



DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

April 13, 2016

Holly Sletteland
4849 See Ranch Lane
Templeton, CA 93465

Friends of Fiscalini Ranch
P.O. Box 1664
Cambria, CA 93428

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: April 8, 2016

SUBJECT: **CAMBRIA COMMUNITY SERVICES DISTRICT (CCSD) & FRIENDS OF FISCALINI RANCH**
County File Number: DRC2015-00016
Minor Use Permit / Coastal Development Permit
DOCUMENT NUMBER: 2016-025_PDH

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Hearing Officer, 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 Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$850.00. 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 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 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, **Project Manager, Airlin Singewald** at (805) 781-5198. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

NICOLE RETANA, SECRETARY
PLANNING DEPARTMENT HEARINGS

EXHIBIT A – FINDINGS
Friends of Fiscalini Ranch and Cambria Community Services District (DRC2015-00016)

Environmental Determination

- A. The proposed project is consistent with the Final Environmental Impact Report for the Fiscalini Ranch Preserve Management Plan certified by the CCSD on November 16, 2009.

Minor Use Permit

- B. The proposed project is consistent with the San Luis Obispo County General Plan because the proposed fuel reduction and forest restoration plan is a permitted activity, and the project as conditioned is consistent with all applicable General Plan policies, including policies for Environmentally Sensitive Habitats, Public Works, Coastal Watersheds, Hazards, and Visual and Scenic Resources.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- 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 proposed fuel reduction and forest restoration project will not generate activity that presents a potential threat to the surrounding property and buildings.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because, as conditioned, the project will not conflict with surrounding 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 the project is accessed from Windsor Boulevard, Trenton Street, Tipton Street, and Warren Road, all of which are constructed to a level able to handle any additional traffic associated with the project.

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 interfere with established beach access in the surrounding community.

Archaeology

- H. The project design and development incorporates adequate measures to ensure protection of significant archaeological resources because the proposed fuel reduction and forest restoration activities will avoid known archaeological sites.

Sensitive Resource Area

- I. The project or use 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 will preserve and protect such features through the site design, because the proposed project is a plan, developed by expert foresters and arborists, to restore and ensure the biological continuance of the Monterey pine forest. Also the project is conditioned to avoid sensitive plants and wildlife species.

- J. As designed, natural features and topography have been considered in the design of the proposed project.
- K. The proposed clearing of topsoil and trees is the minimum necessary to implement the proposed fuel reduction and forest restoration plan, and will not create significant adverse effects on the identified sensitive resource.
- L. The soil and subsoil conditions are suitable for the proposed fuel reduction and forest restoration activities.

Environmentally Sensitive Habitat

- M. 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 proposed project is a plan, developed by expert foresters and arborists, to restore and ensure the biological continuance of the Monterey pine forest.
- N. The proposed use will not significantly disrupt the habitat because the proposed project is a plan, developed by expert foresters and arborists, to restore and ensure the biological continuance of the Monterey pine forest.

EXHIBIT B - CONDITIONS OF APPROVAL
Friends of Fiscalini Ranch and Cambria Community Services District (DRC2015-00016)

Authorized Use

1. This Minor Use Permit / Coastal Development Permit authorizes implementation of the Fiscalini Ranch Preserve Monterey Pine Forest Fuel Reduction and Forest Restoration Project. Tree removal shall comply with the avoidance, minimization, and monitoring measures identified in the Fuel Reduction and Forest Restoration Project Description, dated December 10, 2015, and the following:
 - a. Live trees shall only be removed for the purpose of thinning stands of small overcrowded trees. No live tree over 8" diameter at breast height (DBH) shall be removed.
 - b. Trees larger than 8" DBH shall only be removed when they are dead or dying as determined by a registered professional forester.
 - c. Large trees that could damage adjacent healthy trees shall be brought down in sections.
 - d. All work shall be done by ground crews using chainsaws.
 - e. No heavy equipment, other than chippers, shall be used.
 - f. Access for the project shall be on existing service roads only. No new road grading shall occur.
 - g. All pile burns shall be conducted only on permissive burn days, permitted through the San Luis Obispo Air Pollution Control District and Supervised by Cal Fire.
 - h. All work shall be completed with five years of the final effective date of this permit.
2. This Minor Use Permit / Coastal Development Permit finalizes emergency permit ZON2014-00693 authorizing the removal of up to 300 hazardous trees on CCSD properties.

Conditions to be met during site disturbing activities

Wetlands

3. Site disturbing activities shall avoid the small season wetland identified in the December 10, 2015 Project Description. This wetland shall be fenced off with sturdy, highly visible fencing.

Cultural Resources

4. Site disturbing activities shall avoid areas containing sensitive cultural resources identified in the December 10, 2015 Project Description and Fiscalini Ranch Management Plan Final EIR. Project staff and volunteers shall be instructed to use prescribed access routes which avoid these resources for transit between project treatment areas.

Invasive Species Control

5. Tools and equipment shall be inspected for contamination by invasive plant seeds and shall be cleaned before they are brought into the project area. All plant materials shall be inspected upon delivery and any weeds removed. Invasive plants removed with seed heads shall be disposed of in a dumpster to be taken to a landfill. Project staff and volunteers shall be instructed to inspect their clothing for weed seeds before accessing non-infested areas.

Pollutant Control

6. Cleaning, fueling and maintenance of equipment and vehicles shall be performed offsite or at designated staging areas located near street entrances at Windsor, Trenton, Tipton or Warren. All herbicide mixing and filling shall be performed offsite or within designated staging areas as well. The staging areas shall conform to standard Best Management Practices applicable to attaining zero discharge of stormwater runoff. No maintenance, cleaning, or fueling of equipment shall occur within the seasonal wetland or Trenton gully, or within fifty feet of such areas. At a minimum, all project equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction.

