



**Project Title & No. Miller CUP ED23-026 N-DRC2021-00004**

**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.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Land Use & Planning	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities & Service Systems
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Geology & Soils	<input type="checkbox"/> Population & Housing	<input checked="" type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION:**

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.

David Moran		1/13/2023
Prepared by (Print)	Signature	Date
Eric Hughes		2/6/2023
Reviewed by (Print)	Signature	Date
	Principal Environmental Coordinator	

## 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:** A request by **George and Catharine Miller** for a Conditional Use Permit (CUP) to authorize the construction of a 5,395 square foot (sf) single-family residence, a 1,262 sf attached garage, a 1,145 sf secondary dwelling, a 4,510 sf horse barn as well as other site improvements that will include access driveways, stables, two detention basins, retaining walls, and three septic leach fields. The project will result in an area of disturbance of approximately 4.22 acres and will include 7,250 cubic yards (cy) of cut, 4,000 cy of fill and 3,250 cy of export that will be spread on site. The project will be served by a new well and water storage tank. A new, all-weather access drive will be constructed to CalFire standards that will connect Almond Drive and Venice Drive through the project site and serve both residences. The project site consists of 14.44 acres within the Residential Rural land use category located at 4455 Almond Drive about five miles east of the community of Templeton. The site is within the North County Planning Area and the El Pomar/Estrella Sub-Area.

The regional location of the project site is shown in Figure 1, and an aerial view is provided in Figures 2 and 3. Table 1 provides a summary of project components.

## Initial Study – Environmental Checklist

**Table 1 – Project Components**

Components	Quantities
Primary Residence	5,395 sf
Garage	1,262 sf
Patios and Breezeways	3,559 sf
Secondary Dwelling	1,145 sf
Horse Barn	4,510 sf
Covered Stables	1,030 sf
<b>Sub-Total for New Structures</b>	<b>16,901 sf/0.38 acres</b>
Access Roads, Septic Leach Fields, Utilities and Other Site Improvements	165,528 sf/3.8 acres
<b>Total Area of Disturbance</b>	<b>183,823 sf/4.22 acres</b>
Cut and Fill	7,250 cubic yards (cy) of cut, 4,000 cy of fill and 3,250 cy of export that will be spread on site

### Background and Baseline Conditions

The project site consists of a rectangular-shaped parcel of 14.4 acres that extends between Venice Drive to the west and Almond Drive to the east (Figure 3). The project site slopes moderately upward to the east from Almond Drive to a prominent ridgeline that extends north/south through the project site and the adjoining properties. Almond Drive follows a meandering path along the bottom lands adjoining an unnamed ephemeral tributary to the Salinas River. There are no structures on the project site except for an existing well; the site is served by unimproved driveways on Almond Drive and Venice Drive connected to a network of interior unimproved access roads. In addition, the site contains scattered rows of almond trees of various size, age and apparent health, which suggests that commercial crop production has been undertaken on the site. There are no significant native or ornamental trees, or other natural features.

Surrounding land uses include parcels that range in size from 10 to over 100 acres; many have been planted with orchards and wine grapes and contain residences and accessory buildings.

**Ordinance Modification.** No ordinance modifications are requested for this project.

**ASSESSOR PARCEL NUMBER(S):** 033-281-041

**Latitude:** 35° 32' 50.39" N      **Longitude:** 120.° 37' 35.889"W      **SUPERVISORIAL DISTRICT #** 1

### B. Existing Setting

**Plan Area:** North County      **Sub:** El Pomar/Estrella      **Comm:** Rural

**Land Use Category:** Residential Rural

**Combining Designation:** None

**Parcel Size:** 14.44 acres

**Topography:** Moderately sloping to gently sloping

# Initial Study – Environmental Checklist

**Vegetation:** Grasses Agriculture

**Existing Uses:** Undeveloped

**Surrounding Land Use Categories and Uses:**

**North:** Residential Rural; agricultural uses

**East:** Agriculture; agricultural uses

**South:** Residential Rural; agricultural uses

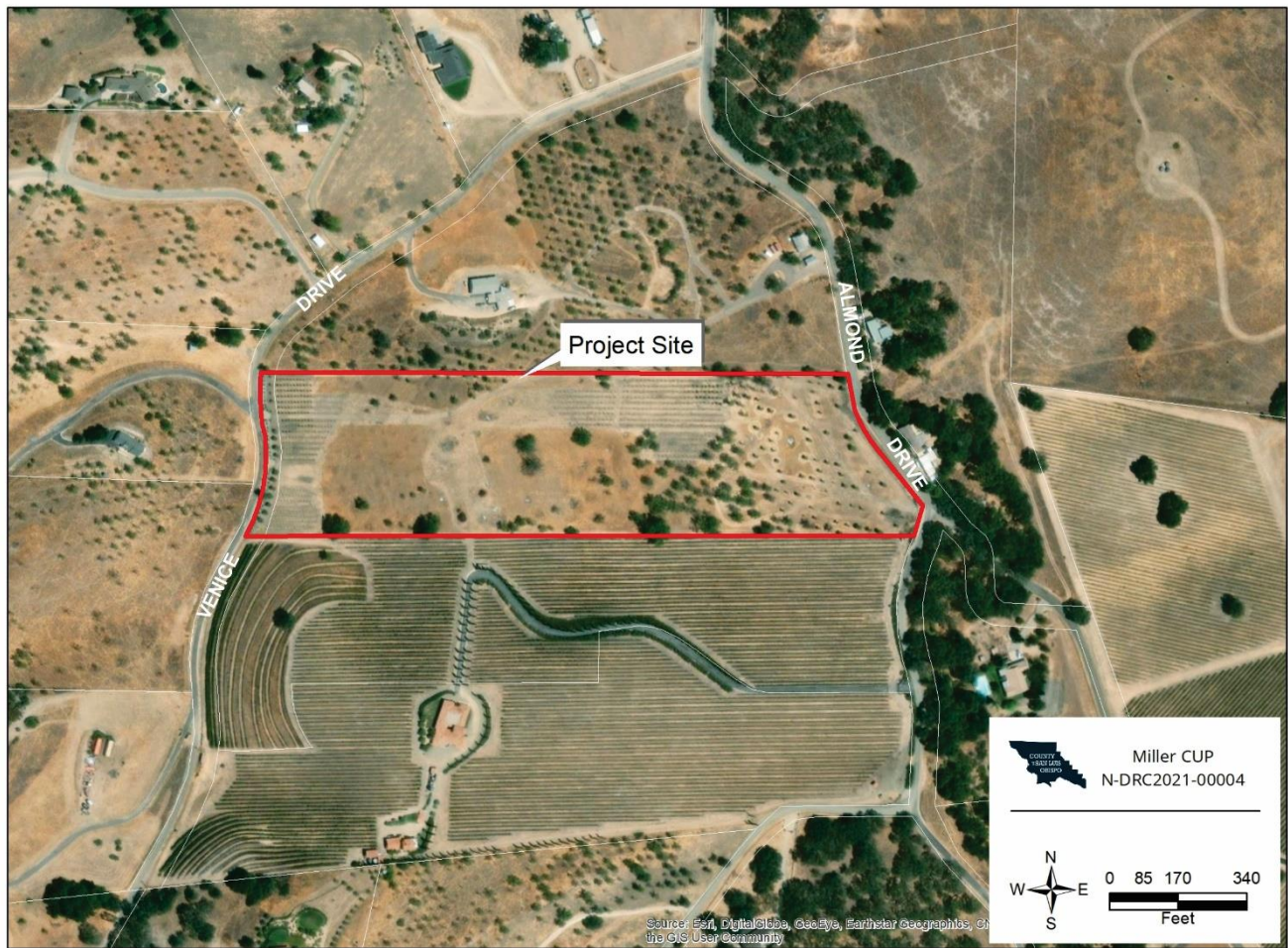
**West:** Residential Rural; agricultural uses

**Figure 1 -- Project Location**



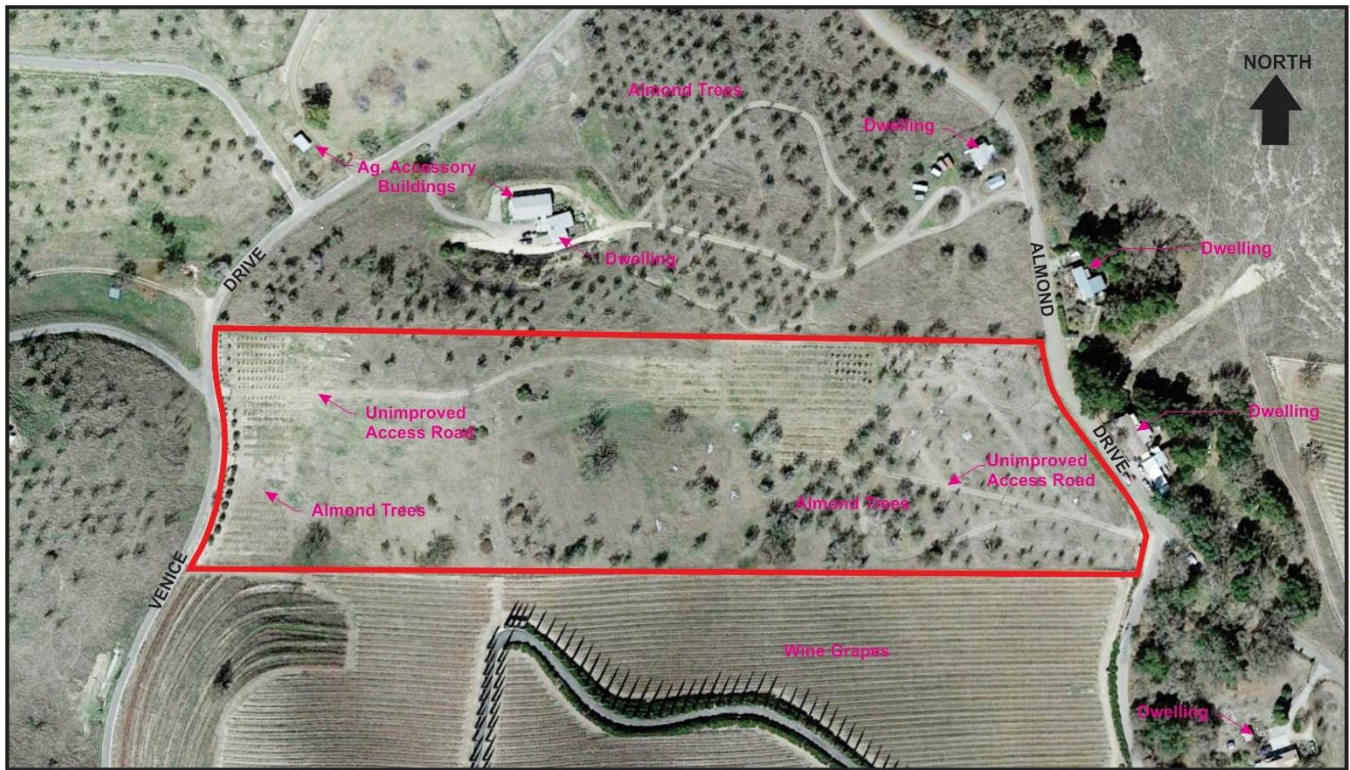
# Initial Study - Environmental Checklist

**Figure 2 - Aerial View of the Project Site and Vicinity**



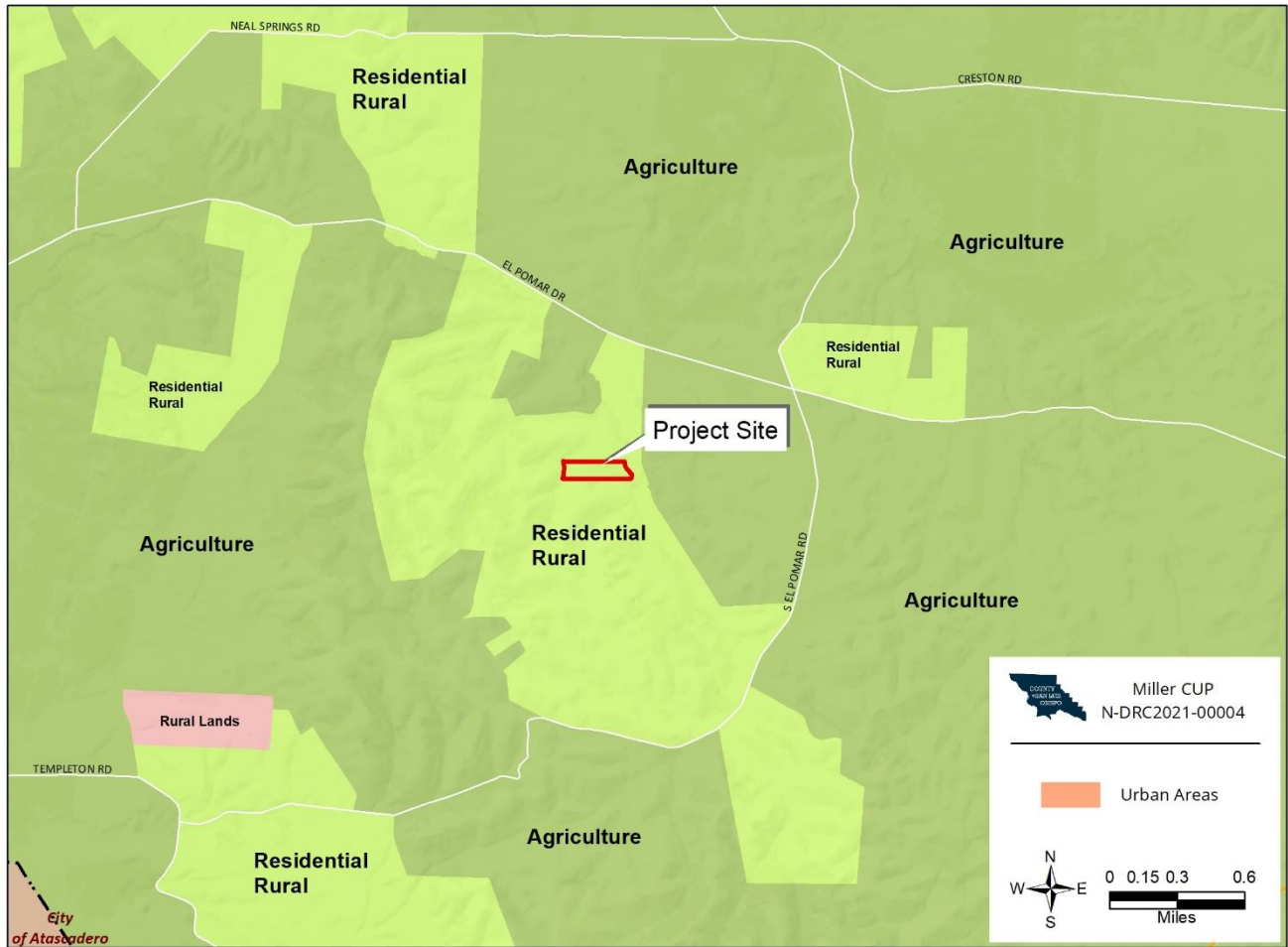
# Initial Study - Environmental Checklist

