



Project Title & No. Sam Balakian and AT&T Mobility Conditional Use Permit (DRC2018-00176) / ED20-142

<p>ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for 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.</p>		
<input checked="" type="checkbox"/> Aesthetics <input type="checkbox"/> Agriculture & Forestry Resources <input type="checkbox"/> Air Quality <input checked="" type="checkbox"/> Biological Resources <input type="checkbox"/> Cultural Resources <input type="checkbox"/> Energy <input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Greenhouse Gas Emissions <input type="checkbox"/> Hazards & Hazardous Materials <input type="checkbox"/> Hydrology & Water Quality <input type="checkbox"/> Land Use & Planning <input type="checkbox"/> Mineral Resources <input type="checkbox"/> Noise <input type="checkbox"/> Population & Housing	<input type="checkbox"/> Public Services <input type="checkbox"/> Recreation <input type="checkbox"/> Transportation <input type="checkbox"/> Tribal Cultural Resources <input type="checkbox"/> Utilities & Service Systems <input type="checkbox"/> Wildfire <input type="checkbox"/> Mandatory Findings of Significance

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.

Prepared by (Print)	Signature	Date
	Steve McMasters, Principal Environmental Specialist	
Reviewed by (Print)	Signature	Date

Initial Study – Environmental Checklist

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 Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: Hearing to consider a request by Sam Balakian and AT&T Mobility for a Conditional Use Permit (DRC2018-00176) to allow for the construction and operation of a wireless communications facility consisting of eight (8) panel antennas, thirty-six (36) remote radio units, six (6) surge suppression units, two (2) dish antennas, and associated equipment and hardware, all within a new 80-foot tall faux monopine tree to be located within a 24-foot 8-inch by 24-foot 8-inch lease area, surrounded by an 8-foot tall wooden fence enclosure. The enclosed lease area also includes a 90-square-foot concrete pad with equipment shelter, A.C. unit and a backup emergency generator. The project will result in the total site disturbance of 5,316.5-square-feet (0.12-acres) of a 37.73-acre parcel. The proposed project is within the Agriculture land use category and is located at 1010 Truesdale Road, approximately 0.7 miles south west of the community of Shandon. The site is in the Shandon-Carrizo Sub Area of the North County Planning Area.

Recirculation of the MND

This Mitigated Negative Declaration ("MND") was sent to the State Clearing House (California Governor's Office of Planning and Research) on November 27, 2019 (SCH#2019110571) and is being recirculated to modify the project location and type of design. The project was heard before the Planning Commission on January 9, 2020 and was continued to allow the applicant time to provide an alternative onsite location for the wireless facility. This MND contains a revised project description and alternative location to change the design from a 50-foot faux water tank to an 80-foot faux monopine tree. The new location proposed is 45 feet west of the onsite residence. The proposed project will result in the disturbance, by approximately 2,000-square-feet. The Aesthetic Resources section describes the new design and includes mitigation measures to ensure the monopine looks real and blends in with the surrounding vegetation. The recirculated document contains amendments to Air Quality, Biological Resources, Hydrology and Water Quality, and Utilities and Services in response to the design changes.

ASSESSOR PARCEL NUMBER(S): 017-251-088

Latitude: 35° 6' 4" N

Longitude: 120° 3' 7" W

SUPERVISORIAL DISTRICT # 1

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B. Existing Setting

Plan Area: North County **Sub:** Shandon-Carrizo(North) **Comm:** Shandon

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 37.73 acres

Topography: Gently to moderately sloping

Vegetation: Agriculture, ornamental landscaping

Existing Uses: Agricultural uses, what 1 or 2? Single-Family Residence

Surrounding Land Use Categories and Uses:

North: Agriculture; Single-Family Residence

East: Agriculture; Vineyards

South: Agriculture; Vineyards

West: Agriculture; Single-Family Residences

C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed project is located at 1010 Truesdale Road, approximately 0.75 miles south of W. Centre Street and 16.8 miles east of the City of Paso Robles. The project site is within a predominantly agricultural and rural area and is 0.50 miles south of the community of Shandon. The project is located on a relatively flat topography surrounded by large agricultural parcels.

The subject parcel has an existing single-family residence with ornamental trees and a vineyard. The surrounding visual setting includes views of herbaceous hillsides, vast agricultural views, scattered rural residences, and large amounts of open space. The surrounding land is used primarily for single-family residences and farming land, and the San Juan Creek lies approximately 800 feet to the east of the parcel (1,900 feet east of the project site location). No nearby roadways have been officially designated as scenic highways. No major roadways are visible from the project site.

Section 22.30.180 of the Land Use Ordinance establishes the following screening standard for wireless communications facilities:

All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (ex: windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

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Conservation and Open Space Element Policy VR 9.3 states:

Locate, design and screen communications facilities, including towers, antennas, and associated equipment and buildings in order to avoid views of them in scenic areas, minimize their appearance and visually blend with the surrounding natural and built environments. Locate such facilities to avoid ridge tops where they would silhouette against the sky as viewed from major public view corridors and locations.

Conservation and Open Space Element Policy VR 9.4 states:

Encourage collocation of communications facilities (one or more carriers sharing a site, tower, or equipment) when feasible and where it would avoid or minimize adverse visual effects.

Discussion

(a) *Have a substantial adverse effect on a scenic vista?*

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

The project site is located in an agricultural area accessed by a driveway off of Truesdale Road, which serves as the primary public view of the project site. The project vicinity has an appealing rural and agricultural character but is not officially or informally designated as a scenic vista. The location of the proposed wireless facility is in a cluster of property owner planted trees. The height of the cellular communication facility would be 80 feet, making it visible from the surrounding roads, Truesdale Road and Starkey Road. The proposed cellular communication facility is consistent with the character of surrounding development because the facility has been designed to blend in with the group of tall trees next to the residence. An 8-foot tall wood fence will surround the lease area. Therefore, the facility will be aesthetically compatible with the surrounding area, and impacts to the visual character of the area would *be less than significant with mitigation*.

(b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project site is not located along nor is visible from a designated state scenic highway or eligible state scenic highway. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and there would be *no impact*.

(c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed project could have a potentially significant impact on visual resources since it would introduce a new use which could be visually incompatible with the character of the surrounding agricultural landscape. The project site is located in an agricultural area accessed by a driveway off

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Truesdale Road, which serves as the primary public viewing area of the project site. The applicant submitted photo-simulations of the proposed facility from key viewing angles along Truesdale Road and from Starkey Road (See Figures 1 & 2 below).

The photo-simulations demonstrate that the communication facility will be visible from Truesdale and Starkey road. However, since the facility is designed to appear like a monopine next to the existing cluster of trees, it will be visually compatible and blend in with the surrounding area. The project is conditioned to utilize a wood perimeter fence to match the character of the surrounding residential/agrarian setting. Because the proposed project will be compatible with the agrarian setting and surrounding vegetative setting, impacts to the quality of the visual character of the area would be *less than significant with mitigation*.

- (d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The monopine would appear as an organic, non-symmetrical form, with varying branch lengths and shapes and “needle” clusters installed in random, seemingly natural-occurring patterns, which would not result in substantial glare. The project proposes the installation of a downward facing shielded emergency backup lighting on the equipment shelter facing the back-up generator. Based on the positioning of the emergency backup light, impacts relating to nighttime lighting and glare would be *less than significant*.

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Figure 1. Visual simulation of the proposed project looking north from Truesdale Road.

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Figure 2. Visual simulation of the proposed project looking east from Starkey Road.

Conclusion

Although the proposed communications facility is not a use that is inherently compatible with the character of the surrounding vegetative, residential, and agrarian landscape, the proposed project is a stealth design that would blend with existing natural features of the landscape. Since the proposed facility would visually blend with the landscape, it would not be readily discernible as a wireless communications facility. This is consistent with the visual screening standard for wireless communications facilities which requires facilities to either be completely screened by vegetation or disguised to resemble natural or built features of the landscape.

In order to reduce visual impacts, the project is subject to mitigation measures that require the applicant to use colors and materials that are characteristic of a monopine and agrarian-style equipment shelter. These measures, identified in detail in the mitigation summary table (Exhibit B), would reduce the project's potential visual impacts to a level of insignificance.

Mitigation

AES-1 At the time of application for construction permits, the construction drawings shall show the following specifications:

- a. The monopine shall be designed and constructed to appear as an organic, non-symmetrical form, with varying branch lengths and shapes and "needle" clusters installed in random, seemingly natural-occurring patterns. The branches lengths shall taper up the monopine "trunk" and the longest (lowest) branches shall begin at an elevation no higher than 15 feet above the base of the trunk. Overall branch count

Initial Study – Environmental Checklist

density shall be equivalent to at least three branches per foot. Realistic bark texture shall run the entire length of the tree pole.

- b. The monopine “needles” shall not be all one color. Varying shades of hues shall be used appropriately to replicate a living plant. Monopine colors shall be field matched with the existing on-site mature pine trees.
- c. Plans, specifications and estimates shall require the submittal of material and color test samples of all visible elements of the monopine to the County Department of Planning and Building for review and approval. The plans, specifications and estimates and construction schedule shall provide for revisions and corrections to the test samples prior to preparation of the final plans.
- d. Antennas shall be hidden and not extend beyond the ends of the artificial branches. Antennas and associated support arms and hardware shall be textured and or colored to blend with the monopine branches and needles.

AES-2 **At the time of application for construction permits**, the applicant shall submit accurate scaled engineering and architectural drawings of the monopine for the construction permit(s). Plans shall not include generic illustrations of a monopine. The drawings shall include elevations and plan views. The construction plans and specifications shall be consistent with the plans approved with the land use permit.

AES-3 **Prior to issuance of construction permits**, the applicant shall submit material and color test samples of all visible elements of the monopine to the County Department of Planning and Building for review and approval. The faux pine tree shall be constructed of the highest quality, most durable and realistic appearing faux foliage and branches. The color of the faux foliage shall be field matched with the existing trees on site.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Setting

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

Land Use Category: Agriculture

Historic/Existing Commercial Crops: Row crops, vineyard

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State Classification: Prime Farmland if Irrigated **In Agricultural Preserve?** Yes, Shandon AG Preserve Area

Under Williamson Act contract? No

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (DOC 2019), the entire project site contains Prime Farmland if Irrigated and currently grows row crops and functions as a vineyard. The project site is not subject to a Williamson Act. The soil type and characteristics of the project area include Hanford and Greenfield fine sandy loams (0 - 2% slope) and Arbuckle-Positas complex (9 - 15 % slope). Hanford and Greenfield fine sandy loams (0 - 2% slope) which are coarse loamy bottom soil and considered moderately drained, moderate erodibility and low shrink-swell characteristics. The project area also includes Arbuckle-Positas complex (9 - 15 % slope), which is a gently to moderately sloping coarse loamy soil is considered moderately drained, moderately erodible and has low shrink-swell characteristics. Other soils on the project site, but outside of the project area, include Arbuckle fine sandy loam (2 - 9% slope) and Arbuckle-Positas complex (15 - 30 % slope).

Discussion

- (a) *(Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?)*

The proposed project area is not underlain by soils classified as Prime Farmland, Unique Farmland, or as Farmland of Statewide Importance by the FMMP. The project area is however classified as Prime Farmland if irrigated. Prime Farmland if irrigated is defined as Irrigated land with the best combination of physical and chemical features able to sustain long term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. A majority of the parcel is utilized for agricultural activities, the telecommunications facility would be located in a vacant, unutilized section of the parcel, and will not disrupt existing agricultural activities. Therefore, impacts to these farmland classifications would be less than significant.

- (b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The subject property is not currently subject to a Williamson Act contract, therefore there is *no impact*.

- (c-d) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Result in the loss of forest land or conversion of forest land to non-forest use?

The project site is not zoned for forest land, timberland, or Timberland Protection, and is not listed as Private Timberland or Public Land with Forest by the CDFW. There is no forest land onsite, and the proposed project would have *no impacts* to forest and timberland.

- (e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

As listed above in impact threshold a, the construction and use of the telecommunications facility would not affect Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or forest land. As noted in impact threshold c-d, the project site is not located on or near any areas zoned for forest

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land, timberland, and are not listed as Private Timberlands or Public Lands with Forests by the CDFW. The proposed project would not result in the conversion of Farmland or forest land to non-agricultural or non-forest use, therefore *no impact*.

Conclusion

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. No significant impacts to agricultural resources would occur and no mitigation measures are necessary.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To

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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 SLOAPCD).

Use of heavy equipment and earth moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial and industrial development. General screening criteria used by the SLO County APCD to determine the type and scope of projects requiring an air quality assessment, and/or mitigation, is presented in Table 1-1 of the CEQA Air Quality Handbook.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest onsite sensitive receptor is a residence that lies approximately 45 feet to the west, and the nearest offsite sensitive receptor to the project is a residence located approximately 420 feet to the west across Truesdale Road (APN 017-251-088).

Discussion

(a) *Conflict with or obstruct implementation of the applicable air quality plan?*

As proposed, the project would result in the disturbance of approximately 5,316-square-feet, including the utility trench, lease area, and access improvements. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project is within close proximity to a single-family residence 45 feet to the west, which is considered a sensitive receptor. However, the project would be moving less than 1,200 cubic yards/day of material and would disturb less than four acres of area, and therefore would be below the general thresholds triggering construction-related mitigation. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project would not exceed operational thresholds triggering mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. Therefore, impacts related to conflict of an air quality plan would be *less than significant*.

