\_\_\_\_\_  
CHAIRMAN AL GARCIA

ATTEST:

  
\_\_\_\_\_  
ED GALLAGHER, PLANNING COMMISSION SECRETARY

**Kit Fox Habitat Evaluation Form**  
**Cover Sheet**

Project Name **Paso Robles RV Park**  
**Paso 33 LP**

Date **11-15-11**

Project Location

**Golden Hill Road**  
**Paso Robles**

Include project vicinity map and project boundary on copy of U.S.G.S. 7.5. minute map (size may be reduced)

U.S.G.S. Quad Map Name **Paso Robles**

Lat/Long or UTM coordinates (if available) **N 35.6566<sup>o</sup>**

**W 120.6535<sup>o</sup>**

Project Description: **Recreational Vehicle camping park**

Project Size: **50 acres**

Amount of Kit Fox Habitat Affected:

**50 acres**

Quantity of WHR Habitat Types Impacted (i.e. -- 2 acres annual grassland, 3 acres blue oak woodland)

WHR type	<b>California annual grassland</b>	<b>9.7 acres</b>
	<b>Oak Savannah</b>	<b>26.3 acres</b>
	<b>Oak Woodland</b>	<b>14.0 acres</b>

Comments:

The 160 acre property is currently used for grazing. The proposed project would impact 50 acres.

Form Completed by:

*Daniel E. Meade*

*Revised 03/02*

**Exhibit A**  
Kit Fox Eval. Form  
PD 08-001 & CUP 08-001 Amend.  
(PR RV Park)



## San Joaquin Kit Fox Habitat Evaluation Form

Is the project within 10 miles from a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in Question 2(A-E)?

- YES – Continue with evaluation form  
 NO – Evaluation form/surveys are not necessary

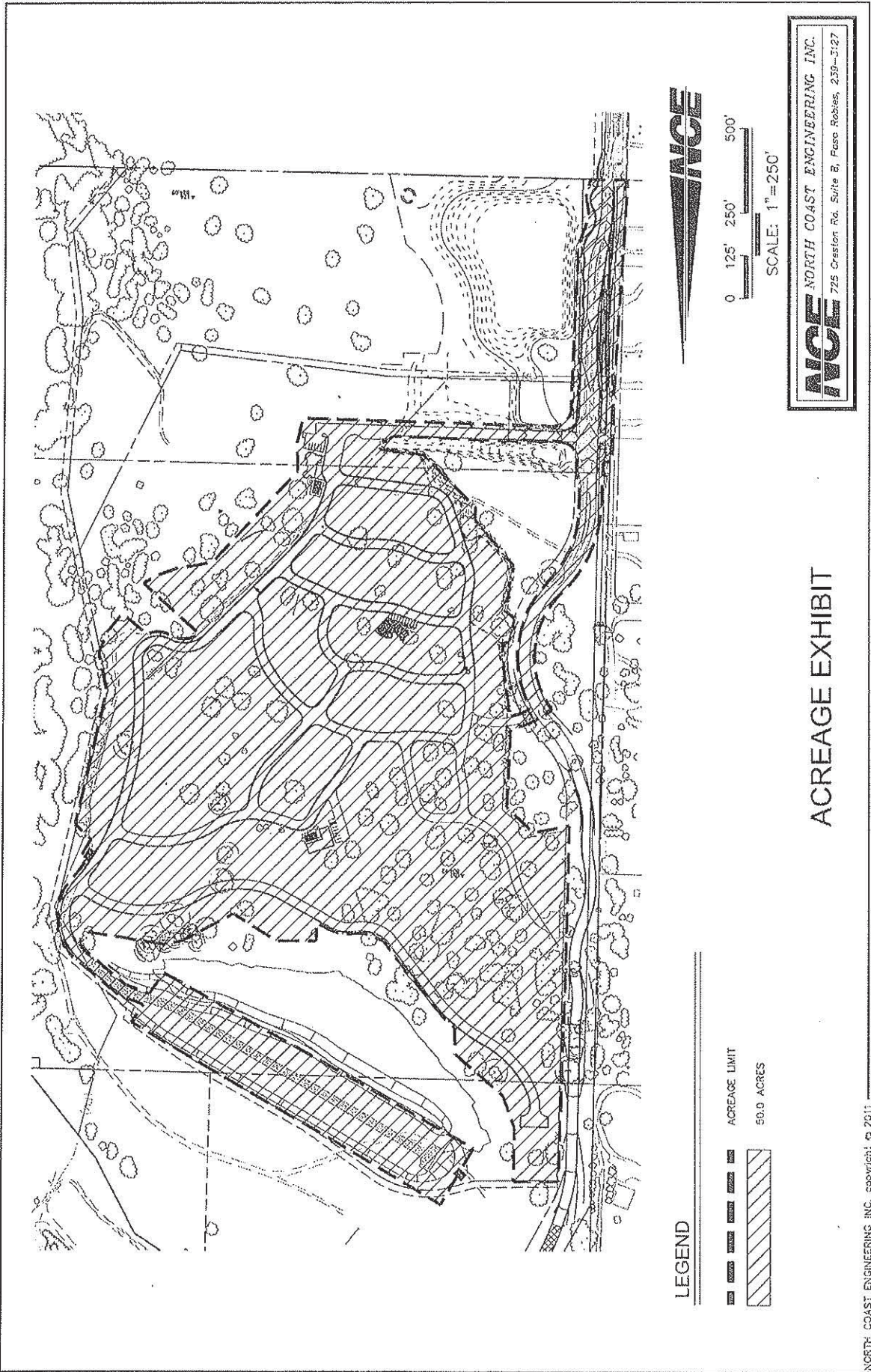
1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al, 1998).
  - A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20).
  - B. Project is within a core population (15)
  - C. Project area is identified within satellite population (12)
  - D. Project area is within a corridor linking satellite populations (10)
  - E. Project area is not within any of the previously described areas but is within known kit fox range (5)
  