Figure 3 - Existing Conditions



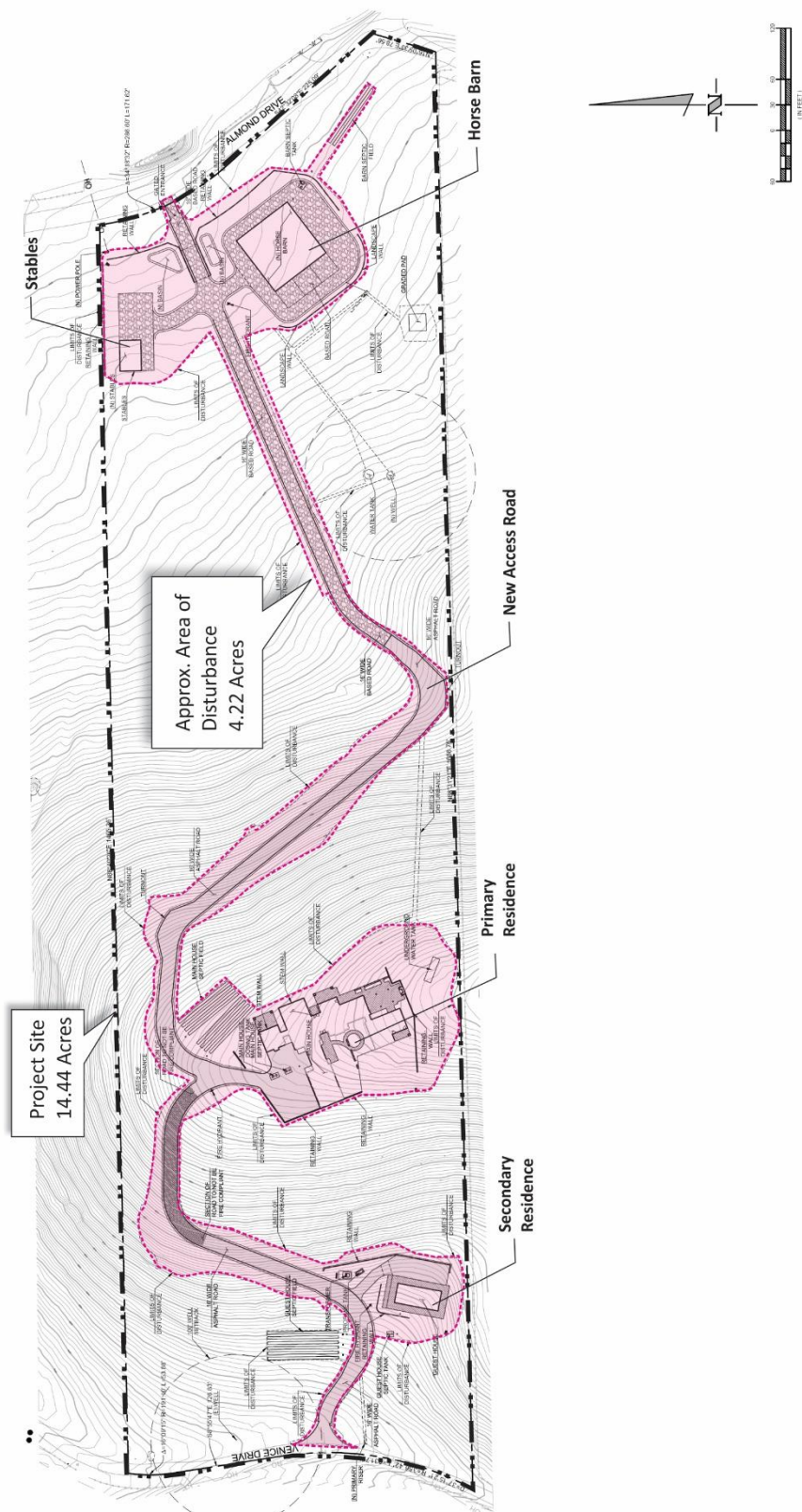
# Initial Study - Environmental Checklist

Figure 4 - Land Use Categories



# Initial Study - Environmental Checklist

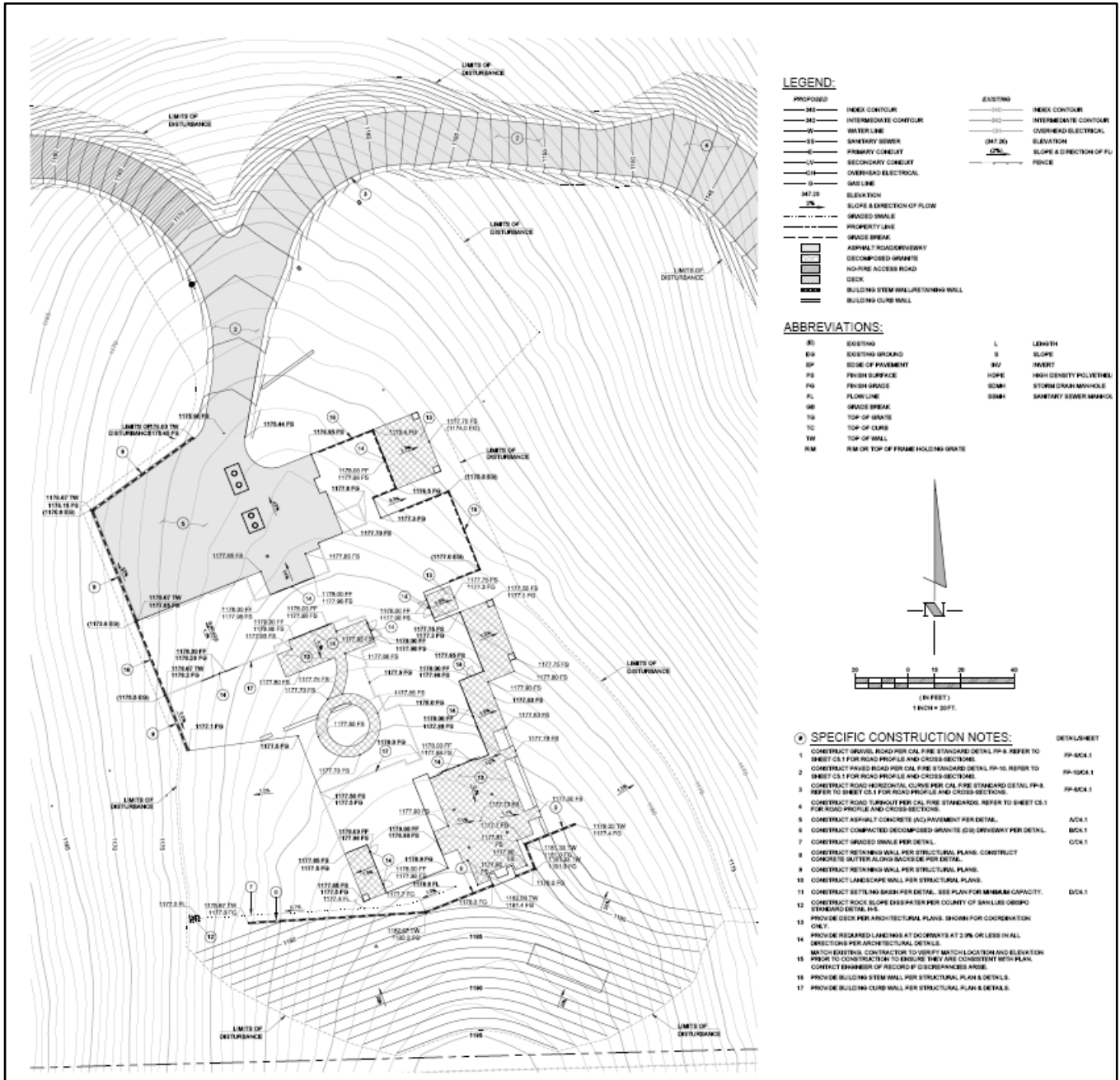
Figure 5 -- Overall Site Plan and Area of Disturbance





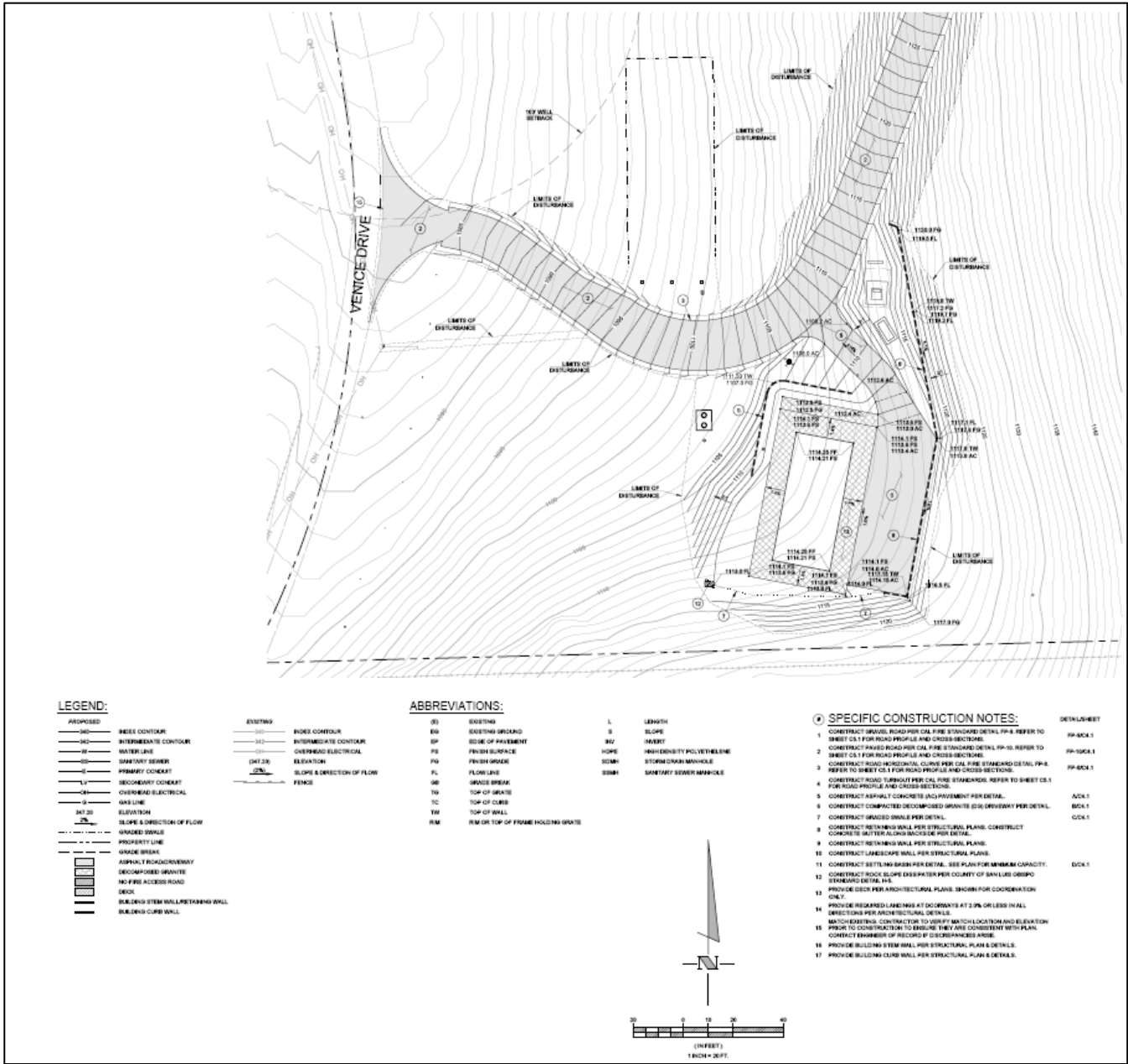
# Initial Study - Environmental Checklist