(b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

San Luis Obispo County is currently designated as nonattainment status for federal ozone, state ozone, and state PM₁₀ standards. With regards to federal ozone standards, only the eastern portion of the county is designated nonattainment. The project would not result in a noticeable increase in vehicular traffic since long-term maintenance and operational trips associated with the facility would be minimal (one trip every four to six weeks) and would not substantially differ from existing onsite agricultural operations. Therefore, impacts related to a cumulatively considerable net increase of a criteria pollutant would be *less than significant*.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

The project site is generally surrounded by agricultural land uses, with the nearest onsite receptor (a single-family residence) 45 feet west, and the nearest offsite sensitive receptor (a single-family residence) approximately 420 feet to the west. As stated above, the project would result in 5,316-

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square-feet of site disturbance and minimal grading for the construction portion of the project, while in operation, the telecommunications facility will not produce substantial air pollutant concentrations. The project would not result in substantial air pollutant concentrations within close proximity to a sensitive receptor location and impacts would be *less than significant with Mitigation Incorporated*.

(d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The project would not result in the generation of other emissions such as those leading to odors, and the project site is not within close proximity to a land use that could expose a substantial number of people to other emissions produced from the project site. Therefore, *no impacts would occur*.

Conclusion

The project would be consistent with the County Clean Air Plan and would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment. The project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. Therefore, the project would not result in significant adverse impacts related to Air Quality.

Mitigation

No mitigation measures above ordinance requirements are necessary.

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter

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part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as “navigable waters of the U.S.” that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project areas do not support wetlands, riparian or deep-water habitats, though several of the onsite ephemeral drainages are classified as Riverine habitat (USFWS 2019).

Site Setting

The proposed wireless communications facility would be located in an area that currently consists of bare soils and nonnative grasses adjacent to active agriculture (vineyards) to the east and south and single-family residences to the north and west. There are no trees at the site. The nearest water way is the San Juan Creek, approximately 0.37 miles west of the project.

Other than irrigated agriculture, dominant habitat types within a 10-mile radius of the reservoir site primarily consists of annual grassland interspersed with Oaks, as well as riparian scrub and forest along San Juan Creek. As discussed in Section II: Agriculture and Forestry Resources, above, soil on the site is not considered sandy/gravelly and the project area does not contain depressions or other features that would be conducive to wetlands or vernal pools. Several oak trees are located to the west of the project area, but no trees would be impacted or removed as a result of construction or operation of the project.

The applicant provided a biological report (Kidd Biological, Inc. April 23, 2019) to determine if the construction of a new cellular communications facility will result in significant impacts to biologically sensitive resources. In it, the California Natural Diversity Database (CNDDDB) was queried for sensitive species within three miles of the proposed project. Fourteen species were identified to have documented occurrences within the three-mile radius. Two plants were identified with documented occurrences including Lemmon’s jewelflower (*Caulanthus lemmonii*) and Temblor Buckwheat (*Eriogonum temblorense*). Eleven wildlife species were identified including Northern California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), Swainson’s hawk (*Buteo swainsoni*), Yellow rail (*Coturnicops noveboracensis*), Western pond turtle (*Emys marmorata*), Prairie falcon (*Falco mexicanus*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), Bank swallow (*Riparia riparia*), American badger (*Taxidea taxus*), and the San Joaquin Kit Fox (*Vulpes marotis mutica*).

San Joaquin Kit Fox

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The CNDDDB identified this area as important habitat for the San Joaquin kit fox (SJKF), a federally listed endangered species and a state-listed threatened species. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state. A usually nocturnal mammal, kit foxes live in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Kit foxes primarily are carnivorous, subsisting on black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, some birds, bird eggs, and vegetation. Their cover is provided by dens they dig in open, level areas with loose-textured, sandy, and loamy soils. Pups are born in these dens in February through April. Pups are weaned at about 4 to 5 months. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much of the kit fox habitat in the project vicinity. Kit foxes are vulnerable to many human activities, such as hunting, use of rodenticides and other poisons, off-road vehicles, and trapping. The San Joaquin kit fox has been spotted at two locations within the 10 mile radius in the past 10 years, the standards that is used for measuring kit fox habitation.

Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

As stated above, the project site lies within an area identified as being possible habitats for several species marked as sensitive. The site consists of predominantly bare soils and is regularly disturbed due to residential and agricultural activities. Because of this cycle of regular disturbance, the site does not contain suitable habitat for vegetation or wildlife. There is a cluster of trees that would surround the proposed project. No trees would be removed or impacted from implementation of the project. To ensure avoidance and potential future impacts, the applicant shall conduct a pre-activity Spring survey with provisions for relocation San Luis Obispo owl's-clover and shinning navarretia to nearby suitable habitat. Protected birds and raptors could potentially nest in forested areas adjacent to the project area. Mitigation is proposed to ensure impacts would be *less than significant (BR-11)*.

With regards to the San Joaquin Kit Fox, based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the California Valley area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 4:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 4 acres conserved for each acre impacted (4:1). The project will result in the total site disturbance of 5,316.5-square-feet (0.12 acres) of a 37.73-acre parcel. The project will result in 3,090 square feet (0.07 acres) of permanent site disturbance of kit fox habitat.

The County of San Luis Obispo San Joaquin Kit Fox Standard Mitigation Ratio Areas map identifies the site as being in a 4:1 mitigation area, which requires 4 acres of mitigation for every acre of habitat impacted. The applicant provided a San Joaquin Kit Fox Habitat Evaluation Form, prepared by William Vanherweg to assess the quality of kit fox habitat at the proposed site. The biologist determined that due to the ongoing agricultural operations, the site would equate to a 1:1 mitigation ratio. The evaluation was reviewed by Brandon Sanderson with the California Department of Fish and Wildlife (CDFW) that resulted in a revised 3:1 mitigation ratio (Brandon Sanderson, August 6, 2019). Therefore, the total mitigation requirement for the project is: 0.07 acres X 3 = 0.21 acres. Mitigation measures are recommended to ensure compliance with the County's Kit Fox mitigation requirements. Mitigation Measure BIO-1 has been identified to mitigate for the permanent loss of kit fox habitat per CDFW requirements.

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The County has identified standard kit fox mitigation measures that when implemented would avoid take and reduce impacts to kit fox habitat to less than significant levels. These standard mitigation measures are identified in BIO-2 through BIO-10.

Per the biological report (Ace Environmental, Inc. 25, 2019), Mitigation Measure BIO-11 is recommended to ensure there is no impacts to the Swainson's hawk during the construction phase.

Implementation of Mitigation Measures BIO-1 through BIO-11 would reduce impacts on listed species to less than significant with mitigation.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

The proposed project area is located 0.35 miles from any riparian area, and there are no other identified sensitive natural communities onsite. Impacts would be *less than significant*.

- (c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no federally protected wetlands or agricultural stock ponds within the vicinity of the project. During application for construction permits, a drainage, sedimentation, erosion plan will be required and will be reviewed by the Department of Public Works (per Land Use Ordinance section 22.52.110). With implementation of this plan, impacts to wetlands would be *less than significant*.

- (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project is not located in close proximity to any waterbodies that support migratory fish populations. There is a cluster of landowner planted, ornamental trees that surround the proposed project area. The project is not proposing any tree removal or impacts within the drip lines. Development could potentially affect nesting birds that may be present seasonally in the trees which are close to construction activities. Preconstruction surveys will be required to ensure if any active nest sites of protected bird species are onsite, appropriate buffers are enforced to avoid direct impacts to nests, eggs, and/or young (BR-11).

As noted above, the project would have the potential to impact San Joaquin kit fox. According to the California Habitat Connectivity Viewer (2018), there are no know or proposed habitat connectivity corridors on the project site. Impacts are expected to be *less than significant*.

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The project does not propose the removal of any trees, and therefore is not subject to the County's Oak Woodland Ordinance. The project is not located in a Sensitive Resource Area (SRA) and there are no applicable planning area standards related to biological resource preservation. A sedimentation and erosion control plan would be required per LUO Section 22.52.120 to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. There is a local policy in place in order to protect the San Joaquin kit foxes, with the implementation of Mitigation Measures BIO-1 through BIO-10, the

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project not conflict with any local policies or ordinances protecting biological resources and impacts are expected to be *less than significant*.

- (f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan adopted that includes the project site. Therefore, there will be *no impact*.

Conclusion

The applicant would be required to mitigate the loss of 0.07 acres of San Joaquin kit fox habitat by one of the following ways:

- Deposit of funds to an approved in-lieu fee program;
- Provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or
- Purchase credits in an approved conservation bank.

To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. Implementation of identified mitigation measures would reduce potential biological impacts to less than significant.

Mitigation

San Joaquin Kit Fox

The Kit Fox Evaluation, which was completed for the Balakian and AT&T Mobility project, DRC2018-00176, on June 3, 2019 by Ace Environmental, Inc., indicates your project will impact 0.06 acres of San Joaquin kit fox habitat. The evaluation form was reviewed by Brandon Sanderson of the California Department of Fish and Game on August 3, 2019. The evaluation, complete with Mr. Sanderson's changes, resulted in a score of 76, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The revised plans indicate an impact of approximately 0.07 acres. Total compensatory mitigation required for the project is 0.21 acres, based on 3 times 0.07 acres impacted. The mitigation options identified in BR-1 through BR-10 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

BIO-1 **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:

- Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **0.21** 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

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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 County 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 **\$525.00**. 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 **0.21** 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 **\$525**. 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 County permit issuance and initiation of any ground disturbing activities.

BIO-2

Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:

- a. **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 County 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.

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- b. 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 BIO-3 through BIO-10. 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. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **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 the U.S. Fish and Wildlife Service and the Department 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 U.S. Fish and Wildlife Service/Department determine 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 U.S. Fish and Wildlife Service and the Department (see contact information below). 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.

In addition, the qualified biologist shall implement the following measures:

- d. **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:
1. Potential kit fox den: 50 feet
 2. Known or active kit fox den: 100 feet
 3. Kit fox pupping den: 150 feet
- e. 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.
- f. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BIO-3 **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"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"*.

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Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction.**

In addition, **prior to permit issuance and initiation of any ground disturbing activities,** conditions BIO-3 through BIO-10 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BIO-4** **During the site disturbance and/or construction phase,** grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BIO-5** **Prior to issuance of grading and/or construction permits 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 county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County 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.
- BIO-6** **During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or 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.
- BIO-7** **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, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-8** **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and 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.
- BIO-9** **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

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species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BIO-10 **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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the County 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 the Department for care, analysis, or disposition.

BIO-11 **During the site-disturbance and/or construction phase**, if construction activities should occur during the bird nesting season which is generally considered February 15 – September 1st, a preconstruction clearance survey of the site and the surrounding habitats within 500 feet of the site should be surveyed no more than 10 days prior to the start of construction. If an active nest is found within the project’s zone of influence, avoidance measures will be recommended.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is located in an area historically occupied by two Native American tribes, the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and

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their northern neighbors, the Hokan-speaking Playanos Salinan, is currently the subject of debate, as those boundaries may have changed over time.

San Luis Obispo county possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

Discussion

(a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

The project site is not within close proximity to a blue line stream and no archeological studies have been done within ¼ mile of the site. The area is already disturbed by residential and agricultural activities. Therefore, the project would have *no impact* on historical resources.

(b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

No known archaeological resources are present on the project site. Within 1 mile of the project site, 11 parcels have had archeological reports created, only one with findings, 0.8 miles away. It is unlikely that any cultural resources will be found on the site.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department 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 archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

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Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be *less than significant*.

(c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

The record and literature search of the project area did not identify any know burial sites within 0.25 miles of the project. Additionally, consultation with the Native American tribes did not result in identification of known burials. (See Section XVIII. Tribal Cultural Resources.) Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to human remains are expected to be less than significant.

Conclusion

County land Use Ordinance Section 22.10.040 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. No significant archaeological or historical resource impacts are expected to occur.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

The County has adopted a Conservation and Open Space Element (COSE) that establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. This element provides the basis and direction for the

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development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Construction of the proposed project is not expected to result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. As for the operation of the project, based on the provided design plans, the project would likely not result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources.

The project would utilize connections to existing nearby power sources. Energy use would be limited to powering the facility, as there would be no employee work area or administration needs. Furthermore, there would be a limited number of vehicle trips due to the unmanned nature of the facility. Therefore, the project's impact on energy resources would be *less than significant*.

- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

The proposed project would not interfere with the County of San Luis Obispo's EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Nor would the project conflict with any state plans for renewable energy or energy efficiency. Therefore, impacts would be *less than significant*.

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Conclusion

The project would not result in a significant energy demand during the construction phase or during operation. The project would not result in a conflict with state or local renewable energy or energy efficiency plans. Therefore, the project would not result in any potentially significant impacts related to energy and no mitigation measures are necessary.