2. Habitat characteristics of the project area.
  - A. Annual grassland or saltbush scrub present >50% of site (15)
  - B. Grassland or saltbush scrub present but comprises <50% of project area (10)
  - C. Oak savannah present on >50% of site (8)
  - D. Fallow ag fields or grain/alfalfa crops (7)
  - E. Orchards/vineyards (5)
  - F. Intensively maintained row crops or suitable vegetation absent (0)
  
3. Isolation of project area
  - A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
  - B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)
  - C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e.- river, canal, aqueduct) (7)
  - D. Project area surrounded by ag but less than 200 yards from habitat (5)
  - E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)
  
4. Potential for increased mortality as a result of the project implementation. Mortality may come from direct (e.g. – construction related) or indirect (e.g. –vehicle strikes due to increases in post development traffic) sources.
  - A. Increase in mortality likely (10)
  - B. Unknown mortality effects (5)
  - C. No long term effect on mortality (0)

5. Amount of potential kit fox habitat affected
- A. > 320 acres (10)
  - B. 160-319 acres (7)
  - C. 80-159 acres (5)
  - D. 40-79 acres (3)
  - E. <40 acres (1)
6. Results of project implementation
- A. Project site will be permanently converted and will no longer support foxes (10)
  - B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
  - C. Project area will be temporarily impacted and no maintenance necessary (5)
  - D. Project will result in changes to agricultural crops (2)
  - E. No habitat impacts (0)
7. Project shape
- A. Large block (10)
  - B. Linear with >40 foot right-of way (5)
  - C. Linear with <40 foot right-of-way (3)
8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?
- A. Yes (10)
  - B. No (0)

**Scoring**

1. Recovery importance	<u>20</u>
2. Habitat condition	<u>8</u>
3. Isolation	<u>10</u>
4. Mortality	<u>5</u>
5. Quantity of habitat impacted	<u>3</u>
6. Project results	<u>10</u>
7. Project shape	<u>10</u>
8. Recent observations	<u>0</u>
<b>Total</b>	<u>66</u>



