#### **RESOLUTION NO. 15-2232**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE APPROVING CONDITIONAL USE PERMIT NO. 15-001 TO IMPLEMENT A STREAM GAUGE FISH PASSAGE IMPROVEMENT PROJECT FOR PROPERTY LOCATED WITHIN ARROYO GRANDE CREEK IN PROXIMITY TO CLARENCE AVENUE AND MYRTLE DRIVE (APN 007-572-029 AND 007-572-031), APPLIED FOR BY CENTRAL COAST SALMON ENHANCEMENT, INC. (CCSE)

WHEREAS, the Planning Commission of the City of Arroyo Grande has considered Conditional Use Permit No. 15-001, applied for by CCSE to modify an existing broadcrested concrete weir spanning the width of Arroyo Grande Creek; and

WHEREAS, funding for the project occurred through the 2014 Fisheries Restoration Grant Program (FRGP), which is administered by the California Department of Fish and Wildlife (CDFW); and

**WHEREAS**, FRGP was established in 1981 in response to rapidly declining populations of wild salmon and steelhead trout and deteriorating fish habitat in California; and

WHEREAS, CCSE applied for and received funding through FRGP to implement the proposed project which will lower the weir and restore reliable access to 3.3 miles of critical steelhead habitat upstream of the barrier; and

**WHEREAS**, the Planning Commission held a public hearing on this application on August 4, 2015 in accordance with City Code and found that the project is consistent with the General Plan and the environmental document associated therewith; and

WHEREAS, the State Water Resources Control Board (State Water Board) is the lead agency for determining adequate environmental review under the California Environmental Quality Act (CEQA) for the FRGP and adopted a Mitigated Negative Declaration (MND); and

WHEREAS, the Planning Commission has reviewed this project in compliance with CEQA and has determined that the MND prepared for FRGP is adequate for addressing environmental concerns for the stream gauge fish passage improvement project; and

**WHEREAS**, the Planning Commission finds after due study, deliberation and public hearing, the following circumstances exist:

#### **Conditional Use Permit Findings:**

1. The proposed use is permitted within the Public Facility zoning district pursuant to Development Code Section 16.44.040, and complies with all applicable provisions of the Development Code, the goals and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City. Specifically, the

project is consistent with General Plan Objective C/OS2, which states: "Safeguard important environmental and sensitive biological resources contributing to healthy, functioning ecosystems." The Project is also consistent with General Plan Implementing Policy C/OS2-1.6: "Plan, design, and develop sites to: Protect scenic resources, water quality and natural creekside habitat, including opportunities for wildlife habitation, rest, and movement. Further the restoration of damaged or degraded habitat, especially where a continuous riparian habitat corridor can be established."

- 2. The proposed use will not impair the integrity and character of the district in which it is to be established or located due to the purpose and intent of the Public Facility district, which is to designate land for the conduct of public, quasi-public, and institutional activities, including the protection of areas needed for such future facilities. The project serves the public purpose of furthering the preservation of wild salmon, steelhead trout and other deteriorating fish habitat by removing a concrete barrier within Arroyo Grande Creek.
- 3. The site is suitable for the type and intensity of use that is proposed and will not result in any adverse impacts on adjacent land uses.
- 4. The use does not require the provision for water, sanitation, or public utilities and services and will not impact public health and safety.
- 5. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity. The proposed project is consistent with the Municipal Code and is conditioned to minimize potential noise impacts to the surrounding neighborhood.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Arroyo Grande hereby approves Conditional Use Permit No. 15-001, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On motion of Commissioner Mack, seconded by Commissioner Fowler-Payne, and on the following roll call vote, to wit:

AYES: Mack, Fowler-Payne and Martin

NOES: None

ABSENT: Keen, George

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the foregoing Resolution was passed and adopted this 4<sup>th</sup> day of August, 2015.

**ATTEST:** 

DEBBIE WEICHINGER

SECRETARY TO THE COMMISSION

GLENN MARTIN COMMISSIONER

**AS TO CONTENT:** 

TERESA MCCLISH

DIRECTOR OF COMMUNITY DEVELOPMENT

# EXHIBIT A CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 15-001 CENTRAL COAST SALMON ENHANCEMENT, INC. ARROYO GRANDE CREEK STREAM GAUGE FISH PASSAGE IMPROVEMENT PROJECT

#### COMMUNITY DEVELOPMENT DEPARTMENT

#### **GENERAL CONDITIONS**

This approval authorizes modifications to an existing broad-crested concrete weir spanning the width of Arroyo Grande Creek.

- 1. The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
- 2. The applicant shall comply with all conditions of approval for Conditional Use Permit No. 15-001.
- 3. This application shall automatically expire on August 4, 2017, unless an Encroachment Permit is issued. Thirty (30) days prior to the expiration of the approval, the applicant may apply for an extension of one (1) year from the original date of expiration.
- 4. Development shall occur in substantial conformance with the plans presented to the Planning Commission at the meeting of August 4, 2015 and marked Exhibit B.
- 5. To the full extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its agents, officers, and employees from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, this Conditional Use Permit except liability arising out of the proven sole negligence of the City.

#### SPECIAL CONDITIONS

- 6. At least thirty (30) days prior to commencement of any earthmoving activities, the applicant shall notify all neighbors located within a 500' radius of the project area. The notification shall include information about the construction schedule and location of the staging area.
- 7. Prior to issuance of an Encroachment Permit, submit property owner authorization for staging and construction areas.