Mitigation

There is no evidence that measures above those required by applicable ordinances or codes are needed. Therefore, no mitigation measures are necessary.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is gently sloping to moderately sloping and the soils on the site have a low shrink-swell (expansive) potential. According to the County's Land Use View, the project site is not within the County's Geologic Study Area and has a low landslide risk and low liquefaction potential. The nearest potentially active fault is approximately 5.7 miles east of the project site and a capable fault 9.6 miles to the east. There are no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

Discussion

(a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The proposed project would not be open to the public and would not have regular employees onsite. The project site is not located within an Alquist-Priolo Fault Hazard Zone. An unnamed fault from is located 5.7 miles east of the project site. The project would not be open to the public and would be unmanned, with employees briefly onsite once every four to six weeks for routine maintenance. Therefore, potential adverse impacts related to location within known fault zones would be *less than significant*.

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(a-ii) *Strong seismic ground shaking?*

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. The project would not be open to the public and would be unmanned, with employees briefly onsite once every four to six weeks for routine maintenance. Therefore, impacts would be *less than significant*.

(a-iii) *Seismic-related ground failure, including liquefaction?*

The project site is gently to moderately sloping, but the project area has relatively flat topography. Based on the County Safety Element Landslide Hazards Map is located in an area with low potential for liquefaction risk. Therefore, the project would not cause adverse effects involving liquefaction, a product of landslides, and impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site is gently to moderately sloping, but the project area has a relatively flat topography. Based on the County Safety Element Landslide Hazards Map, the project is located in an area with low potential for landslide risk. Therefore, the project would not cause adverse effects involving landslides and impacts would be *less than significant*.

(b) *Result in substantial soil erosion or the loss of topsoil?*

The project would result in the disturbance of approximately 5,316.5-square-feet and does not include substantial grading or vegetation removal. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to *less than significant*.

(c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located within an area with slopes susceptible to local failure.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be *less than significant*.

(d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The project is located on soil with low shrink swell potential. The proposed project would also be uninhabited and would be required to comply with the most recent CBC requirements, which have been developed to property safeguard structures and occupants from land stability hazards, such as expansive soils in case anything were to happen. The impact is *less than significant*.

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(e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

The proposed project would not result in the production of waste water, and septic tanks and waste water disposal systems would not be required. Therefore, there would be *no impact* stemming from the installation of septic systems or waste water disposal systems.

(f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

There are no known paleontological features known to exist on the site. No unique geologic features exist on the project site and would therefore not be affected. Therefore, impacts to paleontological resources and unique geologic features would be *less than significant*.

Conclusion

The project would be required to comply with CBC requirements which have been developed to properly safeguard against seismic and geologic hazards. The project would not result in significant impacts related to geology or soils and no mitigation is necessary.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) 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"/>
(b) 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"/>

Setting

As noted in Section 3 Air Quality, the project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if

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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 have been found to result in an increase in the earth's average surface temperature by exacerbating the naturally occurring "greenhouse effect" in the earth's atmosphere. The rise in global temperature is has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth's climate system. This phenomenon is commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from 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 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 Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated 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 of carbon dioxide per year (MT CO₂e/year) 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 CARB (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.

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Discussion

(a-b) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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, impacts *would be less than significant*.

Conclusion

Impacts relating to greenhouse gas emissions would be less than significant.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant 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 checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is not located in an area of known hazardous material contamination and is not on a site listed on the “Cortese List” (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2019; California Department of Toxic Substance Control [DTSC] 2019). The project is not located within a fire hazard severity zone, but is within a Local Responsibility Area. Based on the local agency’s response time, it will take approximately 0 to 5 minutes to respond to a call regarding fire or life safety. The project is not located within an Airport Review Area and the closest active landing strip, Paso Robles Airport, is 15 miles west of the project site.

Discussion

(a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not propose the routine use, transport, or disposal of hazardous materials. The applicant supplied a Radio Frequency (RF) report to evaluate the proposed communications facility

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for compliance with Federal Communications Commission (FCC) guidelines limiting human exposure to radio frequency electromagnetic fields. According to the RF report for this project (EBI Consulting, July 14, 2020), the maximum level of RF emissions from the proposed facility at ground-level would be equivalent to 0.2 percent of the applicable exposure limit.

These results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels. Although the results are “worst-case” assumptions, they are still within Federal Guidelines for RF exposure limits. The County local authority to regulate wireless communications facilities is limited from evaluating or addressing risk outside of those guidelines. Therefore, impacts would be *less than significant*.

- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, impacts would be *less than significant*.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The nearest school is Shandon Elementary School, located 0.6 miles to the north. There are no schools within a quarter mile of the proposed project. Therefore, there would be *no impact*.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project is not located in an area of known hazardous material contamination and is not on a site listed on the “Cortese List” pursuant to Government Code Section 65962.5. Therefore, there would be *no impact*.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The project is not located within an airport land use plan and is not located within close proximity to an airport. Therefore, there would be no risk of exposing persons to a safety hazard or excessive noise from the operation of the airport and there would be *no impact*.

- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and the project footprint is small. Construction and operation of the project would not require road closure, and the

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project would not physically block the onsite residents from evacuating during an emergency. Therefore, impacts would be *less than significant*.

- (g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The project site is not located within a designated fire hazard severity zone, but is within a local Responsibility Area. With the exception of the construction period, the proposed project would not regularly have employees onsite. Once construction is completed, employees would only be onsite for periodic maintenance (once every four to six weeks). The project would not be accessible to the public. Therefore, impacts related to risk of loss, injury or death involving wildland fires would be *less than significant*.

Conclusion

No significant impacts related to hazards or hazardous materials would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed unmanned wireless communications facility would not generate water demand outside the construction phase.

The topography of the project is gently sloping to moderately sloping. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and 3 of the 4 soils are considered moderately drained while the fourth soil is considered poorly drained. The project parcel is within the Salinas Valley Groundwater Basin and the Paso Robles Groundwater Basin, Shandon Area. The closest creek from the proposed development is approximately 0.37 miles east. The project site is not located within a 100-year flood zone.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

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 project’s soil erodibility is moderate.

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A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Discussion

- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

With regards to project impacts on water quality the following conditions apply:

- Approximately 5,316.5 square feet of site disturbance;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is not within a 100-year Flood Hazard designation;
- The project is approximately 0.37 miles from the closest creek and at least 0.14 miles from the nearest surface water body (Agriculture pond);
- All hazardous materials and/or wastes will be properly stored onsite, which include secondary containment should spills or leaks occur;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion; and
- Erosion control measures to be implemented during construction include a permanent erosion control blanket to reduce surficial erosion of the slopes and allow for vegetation growth on the slopes.

Implementation of Land Use Ordinance Section 22.52.110 and Section 22.52.120 will help ensure *less than significant impacts* to water quality standards and surface and ground water quality.

- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

As proposed, operation of the project would not utilize water and would not result in wastewater production. Impervious surface area of the project would include the 90-square-foot concrete pad and therefore be less than 200 square feet, which would not substantially interfere with groundwater recharge. Therefore, impacts would be *less than significant*.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- (c-i) *Result in substantial erosion or siltation on- or off-site?*

The project would be subject to LUO Section 22.52.120A and be required to prepare a sedimentation and erosion control plan. Impervious surface area of the project would be less than 200 square feet, which would not substantially contribute to erosion or siltation. Therefore, impacts would be *less than significant*.

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(c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Impervious surface area of the project would be less than 200 square feet, which would not substantially contribute to additional surface runoff. Therefore, impacts would be *less than significant*.

(c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

Impervious surface area of the project would be less than 200 square feet, which would not substantially contribute to additional surface runoff. Therefore, impacts would be *less than significant*.

(c-iv) *Impede or redirect flood flows?*

The project is not located within a flood zone and is not located within close proximity to a drainage channel. Impervious surface area of the project would be less than 200 square feet, which would not substantially change the existing ground surface. Therefore, impacts would be *less than significant*.

(d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Based on the County Safety Element Dam Inundation Map, the project site is not located in an area that would become inundated in the event of dam failure. The proposed project is not located in a 100-year flood zone, and the Pacific Ocean is located more than 30 miles from the project site. The likelihood of flood, tsunami, or seiche affecting the project site is very low and therefore impacts would be *less than significant*.

(e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

As stated earlier, the proposed project would not result in the use of water for any purpose besides construction, which would be temporary and limited in nature. Furthermore, the proposed project would not result in the production of wastewater, which indicates the likelihood of conflicting with a water quality control plan or sustainable groundwater management plan would be *less than significant*.

Conclusion

No significant water-related impacts would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

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XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed communication facility would be located in an area designated Agriculture by the County of San Luis Obispo. The project site is surrounded by single family residences and vineyards. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies and other County departments to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, SLOAPCD for Clean Air Plan, etc.).

Discussion

(a) *Physically divide an established community?*

The proposed project is located on an existing parcel and would not involve any components that would physically divide the surrounding community. The project would utilize the existing circulation system and onsite roads for access and would not require the construction of offsite infrastructure. Therefore, there would be *no impact*.

(b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The project site contains a single-family residence and a vineyard and is located in an area surrounded by agricultural operations (grazing and row crop cultivation). The project site is zoned as Agriculture by the County of San Luis Obispo and no zoning changes are proposed. According to the Agriculture Element of the San Luis Obispo County General Plan, telecommunication facilities are considered compatible uses on agricultural land assuming that they are located off of productive agricultural lands. So long as new structures are located where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses, the new structures would be considered compatible uses.

Since the project would be located on the portion of the site that is not actively being used for cultivation, the project would be compatible with the agricultural designation. The project was found to be consistent with standards and policies set forth in the County General Plan, the North County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be

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conditioned to be consistent with standards set forth by County Fire/CAL FIRE, Environmental Health, and the Department of Public Works. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be *less than significant*.

Conclusion

No significant land use or planning impacts would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Active mining operations are located approximately 10.6 mile southwest of the project site, in the Salinas River bed.

Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

There are no known mineral resources on the project site, therefore impacts would be *less than significant*.

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(b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area, and the site is not designated as a mineral resource recovery site. Therefore, impacts related to preclusion of future extraction of locally important mineral resources would be *less than significant*.

Conclusion

Due to the lack of known valuable minerals on the project site, and the lack of a mineral resource recovery designation, the proposed project would not result in the loss of availability of or future extraction of valuable mineral resources.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

The existing ambient noise environment is characterized by traffic on Truesdale Road and Starkey Road, as well as agricultural equipment from surrounding properties. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The nearest onsite sensitive receptor is a residence that lies approximately 30 feet to the north, and the nearest offsite sensitive receptor to the project is a residence located approximately 350 feet to the west across Truesdale Road. The project is not located within an Airport Review Area and the closest active landing strip, Paso Robles Airport, is 15 miles west of the project site.

The County Land Use Ordinance Section 22.10.120 establishes maximum allowed noise levels for both daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) hours, as shown below. The maximum allowed exterior hourly noise level is 50 db for the daytime hours and 45 db for the nighttime hours.

Discussion

- (a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project would introduce noise generating equipment into a relatively quiet rural area. The facility's primary operational noise source would be a diesel-powered emergency back-up generator. The emergency generator is intended to power the facility in the event of a power outage. It would also be operated for about 15 minutes every four to six weeks for routine maintenance and testing. As conditioned, the generator would only be operated for testing during day-time hours.

Project construction activities would also generate short-term (temporary) construction noise. These activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A).

Noise impacts resulting from both construction and operation of the proposed facility are expected to be *less than significant*.

- (b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Operation of the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, impacts related to temporary or permanent groundborne vibration would be *less than significant*.

- (c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project is not located within an Airport Review Area and the closest active landing strip, Paso Robles Airport, is 15 miles west of the project site. Since the project site is not located within two miles of a public airport or public use airport, and is not located in an area subject to an airport land use plan, there would be *no impact* to people residing or working in the project area from excessive air traffic related noise levels.

Conclusion

No significant noise-related impacts are anticipated.

Initial Study – Environmental Checklist

Mitigation

No mitigation measures are needed.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships Program (HOME) and the Community Development Block Grant (CDBG) Program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The proposed project would not result in new jobs in the area that would require new housing. The project proposes an access driveway connecting Truesdale Road to the new wireless communications facility but the project does not propose new roads or infrastructure to undeveloped or underdeveloped areas that would indirectly result in population growth. Therefore, *no impacts* would occur.

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(b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed project proposes construction of a telecommunications facility and a pre-fabricated shelter. The proposed project does not include any residential uses or structures for human habitation. The project would not result in a need for new housing and would not displace existing housing. Therefore, *no impacts* would occur.

Conclusion

No significant population and housing impacts would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project area is served by the following public services/facilities:

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Police: County Sheriff

Location: Templeton (approximately 20 miles southwest)

Fire: Cal Fire / County Fire

Hazard Severity: Not Applicable

Response Time: 0 to 5 minutes

Location: #51 Shandon Station Approximately 1.2 miles north

School District: Shandon Joint Unified School District.

Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

The proposed project was reviewed by County Fire/Cal Fire for consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

Police protection?

The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be *less than significant*.

Schools?

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be *no impact* to existing schools or a need for new school facilities.

Parks?

The proposed project would not result in the need for new housing and would not result in population growth. Therefore, there will be *no impact* to existing parks or a need for new park facilities.

Other public facilities?