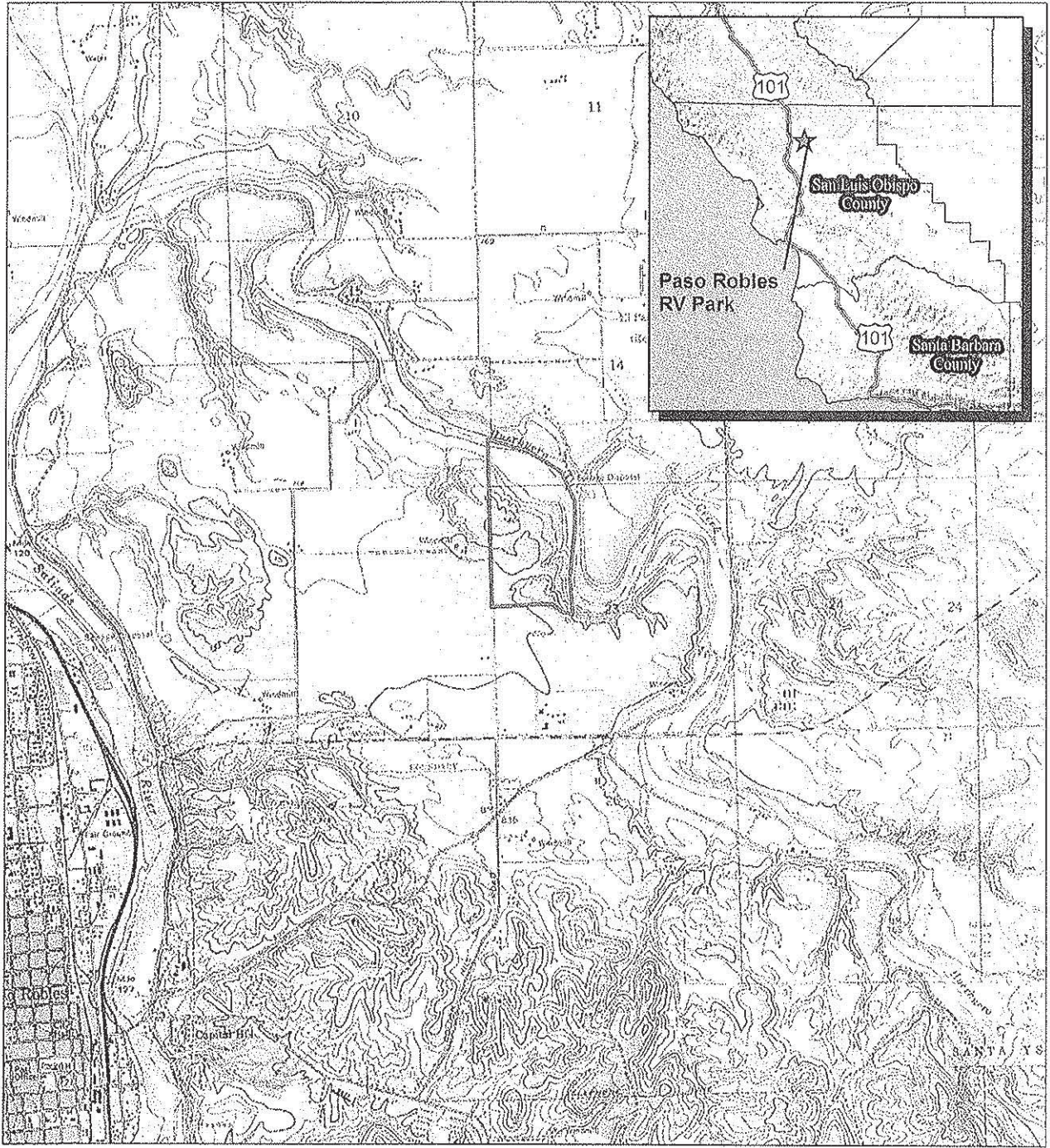


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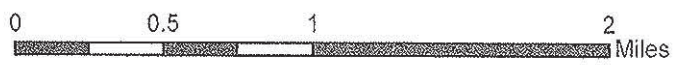