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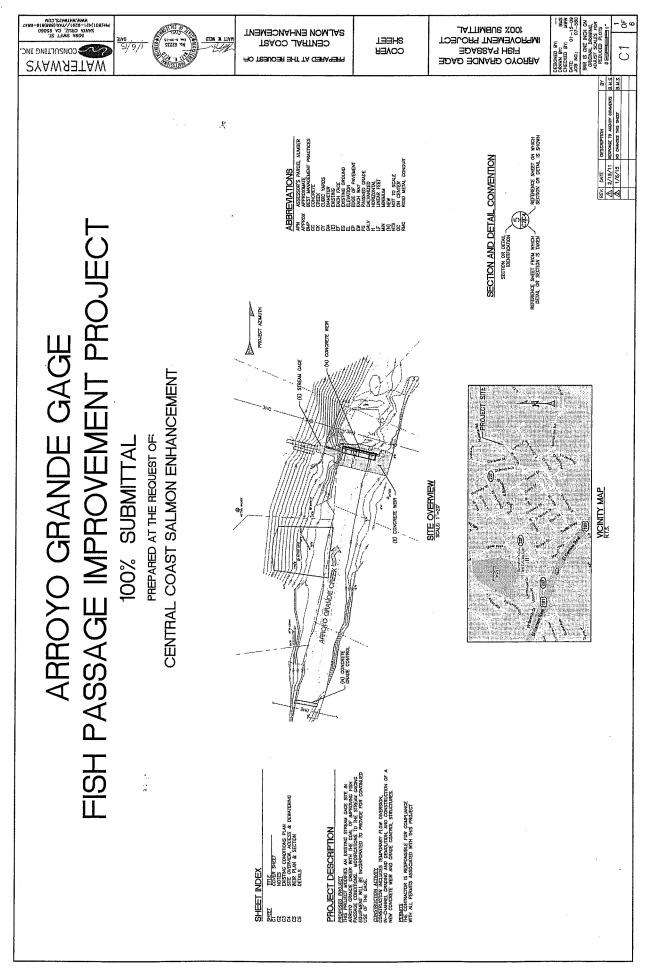
- 8. Construction activities shall be limited to 8:00 AM 5:00 PM Monday through Friday (no construction on Saturdays or Sundays).
- 9. Noise control curtains shall be used to attenuate generator noise. Noise levels shall not exceed 45 decibels per Municipal Code Section 9.16.040.
- 10. The applicant shall implement all pertinent Mitigation Measures outlined in the Mitigated Negative Declaration prepared for the 2014 Fisheries Restoration Grant Program (FRGP) (on file in the Community Development Department).
- 11. The applicant shall implement the requirements outlined in the Technical Specifications for Arroyo Grande Fish Passage Improvement Project (on file in the Community Development Department).
- 12. The applicant shall implement the requirements outlined in the Clean Water Act Section 401 Water Quality Certification for the California Department of Fish and Wildlife 2014 Fisheries Restoration Grant Program (File No. SB14003IN) (on file in the Community Development Department).
- 13. The applicant shall implement the Re-vegetation Plan prepared for the project (on file in the Community Development Department).
- 14. The applicant shall submit evidence of obtaining permits from all resource agencies that have regulatory authority over this project.

#### **ENGINEERING DIVISION**

- 15. The applicant shall obtain a City of Arroyo Grande Encroachment Permit.
- 16. The applicant shall submit a Stormwater Pollution Prevention Plan/Erosion Control Plan prior to any earthmoving activities.
- 17. The applicant shall restore the site access area to pre-construction condition.
- 18. The applicant shall coordinate project work with the County Flood Control District.
- 19. The applicant shall submit a creek bypass plan, including any pumping requirements, pump hours of operation, pump storage, who to call with noise complaints, and the size of the pump.
- 20. A signature block shall be shown on the plans for City approval and for any other regulating agencies.

#### PUBLIC WORKS DEPARTMENT

21. A tree removal permit is required for any trees to be removed.



# GENERAL NOTES

PREPARED AT THE REQUEST OF.
CENTRAL COAST SALMON ENHANCEMENT
ATTHE, STEPHENTE WALD
SSZ. S. 137H STREET
GROVEN BEACH, CA 83433

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- THESE PLANS ARE IN SUBSTANTAL CONFORMANCE WITH ALL APPLICABLE STATE, LOCAL, AND OTHER LAWS GOVERNING THIS TYPE OF DEVELOPMENT.
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- 11. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION STAKING AND LAYDUT, UNLESS OTHERWISE SPECIFIED.
- THE CONTRACTOR SAUL BE RESPONSIBLE FOR THE PROTECTION AND PRESENTATION OF ALL SURVEY MONLMENTS OR PROPERTY CORRESE, DISTURBED MONLMENTS SAUL BE ESTITIED BY A REGISTERED GAIL, BOARDET OF MONSON, GAIL, BOARDET OF WAS REGISTERED GAIL, BOARDET OF WAS ADMINED BY A BOARDET OF THE CONTRACTOR.
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- prior to commenging work, all areas to remain undisturbed shall be adequately protected with temporary fencing.
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- ALL EXCESS SOILS SHALL BE REMOYED TO AN APPROVED DUMP SITE OR DISPOSED OF ON SITE AT A LOCATION TO BE APPROVED BY THE ENGINEER, A MANNER THAT MILL NOT CAUSE FROSON,
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#### SALMON ENHANCEMENT CENTRAL COAST

## NOTES

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