The proposed project proposes construction of an unmanned communications facility, and would not generate substantial long-term increases in demand for roads, solid waste, or other public services or utilities. The proposed project site would be accessed by the existing local circulation system and onsite farm roads and would not generate substantial long-term operational trips. Therefore, potential impacts on public services or utilities would be *less than significant*.

Conclusion

No significant impacts to public services would occur.

Mitigation

No mitigation measures are necessary.

Initial Study – Environmental Checklist

Sources

See Exhibit A.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county. The Recreation Element does not show any existing or potential future trails going through or adjacent to the project site.

Discussion

(a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Construction and operation of the proposed telecommunication facility would not have an adverse effect on existing or planned recreational opportunities in the county. The project would not result in the need for new housing and would not result in population growth, and therefore would not create a significant need for additional park, natural area, and/or recreational resources. The proposed project would have *no impact* on recreational activities since it is located on a private agricultural zoned parcel and would not induce population growth that would require increased recreational services and facilities.

Conclusion

No significant impacts to recreational resources would occur.

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Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County has established the acceptable Level of Service on roads for this rural area as “C” or better. The existing road network in the area including the project’s access street—Truesdale Road—are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

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Discussion

- (a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. Long-term maintenance and operational trips would not substantially differ from existing onsite agricultural operations. As a result, the proposed project would have no significant long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, and would have *no impact* on air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities.

- (b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

CEQA Guidelines section 15064.3 does not apply until July 1, 2020 and the County has not elected to be governed by the provisions of this section in the interim. Therefore, this threshold does not apply and there is *no impact*.

- (c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The project would not result in any changes to the access road or alterations to the existing driveway approach. Therefore, the project would not substantially increase hazards and would have a *less than significant impact*.

- (d) *Result in inadequate emergency access?*

Truesdale Road is currently able to accommodate farm equipment, construction vehicles, and emergency vehicles. The project would have the highest risk of emergencies occurring during construction, which would be temporary. During operation of the project the likelihood of an emergency incident occurring would be low because the facility is unmanned and employees would be onsite infrequently. Additionally, the proposed project would not block or alter egress routes for the existing onsite residents. Therefore, impacts related to emergency access would be *less than significant*.

Conclusion

No significant transportation-related impacts would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Approved in 2014, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

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- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

AB 52 consultation letters were sent to four tribes on October 11, 2018: Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak tit'yu tit'yu yak tiłhini. A response was submitted by the Northern Chumash Tribal Council (NCTC) on October 16, 2018 noting no comments for the proposed project. No other comments were received.

As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the Obispeño Chumash.

Discussion

- (a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- (a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

As noted in Section V. Cultural Resources, no known archaeological resources are present on the project site. 1 mile of the project site, 11 parcels have had archeological reports created, only one with findings. The findings related to a historic barn from the 1920s. It is unlikely that any tribal cultural resources will be found on the site. Therefore, the impact is *less than significant*.

- (a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Archeological studies done within a one mile radius of the confirms the absence of known archaeological sites near the study area.

In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department 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 archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

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There are no known tribal cultural resources within the project area. Therefore, impacts are expected to be *less than significant*.

Conclusion

No significant impacts on tribal cultural resources would occur. In the event of an unanticipated discovery of tribal resources during earth-moving activities, compliance with the LUO would ensure potential impacts would be reduced to less than significant.

Mitigation

No mitigation measures beyond those required by ordinance are required.

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

A fee program has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used for the construction as needed to finance the facilities required to the serve new development.

Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The proposed project would not result in the necessity of new or expanded water, wastewater, natural gas, or telecommunications connections or facilities. Wastewater generated during the construction phase of the project would be via a portable restroom (port-a-potty), which would be collected and removed by the portable restroom company. Electrical power is currently provided on site through an existing PG&E connection. Total underground utility trenching (approximately 2,227.5-square-feet) would be required to connect the equipment/utility lease area to the faux monopine. While the proposed project is the installation of a new telecommunications facility, the project will not result in other new or relocated telecommunications facilities. No other offsite infrastructure is required. The underground cables are not expected to result in environmental impacts, as the trenching would be located under an existing dirt road and equipment staging area. As discussed in Section V. Cultural Resources and XVIII. Tribal Cultural Resources, significant impacts are not expected to occur to buried resources. Therefore, impacts would be *less than significant*.

- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The proposed project would not result in the usage of water and therefore would result in *no impact*.

- (c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?*

Operation of the proposed project would not result in the production of wastewater. Therefore, the proposed project would have *no impact* on wastewater treatment and storage facilities.

- (d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Operation of the project would not result in solid waste generation. Any waste generated from construction of the proposed facility would be removed by the contractor. The nearest solid waste

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facility is the Paso Robles Landfill, located off of Highway 46, approximately 10 miles west of the project site. The Paso Robles Landfill has a remaining capacity of 4,216,402 cubic yards (CalRecycle 2019). Impacts are expected to be *less than significant*.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Solid waste during construction would be collected by construction crews and hauled off site periodically. Operation of the proposed project would not result in the production of solid waste and therefore would comply with all federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts with regards to solid waste compliance with statutes and regulations would be *less than significant*.

Conclusion

Portable restrooms would be provided during construction and handled by the portable restroom provided. Solid waste may be generate during construction of the facility, and would be removed from the site by the project contract. No significant impacts related to utilities and service systems would occur, and therefore mitigation is not required.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed project site is not located within a high fire hazard severity zone and has an average annual windspeed of approximately 6.0 to 8.2 miles per hour (Weather Spark 2018). Existing conditions that may exacerbate fire risk include the gently to moderately sloping topography in some areas, the surrounding plots containing mostly agriculture, and the moderate average windspeed.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire-resistant building materials.

Discussion

(a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The project would not conflict with any regional emergency response or evacuation plan because the project would be located on an existing parcel and would not alter or prohibit access to the local circulation system. The structures proposed have a small footprint and would be unlikely to pose a significant obstacle during emergency response. Therefore, impacts would be *less than significant*.

(b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The proposed project site is located in an area of moderate wind, with an average annual wind speed of approximately 6.0 to 8.2 miles per hour (Wind Spark 2018). There is surrounding agriculture which poses a threat during the off season when the plants are dry. The off season for grapes is wintertime, when heat levels are lower and fire hazard is less extreme. The proposed project would have the highest fire risk during construction as construction vehicles have the ability to spark wildfires when

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operating machinery around the surrounding agricultural vegetation. The project proponent would be required to adhere to a Fire Safety Plan prepared by Cal Fire / County Fire to lessen fire risk within the project site. The project would be an unmanned facility, and employees would only be onsite for limited period maintenance. Therefore, fire-related impacts to project occupants would be *less than significant*.

- (c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Existing local roads and onsite agricultural roads would be used for access to the site. No new roads would not be constructed. The proposed project site would require power to be routed underground east from the equipment lease area to an existing utility pole within an approximately 3-foot wide utility easement. Due to the underground location of the conduit, fire risk would be low. Fire-related impacts due to installation of new infrastructure would be less than significant.

- (d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

As stated earlier, employees would rarely be onsite after completion of construction of the project. The risk to structures would be low due to the low landslide and liquefaction risk, location outside a 100-year flood zone, and distance from nearby streams. Therefore, there would be a *less than significant* impact to people and structures in regard to flooding and landslides from post-fire slope instability.

Conclusion

With the implementation of the Fire Safety Plan, the project would result in less than significant impacts related to wildfire.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) *Does the project have the potential to substantially 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, substantially 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?*

As discussed in each resource section above, the project has the potential to impact San Joaquin kit fox and its habitat. Implementation of Mitigation Measures BIO-1 through BIO-11 would reduce impacts to San Joaquin Kit Fox and Swainson’s hawk to less than significant. Therefore, the project would not result in significant impacts to biological resources and would not 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

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California history or prehistory. Additionally, compliance with mitigation measures AES-1 through AES-4 and AQ-1 identified in Exhibit B – Mitigation Summary Table would ensure impacts to aesthetic resources and air quality as a result of the proposed project would be less than significant. Therefore, impacts would be less than significant with mitigation.

- (b) *Does the project 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)?*

The potential cumulative impacts of the proposed project have been analyzed within the discussion of each environmental resource area above. Cumulative impacts associated with the proposed project would be *less than significant*.

- (c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. Environmental impacts that could cause substantial adverse effects of human beings would be *less than significant*.

Conclusion

With the implementation of the mitigation measures listed in Exhibit B – Mitigation Summary Table, impacts would be reduced to less than significant with mitigation.

Mitigation

See mitigation measures listed under Mitigation in Section I. Aesthetics, Section II. Air Quality, and Section IV. Biological Resources. These measures will reduce aesthetic, air quality, and biological resources to a less than significant impact.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has 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:

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Services	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	In File**
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Shandon Advisory Committee</u>	In File**
<input type="checkbox"/>	Other _____	Not Applicable

** "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.

- | | |
|---|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application County Documents <input type="checkbox"/> Coastal Plan Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland) <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture Element <input checked="" type="checkbox"/> Conservation & Open Space Element <input type="checkbox"/> Economic Element <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input checked="" type="checkbox"/> Parks & Recreation Element/Project List <input type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal) <input checked="" type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Public Facilities Fee Ordinance <input type="checkbox"/> Real Property Division Ordinance <input checked="" type="checkbox"/> Affordable Housing Fund <input type="checkbox"/> Airport Land Use Plan <input checked="" type="checkbox"/> Energy Wise Plan <input checked="" type="checkbox"/> North County Area Plan / Shandon-Carizzo Sub Area | <ul style="list-style-type: none"> <input type="checkbox"/> Design Plan <input type="checkbox"/> Specific Plan <input type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Circulation Study Other Documents <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook <input type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Special Biological Importance Map <input checked="" type="checkbox"/> CA Natural Species Diversity Database <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other |
|---|---|

Initial Study – Environmental Checklist

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

Ace Environmental, LLC. April 25, 2019. General Biological Evaluation – AT&T Site CSL02657.

Ace Environmental, LLC. June 3, 2019. Kit Fox Habitat Assessment – AT&T Site CSL02657.

Artistic Engineering. CSLO2657 Visual Simulations.

California Department of Conservation (DOC). 2019. Farmland Mapping and Monitoring Program - DLRP Important Farmland Finder. Accessed on: November 1, 2019. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>

California Department of Fish and Wildlife (CDFW). 2018. CDFW Lands Viewer. Accessed on September 18, 2019. Available at: < <https://apps.wildlife.ca.gov/lands/>>

California Department of Fish and Wildlife (CDFW). 2019. California Natural Diversity Database BIOS Viewer. Accessed on September 18, 2019. Available at: < <https://apps.wildlife.ca.gov/bios/?bookmark=327>>

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Accessed on November 3, 2019. Available at: <<https://www.envirostor.dtsc.ca.gov/public/>>

County of San Luis Obispo. 2011. EnergyWise Plan. Available at <<https://www.slocounty.ca.gov/Departments/Planning-Building/Energy-and-Climate/Energy-Climate-Reports/EnergyWise-Plan.aspx>> Accessed on: November 3, 2019.

EBI Consulting. July 14, 2020. Radio Frequency – AT&T Radio Frequency Safety Survey Report Prediction.

Parker & Associates. July 15, 2002. Cultural Resource Investigation of C.W. Clarke Park.

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. Accessed on September 19, 2019. Available at: < https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20Map2019%29_LinkedwithMemo.pdf>

Weather Spark. 2018. Average Weather in Templeton, California. Access on November 3, 2019. Available at: <<https://weatherspark.com/y/1290/Average-Weather-in-Templeton-California-United-States-Year-Round>>

William J. Vanhenweg. Kit Fox Habitat Evaluation Form. May 10. 2019.

Initial Study – Environmental Checklist

Exhibit B - Mitigation Summary

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

AES-1 **At the time of application for construction permits**, the construction drawings shall show the following specifications:

- a. The monopine shall be designed and constructed to appear as an organic, non-symmetrical form, with varying branch lengths and shapes and “needle” clusters installed in random, seemingly natural-occurring patterns. The branches lengths shall taper up the monopine “trunk” and the longest (lowest) branches shall begin at an elevation no higher than 15 feet above the base of the trunk. Overall branch count density shall be equivalent to at least three branches per foot. Realistic bark texture shall run the entire length of the tree pole.
- b. The monopine “needles” shall not be all one color. Varying shades of hues shall be used appropriately to replicate a living plant. Monopine colors shall be field matched with the existing on-site mature pine trees.
- c. Plans, specifications and estimates shall require the submittal of material and color test samples of all visible elements of the monopine to the County Department of Planning and Building for review and approval. The plans, specifications and estimates and construction schedule shall provide for revisions and corrections to the test samples prior to preparation of the final plans.
- d. Antennas shall be hidden and not extend beyond the ends of the artificial branches. Antennas and associated support arms and hardware shall be textured and or colored to blend with the monopine branches and needles.

AES-2 **At the time of application for construction permits**, the applicant shall submit accurate scaled engineering and architectural drawings of the monopine for the construction permit(s). Plans shall not include generic illustrations of a monopine. The drawings shall include elevations and plan views. The construction plans and specifications shall be consistent with the plans approved with the land use permit.