Figure 6 -- Primary Residence Preliminary Grading and Drainage



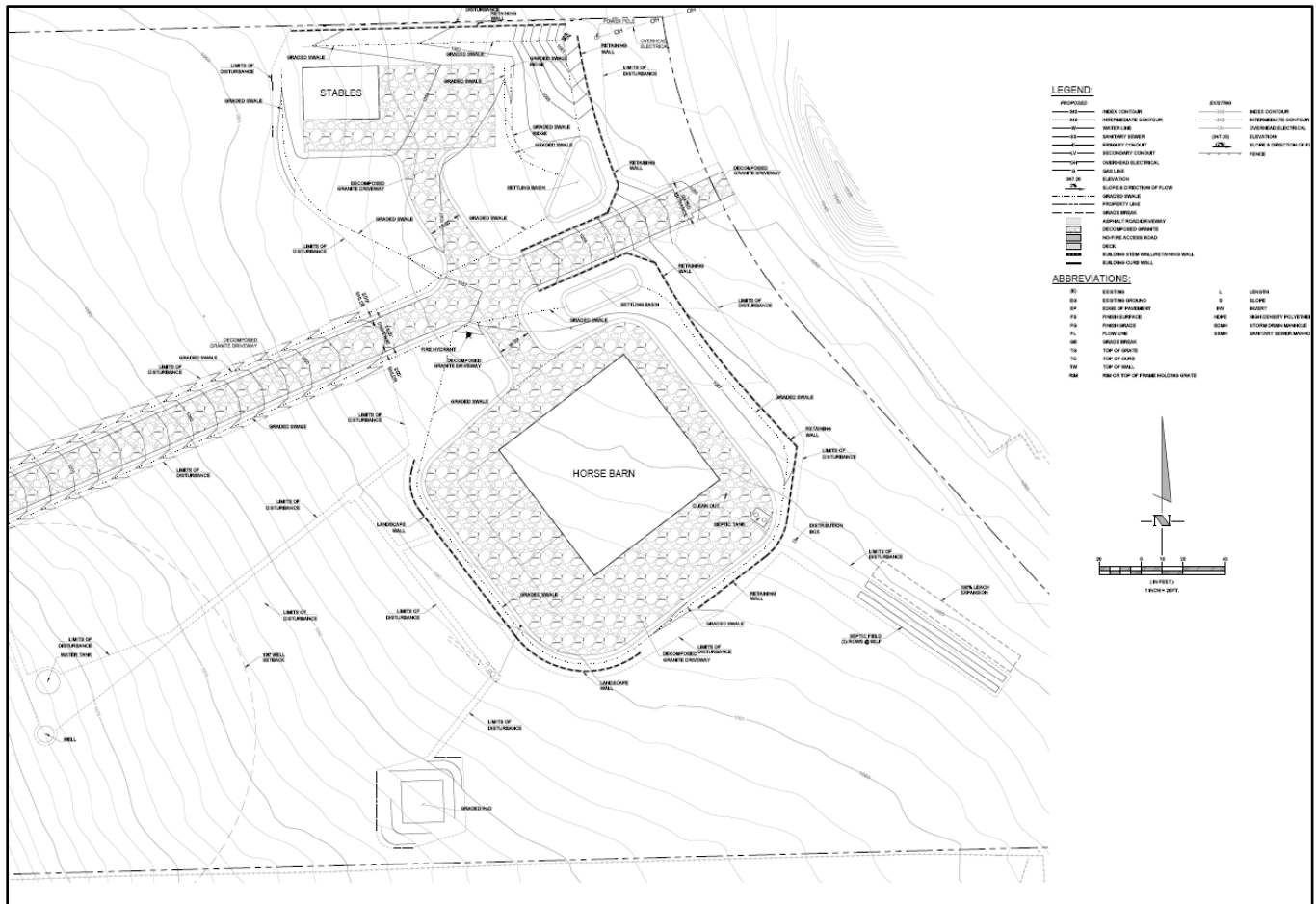
# Initial Study - Environmental Checklist

Figure 7 -- Secondary Residence Preliminary Grading and Drainage



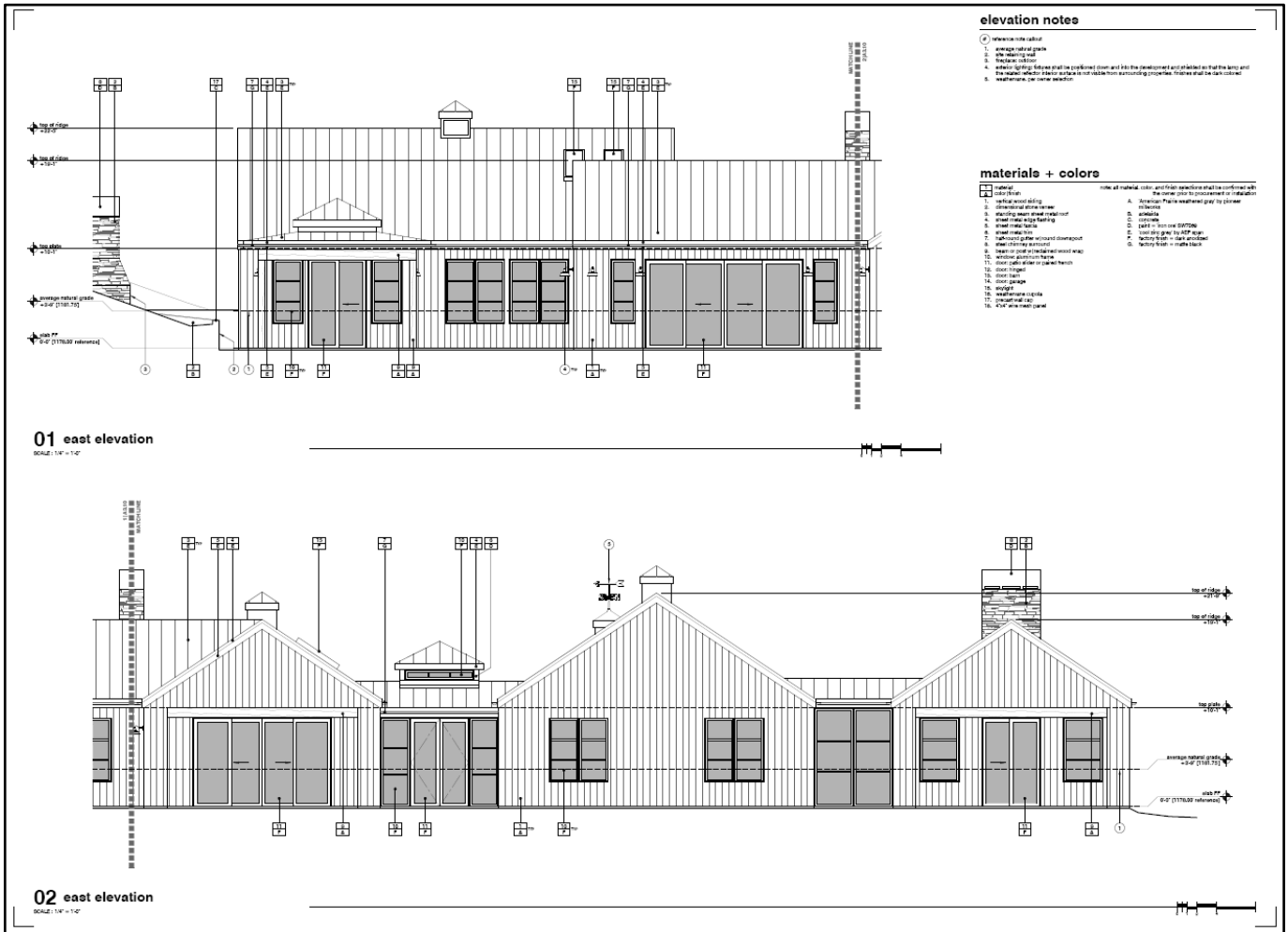
### Initial Study - Environmental Checklist