# USGS Topographic Map



## Legend

 Property Boundary



**Paso Robles RV Park  
Topography**

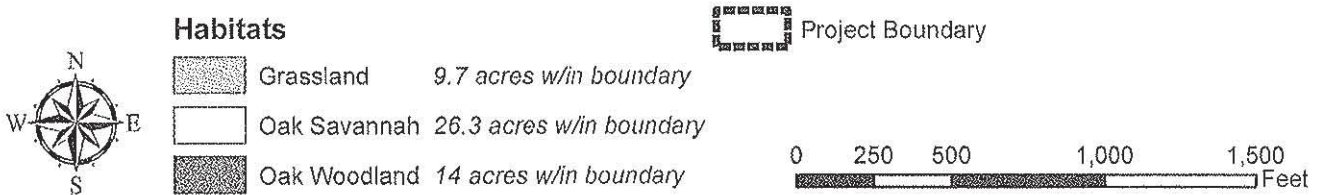
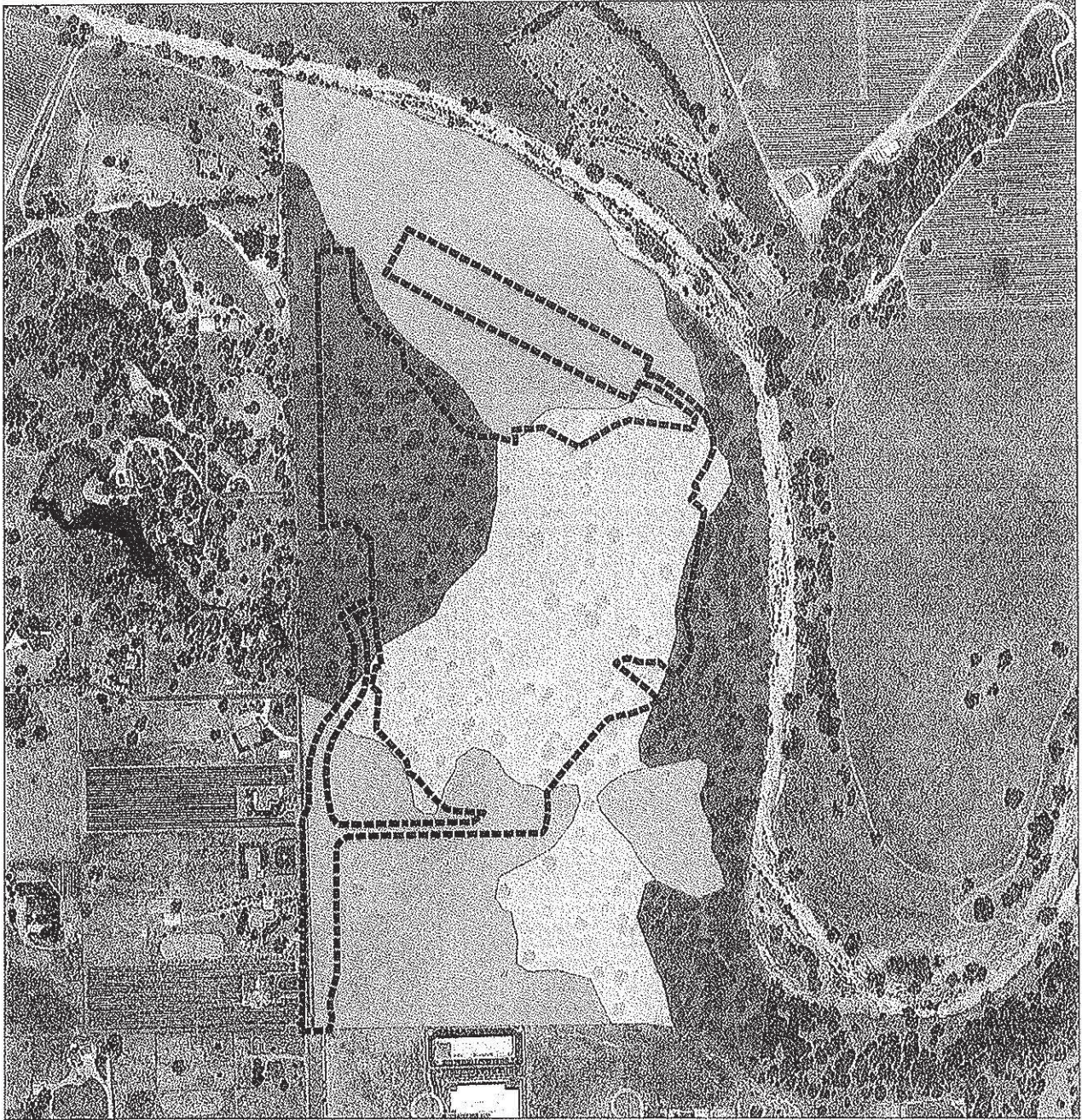
USGS Topographic Map  
Map Updated: November 16, 2011, 09:06 AM