AES-3 **Prior to issuance of construction permits**, the applicant shall submit material and color test samples of all visible elements of the monopine to the County Department of Planning and Building for review and approval. The faux pine tree shall be constructed of the highest quality, most durable and realistic appearing faux foliage and branches. The color of the faux foliage shall be field matched with the existing trees on site.

BIO-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County Department of Planning and Building that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

Initial Study – Environmental Checklist

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.21 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 County 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 \$525. 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 0.21 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 \$525. 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 County permit issuance and initiation of any ground disturbing activities.

BIO-2

Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:

Initial Study – Environmental Checklist

- a. 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 County 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.
- b. 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 BIO-3 through BIO-11. 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. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **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 the U.S. Fish and Wildlife Service and the Department 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 U.S. Fish and Wildlife Service/Department determine 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 U.S. Fish and Wildlife Service and the Department (see contact information below). 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.

In addition, the qualified biologist shall implement the following measures:

- d. **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:
 4. Potential kit fox den: 50 feet
 5. Known or active kit fox den: 100 feet
 6. Kit fox pupping den: 150 feet
- e. 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

Initial Study – Environmental Checklist

maintained until all project-related disturbances have been terminated, and then shall be removed.

- f. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BIO-3 **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: *"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**.

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BIO-3 through BIO-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BIO-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-5 **Prior to issuance of grading and/or construction permits 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 county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County 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.

BIO-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or 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.

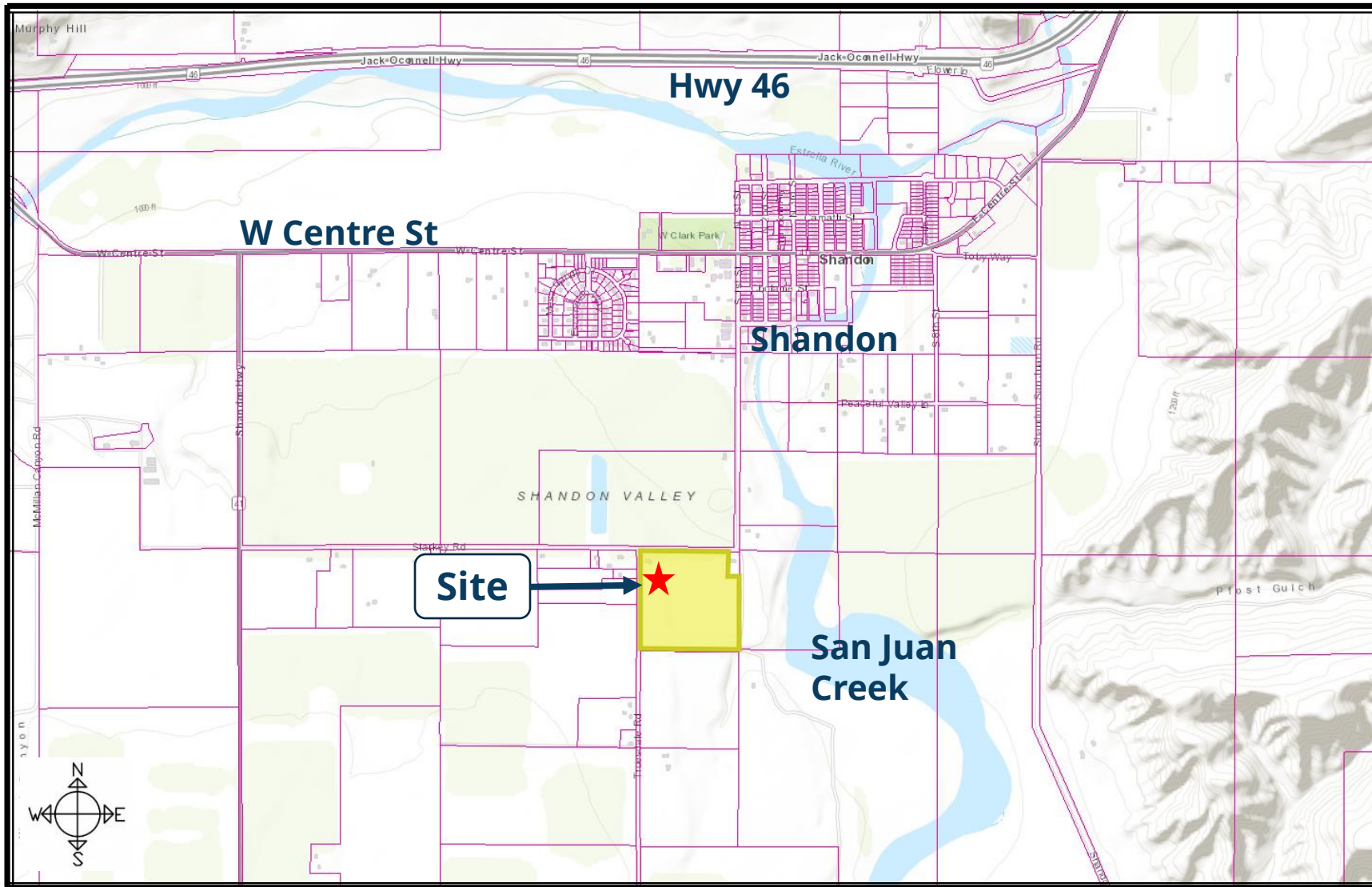
BIO-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, 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, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BIO-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed

Initial Study – Environmental Checklist

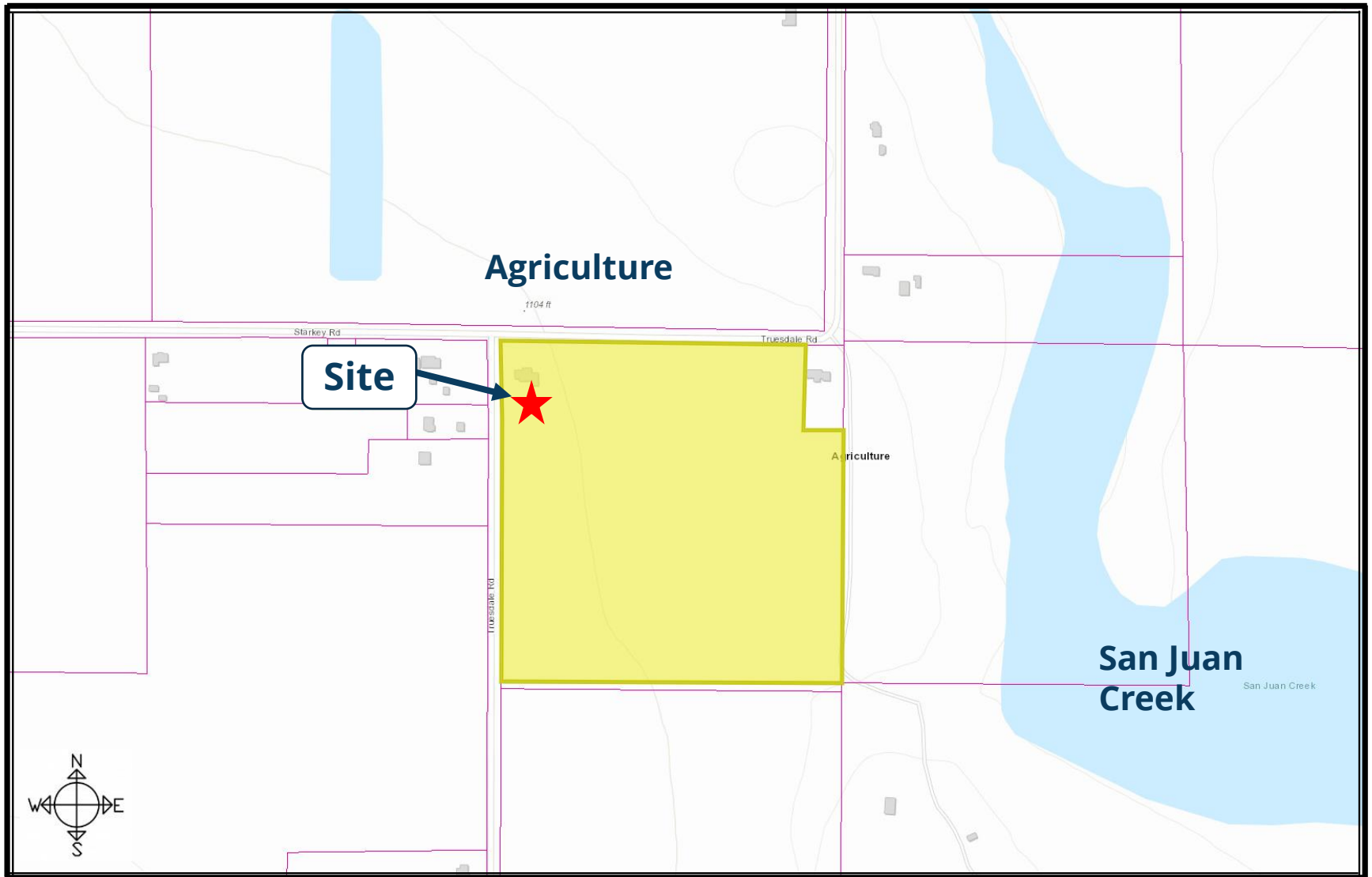
containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

- BIO-9** **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.
- BIO-10** **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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the County 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 the Department for care, analysis, or disposition.
- BIO-11** **During the site-disturbance and/or construction phase**, if construction activities should occur during the bird nesting season which is generally considered February 15 – September 1st, a preconstruction clearance survey of the site and the surrounding habitats within 500 feet of the site should be surveyed no more than 10 days prior to the start of construction. If an active nest is found within the project's zone of influence, avoidance measures will be recommended.