Figure 8 -- Horse Barn and Stables Preliminary Grading and Drainage



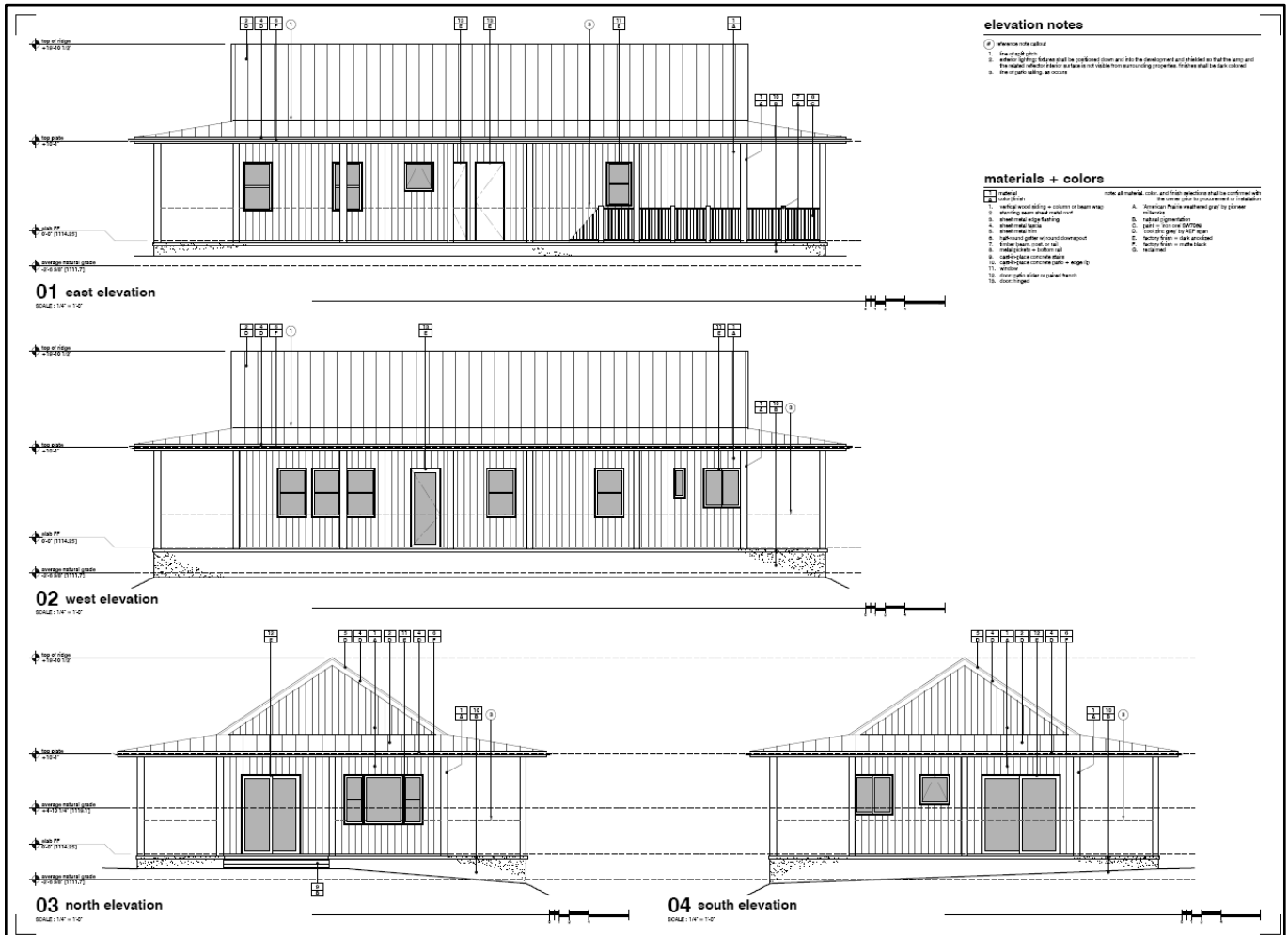
Initial Study - Environmental Checklist

Figure 9 - Primary Residence, East Elevation



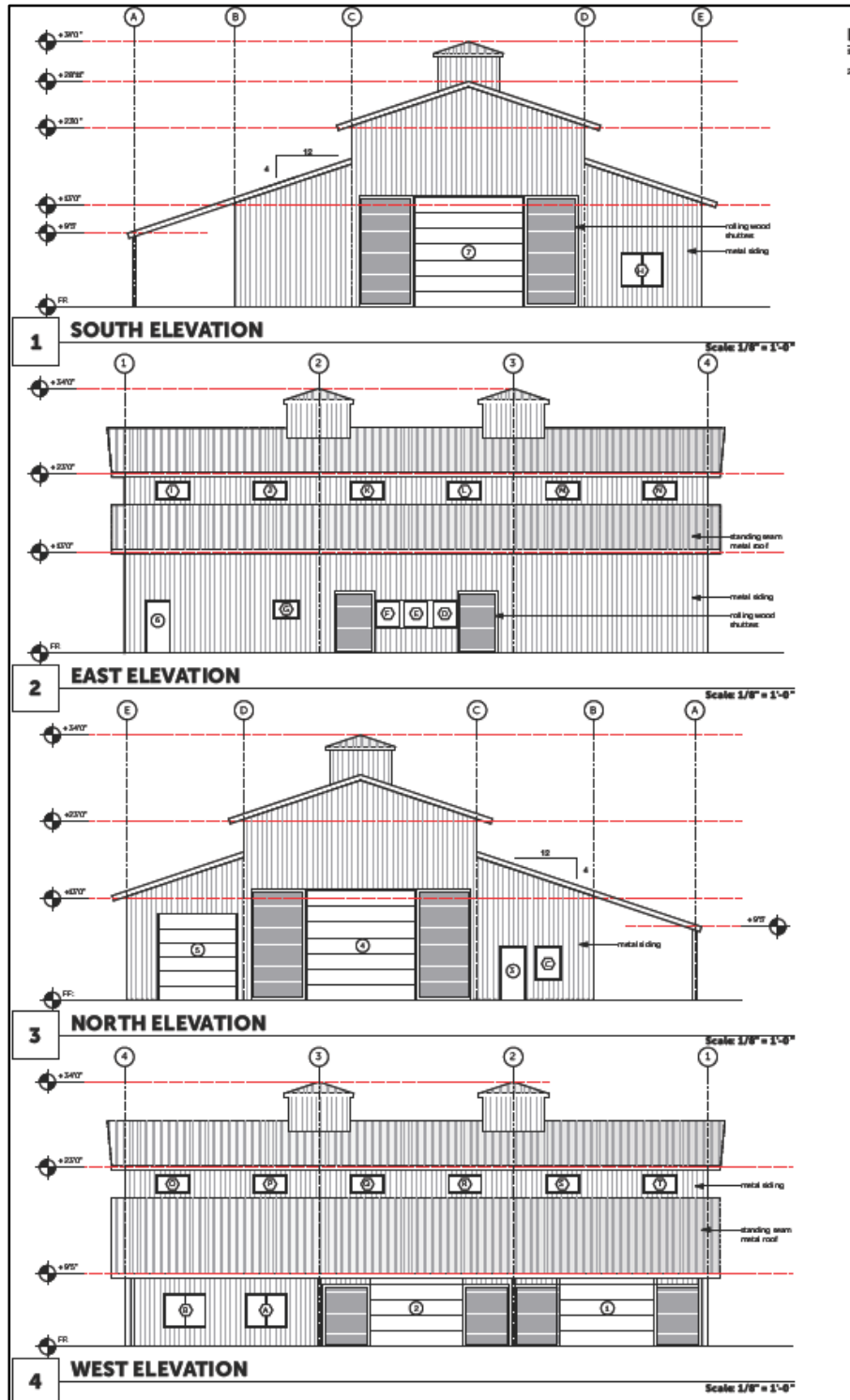
# Initial Study - Environmental Checklist

Figure 10 - Secondary Residence, East and West Elevations



# Initial Study - Environmental Checklist

Figure 11 - Horse Barn Elevations



## Initial Study – Environmental Checklist

### 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.

#### 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 project site consists of 14.40 acres located in a semi-rural area of the county east of the community of Templeton where the primary land use consists of rural residences with small agricultural operations (orchards and wine grape crop production) on parcels ranging in size from 10 to over 100 acres. The topography consists of gently to moderately rolling hills; the ephemeral drainage at the bottom of the valley is lined with sparse to moderately dense riparian vegetation. The visual qualities of the project site and surrounding area are considered moderately high.

The project site is served by Almond Drive, a county-maintained rural roadway that extends south from El Pomar Drive through gently rolling hills to South El Pomar Road. Traffic counts taken on Almond Drive in 2020 revealed 230 Average Daily Trips and 35 afternoon peak hour trips.

Conservation and Open Space Element. The Conservation and Open Space Element (COSE) identifies several goals for visual resources in rural parts of the county:

## Initial Study – Environmental Checklist

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- Goal VR 1: The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- Goal VR 2: The natural and historic character and identity of rural areas will be preserved.
- Goal VR 3: The visual identities of communities will be preserved by maintaining rural separation between them.
- Goal VR 7: Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

Countywide Design Guidelines. The Countywide Design Guidelines identify objectives for both urban and rural development. Rural area guidelines applicable to the project include the following:

- Objective RU-5: Fences and screening should reflect an area's rural quality.
- Objective RU-7: Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

Inland Land Use Ordinance. The Land Use Ordinance sets forth standards for exterior lighting (LUO Section 22.10.060). In accordance with these standards, exterior lighting must be shielded and directed onto the source parcel and away from roadways and adjacent parcels.

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1.

### *Discussion*

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. If the project would substantially degrade the scenic landscape as viewed from public roads, designated scenic routes, or from other public or recreation areas, this would be considered a potentially significant impact on the scenic vista.

While the project vicinity has a moderately high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts would occur*.

(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 visible from, a designated state scenic highway or eligible state scenic highway (Caltrans 2022). Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur*.



## Initial Study – Environmental Checklist

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- (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 project site is located in a semi-rural, non-urbanized area of the County. The existing visual character of public views in the vicinity of the project site consists of rolling hills with scattered orchards and wine grapes; all of the parcels surrounding the project site have been developed with a single family residence which is most commonly located at the top of the slope. Public views of the project site are afforded from Almond Drive, a County maintained road with a PM peak hour traffic volume of 35 trips, and Venice Drive, a private roadway serving a small number of rural residences north and west of the project site. Therefore, public viewership of the project site is currently low.

Construction of the two residences, barn and driveway improvements will change the visual and aesthetic character of the project site. The site plan (Figure 5) shows the primary residence atop a north-south trending ridge located in the eastern third of the parcel. The primary residence will be a single-story structure with grey vertical wood siding, stone veneer accents and a gable roof (Figure 9) and will be oriented to capture expansive views to the west. The smaller, secondary dwelling will be located on the eastern side of the ridge closer to Venice Drive and will incorporate the same exterior colors and materials to match the primary residence.

The barn will be located in the western portion of the site about 90- feet east and upslope of Almond Drive; a retaining wall of about four feet in height will be located about half way between the barn and Almond Drive right-of-way. The barn will be a two-story structure with a clearstory design common to wooden barns throughout the county; the materials will consist of metal siding and a standing-seam roof.

As discussed in the project description, the project will involve considerable grading for the excavation of building sites for the new residences and barn, and for the construction of a 16 foot wide access road. According to the plans, the access road will be constructed on moderately steep slopes that will require retaining walls on both the upslope and downslope sides of the roadway.

Lastly, the project will involve the removal of about 75 almond trees of various size, age and health to accommodate construction of the access road, buildings and for the installation of utilities.

Figure 12 provides an illustration of areas (shown in green) with a line of sight view of the primary residence, assuming the building is about 24 feet high above the existing grade and assuming no intervening visual obstructions such as terrain or vegetation. As shown in Figure 12, the portion of the project site where the primary residence will be situated, along with areas to the west where the access road will be constructed, will be visible from portions of Almond Drive. In addition, the proposed barn would also be visible from portions of Almond Drive.

The project application materials include a simulation of how the primary residence might appear when viewed from Almond Drive (Figure 13). The simulation also shows the outline of the proposed barn and the driveway access road. As shown in Figures 12 and 13, the primary residence, barn and the westerly portion of the access driveway will be visible from portions of Almond Drive.

# Initial Study – Environmental Checklist

Figure 12 -- Areas With A Line of Sight View of the Project Site (shown in green)



Figure 13 -- Simulation of the View from Almond Drive Showing the Primary Residence, Barn and Driveway



## Initial Study – Environmental Checklist

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As conditioned, the project is not expected to substantially degrade the existing visual character or quality of public views because:

- The existing visual character of public views in the vicinity of the project site consists of rolling hills with scattered orchards and wine grapes; all of the parcels surrounding the project site have been developed with a single family residence which is most commonly located at the top of the slope. The size, scale and character of development associated with the project are consistent with the visual character of existing surrounding development.
- The proposed buildings incorporate design elements that are agrarian in nature and include muted colors and materials that help minimize their visual prominence. The primary residence will be a single-story structure with muted earth tone exterior colors and materials. The building site will be partially excavated into the hillside which will reduce the apparent mass of the dwelling when viewed from Almond Drive.
- Assuming 35 peak hour trips and an average speed of 35 miles per hour on Almond Drive, one motorist will pass by the project site every two minutes during the afternoon peak hour and will pass by the project site in about 8 seconds (assuming 51 feet per second and a parcel width of about 433 feet). Therefore, although the project will be visible from portions of Almond Drive, views of the project components will be brief and will be viewed by a small number of public viewers. Almond Drive meanders through the area following the ephemeral drainage at the bottom of the valley in a way that further limits opportunities to view the project site.
- As shown in Figure 13, views of the primary residence, access road and barn will be partially obscured by the intervening mature almond trees between the project components and the roadway.
- The project includes a preliminary landscape plan that shows foundation planting along the roadway to help soften the visual transition to the surrounding terrain.

Project impacts associated with the potential degradation of of the existing visual character or quality of public views are expected to be *less than significant*.

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

The project would result in a significant impact if it subjects public viewing locations to a substantial amount of point-source lighting visibility at night, or if project illumination results in a noticeable spillover effect into the nighttime sky, increasing the ambient light over the region. The placement of lighting, source of illumination, and fixture types combined with viewer locations, adjacent reflective elements, and atmospheric conditions can affect the degree of change to nighttime views. If the project results in direct visibility of a substantial number of lighting sources, or allows a substantial amount of light to project toward the sky, significant impacts on nighttime views and aesthetic character would result.

The project is located in an area with low existing levels of light pollution (Darksitefinder.com 2019). The dwellings and barn will introduce a new source of light to the project site that is comparable to a single family residence. The project will be conditioned to comply with county standards for exterior lighting. Therefore, potential impacts associated with the creation of a new source of substantial light would be *less than significant*.

## Initial Study – Environmental Checklist

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### *Conclusion*

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. New sources of light will be subject to compliance with the County's exterior lighting standards as prescribed in LUO Section 22.10.060. Impacts to aesthetic resources would be *less than significant*.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### II. AGRICULTURE AND FORESTRY RESOURCES

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<p><i>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:</i></p>				
(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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland,

## Initial Study – Environmental Checklist

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Farmland of Local Importance, and Grazing Land are considered “agricultural land.” Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils of the site are described in detail below. The acreage and corresponding farmland classifications are provided in Tables 2 and 3.

### *Linne-Calodo complex, 9 to 30 percent slopes*

Linne: 30 percent

This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Calodo: 25 percent

This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or residuum weathered from calcareous sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

### *Lockwood-Concepcion complex, 2 to 9 percent slopes*

Lockwood: 35 percent

This component is on terraces. The parent material consists of alluvium derived from sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

Concepcion: 25 percent

This component is on terraces. The parent material consists of alluvium derived from mixed rocks. Depth to a root restrictive layer 22 inches, abrupt textural change. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a

## Initial Study – Environmental Checklist

depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 3e. This soil does not meet hydric criteria.

As shown in Table 2, neither of the soils on the project site are considered prime farmland by the COSE. However, the Lockwood-Concepcion complex is considered Farmland of Statewide Importance.

**Table 2 – Farmland Classifications of the COSE and Corresponding Acreages**

Soil	COES Classification	Acres
Linne-Calodo complex, 9 to 30 percent slopes	Other Productive Soils	7.5
Lockwood-Concepcion complex, 2 to 9 percent slopes	Farmland of Statewide Importance	6.9
<b>Total:</b>		<b>14.44</b>

Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element

Table 3 provides a summary of farmland classifications for soils on the project site based on maps produced by the FMMP. As shown in Table 3, none of the soils are considered prime farmland. However, 6.7 acres are mapped as Unique Farmland.

**Table 3 – Farmland Classifications of the FMMP and Corresponding Acreages**

FMMP Classification	Acres	
Grazing	6.0	
Farmland of Local Potential	1.7	
Unique Farmland	6.7	
<b>Total:</b>		<b>14.44</b>

Source: Department of Conservation Farmland Mapping and Monitoring Program

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower because they are based upon farming and open space uses as opposed to full market value. The project site is within the El Pomar Agricultural Preserve but is not subject to an active Williamson Act contract but.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

## Initial Study – Environmental Checklist

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- (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 project site consists of 14.4 acres and is planted with almond trees of various size, age and apparent health. As shown in Table 3, 6.7 acres of the site is mapped as Unique Farmland by the FMMP, primarily in the western portion of the site where the secondary dwelling and a portion of the driveway access road will be constructed. Historical aerial imagery suggests that this area was planted with almond trees between 2018 and 2021. The proposed access road and driveway onto Venice Drive will be located in an unplanted area where an accessway has been maintained that would allow for the passage of vehicles. Nonetheless, construction of the new all-weather roadway and secondary residence will result in the permanent conversion of about 0.5 acres of Unique Farmland to a non-agricultural use. This impact is considered *less than significant* because:

- The conversion of 0.5 acres is a small fraction of the total productive farmland in the County as mapped by the FMMP;
- The remaining 6.2 acres of Unique Farmland on the project site will continue to be available for crop production. However, because of the small area, slope and the lack of suitable water resources, these areas are likely unsuitable for commercial crop production.

In addition, the project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

***AGP8: Intensive Agricultural Facilities.***

*a. Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.*

*b. Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.*

***AGP18: Location of Improvements.***

*a. Locate new buildings, access roads, and structures so as to protect agricultural land.*

- Discussion: Because of the small area of the project site, slope and the lack of suitable water resources, the project site is likely unsuitable for commercial crop production.

***AGP14: Agricultural Preserve Program.***

- a. Encourage eligible property owners to participate in the county's agricultural preserve program.*

Discussion: The project site is not subject to an active LCA contract.

***AGP24: Conversion of Agricultural Land.***

- a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:*



## Initial Study – Environmental Checklist

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1. *Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.*

Discussion: The project site is not located in proximity to an urban reserve or city.

2. *Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.*

3. *Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.*

4. *Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.*

Discussion: The project is consistent with the allowable land uses in the Residential Rural land use category and does not propose a change in the land use designation.

For the above reasons, project impacts would be *less than significant* and *less than cumulatively considerable*.