Althouse and Meade, Inc.  
1602 Spring Street  
Paso Robles, CA 93446



# Habitat Map



## Paso Robles RV Park Habitats

2010 San Luis Obispo County  
NAIP Aerial Photography  
Map Updated: November 16, 2011, 08:30 AM



Althouse and Meade, Inc.  
1602 Spring Street  
Paso Robles, CA 93446



**Air Quality Mitigation Measures:**

- APCD-1** Prior to any grading on 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 form must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos (Air Toxics Control Measure) ACTM.
- APCD-2** The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:
- a. Reduce the amount of the disturbed area where possible.
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
  - c. All dirt stockpile 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 to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native 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

**APCD-3** Construction Permit Requirements:

If portable equipment, 50 horsepower or greater, are used during construction, a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the Districts CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50hp or greater;
- IC Engines;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

**APCD-4** Develop a comprehensive Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period. The plan should be submitted to the District for review and approval prior to the start of construction. The plans should include but not be limited to the following elements:

- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- Limit the length of the construction work-day period, if necessary; and,
- Phase construction activities, if appropriate.

**APCD-5** Standard NOx Control Measures for Construction Equipment

The standard construction equipment mitigation measures for reducing nitrogen oxide (NOx) emissions are listed below and in section 6.3.1 of the Air Quality Handbook. These measures are applicable to all projects where construction equipment will be used:

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of on-road heavy-duty equipment and trucks that meet the ARB's 1998 or newer certification standard for on-road heavy-duty diesel engines.
- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit.



## APCD 6 OPERATIONAL PHASE MITIGATION

### Greenhouse Gas Impacts and Mitigation

While California successfully passed Assembly Bill 32, California's Global Solutions Act of 2006, little guidance was provided to lead agencies regarding how to address greenhouse gas (GHG) impacts in the CEQA process. In the 2007 California legislative session, Senate Bill 97 was passed and required that the California Office of Planning and Research, by July 1, 2009, prepare and develop guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. As guidelines are not currently available, the APCD suggests that projects subject to CEQA should quantify project related GHG emissions and identify feasible mitigation.

The APCD staff considered the operational impact of this proposed development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts of the greenhouse gas known as carbon dioxide (CO<sub>2</sub>) will be approximately 7,277 pounds per day in the summer and 6,906 pounds per day in the winter. **While statewide/global thresholds have not yet been defined for GHG impacts, SLO County APCD recommends the implementation of feasible mitigation measures that minimize project related GHG impacts.** Examples of potential measures for this development include:

- Developments within Urban Reserve Lines with walking or bicycling access to nearby commercial and transit services thus reducing automobile dependence;
- Install on-site solar power infrastructure to offset grid-based power consumption;
- Provide low-speed neighborhood electric vehicles (NEVs) and charging stations for internal use by resort patrons;
- Include pedestrian amenities that provide improved connectivity to existing amenities;
- Securing shuttle services;
- Green building techniques such as:
  - Installing outdoor electrical outlets to encourage the use of electric appliances and tools;
  - Planting of native, drought resistant landscaping;
  - Use of locally or nearby produced building materials; and,
  - Use of renewable or reclaimed building materials.

Other measures suitable for GHG as well as ozone precursor mitigation are listed below in this comment letter.

### Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators and equipment with engines that 50 hp or greater;
- Electric generation plants or the use of standby generator; and
- Cogeneration facilities.

**Traffic Impact Mitigation Measures:**

- T-1. The project will be subject to traffic impact and other development impact fees in effect at the time of occupancy of the project.
- T-2. Golden Hill Road shall be constructed in general conformance to the preliminary road improvement plans approved by the City Engineer, and in accordance with the phasing plan proposed.