COUNTY OF SAN LUIS OBISPO

Vicinity Map
DRC2018-00176



COUNTY OF SAN LUIS OBISPO

Land Use Category Map
DRC2018-00176



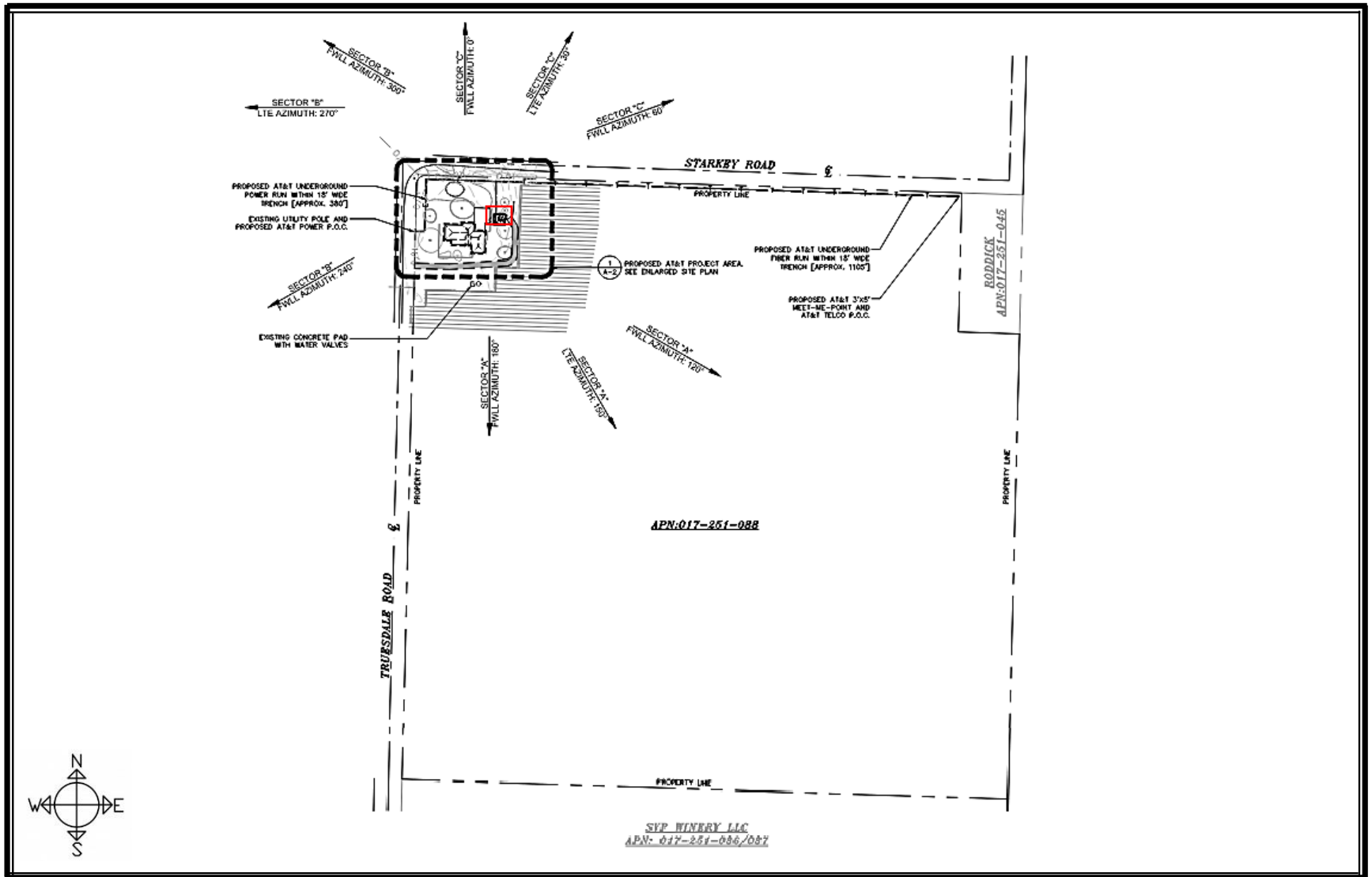
COUNTY OF SAN LUIS OBISPO

Aerial - Overall Site
DRC2018-00176



COUNTY OF SAN LUIS OBISPO

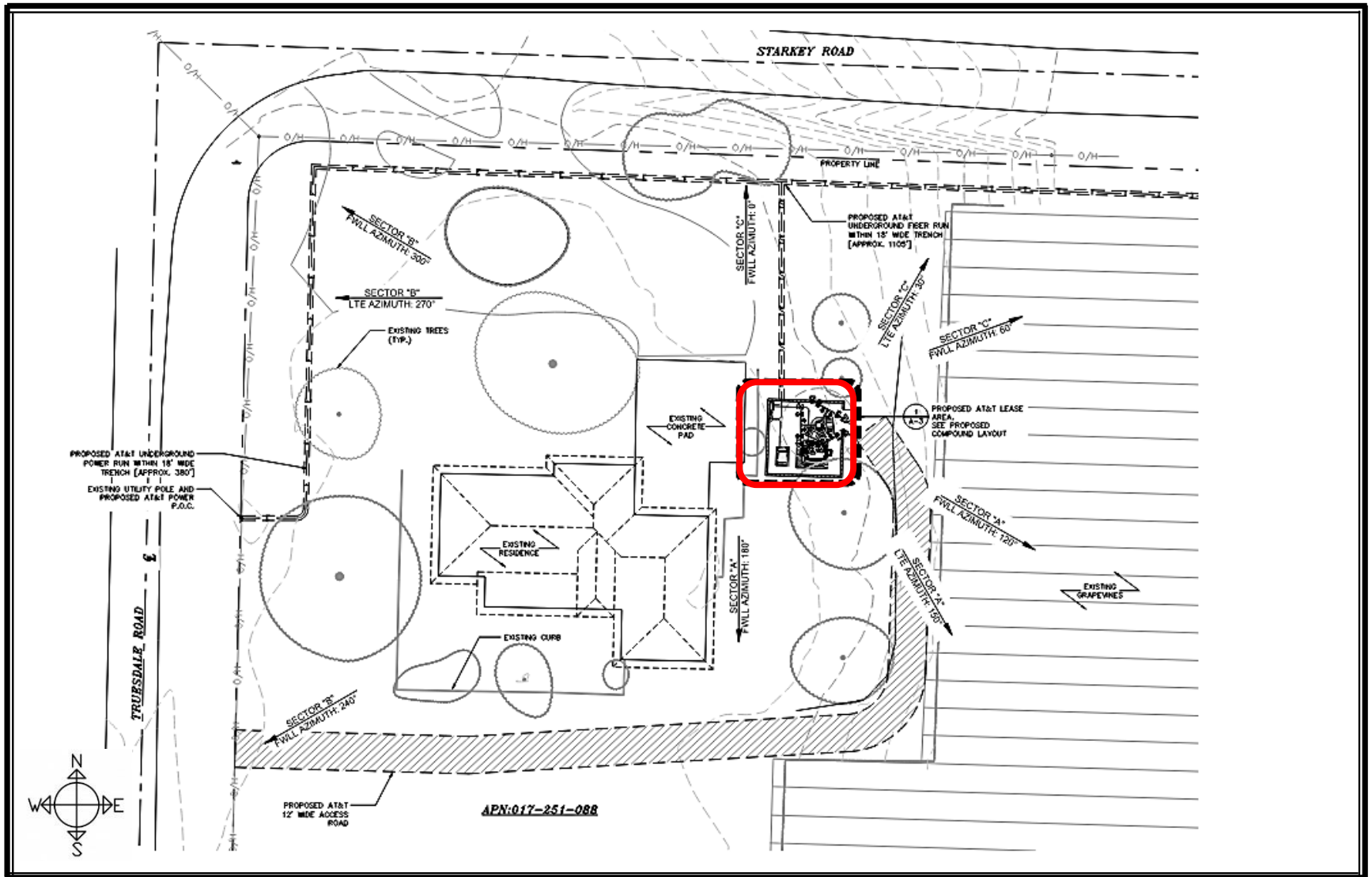
Aerial
DRC2018-00176



COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

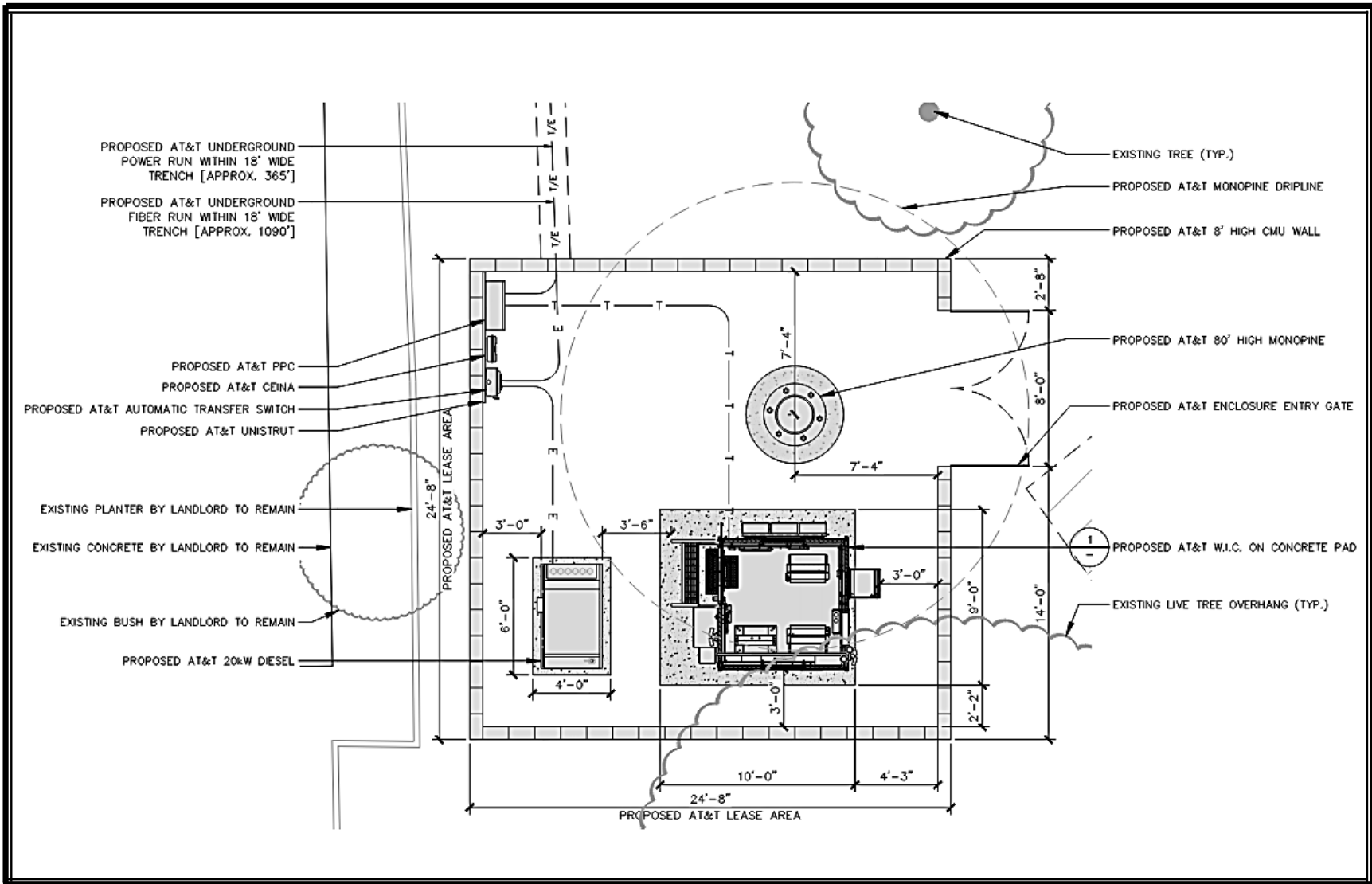
Overall Site Plan
DRC2018-00176



COUNTY OF
SAN LUIS
OBISPO

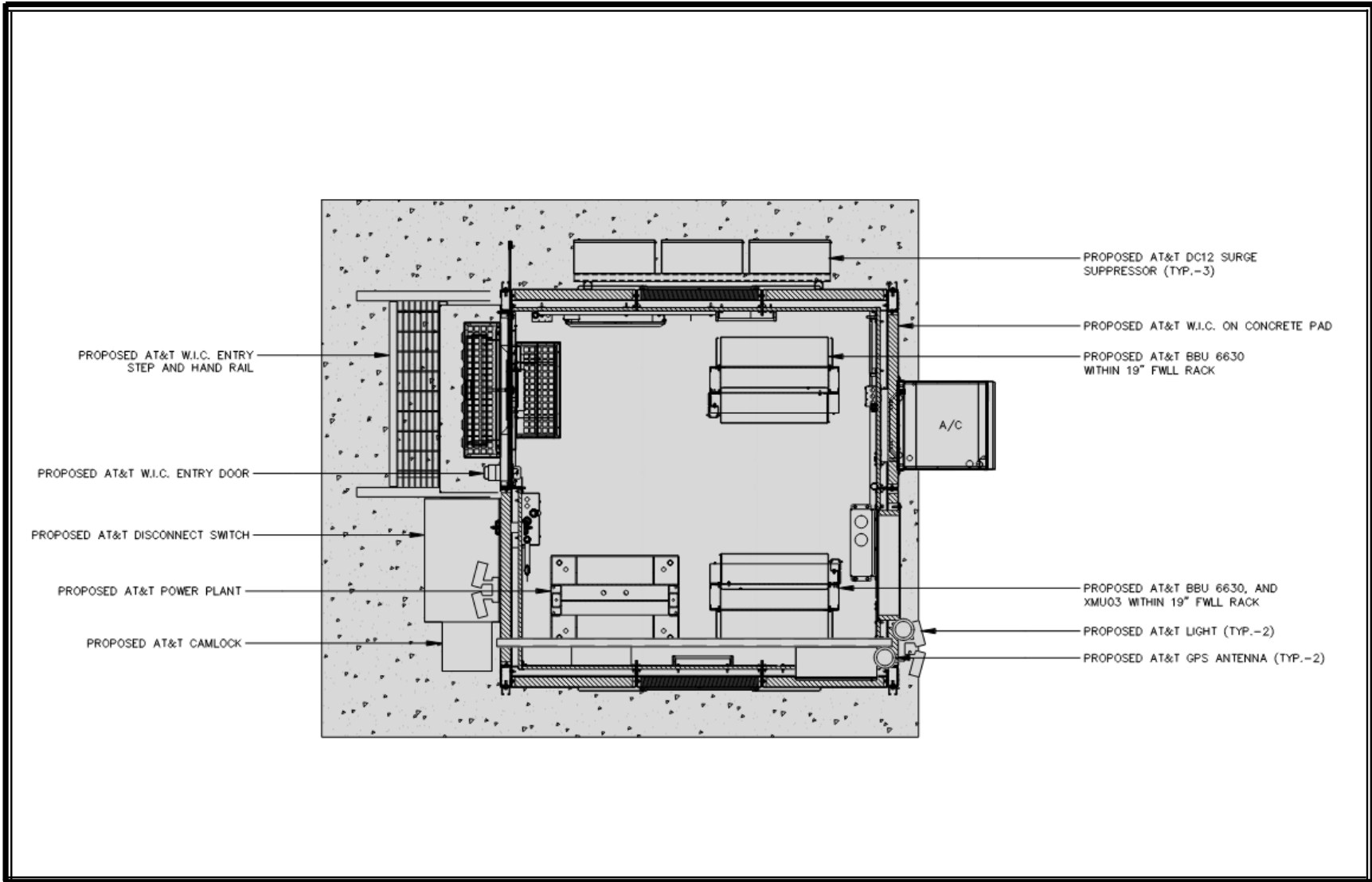
COUNTY OF SAN LUIS OBISPO

Enlarged Site Plan
DRC2018-00176



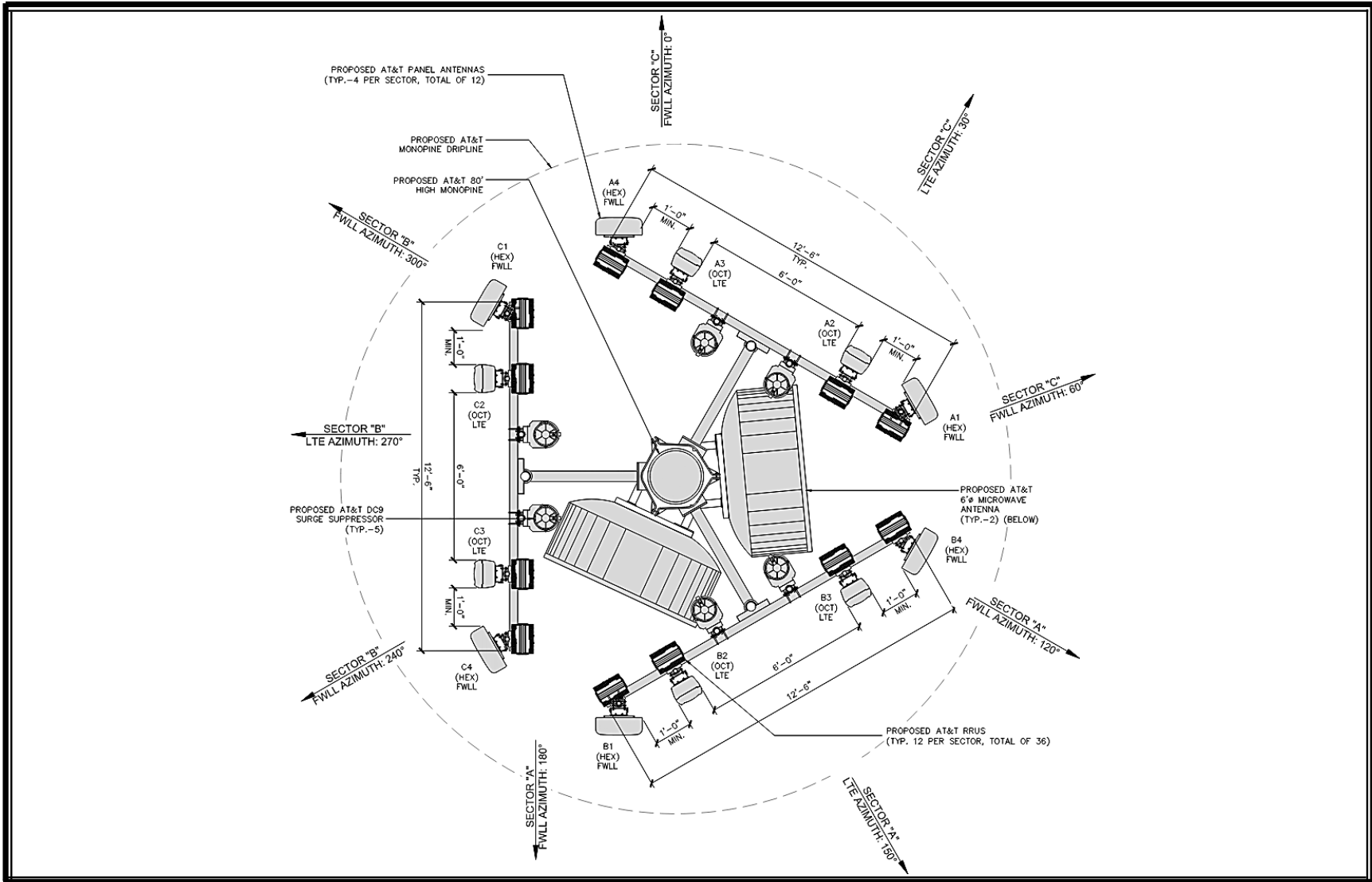
COUNTY OF SAN LUIS OBISPO

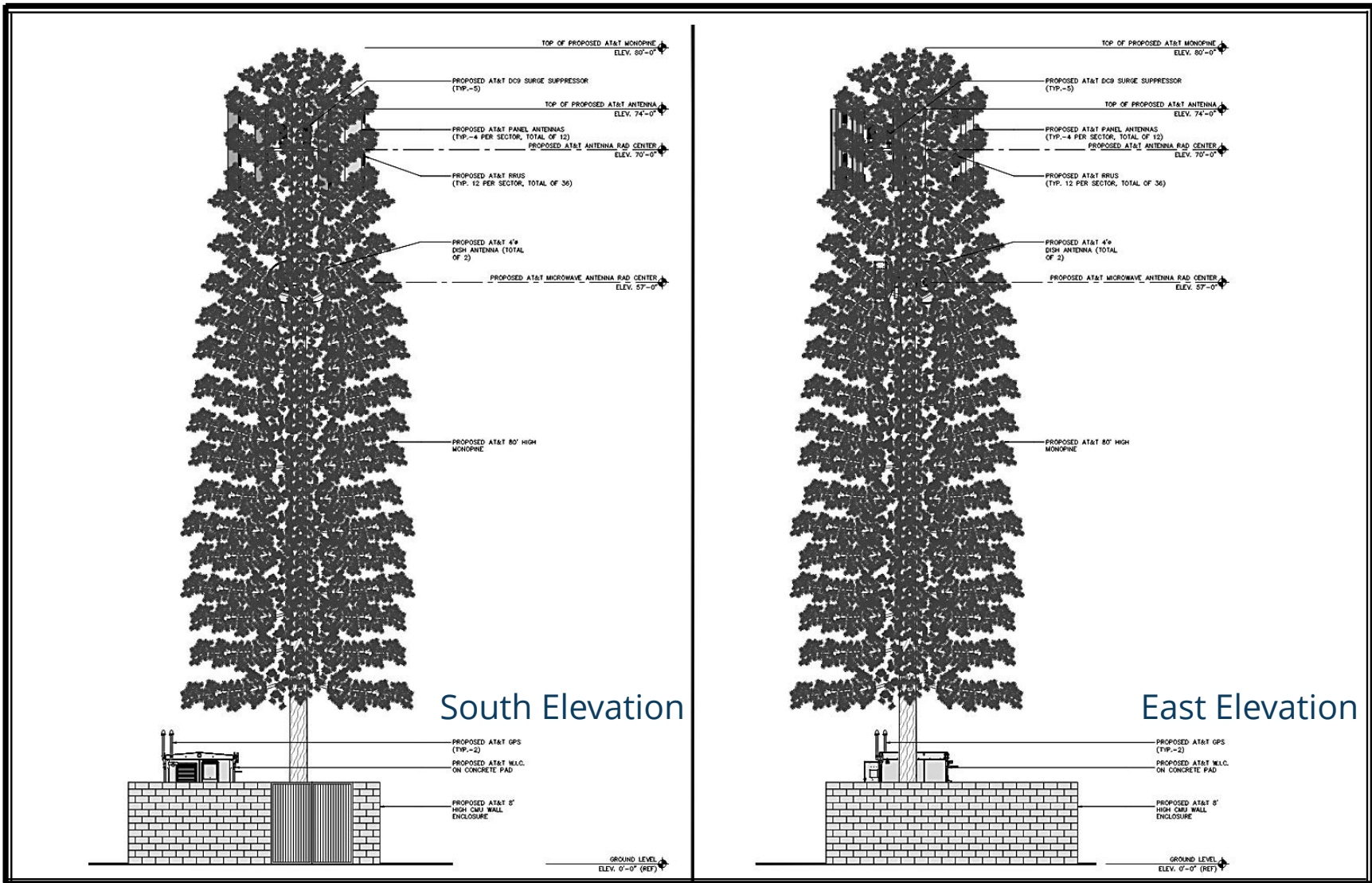
New Enclosure Layout
DRC2018-00176



COUNTY OF SAN LUIS OBISPO

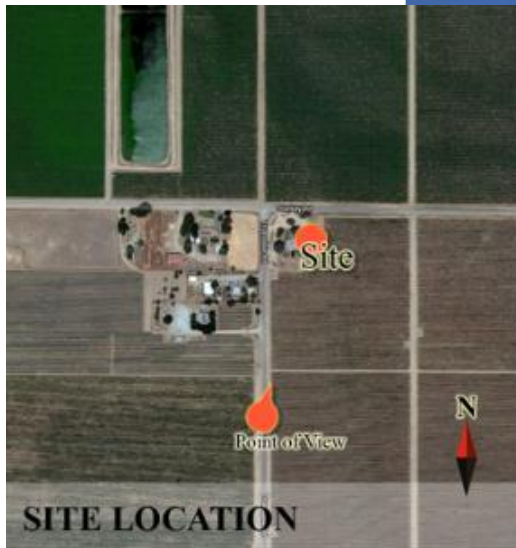
**New Equipment Plan
DRC2018-00176**





COUNTY OF SAN LUIS OBISPO

South & East Elevations
DRC2018-00176

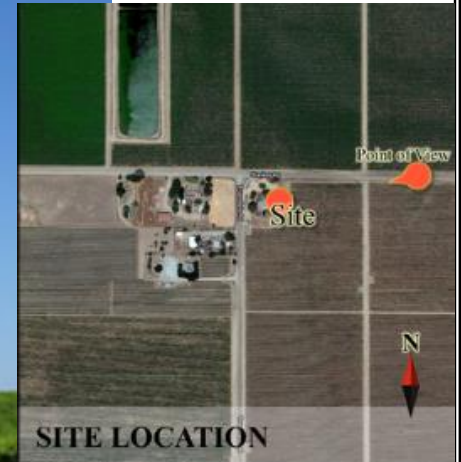


PROPOSED LOOKING NORTHEAST FROM TRUESDALE ROAD



COUNTY OF SAN LUIS OBISPO

Photo Simulation
(Looking Northeast)
DRC2018-00176



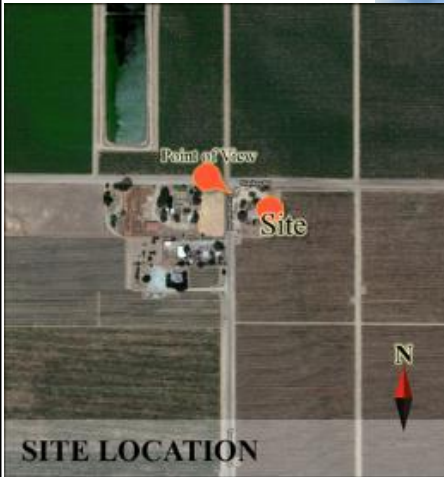
SITE LOCATION

PROPOSED LOOKING SOUTHWEST FROM STARKEY ROAD



COUNTY OF SAN LUIS OBISPO

Photo Simulation
(Looking Southwest)
DRC2018-00176

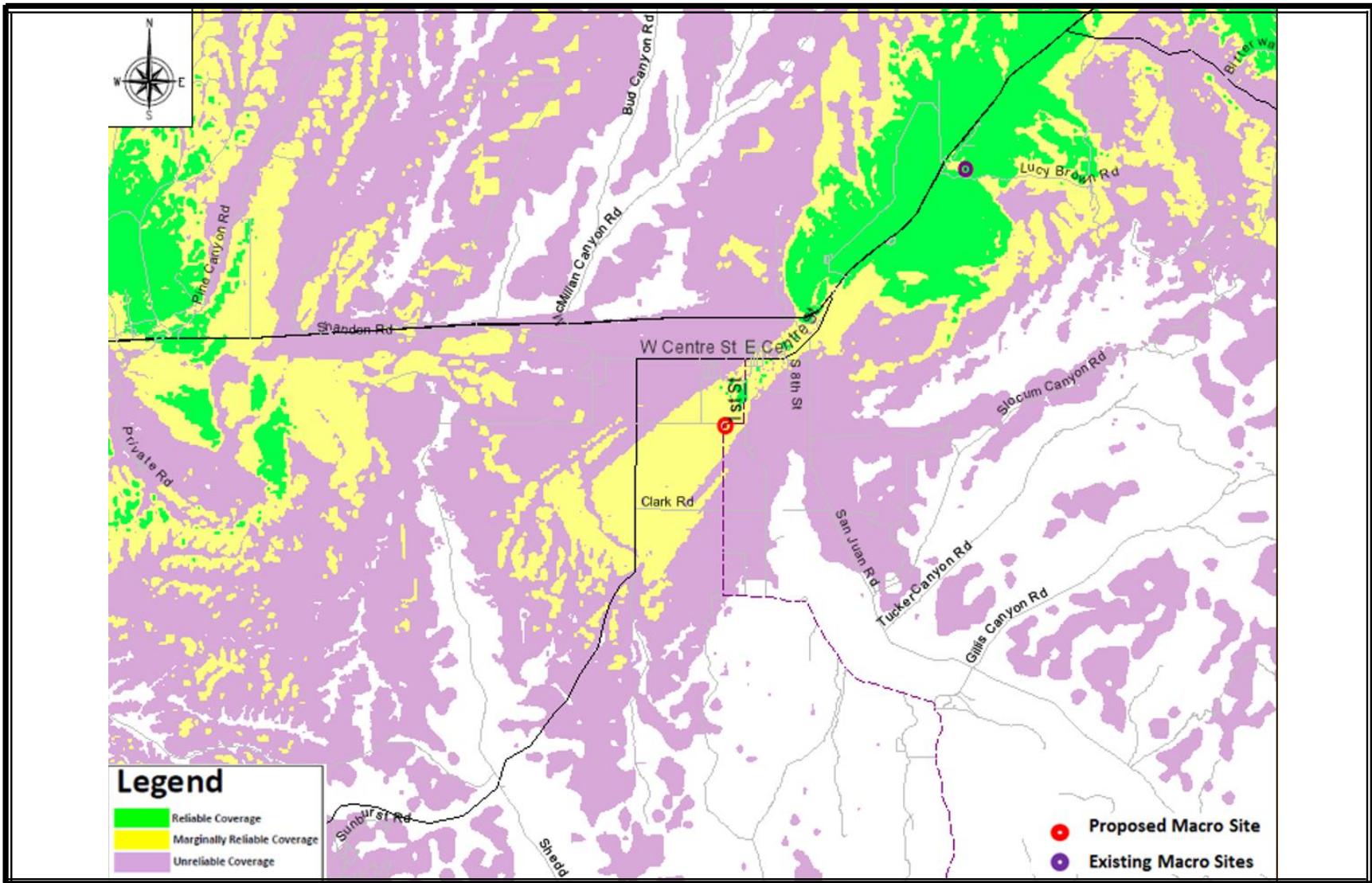


PROPOSED LOOKING SOUTHEAST FROM STARKEY ROAD



COUNTY OF SAN LUIS OBISPO

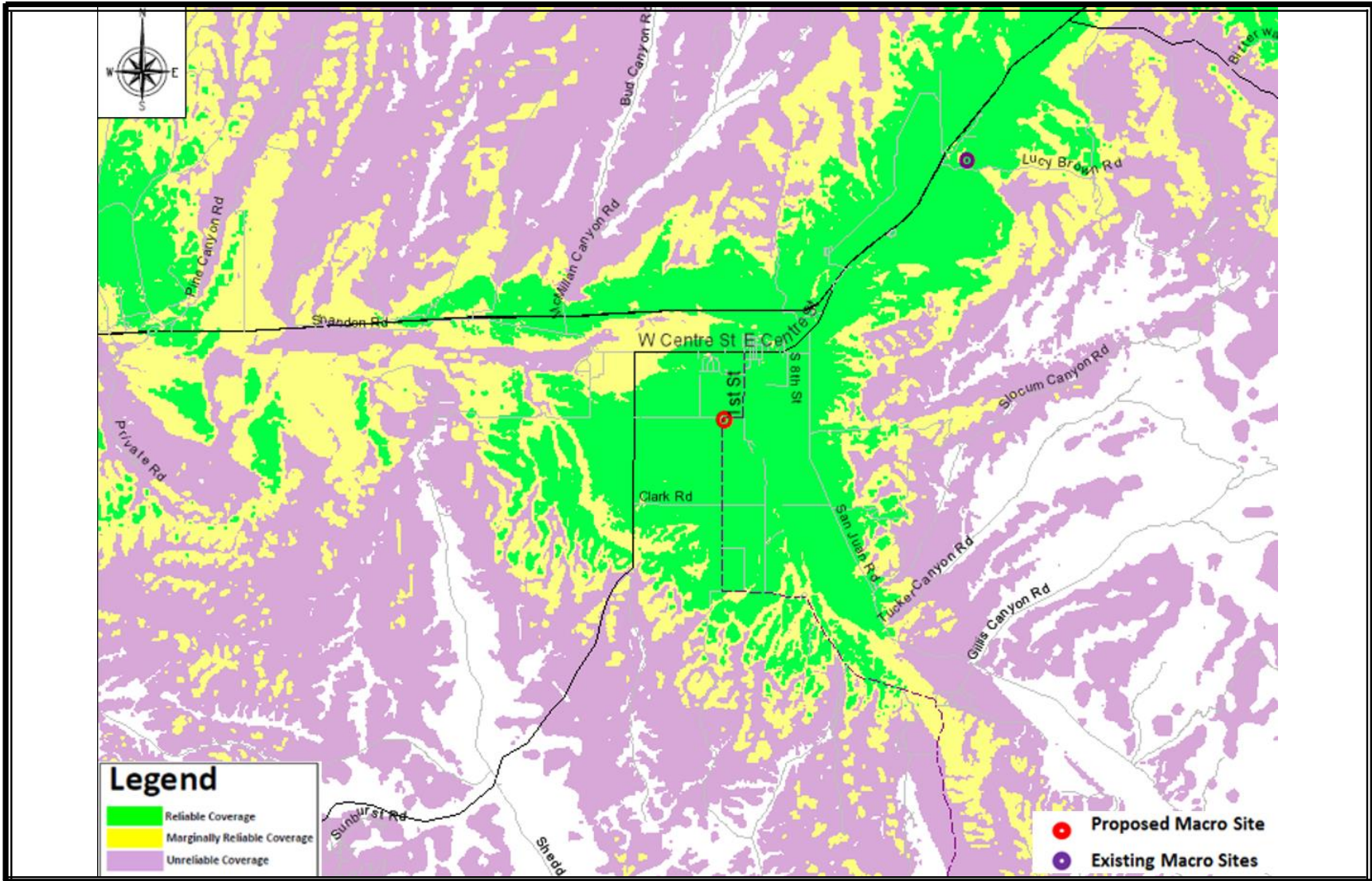
Photo Simulation
(Looking Southeast)
DRC2018-00176



COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

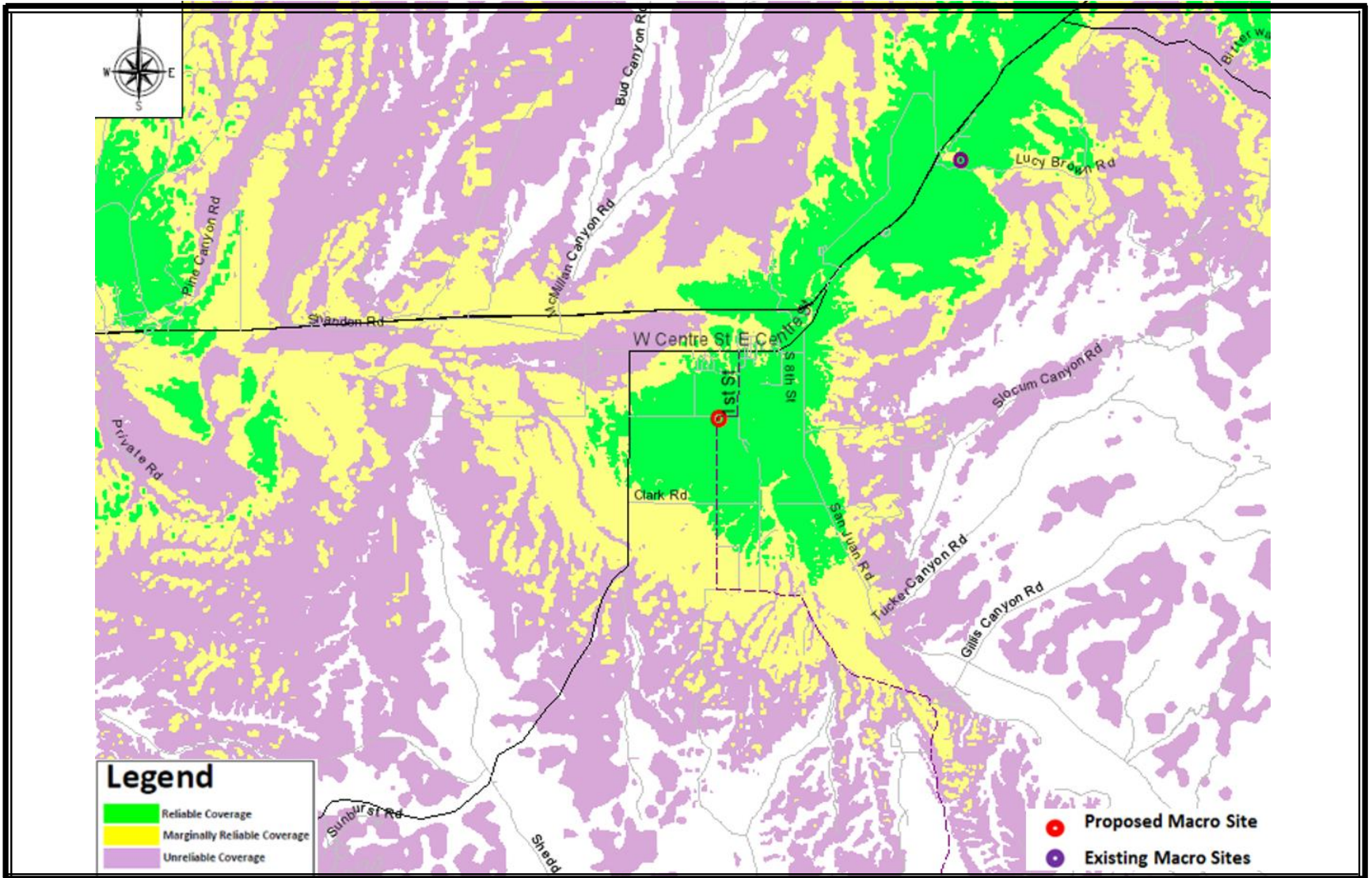
**Propagation Map
(Coverage Before)**



COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

**Propagation Map
(Coverage After) at 70'**



COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

**Propagation Map
(Coverage After) at 50'**

**REVISED DEVELOPER'S STATEMENT FOR
BALAKIAN & AT&T MOBILITY
CONDITIONAL USE PERMIT DRC2018-00176**

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

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

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

Aesthetics (Visual Resources)

AES-1 **At the time of application for construction permits**, the construction drawings shall show the following specifications:

- a. The monopine shall be designed and constructed to appear as an organic, non-symmetrical form, with varying branch lengths and shapes and "needle" clusters installed in random, seemingly natural-occurring patterns. The branches lengths shall taper up the monopine "trunk" and the longest (lowest) branches shall begin at an elevation no higher than 15 feet above the base of the trunk. Overall branch count density shall be equivalent to at least three branches per foot. Realistic bark texture shall run the entire length of the tree pole.
- b. The monopine "needles" shall not be all one color. Varying shades of hues shall be used appropriately to replicate a living plant. Monopine colors shall be field matched with the existing on-site mature pine trees.