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

The subject property is located within the Residential Rural land use category and is not subject to a Williamson Act Contract; a single family dwelling and secondary dwelling are allowable uses. Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur*.

(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))?*

The project site does not include land use designations or zoning for forest land or timberland as defined by the Public Resources Code; *no impacts would occur*.

(d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The project site does not support resources that meet the definition of “forest land” as prescribed in Public Resources Code Section 12220(g):

*“Forest land” is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.*

Therefore, there would be *no impact* relating to the conversion of forest land to a non-forest use.

(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?*

The project site is generally surrounded by small ranches and agricultural operations. As discussed in the project description, the project site supports groves of almond trees of various size, age and health. An exact count of the existing trees was not provided but a review of aerial imagery from

## Initial Study – Environmental Checklist

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2021 suggests that the existing trees number in the hundreds. According to the application materials, about 75 almond trees will be removed for the construction of the access road, dwellings, barn, and other site improvements. Therefore, the majority of the existing trees will be maintained on the site following construction of the project. And, as discussed under item a., above, because of the small size of the parcel, slope and lack of a suitable water supply, commercial crop production on the project site is likely not feasible.

Surrounding agricultural uses (scattered orchards and grape production) would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

Therefore, potential impacts would be *less than significant*.

### *Conclusion*

The project would result in less than significant impacts relating to 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. Potential impacts to agricultural resources would be *less than significant* and *less than cumulatively considerable* and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### III. AIR QUALITY

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>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:</i>				
(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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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

##### *San Luis Obispo County Clean Air Plan*

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM<sub>10</sub>). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction’s attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

The County is currently designated as a non-attainment area for ozone and PM<sub>10</sub> under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO<sub>x</sub>) as well as fugitive dust emissions (PM<sub>10</sub>).

##### *SLOAPCD Criteria Pollutant Thresholds*

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. The APCD Handbook includes screening criteria to determine the significance of project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM<sub>10</sub>).

## Initial Study – Environmental Checklist

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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. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally generate sufficient motor vehicle trips that would cause an exceedance of the operational thresholds of significance for ozone precursors. A project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM10). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM10 threshold.

The prevailing winds in the project vicinity are from the north and west.

### *Sensitive Receptors*

Sensitive receptors are people with an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, 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 sensitive receptors to the site are single-family residences located on the adjoining parcels to the north and south, and on Almond Drive.

### *Naturally Occurring Asbestos*

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's NOA Screening Map, the project site is not located in an area identified as having potential for soils containing NOA.

### *Developmental Burning*

As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

## Initial Study – Environmental Checklist

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### Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with CAP's land use planning and transportation control measures and strategies (SLOAPCD 2012). These strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the construction of a single family residence and secondary residence that would typically be occupied by three full-time residents. The project would not generate a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; the project consists of a single family residence and secondary residence and would have no employees. The project would not conflict with regional plans for transit system or bikeway improvements.

Overall, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts 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?*

The County is currently designated as non-attainment for ozone and PM<sub>10</sub> under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO<sub>x</sub>) as well as fugitive dust emissions (PM<sub>10</sub>).

#### Construction Emissions

Based on the project description, the project will have an area of disturbance of about 4.2 acres and will involve 7,250 cubic yards (cy) of cut, 4,000 cy of fill and 3,250 cy of export that will be spread on site. Construction activities will result in the generation of dust, as well as short-term construction vehicle emissions. Using the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), construction-related emissions were calculated for the project and are shown in Table 4 below.

## Initial Study – Environmental Checklist

**Table 4 -- Estimated Construction-Related Emissions**

Pollutant	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO <sub>x</sub> ) (combined)	127.13 lbs./day <sup>1</sup>	137 lbs./day	No
	0.635 tons/quarter <sup>1</sup>	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	5.51 lbs. /day <sup>2</sup>	7 lbs./day	No
	0.027 tons/quarter <sup>2</sup>	0.13 tons/quarter	No
Fugitive Particulate Matter (PM <sub>10</sub> )	3.16 tons <sup>3</sup> /quarter	2.5 tons/quarter	<b>Yes</b>

Notes:

1. Based on 11,250 cubic yards of material moved and 0.113 pounds of combined ROG and NO<sub>x</sub> emissions per cubic yard of material moved and 10 construction days.
2. Based 11,250 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 4.22 total acres of disturbance and 0.75 tons of PM<sub>10</sub> generated per acre of disturbance per month and 10 days of construction.

As shown in Table 4, project construction related emissions are not expected to exceed the daily and quarterly emissions thresholds for ozone precursors and diesel particulates but are expected to exceed the quarterly emissions threshold for fugitive dust. Therefore, project impacts associated with the exceedance of SLOAPCD daily and quarterly emissions thresholds and will be considered *less than significant with mitigation*.

Operation-Related Emissions. The project consists of a single family residence and secondary residence that will likely generate about 20.2 average daily trips. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant* and *less than cumulatively considerable*.

The project site does not require travel on an unpaved roadway.

Overall, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be *less than significant with mitigation*.

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

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest sensitive receptors are residences located on the surrounding parcels that are within 1,000 feet of potential construction activities. These residences may be occupied by sensitive receptors, and the close proximity, combined with the prevailing winds could result in exposure to diesel particulates and fugitive dust from construction activities.

Therefore, potential impacts to sensitive receptors would be *less than significant with mitigation*.

## Initial Study – Environmental Checklist

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

The project site is not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any onsite vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would not result in substantial air pollutant emissions from such activities.

### *Conclusion*

The project would be consistent with the SLOAPCD's Clean Air Plan but construction related dust emissions and diesel emissions could adversely impact surrounding sensitive receptors. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

### *Mitigation*

**AQ-1 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**AQ-2 ROG, NO<sub>x</sub>, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO<sub>x</sub>), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. Implement Mitigation Measure AQ-1, as identified above.
- b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on

## Initial Study – Environmental Checklist

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- highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
- i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
  - ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- c. Maintain all construction equipment in proper tune according to manufacturer's specifications.
  - d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
  - e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.
  - f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
  - g. Electrify equipment when possible.
  - h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
  - i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

### *Sources*

Provided in Exhibit A.



## Initial Study – Environmental Checklist

### IV. BIOLOGICAL RESOURCES

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<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"/>
(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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

## Initial Study – Environmental Checklist

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### *Regulatory Setting*

#### *Federal Laws and Regulations*

Bald and Golden Eagle Protection Act. The Bald and Golden Eagle Protection Act (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking (pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb) bald or golden eagles, including their parts, nests, or eggs. This includes substantially interfering with normal breeding, feeding, or sheltering behavior. Activities that may result in the take of a bald or golden eagle require permits; the three activities eligible for permits include to remove or relocate an eagle nest; to transport, exhibit, collect, or control eagles or eagle parts, and for incidental take of eagles.

Clean Water Act. The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis or may be covered under approved nationwide permits.

Endangered Species Act. The federal Endangered Species Act (FESA) provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. “Critical Habitat” is a term within the FESA designed to guide actions by federal agencies and is defined as “an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species.” Actions that jeopardize endangered or threatened species and/or critical habitat are considered a ‘take’ under the FESA. “Take” under federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Projects that would result in “take” of any federally listed threatened or endangered species, or critical habitats, are required to obtain permits from the USFWS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. Through Section 10, it is required to prepare a Habitat Conservation Plan (HCP) to be approved by the United States Fish and Wildlife Service (USFWS), which results in the issuance of an Incidental Take Permit (ITP). Through Section 7, which can only occur when a separate federal nexus in a project exists (prompting interagency consultation), a consultation by the various federal agencies involved can take place to determine appropriate actions to mitigate negative effects on endangered and threatened species and their habitat.

Migratory Bird Treaty Act. All migratory, non-game bird species that are native to the U.S. or its territories are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), as amended under the Migratory Bird Treaty Reform Act of 2004. MBTA makes it illegal to purposefully take (pursue, hunt, shoot, wound, kill, trap, capture, or collect) any migratory bird, or the parts, nests, or eggs of such a bird, except under the terms of a valid Federal permit. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA).

## Initial Study – Environmental Checklist

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### *State Law and Regulations*

California Endangered Species Act. The California Endangered Species Act (CESA), similar to FESA, contains a process for listing of species and regulating potential impacts to listed species. State threatened and endangered species include both plants and wildlife, but do not include invertebrates. The designation “rare species” applies only to California native plants. State threatened and endangered plant species are regulated largely under the Native Plant Preservation Act in conjunction with the CESA. State threatened and endangered animal species are legally protected against “take.” The CESA authorizes the California Department of Fish and Wildlife (CDFW) to enter into a memorandum of agreement for take of listed species to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met.

Section 2080 of the CESA prohibits the take of species listed as threatened or endangered pursuant to the Act. Section 2081 allows CDFW to authorize take prohibited under Section 2080 provided that: 1) the taking is incidental to an otherwise lawful activity; 2) the taking will be minimized and fully mitigated; 3) the applicant ensures adequate funding for minimization and mitigation; and 4) the authorization will not jeopardize the continued existence of the listed species.

California Environmental Quality Act (CEQA). CEQA defines a “project” as any action undertaken from public or private entity that requires discretionary governmental review (a non-ministerial permittable action). All “projects” are required to undergo some level of environmental review pursuant to CEQA, unless an exemption applies. CEQA’s environmental review process includes an assessment of existing resources, broken up by categories (i.e., air quality, aesthetics, etc.), a catalog of potential impacts to those resources caused by the proposed project, and a quantifiable result determining the level of significance an impact would generate. The goal of environmental review under CEQA is to avoid or mitigate impacts that would lead to a “significant effect” on a given resource; section 15382 of the CEQA Guidelines defines a “significant effect” as *a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.*

California Fish and Game Code (CFGC). The California Fish and Game Code (CFGC) is one of the 29 legal codes that form the general statutory law of California. A myriad of statutes regarding fish and game are specified in the CFGC; the following codes are specifically relevant to the proposed Project:

California Native Plant Protection Act. Sections 1900-1913 of the California Fish and Game Code contain the regulations of the Native Plant Protection Act of 1977. The intent of this act is to help conserve and protect rare and endangered plants in the state. The act allowed the CFGC to designate plants as rare or endangered.

Lake and Streambed Alteration. Section 1602 of the CFGC requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of “lakes, rivers, and streams” includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

## Initial Study – Environmental Checklist

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Nesting Birds. Sections 3503, 3503.5 and 3513 of CFGC states that it is “unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto,” and “unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird” unless authorized.

Regional Water Quality Control Board. The Regional Water Quality Control Board (RWQCB) not only regulates impacts to water quality in federal waters of the U.S. under Section 401 of the Clean Water Act, but also regulates any isolated waters that are impacted under the state Porter Cologne Act utilizing a Waste Discharge Requirement. Discharge of fill material into waters of the State not subject to the jurisdiction of the USACE pursuant to Section 401 of the Clean Water Act may require authorization pursuant to the Porter Cologne Act through application for waste discharge requirements or through waiver of waste discharge requirements.

### *Special Status Species and Sensitive Habitat Regulations*

For the purposes of this biological resources assessment, special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the FESA; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the CESA; animals designated as “Species of Special Concern,” “Fully Protected,” or “Watch List” by the CDFW; and plants with a California Rare Plant Rank (CRPR) of 1, 2, 3, or 4.

### *California Natural Diversity Database (CNDDDB)*

“Special Plants” and “Special Animals” are broad terms used to refer to all the plant and animal taxa inventoried by the CNDDDB, regardless of their legal or protection status (CNDDDB 2020a and 2020b). The Special Plants list includes vascular plants, high priority bryophytes (mosses, liverworts, and hornworts), and lichens. The Special Animals list is also referred to by the California Department of Fish and Wildlife (CDFW) as the list of “species at risk” or “special status species.”

According to the CNDDDB (2020a, 2020b), Special Plants and Animals lists include: taxa that are officially listed or proposed for listing by California or the Federal Government as Endangered, Threatened, or Rare; taxa which meet the criteria for listing, as described in Section 15380 of CEQA Guidelines; taxa deemed biologically rare, restricted in range, declining in abundance, or otherwise vulnerable; population(s) in California that may be marginal to the taxon’s entire range but are threatened with extirpation in California; and/or taxa closely associated with a habitat that is declining in California at a significant rate. Separately, the Special Plants List includes taxa listed in the California Native Plant Society’s Inventory of Rare and Endangered Plants of California, as well as taxa determined to be Sensitive Species by the Bureau of Land Management, U.S. Fish and Wildlife Service, or U.S. Forest Service. The Special Animals List distinctively includes taxa considered by the CDFW to be a Species of Special Concern (SSC) and taxa designated as a special status, sensitive, or declining species by other state or federal agencies.

### *Federal and State Endangered Species Listings*

The Federal and California Endangered Species Acts are the regulatory documents that govern the listing and protection of species, and their habitats, identified as being endangered or threatened with extinction (see Sections 1.5.1 and 1.5.2). Possible listing status under both Federal and California ESA includes Endangered and Threatened (FE, FT, CE, or CT). Species in the process of being listed are given the status of either Proposed Federally Endangered/Threatened, Candidate for California Endangered/Threatened (PE, PT, CCE, or CCT). The CESA has one additional status: Rare (CR).