**Biological Resources Mitigation Measures**

- BR-1.** **Avoidance and protection of vernal pools on the property.** Vernal pools shall be avoided and protected where possible. If listed fairy shrimp species are found in vernal pools on the property, the vernal pools shall be avoided and a 50-foot setback distance shall be observed for all activities. If rare species are not found and vernal pools cannot be avoided, a vernal pool mitigation plan shall be prepared by a qualified biologist that specifies creation of vernal pool habitat in kind at a one to one ratio within open space areas on the property.
- BR-2.** **Interpretive signs shall be developed in cooperation with the project biologist** to inform guests at the Resort of the sensitive biological resources located on and near the property. Signs shall be placed on at least two sides of all vernal pools or vernal pool complexes that remain within the project open space areas. The signs shall provide general information about vernal pools in the Paso Robles region, including potential rare species that could be present.
- BR-3.** Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist or qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
- BR-4.** An oak tree protection plan shall be prepared and approved by the City of Paso Robles.
- BR-5.** Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, any ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and trunk damage.
- BR-6.** Impacts to oak trees shall be assessed by a licensed arborist. Mitigations for impacted trees shall comply with the City of Paso Robles tree ordinance.
- BR-7.** Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5 inch trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24 inch box, 1.5 inch trees shall be required for each oak tree removed.

- BR-8.** Replacement trees should be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 7 years. Replacement trees shall be of local origin, and of the same species as was impacted or removed.
- BR-9.** **Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 15 to August 15. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for occupied raptor nests. A 500-foot buffer shall be observed from occupied nests of all special status species (refer to BR-12 and BR-13). A pre-construction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements.
- BR-10.** To prevent disturbance to nesting eagles, if construction is planned between January 30<sup>th</sup> and August 15<sup>th</sup>, a pre-construction survey should be conducted to determine if eagles are present. If eagles are not present after March 15<sup>th</sup>, work could commence. If eagles are present on the nest, work within 500 feet of the occupied nest should be delayed until after either adult eagles have left the nest, or eagle chicks have fledged and are no longer dependant on the nest as determined by a qualified biologist. At the commencement of work, a qualified biologist should monitor the eagles. If commencement of construction disturbs the eagles, the qualified monitor would be authorized to stop construction activity within range of the nest that causes disturbance to the eagles. Work within that area could commence once the eagle chicks have fledged and are no longer dependant on the nest.
- BR-11.** **If the project design cannot avoid shining navarretia on the property**, a mitigation and monitoring plan shall be developed by the project biologist to replace lost navarretia habitat at a 1:1 ratio on-site. The mitigation plan will provide details on appropriate mitigation sites, seed collection and distribution methods, and maintenance and monitoring requirements.
- BR-12.** **Interpretive signs shall be developed in cooperation with the project biologist** to inform guests at the Resort of the sensitive biological resources including the Golden Eagle nest located on and near the property. Signage shall be placed on all sides of the rare plant occurrence, and shall have specific information about the plant and its ecology, including photographs.
- BR-13.** **All occupied Golden Eagle nests shall be mapped using GPS or survey equipment.** The mapped locations shall be placed on a copy of the grading plans with a 500-foot buffer indicated. Work shall not be allowed within the 500 foot buffer while the nest is in use by eagles. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
- BR-14.** **Occupied nests of special status bird species that are within 500 feet of project work areas** shall be monitored bi-monthly through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependant on the nest, work can commence.



**BR-15.** Interpretive signs shall be developed in cooperation with the project biologist to inform guests at the Resort of the sensitive biological resources located on and near the property. If the golden eagle nest continues to be occupied seasonally at the time the Resort opens to the public, signs shall be placed on the hilltop to exclude entry within approximately 500 feet of the eagle nest.

**BR-16.** Prior to removal of any trees over 20 inches dbh, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.

**BR-17.** The following supplemental measures for kit fox protection are from the December 17, 2008 letter from Dan Meade of Althouse and Meade, Inc. The following measures when employed on the site, would reduce potential impacts to the San Joaquin Kit Fox. The consideration of these additional measures and the substantial widening of the proposed open space corridor, adjustment to the offsite mitigation requirements may be appropriate. The reduction of the mitigation ratio for kit fox payments from four to one to three to one can be made with review and approval by the Department of Fish and Game.