Monarch Butterfly Overwintering Sites

7. Fuel reduction activities shall not occur in the Monarch butterfly overwintering sites identified in the butterfly survey (Leong, Kingston; February 20, 2015). Trees surrounding the grove help buffer storm winds and should only be removed if deemed hazardous.
8. Winter sites at Fiscalini Ranch shall be managed for overwintering monarch butterflies, by monitoring environmental conditions in the groves and using the information gained to guide selective planting and pruning to improve habitat.

Conditions of approval originating from the Fiscalini Ranch Preserve Management Plan Final EIR

The following mitigation measures from the Fiscalini Ranch Preserve Management Plan Final EIR are applicable to the proposed project and are included as conditions of approval. In some instances, the language of the mitigation measures was modified to apply to the proposed project. For example, references to construction work were replaced with reference to the proposed restoration activities.

9. **BIO/mm-10:** Prior to site disturbing activities, the applicant or its designee shall retain a qualified botanist/biologist to conduct focused surveys during the appropriate flowering periods within the specific areas proposed for disturbance. Surveys will focus on those plants and habitats noted as present or as having a high potential for occurrence. Based on the survey results, areas containing sensitive plants shall be avoided to the maximum extent feasible.
10. **BIO/mm-11:** If disturbance of special-status plants or native habitats located on site cannot be completely avoided through design modification, impacts shall be quantified by number of individuals and by area disturbed, and a Rare Plant Mitigation Plan shall be prepared by a qualified biologist that specifically addresses impacts to and appropriate mitigation and conservation measures for those impacts. The Plan shall identify areas on the project site suitable for sensitive species habitat restoration and revegetation, and shall include planting methods, maintenance and monitoring requirements, and success criteria. Depending on the species at issue, measures may include preservation of areas containing significant populations, potential transplanting of individual plants, and plant propagation and revegetation within appropriate on-site habitats. Removal or pruning of Monterey pine trees required for hazard reduction or fire safety purposes shall not require mitigation under this measure, but pruning shall follow accepted procedures to avoid harm to the tree.

11. **BIO/mm-12:** A qualified biological monitor shall be retained consistent with BIO/mm-2 to ensure that remaining plants and habitats are not inadvertently disturbed during site disturbing activities. Prior to any project-related ground disturbance, all field crews shall be trained by the biological monitor on the identification and biology of sensitive plant species and habitats known in the vicinity of the project area. Work areas should also be clearly delineated and flagged to limit vehicular and foot access to only those areas necessary for project completion. These areas should be designated by the biological monitor to avoid/discourage unnecessary damage to sensitive species and habitats within and near the project area.

12. **BIO/mm-14:** Prior to initiation of site disturbing activities, the applicant shall retain a qualified biologist to conduct a pre-activity survey for active nests, dens, or burrows. The survey shall be conducted within 30 days prior to proposed site disturbance and construction activities. Results of the survey shall immediately be submitted to the CDFW as necessary. The survey report shall include the date of the survey, methods of inspection, and findings. Disturbance of any active nest, den, or burrow shall be prohibited.
 - a. If active burrows of Monterey dusky-footed woodrats are found within proposed activity areas during the survey, the biologist shall establish an appropriate buffer area to protect the nest(s). No site disturbance shall occur within the buffer area until a Memorandum of Understanding (MOU) is obtained from CDFW. An alternative to buffer area is to disassemble nests by hand outside of the nesting season (February through September) and allow the woodrats to leave the site.
 - b. If the pre-construction survey finds potential American 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. If a fiber optic scope is not available, occupation of the den can be determined by partially obscuring the den entrance with sticks and leaves to indicate animal passage into and out of the den and dusting the den entrance with a fine layer of dust or tracking material for three consecutive nights and examining the following mornings for footprints. 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. If badger dens are found on the property during the pre-construction survey, the CDFW wildlife biologist for the area shall be contacted to review current allowable management practices.

13. **BIO/mm-18:** In order to minimize the possibility of injuring special-status species and other wildlife, herbaceous and small woody vegetation within the project impact area shall be removed by hand with portable motorized equipment (i.e., chainsaws, etc.), prior to the use of heavy equipment or machinery. A qualified biologist shall be on-site to provide clearance for special-status species immediately prior to vegetation removal activities. The biological monitor shall have general knowledge of the natural resources of the area and shall also be experienced in the identification of special-status wildlife species (e.g., California red-legged frog, western pond turtle). In the event of a red-legged frog take, the United States Fish and Wildlife Service shall be notified as soon as is reasonably possible. In the event of a steelhead take, National Marine Fisheries Service shall be contacted and the steelhead shall be removed from the project site and kept in a freezer until further direction from National Marine Fisheries Service.

14. **BIO/mm-25:** Prior to site disturbance, if site disturbance is scheduled to occur during the typical bird nesting season (February 15 to September 1), a qualified biologist shall be retained to conduct a preconstruction survey (approximately one week prior to construction) to determine presence/absence for tree-nesting birds within riparian corridors and woodland areas, and ground-nesting birds within annual grasslands onsite. If no nesting activities are detected within the proposed work area, noise-producing tree removals may proceed. If nesting activity is confirmed during preconstruction nesting surveys or at any time during the monitoring of construction activities, work activities shall be delayed within 500 feet of active nests until the young birds have fledged and left the nest. In addition, the results of the surveys will be passed immediately to the CDFW, possibly with recommendations for buffer zone changes, as needed, around individual nests. Tree removal shall be monitored for nesting birds and documented by the biological monitor regardless of time of year.

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

15. All work shall be completed with five years of the final effective date of this permit.
16. 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.