## Initial Study – Environmental Checklist

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### *Global and State Ranks*

Global and State Ranks reflect an assessment of the condition of the species (or habitats, see 1.6.6 below) across its entire range. Basic ranks assign a numerical value from 1 to 5, respectively for species with highest risk to most secure. Other ranking variations include rank ranges, rank qualifiers, and infraspecific taxon ranks. All Heritage Programs, such as the CNDDDB use the same ranking methodology, originally developed by The Nature Conservancy and now maintained and recently revised by NatureServe. Procedurally, state programs such as the CNDDDB develop the State ranks. The Global ranks are determined collaboratively among the Heritage Programs for the states/provinces containing the species. Rank definitions, where G represents Global and S represents State, are as follows:

- **G1/S1:** Critically imperiled globally/in state because of extreme rarity (5 or fewer populations).
- **G2/S2:** Imperiled globally/in state because of rarity (6 to 20 populations).
- **G3/S3:** Vulnerable; rare and local throughout range or in a special habitat or narrowly endemic (on the order of 21 to 100 populations).
- **G4/S4:** Apparently secure globally/in state; uncommon but not rare (of no immediate conservation concern).
- **G5/S5:** Secure; common, widespread, and abundant.
- **G#G#/S#S#:** Rank range - numerical range indicating uncertainty in the status of a species, (e.g., G2G3 more certain than G3, but less certain that G2).
- **G/S#?:** Inexact numeric rank
- **Q:** Questionable taxonomy - Taxonomic distinctiveness of this entity is questionable.
- **T#:** Infraspecific taxa (subspecies or varieties) – indicating an infraspecific taxon that has a lower numerical ranking (rarer) than the given global rank of species.

### *California Rare Plant Ranks*

Plant species are considered rare when their distribution is confined to localized areas, their habitat is threatened, they are declining in abundance, or they are threatened in a portion of their range.

The California Rare Plant Rank (CRPR) categories range from species with a low threat (4) to species that are presumed extinct (1A). All but a few species are endemic to California. All of them are judged to be vulnerable under present circumstances, or to have a high potential for becoming vulnerable. Threat ranks are assigned as decimal values to a CRPR to further define the level of threat to a given species. The rare plant ranks and threat levels are defined below.

- **1A:** Plants presumed extirpated in California and either rare or extinct elsewhere.
- **1B:** Plants rare, threatened, or endangered in California and elsewhere.
- **2A:** Plants presumed extirpated in California, but common elsewhere
- **2B:** Plants rare, threatened, or endangered in California, but more common elsewhere
- **4:** Plants of limited distribution - a watch list
- **0.1:** Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)

## Initial Study – Environmental Checklist

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- **0.2:** Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
- **0.3:** Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

### *California Department of Fish and Wildlife Animal Rank*

The California Department of Fish and Wildlife (CDFW) assigns one of three ranks to Special Animals: Watch List (WL), Species of Special Concern (SSC), or Fully Protected (FP). Unranked species are referred to by the term Special Animal (SA).

Animals listed as Watch List (WL) are taxa that were previously designated as SSC, but no longer merit that status, or taxa that which do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.

Animals listed as California Species of Special Concern (SSC) may or may not be listed under California or federal Endangered Species Acts. They are considered rare or declining in abundance in California. The Special Concern designation is intended to provide the CDFW biologists, land planners, and managers with lists of species that require special consideration during the planning process to avert continued population declines and potential costly listing under federal and state endangered species laws. For many species of birds, the primary emphasis is on the breeding population in California. For some species that do not breed in California but winter here, emphasis is on wintering range. The SSC designation thus may include a comment regarding the specific protection provided such as nesting or wintering.

Animals listed as Fully Protected (FP) are those species considered by CDFW as rare or faced with possible extinction. Most, but not all, have subsequently been listed under the CESA or FESA. Fully Protected species may not be taken or possessed at any time and no provision of the California Fish and Game code authorizes the issuance of permits or licenses to take any Fully Protected species.

### *Sensitive Habitats*

Sensitive Natural Community is a state-wide designation given by CDFW to specific vegetation associations of ecological importance. Sensitive Natural Communities rarity and ranking involves the knowledge of range and distribution of a given type of vegetation, and the proportion of occurrences that are of good ecological integrity (CDFW 2018a). Evaluation is conducted at both the Global (G) and State (S) levels, resulting in a rank ranging from 1 for very rare and threatened to 5 for demonstrably secure. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities in California and may need to be addressed in the environmental review processes of CEQA and its equivalents.

### *Environmental Setting*

A biological resources assessment (BRA) was prepared for the project site in 2021 (Padre Associates, Inc.) which included field surveys and an assessment of potential project impacts to sensitive biological resources. Additionally, a follow up spring botanical survey was conducted in March 2022. The following is a summary of the findings and recommendations of that study.

The “biological study area” (BSA) discussed in the BRA refers to all areas within the project parcel boundary (approximately 14.4 acres). Within the BSA, the “area of disturbance” refers to all areas where ground disturbance would occur. The area of disturbance consists of about 4.22 acres, or about 29 percent of the 14.4-acre parcel. The remaining land and natural resources on the parcel would be left undisturbed.

## Initial Study – Environmental Checklist

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The Project Site is located within both the Templeton and Creston 7.5-minute United States Geological Survey (USGS) quadrangles, and the CNDDDB search was focused on these and seven adjacent quadrangles within approximately five miles of the BSA, including Santa Margarita, Atascadero, Morro Bay North, York Mountain, Adelaida, Paso Robles, and Estrella. The USFWS Critical Habitat database was also investigated to identify critical habitat for federally listed species within the BSA or surrounding region. In addition, the USFWS National Wetlands Inventory (NWI) was accessed to identify previously documented wetlands within the BSA or surrounding area.

The Project Site is located on Almond Drive, approximately five miles east of Highway 101 in rural Templeton, San Luis Obispo County, California, in the eastern portion of the Santa Lucia Mountain Range. The topography of the region consists of rolling hills. Surrounding properties contain rural residential structures and infrastructure, paved roads, vineyards, and open space supporting grassland, shrubland, woodland, and riparian habitats. The Project Site extends across a hill with moderate to steep slopes, and there is a drainage supporting riparian woodland just outside the eastern property boundary along Almond Drive.

### *Methodology*

Prior to conducting the field survey, a query of the CDFW California Natural Diversity Data Base (CNDDDB) was conducted to identify documented occurrences of special-status plant and wildlife species, and sensitive habitats within the vicinity of the BSA. The CNDDDB is a continually refined and updated computerized inventory of rare animals, plants, and natural communities location information in California, including species that are listed as federally and/or state endangered/threatened. All wildlife taxa listed with the CNDDDB are considered “special animals” in which the CDFW is interested in tracking, regardless of their legal protection status.

### Surveys

On November 2, 2021, and March 22, 2022. Padre Biologist, Christina Santala completed a field survey within the BSA focused on the existing biological resources, presence/absence of special-status plant and wildlife species and habitats, as well as the suitability of habitat to support these species within the BSA.

Field survey methods consisted of walking paths of opportunity throughout the BSA and recording wildlife species observed by visual observation using binoculars, indirect signs (e.g., tracks, scat, skeletal remains, and burrows), and/or auditory cues (i.e., calls and songs). Field notes on botanical resources and vegetation communities/habitats were also recorded. Field surveys were conducted in November, outside the typical blooming for many plant species and as such, a follow-up spring botanical survey will be conducted focused on the presence of potentially occurring special-status plant species documented to occur in similar habitats in the Project region.

Vegetation within the BSA was divided and classified into vegetation types based on *A Manual of California Vegetation, Second Edition* (MCV2) (Sawyer, et. al., 2009), or described as site-specific vegetation and/or land use cover types not treated in the MCV2 (i.e., ruderal). All identifiable plant species observed within the BSA were documented. Plant specimens that were not positively identified in the field were further examined using appropriate botanical keys, including *The Jepson Manual Vascular Plants of California* (Baldwin et. al., 2012).

### *Habitats*

## Initial Study – Environmental Checklist

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A list of plant species identified in the BSA during the November 2021 field survey is provided in Appendix B of the BRA. Vegetation communities documented to occur within the project site are described in the following paragraphs.

### **Wild oats and annual brome grassland (*Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance).**

The Wild oats and annual brome grassland alliance occurs in all topographic settings in foothills, waste places, rangelands, and openings in woodlands. This alliance is characterized by presence of slender wild oat (*Avena barbata*), wild oats (*Avena fatua*), false brome (*Brachypodium distachyon*), rattlesnake grass (*Briza maxima*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*) and/or foxtail barley (*Hordeum murinum*) as dominant or co-dominant with other non-natives in the herbaceous layer; cover is open to continuous (Sawyer et. al., 2009). As observed during the field survey, this alliance occurred throughout the BSA, and appeared to be recently mowed; species were identifiable. Dominant to co-dominant species included slender wild oats, wild oats, ripgut grass, filaree (*Erodium* spp.), fiddleneck (*Amsinckia* sp.), turkey mullein (*Croton setiger*), and scattered occurrences of coyote brush (*Baccharis pilularis*), poison oak (*Toxicodendron diversilobum*), and walnut (*Juglans* sp.). This alliance is not considered sensitive by the CDFW and is not protected under CEQA.

**Orchard.** Orchard is a site-specific vegetation classification that describes the areas of the Project Site that have been planted with trees for agricultural purposes. As observed during the field survey, this cover type occurred on level to steep slopes throughout the BSA. Tree species consisted of mature cultivated almond (*Prunus* sp.), walnut (*Juglans* sp.), and newly planted olive (*Olea europaea*). The trees were generally healthy, and understory vegetation was comprised of remnant annual grassland, duff, and/or bare ground.

**Ornamental.** Ornamental is a site-specific vegetation classification that primarily consisted of a row of oleander (*Nerium oleander*) planted on the eastern and western boundaries of the Project Site for landscaping purposes. Ornamental vegetation may provide suitable foraging and nesting habitat for fauna.

**Ruderal.** Within this report, Ruderal is a term used to describe the unpaved access roads, staging, and parking areas within the BSA. Disturbed areas that are not paved can support vegetative cover consisting primarily of disturbance adapted plant species (ruderal species). As observed during the field survey, ruderal vegetation ranged from very sparse to moderate cover comprised of non-native species including remnant wild oats (*Avena* spp.), ripgut grass, and filaree.

### *Wildlife*

Wildlife was identified during the survey through indirect sign and direct observations of individuals. Species observed and detected included western fence lizard (*Sceloporus occidentalis*), western scrub jay (*Aphelocoma californica*), gopher (*Thomomys bottae*), and ground squirrel (*Otospermophilus beecheyi*). A complete list of observed wildlife species can be found in Appendix C of the BRA – Wildlife Species Observed within the BSA.

### *Aquatic Resources*

Based on the results of the desktop review and field observations, no aquatic resources were identified within the BSA, however, several aquatic features were identified within one mile outside of the BSA. There are two NWI recorded Riverine features adjacent to the eastern and western boundaries, two Freshwater Ponds approximately 0.2 miles north, and a Freshwater Emergent Wetland approximately 0.5 miles northeast of the BSA (USFWS, 2021b). As observed during the November 2021 survey, the eastern Riverine feature was a dry drainage that supported moderate to dense riparian habitat and meandered through adjacent rural properties, situated approximately 45 feet east of the parcel boundary. The western drainage



## Initial Study – Environmental Checklist

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was not visible and appeared to have been altered by an existing paved road and past and current agricultural and residential land uses.

### *Special Status Resources*

Results of the nine quadrangle (approximately ten miles surrounding the Project Site) CNDDDB query for regional occurrences of special-status plant and wildlife species, and sensitive vegetation communities can be found in Appendix D of the BRA (CDFW, 2021a). The BRA focuses on the special-status plants and wildlife biological resources within five miles of the BSA (Project region) that have a greater potential to occur within the Project Site based on proximity of documented occurrences.

### *Critical Habitats and Special Status Natural Communities*

No USFWS-Designated Critical Habitat overlapped the BSA. The nearest occurrence was vernal pool fairy shrimp (*Branchinecta lynchi*) USFWS-Designated Critical Habitat approximately 3.5 miles northeast of the BSA (USFWS, 2021a).

No sensitive natural communities as defined by CDFW were documented within five miles of the BSA. The nearest occurrence was Valley Oak Woodland, approximately eleven miles northeast of the BSA (CDFW, 2021a).