- c. Plans, specifications and estimates shall require the submittal of material and color test samples of all visible elements of the monopine to the County Department of Planning and Building for review and approval. The plans, specifications and estimates and construction schedule shall provide for revisions and corrections to the test samples prior to preparation of the final plans.
- d. Antennas shall be hidden and not extend beyond the ends of the artificial branches. Antennas and associated support arms and hardware shall be textured and or colored to blend with the monopine branches and needles.

AES-2 **At the time of application for construction permits**, the applicant shall submit accurate scaled engineering and architectural drawings of the monopine for the construction permit(s). Plans shall not include generic illustrations of a monopine. The drawings shall include elevations and plan views. The construction plans and specifications shall be consistent with the plans approved with the land use permit.

AES-3 **Prior to issuance of construction permits**, the applicant shall submit material and color test samples of all visible elements of the monopine to the County Department of Planning and Building for review and approval. The faux pine tree shall be constructed of the highest quality, most durable and realistic appearing faux foliage and branches. The color of the faux foliage shall be field matched with the existing trees on site.

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

San Joaquin Kit Fox

The Kit Fox Evaluation, which was completed for the Balakian and AT&T Mobility project, DRC2018-00176, on June 3, 2019 by Ace Environmental, Inc., indicates your project will impact 0.06 acres of San Joaquin kit fox habitat. The evaluation form was reviewed by Brandon Sanderson of the California Department of Fish and Game on August 3, 2019. The evaluation, complete with Mr. Sanderson's changes, resulted in a score of 76, which requires that all impacts to kit fox habitat be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). The revised plans indicate an impact of approximately 0.07 acres. Total compensatory mitigation required for the project is 0.21 acres, based on 3 times 0.07 acres impacted. The mitigation options identified in BR-1 through BR-10 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

BIO-1 **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 0.21 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 County 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 \$525. 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 0.21 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 \$525. 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 County permit issuance and initiation of any ground disturbing activities.

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

BIO-2

Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building. The retained biologist shall perform the following monitoring activities:

- a. **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 County 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.