1. Kit fox friendly fencing shall be used for into all fences on the property, including the masonry screen wall, if project Biologist see as necessary. For chain link, wildlife, no-climb, or other wire fences with openings, at ground level less than eight inches square, kit fox passages shall be made in the fences every 100 yards. Passages shall be created by cutting wire and placing spreader bars to form a smooth 8-inch wide by 12-inch high, or as specified by the Endangered Species Recovery Program. In solid walls, an 8-inch diameter concrete pipe shall be placed at ground level in the wall every 100 yards.
2. Four SJKF escape dens and a chambered den shall be constructed as per guidelines provided in the Endangered Species Recovery Program. The precise location of each den shall be designated in the field by a qualified kit fox biologist.
3. BR-31. All pets on the property shall be kept on a leash at all times. Owners shall be required to clean up after their pets. Resort maintenance personnel shall conduct daily clean up on the property to remove pet waste.
4. BR 32. Lighting shall be shielded to prevent direct lighting of the riparian corridor. All lighting shall be directed down and shall be low intensity.
5. BR 33. Use of poisons including rodenticides on the property should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe labels and other restrictions, mandated by the U.S. Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent poison must be utilized, zinc phosphate should be used because of proven lower risk to kit fox. (U.S. Fish and Wildlife Service, 1999).
6. Quiet hours shall be observed after 10 pm every night to reduce disturbance.
7. Speed limits. To avoid accidental injury to animals on the property a speed limit of 10 miles per hour shall be enforced on the property for all vehicles. Speed limits shall be posted at the entrance gate and throughout roadways on the property.

8. To enhance habitat for use by kit fox vegetation management shall be conducted on neighborhood properties, including the City sewer facility on the north bank of the Heur Heuro Creek adjacent to the Paso Robles Motorcoach Resort property. Work shall consist of removal of overgrown vegetation and removal of barrier fence when appropriate.
9. Neighborhood fencing improvements shall be conducted where fencing is a barrier to kit fox movement on properties adjacent to the Paso Robles Motorcoach property. Improvements will consist of either replacement of fences with kit fox friendly fencing, or creation of kit fox passages in existing fences every 100 yards where feasible.

**BR-18** Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **100 (50 disturbed area x2)** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before City or State permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total **\$250,000**. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **100** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total \$250,000. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City or State permit issuance and initiation of any ground disturbing activities.

**BR-19** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:

- i. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- ii. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-19 through BR-26. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-19iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
- iii. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFG for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- iv. **In addition**, the qualified biologist shall implement the following measures:
  1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential



kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- Potential kit fox den: 50 feet
  - Known or active kit fox den: 100 feet
  - Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
  3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the City Planning Division.

- BR-20** **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate the following as a note on the project plans: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**.
- BR-21** **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.
- BR-22** **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-23** **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit

fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-24** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-25** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-26** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-27** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFG by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFG for care, analysis, or disposition.
- BR-28** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
  - ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
  - iii. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines

**Monitoring (San Joaquin Kit Fox Measures BR-18 to BR-26):** Compliance will be verified by the City of Paso Robles, Planning Division in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

**BR-29** A pre-construction survey shall be conducted within thirty days of beginning work on the project to identify if badgers are using the site. The results of the survey shall be sent to the project manager, CDFG, and the City of Paso Robles.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property, and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1 and February 1 all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.

**Hazard Mitigation Measures**

**H-1 – Airport and Aircraft Safety:** *Development of any new land use on the project site shall not create an undue public safety risk from overflight of aircraft. The eastern portion of project site is in Airport Safety Zone 3 for turning and sideline zones and the western portion is Safety Zone 4 for outer approach and departure zones. All development plan, proposed use, or subdivision on the project site is subject to the nonresidential land use densities and open space requirements as provided in Chapter 4 of the Paso Robles ALUP which are excerpted below (Table 5, ALUP, 2007).*

<i>Handley Property Airport Safety Areas</i>	<i>Maximum Land Use Density (persons/acre)</i>	<i>Maximum Single Acre Land Use Density (persons/acre)</i>	<i>Maximum Percent Open Space (% gross area)</i>
<i>Safety Zone 3</i>	<i>60</i>	<i>120</i>	<i>25<sup>2</sup></i>
<i>Safety Zone 4</i>	<i>40</i>	<i>120</i>	<i>20<sup>2</sup></i>

<sup>1</sup> No structures, congregations of equipment or vehicles, or public venues shall be located within 250 feet of any extended runway centerline and within 6000 feet of the corresponding runway end.