- b. 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 BIO-3 through BIO-10. 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. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **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 the U.S. Fish and Wildlife Service and the Department 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 U.S. Fish and Wildlife Service/Department determine 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 U.S. Fish and Wildlife Service and the Department (see contact information below). 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.

In addition, the qualified biologist shall implement the following measures:

- d. **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:
 - 1. Potential kit fox den: 50 feet
 - 2. Known or active kit fox den: 100 feet
 - 3. Kit fox pupping den: 150 feet
- e. 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.
- f. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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

- BIO-3** **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "*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**.
- In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BIO-3 through BIO-10 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- BIO-4** **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BIO-5** **Prior to issuance of grading and/or construction permits 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 county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County 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.
- BIO-6** **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or 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.
- BIO-7** **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, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-8** **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be

disposed of in closed containers only and 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.

BIO-9 **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.

BIO-10 **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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the County 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 the Department for care, analysis, or disposition.

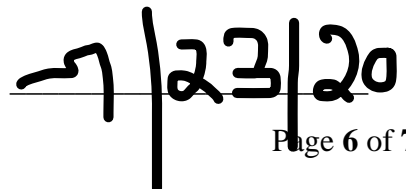
Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-10): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

BIO-11 **During the site-disturbance and/or construction phase,** if construction activities should occur during the bird nesting season which is generally considered February 15 – September 1st, a preconstruction clearance survey of the site and the surrounding habitats within 500 feet of the site should be surveyed no more than 10 days prior to the start of construction. If an active nest is found within the project's zone of influence, avoidance measures will be recommended.

Monitoring (Biological Measure BR-11): Required at the time of application for construction permits/prior to ground disturbance. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.





Signature of Agent(s)

Date

Gunyon Malik
Name (Print)