<sup>2</sup> When feasible, development should be planned in a manner that maintains maximum open space within 50 feet of any extended runway centerline.

**H-2 - Airspace Protection:** *No object or structure may be erected, and no plant allowed to grow, to penetrate any “imaginary surface” as defined in Federal Aviation Regulations Part 77. Any proposed feature approaching these surfaces will be referred to the airport manager for review and recommendation. Building within the height limits of this specific plan will not approach the FAA imaginary surfaces.*

**H-3 - Operations Interference:** *No use shall be established which produces visually significant quantities of smoke.*



***H-4 - Bird Attractants:*** No use shall be established and no activity conducted which attracts birds to the extent of creating a significant hazard of bird strikes. Examples are outdoor storage or disposal of food or grain, or large, artificial water features. This provision is not intended to prevent enhancement or protection of existing wetlands, the mitigation of impacts to wetlands or construction of required detention basins.

***H-5 Avigation Easements:*** At the time of subdivision development, avigation easements shall be recorded for each affected parcel in a form approved by the County of San Luis Obispo Airport Land Use Commission.

***H-6 Real Estate Disclosure:*** All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area. The format of the disclosure shall be approved by the County of San Luis Obispo Airport Land Use Commission.

#### **Cultural Resources Mitigation Measures**

**CR-1:** Prior to issuance of development permits, the applicant shall retain a qualified historic archaeologist to monitor initial grubbing and grading on the site and to develop a recovery program if necessary. The monitor shall have the authority to stop work in the event potentially significant cultural resources are discovered.

**CR-2:** In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease, and the Community Development Director shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Community Development Director so that proper disposition may be accomplished.

**Mitigation Monitoring and Reporting Plan**

**Project File No./Name: PD 8-001, CUP 8-001 – Paso Robles RV Park (Amendment)**

**Approving Resolution No.:**

**Date: February 14, 2012**

The following environmental Mitigation Measures were either incorporated into the approved plans or were incorporated into the Conditions of Approval. Each and every Mitigation Measure listed below has been found by the approving body to lessen the level of environmental impact of the project to a less than significant level. A completed and signed checklist for each mitigation measure indicates that it has been completed.

**See attached Mitigation Summary Table for Mitigation Measure Descriptions.**

Mitigation Measure	Type/Timing	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
AQ-1	Project/Prior to issuance of a permit	Planning Division, State Inspector			
AQ-2	Project and Ongoing /Prior to issuance of a permit	Planning Division State Inspector			
AQ-3	Project/Prior to issuance of a permit	Planning Division, State Inspector			
AQ-4	Project/Prior to issuance of a permit	Planning Division, State Inspector			
AQ-5	Project/Prior to issuance of a permit	Planning Division, State Inspector			
AQ-6	Project and Ongoing /Prior to issuance of a permit	Planning Division, State Inspector			
T-1	Project/Prior to issuance of a permit	Building & Engineering Dept.			
T-2	Project/Prior to occupancy of Phase I	Engineering Dept.			
BR1-BR7	Project Design/Prior	Planning Division			

Mitigation Measure	Type/Timing	Monitoring Dept or Agency	Shown on Plans	Verified Implementation	Remarks
	to permit issuance				
BR-8	Project/on-going	Planning Division			
BR9-BR15	Project/prior to permit	Planning Division			
BR-16	Project/on-going	Planning Division			
BR-17	Project/prior to permit issuance	Planning Division			
BR-18	Project/prior to permit issuance	Planning Division			
BR19-BR22	Prior to permit issuance	Planning Division			
BR23-BR27	During project grading/const.	Planning Division			
BR-28	Prior to final, Phase I or Phase II	Planning Division			
BR-29	Prior to permit issuance	Planning Division			
H1-H4	On-going Hazards, Airport	Airport Manager			
CR-1	Project/Prior to permit issuance	Planning Division			
CR-2	Project/on going	Planning Division			

Explanation of Headings:

Type	Project, ongoing, cumulative
Monitoring Dept. or Agency	Dept or Agency responsible for monitoring a particular MM
Shown on Plans	When a MM is shown on the plans, this column will be initialed & dated
Verified Implementation	When a MM has been implemented, this column will be initial & dated
Remarks	Area for describing status of ongoing MM, or other information