### *Special-status Plant Species*

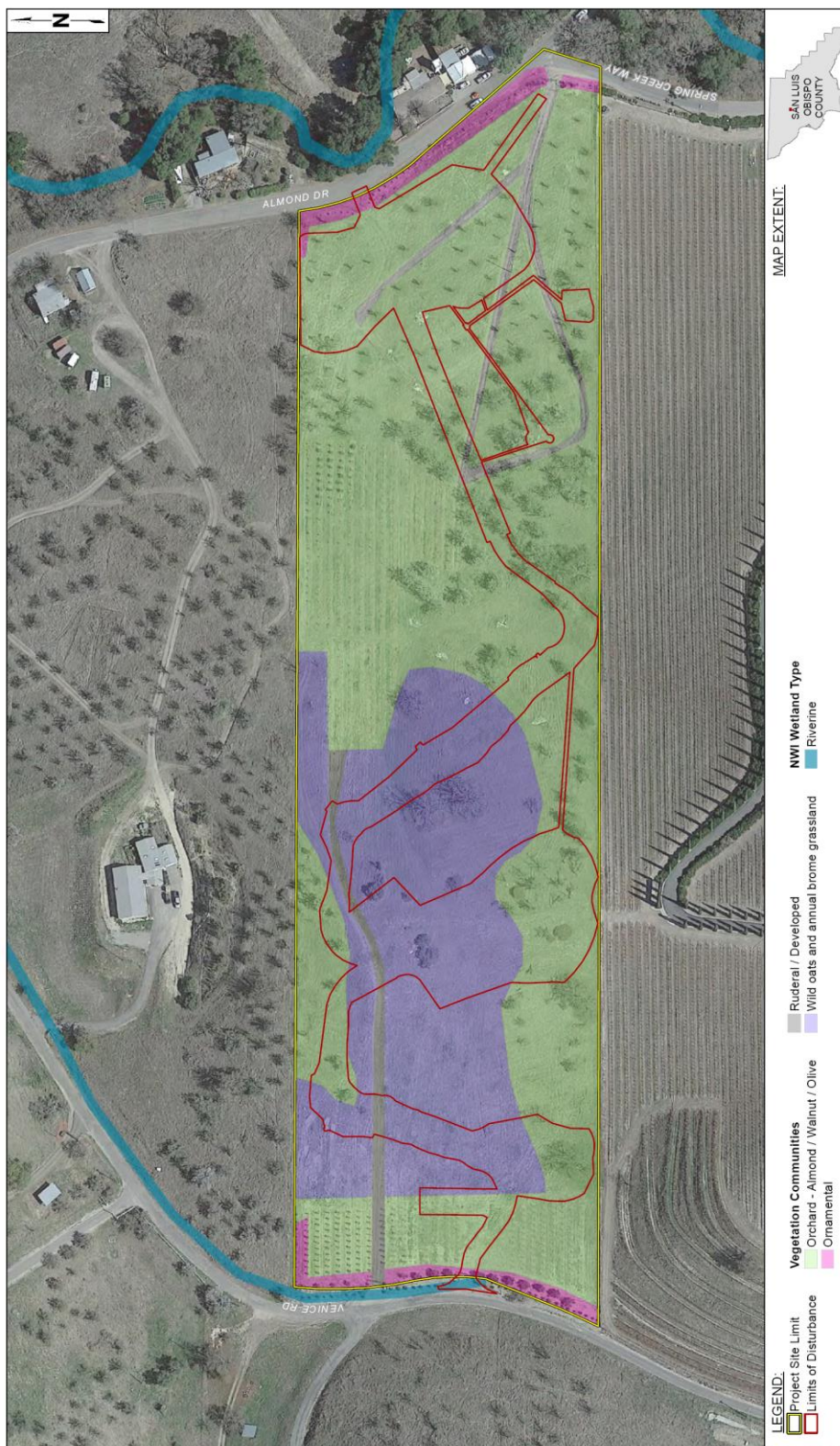
Based on the CNDDDB query completed as part of the desktop review, there were 45, special-status plant species documented within approximately ten miles of the BSA (Appendix D of the BRA). Of these species, seven have a greater potential to occur within the Project Site based on proximity of documented occurrences (less than five miles). Special-status plant species that have been documented within a five-mile radius include Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*), yellow-flowered eriastrum (*Eriastrum luteum*), Eastwood's larkspur (*Delphinium parryi* ssp. *eastwoodiae*), mesa horkelia (*Horkelia cuneata* var. *puberula*), and La Panza. navarretia (*Navarretia nigelliformis* ssp. *radians*).

### *Special-status Wildlife Species*

Based on the CNDDDB query completed as part of the desktop review, there were 38 special-status wildlife species documented within approximately ten miles of the BSA. Of those, based on suitable habitat and regional documented occurrences. These species include, crotch bumblebee (*Bombus crotchii*), Atascadero June beetle (*Polyphylla nubila*), western spadefoot (*Spea hammondi*), California red-legged frog (*Rana draytonii*), Northern California legless lizard (*Anniella pulchra*), western pond turtle (*Emys marmorata*), tricolored blackbird (*Agelaius tricolor*), and American badger (*Taxidea taxus*). The nearest documented kit fox occurrence was approximately eight miles north of the BSA.

# Initial Study - Environmental Checklist

Figure 14 -- Habitats of the Project Site



## Initial Study – Environmental Checklist

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### 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?*

#### Special-Status Plants

No special-status plant species were observed during the November 2021 and March 2022 field surveys, and no vernal pools or potential vernal pool habitat suitable for shining navarretia was observed. Based on the results of the surveys, project impacts to special status plant species are considered *less than significant*.

#### Special Status Wildlife

No special-status wildlife species were observed during the November 2021 field survey. However, the Project Site may provide suitable habitat to support several special-status wildlife species that are documented to occur in the Project region. The following sections provide an overview of the general habitat requirements for these species and further detail on the potential for each of these species to occur in the Project Site.

#### Invertebrates

Crotch bumble bee is a candidate to become listed as State Endangered. This species primarily occurs within California and generally inhabits open grassland and scrub habitats (Williams et al., 2014). Crotch bumble bees primarily nest underground and although literature about their overwintering behavior is limited, most bumble bee species prefer loose soil, leaf litter, or other debris for overwintering sites (Williams et al., 2014). This species was not observed during the November 2021 field survey; however, suitable grassland habitat for Crotch bumble bee is present within the Project Site. Due to the presence of suitable habitat, regional occurrences, and the transitory nature of bumble bees, this species has a potential to occur within the Project Site.

Atascadero June beetle is considered a Special Animal by CDFW (CDFW, 2021b). This species is known to occur only on inland sand dunes in San Luis Obispo County and was last seen in 1991. The Project Site does not contain suitable dune habitat and is not likely to support Atascadero June beetle.

#### Amphibians and Reptiles

Western spadefoot toad (SSC), western pond turtle (SSC), and California red-legged frog (FT) are semi-aquatic species that utilize both wetland and upland habitats for their life/reproductive cycles (Stebbins, 2003). The annual grassland, leaf litter, areas of loose soils, and small mammal burrows within the Project Site, and adjacent drainage (outside the Project Site) provide suitable upland habitat for these species.

Western spadefoot toad, western pond turtle, and California red-legged frog were not observed during the November 2021 survey but have the potential to migrate through or utilize the Project Site for upland refugia. Western pond turtle has the potential to nest in the Project Site, only if the drainage contains suitable aquatic habitat.

The unnamed drainage located approximately 50 feet from the eastern boundary of the parcel, may provide suitable aquatic breeding habitat for western spadefoot and California red-legged frog when flowing water and/or pools are present and consistent. During the March 2022 spring survey, water was not flowing and/or there were no pools within the drainage. The likelihood of these species being present is low due to the lack of a consistent water source.

## Initial Study – Environmental Checklist

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Northern legless lizard is a predominantly subterranean lizard that occupies moist, warm, and loose soils with vegetative cover (Stebbins, 2003). It has the potential to utilize areas of the Project Site that have dense leaf litter.

### Birds

Tricolored blackbird is a CDFW Species of Special Concern and permanent resident of California. Historically tricolored blackbirds nested in wetlands with cattails, bulrushes, and willows, but as wetlands were converted to agricultural fields, towns, and business parks they started nesting in agricultural fields. Foraging habitats include cultivated fields, feedlots associated with dairy farms, and wetlands. No tricolored blackbirds were observed during the November 2021 field survey. The Project Site contains orchard and grasslands that may provide marginal foraging habitat, and there are several documented NWI wetland features less than one mile away, therefore there is a low potential for tricolored blackbird to occur within the Project Site.

### Mammals

American badger is a CDFW Species of Special Concern and San Joaquin kit fox is listed as Federally Endangered and State Threatened. The annual grassland habitat, and presence of small mammal (ground squirrel) burrows indicate that conditions within the Project Site are suitable for both species. No large burrows or sign (i.e., scat, tracks, prey remains, etc.) were identified during the November 2021 survey. However, based on presence of suitable habitat and documented occurrences in the region (less than five miles for American badger, greater than five miles but less than ten miles for San Joaquin kit fox) there is a potential for these species to occur within the Project Site.

With regard to San Joaquin kit fox, it should be noted that the project site is not located in an area where a Standard Mitigation Ratio for kit fox has been established and, according to the CNDDDB, there has been one documented occurrence within ten miles of the project site. Therefore, SJKF is considered to have a very low potential for occurrence on-site based on proximity to known records and presence of marginally suitable foraging habitat on-site. SJKF are not expected to permanently reside on-site due to unsuitable soil conditions and long-term almond cultivation, and they are also unlikely to hunt on the project site due to limited prey base. Furthermore, the project site is surrounded by smaller ranches with limited to intensive crop production and does not facilitate movement between distinct suitable habitat areas.

The project site contains suitable habitat to support listed invertebrates, amphibians, nesting birds, and mammals. With recommended mitigation measures, project impacts to listed wildlife species is considered *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 project area consists of ruderal vegetation, wild oats and annual brome grassland, orchards consisting of walnut, almond, and olive trees, and ornamental vegetation such as oleander. No sensitive natural communities as defined by CDFW were documented within five miles of the BSA. No USFWS-Designated Critical Habitat overlapped the BSA. Based on the results of the desktop review and field observations, no aquatic resources were identified within the BSA, however, several aquatic features were identified within one mile outside of the BSA. Therefore, there would be *no impact* to riparian habitat or other sensitive natural communities.

## Initial Study – Environmental Checklist

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- (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 wetland or vernal pool resources within the area of disturbance or on nearby properties that would be impacted by the project. Therefore, there would be *no impact* to state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.).

- (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?*

### *Wildlife Corridors*

Maintaining connectivity among areas of suitable habitat is critical for the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife need contiguous habitats for the acquisition of food, access to mates and suitable habitat that supports reproduction, migration, and rest, and for the successful dispersal of young.

A few scattered large tracts of undeveloped land are present in the surrounding landscape. However, existing barriers to migration, particularly for wildlife, include public and private roadways, rural residences and patches of agricultural operations in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities.

The wildlife species that occur in the project vicinity are likely adapted to human disturbance. The noise, vibration, light, dust, or human disturbance within construction areas would only temporarily deter wildlife from using areas in the immediate vicinity of construction activities. These indirect effects could temporarily alter migration behaviors, territories, or foraging habitats in select areas. However, because these are temporary effects, it is likely that wildlife already living and moving in close proximity to the site would alter their normal functions for the duration of the project construction and then re-establish these functions once all temporary construction effects have been removed. The proposed project would not place any permanent barriers within any known wildlife movement corridors or interfere with habitat connectivity. Therefore, potential impacts associated with wildlife movement are considered *less than significant*.

### *Migratory Nesting Birds and Sensitive Avian Species*

In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act (MBTA) and the CDFW Fish and Game code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of raptors and other birds of prey.

Migratory bird species may utilize the project site for foraging; however, the usage is likely transient and limited to species that forage over open grassland areas. The project site does not possess any characteristics that would indicate a locally significant stopover point for migratory species including raptors or waterfowl.

The project site contains suitable nesting habitat for ground-nesting birds and for other birds that

## Initial Study – Environmental Checklist

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are protected while nesting. Riparian and riverine habitat to the east of the project site serve as suitable nesting habitat for various common and special-status bird species, including raptors. Construction activities that occur during the nesting bird season (January 1 through September 15) have potential to result in the direct or indirect take of nesting birds.

With the recommended mitigation measures impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation*.

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

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees.

No oak trees or other native trees are proposed for removal. Therefore, there would be *no impacts* associated with conflict with local ordinances or policies protecting biological resources.

- (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?*

The project is not located within an area subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and there would be *no impact*.

### Conclusion

Upon implementation of mitigation measures BIO-1 through BIO-5 potential impacts to special-status plants, special-status wildlife would be *less than significant*.

### Mitigation

**BIO-1 Environmental Awareness Training** – Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

## Initial Study – Environmental Checklist

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**BIO-2 Pre-construction survey for special-status reptiles and amphibians (western spadefoot, western pond turtle, California red-legged frog, and northern legless lizard).** A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

**BIO-3 Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

**BIO-4 Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All

## Initial Study – Environmental Checklist

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project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

**BIO-5 Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Planning and Building in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
  - ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
- c. In the event CBB is denied listing under the CESA, this measure shall not be required.



## Initial Study – Environmental Checklist

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### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 type="checkbox"/>	<input checked="" 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

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C. The County protects and manages cultural resources in accordance with the provisions detailed by CEQA and local ordinances.

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 that 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.

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance.

#### Discussion

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

A Phase I Archaeological Surface Survey Report was prepared for the project site in 2021 (Padre Associates, Inc.) which included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. Based on the results of the field survey and literature searches, the project site does not contain any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. According to the Phase I study, the project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be

## Initial Study – Environmental Checklist

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potentially significant as a historical resource. Therefore, the project would result in *no impacts* associated with an adverse change in the significance of a historical resources.

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

As discussed under item a., above, a Phase I Archaeological Surface Survey Report was prepared for the project site in 2021 that included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System and a full-coverage pedestrian survey was performed. The purpose of the Phase I survey was to determine the likely presence or absence of cultural resources with the project area in a timely and cost effective manner.

A records search of the files of the Regional Archaeological Information Center in Santa Barbara was requested to determine if any research had been done previously in the area. The project area and its immediate vicinity were included in the search, including historic and prehistoric resources. The Information Center is one of a number coordinated from the Office of Historic Preservation in Sacramento that maintains comprehensive records of most cultural resources in the state. A copy of the Phase I report was filed with them at the conclusion of work, in a format consistent with the Guidelines for Cultural Resource Management Reports (OHP 1989) recommended by the Office of Historic Preservation.

No evidence of prehistoric archaeological resources were noted on the property during the Phase I survey conducted at the project site. There was no evidence of bedrock mortars or other prehistoric remains in the project area and no evidence was present to suggest that they may exist in immediate vicinity but have not yet been identified. It is the opinion of the archaeologists that the project will not impact any cultural resources.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. This protocol would ensure full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources.

Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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

Based on existing conditions and results of the archaeological surface survey, buried human remains are not expected to be present in the area proposed for development. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

## Initial Study – Environmental Checklist

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### *Conclusion*

No historical resources are known or expected to occur within or adjacent to the areas proposed for development. Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

### *Mitigation*

None required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### VI. ENERGY

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<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

##### Local Utilities

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

##### Local Energy Plans and Policies

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

## Initial Study – Environmental Checklist

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### *State Building Code Requirements*

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. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

### *Vehicle Fuel Economy Standards*

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO<sub>2</sub>) per mile for the fleet of cars and light-duty trucks by the model year 2025.

As part California's overall approach to reducing pollution from all vehicles, the California Air Resources Board (CARB) has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of Greenhouse Gas (GHG) emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM) from off-road diesel vehicles operating within California through the

## Initial Study – Environmental Checklist

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implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

### *Discussion*

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

### Construction Activities

During construction activities, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Based on the size and scope of proposed earthwork and building construction, the project would not have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. In addition, project contractors save costs by avoiding the wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Therefore, potentially significant environmental impacts associated with the consumption of energy resources during construction would be avoided and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant*.

### Project Operations

*Electricity and Natural Gas Use.* There are no occupied buildings or accessory structures on the project site; therefore, there is no existing energy demand. The project's operational electricity needs would be met by a connection to PG&E infrastructure. Natural gas is provided by PG&E.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. A new single family residence is subject to compliance with these standards. Lastly, both residences and the proposed barn will be required to comply with the relevant provisions of the 2016 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.

Therefore, project impacts associated with electricity and natural gas use are considered *less than significant* and *less than cumulatively considerable*.

*Fuel Use.* Ongoing occupation of the project would result in fuel use associated with motor vehicle trips generated by residential occupancy. All vehicles used by residents would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections.

Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant* and *less than cumulatively considerable*.

## Initial Study – Environmental Checklist

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### *Conclusion*

The project would not result in a potentially significant energy demand and inefficient energy use during long-term operations that would be considered wasteful, inefficient and unnecessary. Potential impacts related to energy would be *less than significant* and *less than cumulatively considerable*.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.



## Initial Study – Environmental Checklist

### 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:				
(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 type="checkbox"/>	<input checked="" 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"/>
(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 checked="" type="checkbox"/>	<input type="checkbox"/>

## Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is the Rinconada fault zone located approximately 2 miles to the west.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is not located within a Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is not located in an area with high landslide risk potential and has a low liquefaction potential.

A soils engineering report was prepared for the project site by GeoSolutions, Inc., on July 1, 2020. The findings and recommendations of that study are incorporated by reference and summarized in the following impact analysis.

The site is situated in rolling terrain with slopes at an approximate gradient of 5 to 1 (horizontal to vertical). Surface drainage follows the topography down to the west, north and east. Annual grasses currently vegetate the site. Surface material at the site generally consist of varying shades of brown to grayish brown sandy lean clay encountered in a dry and very stiff to hard condition. The sub-surface materials consisted of dark yellowish-brown sandy clay with gravels encountered in a slightly moist and hard condition underlain by pale brown/light gray sandy clay and sandy silt encountered in a hard condition to termination of the borings. Borings taken at the project site were all terminated in material interpreted as the Paso Robles Formation. The most abundant fossils by far are microfossils, particularly in the cherts, which contain single-celled organisms called radiolarians that have exoskeletons of silica. Therefore, these underlying geologic material are considered to have low to moderate paleontological sensitivity (County of Monterey 2014, SWCA Environmental Consultants 2019).

## Initial Study – Environmental Checklist

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### 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 project site is not located within an Alquist-Priolo Fault Hazard Zone. The potential for ground rupture at the site during ground shaking is considered low. The closest known Quaternary age fault is the Rinconada fault located approximately 2 miles west of the site which is considered potentially active but does not underly the project site. Therefore, potential impacts related to the rupture of a known earthquake fault would be *less than significant*.

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

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. As discussed above, the closest known Quaternary age fault is the Rinconada fault located approximately 2 miles west of the site which is considered potentially active but does not underly the project site.

The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. Implementation of the project in compliance with relevant construction codes would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

Based on the Safety Element Liquefaction Hazards Map, and the site-specific soils engineering study prepared for the site, the project site is located in an area with low potential for liquefaction.

In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

Based on the Safety Element Landslide Hazards Map the project site is located in an area with a low potential for landslides. The project would be required to comply with CBC seismic requirements to address the site's potential for landslides. Therefore, the potential impacts would be *less than significant*.

## Initial Study – Environmental Checklist

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

The project would result in approximately 4.22 acres of site disturbance and would require 7,250 cubic yards (cy) of cut, 4,000 cy of fill and 3,250 cy of export that will be spread on site. During site preparation and grading/leveling activities, there would be a potential for erosion to occur. The project application materials include a detailed preliminary grading, grading and erosion control plan (Figures 6, 7 and 8) that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not cause erosion or adversely impact the quality of downstream surface or groundwater bodies.

Section 22.51.120 of the LUO requires any project that would change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C.. Compliance with these mandatory BMPs will ensure water quality is protected.

In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the recommended BMPs, impacts related to soil erosion would be *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?*

As discussed above under item a-iv, based on the Safety Element Landslide Hazards Map, the project site is located in an area with a low landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. 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?*

According to the 2021 soils investigation, the potential for expansive soil at the site is high based on laboratory testing with an expansion index of 68. The foundation recommendations for expansive soils are recommended to be incorporated into the design. In addition, the residences will be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant*.

## Initial Study – Environmental Checklist

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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 project includes the construction of three new septic systems to serve the primary and secondary residences and the horse barn. A shallow soil percolation test was conducted for the project site by GeoSolutions, Inc. on July 1, 2020. Percolation test bores were taken in the general areas to be used for septic leach fields. Each percolation test boring was presoaked prior to percolation testing. Percolation testing consisted of placing approximately 12 inches of water in each boring and measuring the depth to the water every 30 minutes for a total of 6 hours of testing. The stabilized percolation rate for the tested area at the proposed barn site was an average of 40.2 minutes per inch. The stabilized percolation rate for the tested area at the proposed house and modular home site was an average of 62.5 minutes per inch. Groundwater was not encountered in the 25 feet below ground surface exploratory boring. So long as the septic leach fields are designed to accommodate the measured percolation rate, soils at the site are adequate to support septic leach fields.

Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant*.

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

The underlying geologic material is considered to have low to moderate paleontological sensitivity (County of Monterey 2014, SWCA Environmental Consultants 2019). Potential impacts to paleontological resources would be *less than significant*.

### *Conclusion*

The project site is not subject to significant geologic hazards such as landslides and shallow groundwater. Compliance with the relevant provisions of the CBC and with Incorporation of the findings and recommendations of the soils and percolation investigations, impacts associated with geology and geologic hazards would be *less than significant*.

### *Mitigation*

None are required.

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### VIII. GREENHOUSE GAS EMISSIONS

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<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

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide (CO<sub>2</sub>) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth’s climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published the *Climate Change Proposed Scoping Plan*, which is the state’s plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state’s GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state’s GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change

## Initial Study – Environmental Checklist

Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts because climate change 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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts that were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 MTCO<sub>2e</sub> per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the Global Warming Solutions Act (AB32) and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020 and the SLOAPCD no longer recommends the use of these thresholds for CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- Consistency with a Qualified Climate Action Plan: CAPs conforming to CEQA Guidelines § 15183 and 15183.5 would be qualified and eligible for project streamlining under CEQA.

The County of San Luis Obispo EnergyWise (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. Therefore, the EWP is not considered a qualified GHG reduction strategy for assessing the significance of GHG emissions generated by projects with a horizon year beyond 2020.

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case which demonstrated that no-net GHG increase was feasible and defensible. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (ie, di minimus: too trivial or minor to merit consideration).
- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds:

- *Meeting Local GHG Emission Targets with Best Management Practices*

On April 23, 2020, the Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted Greenhouse Gas Thresholds for Sacramento County. This substantial evidenced based document sets SB 32-based local GHG emission targets for 2030 by evaluating the GHG inventory for local emission sectors relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. Relative to business-as-usual, the document considered the commercial and residential sector emission reductions needed

## Initial Study – Environmental Checklist

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- from new development to help achieve the SB 32 goal. To help secure these reductions, best management practices were established for new development.
- *GHG Bright-line and Efficiency Thresholds*

SB 32 based local bright-line and operational efficiency thresholds can be established by evaluating local emission sectors in a jurisdiction's GHG inventory relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. This approach is found in earlier drafts of SMAQMD's SB 32 threshold work and the AEP Climate Change Committee may provide guidance on a similar approach.

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million MMTCO<sub>2e</sub>, which was 7 million MTCO<sub>2e</sub> below the 2020 GHG target of 431 MMTCO<sub>2e</sub> established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline<sup>1</sup>. Therefore, application of the 1,150 MTCO<sub>2e</sub> Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 MTCO<sub>2e</sub> per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO<sub>2e</sub> per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 MMTCO<sub>2e</sub> Bright Line threshold ( $1,150 \times 0.6 = 690$  MMTCO<sub>2e</sub>) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 MMTCO<sub>2e</sub> per year GHG are considered *de minimus* (too trivial or minor to merit consideration), and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

### Discussion

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

The California Energy Emissions Model (CalEEMod) was utilized to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO<sub>2e</sub>; Table 5). The estimated emissions were then compared with the interim threshold of 690 MMTCO<sub>2e</sub> per year to determine significance.

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<sup>1</sup> AB32 and SB32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EnergyWise Plan assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.



## Initial Study – Environmental Checklist

**Table 5 – Existing and Projected Operational GHG Emissions**

Project Component	Quantity	Emissions Rate (Annual MTCO <sub>2</sub> e/sf)		Estimated Projected Annual CO <sub>2</sub> Emissions (MT/year) Without Mitigation <sup>1</sup>
		Construction	Operation	
Single Family Residences and Horse Barn	2	n/a	8.40	8.40

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2016.3.2

Notes:

1. CalEEMOD CalEEMOD version 2016.3.2

As shown in Table 5, project-related GHG emissions will be well below the 690 MTCO<sub>2</sub>e interim threshold. As stated above, a project estimated to generate less than 690 MMTCO<sub>2</sub>e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, potential impacts associated with GHG emissions would be *less than significant and less than cumulatively considerable*.

- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Energy inefficiency contributes to higher GHG emissions which in turn may conflict with the following state and local plans for energy efficiency.

*2011 EnergyWise Plan (EWP)*. As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7. encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in the EWP for promoting energy efficiency in new development.

## Initial Study – Environmental Checklist

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	All new energy using fixtures will satisfy current energy efficiency requirements.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	The proposed dwellings and barn will be subject to current building codes relating to energy efficiency.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	

*San Luis Obispo County 2019 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS).* The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's Sustainable Communities Strategy and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles. The project consists of two single family residences and a barn located in a predominantly agricultural area.

As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the construction and occupancy of two single family residences that would typically be occupied by three residents. Therefore, would not significantly affect the local area's jobs/housing balance.

*California Air Resources Board (CARB) 2017 Scoping Plan.* Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to "identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and non-monetary incentives" in order to achieve the 2020 goal, and to achieve "the maximum technologically feasible and cost-effective GHG emissions reductions" by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2017 Climate Change Scoping Plan recommends strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05. These strategies include the following:

## Initial Study – Environmental Checklist

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- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- Implement the 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) -- Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement SB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.
- Implement the Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions.

### *Conclusion*

GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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 type="checkbox"/>	<input checked="" 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"/>

## Initial Study – Environmental Checklist

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### *Setting*

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2021; California Department of Toxic Substance Control [DTSC] 2021).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a high fire hazard severity zone. Based on the Safety Element map of response times, it would take approximately 10-15 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

### *Discussion*

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

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;
- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

## Initial Study – Environmental Checklist

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Project operations would involve the intermittent use of small amounts of household hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous.

The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials 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?*

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation*.

- (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 closest school facility is located approximately 5 miles west of the project site. Therefore, the project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

- (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?*

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts* would occur.

- (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 nearest airstrip in proximity to the project site is the Paso Robles Airport located approximately 8 miles north of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur*.

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

The project does not require any road closures and would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically

## Initial Study – Environmental Checklist

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interfere with County hazard mitigation or emergency plans; 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 is located in a High Fire Hazard Severity Zone. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant*.

### *Conclusion*

The project may include the use of potentially hazardous materials during construction. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation*.

### *Mitigation*

- HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
- HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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:				
(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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>



## Initial Study – Environmental Checklist

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### *Setting*

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

The project water demand will be served by a new groundwater well. A new water tank will serve the new residences and barn.

The project lies within the Paso Robles Groundwater Basin (PRGB) as defined by the Department of Water Resources (DWR) Bulletin 118. The DWR has designated the Paso Robles Subbasin as one of 21 groundwater basins in the state that are critically overdrafted. Accordingly, in accordance with the Sustainable Groundwater Management Act (SGMA), a Groundwater Sustainability Plan (GSP) is required to be prepared and adopted by January 31, 2020. A revised GSP was published on June 13, 2022, formally adopted by the four affected groundwater sustainability agencies involved in June and July 2022, and submitted to DWR on July 20, 2022. DWR is anticipated to provide a final GSP determination on the GSP in late 2022 or early 2023.

In addition, the portion of the basin within San Luis Obispo County has been assigned a Level of Severity III by the County Resource Management System. This means that the water demand from the basin projected over 15 years equals or exceeds the estimated dependable supply, or the time required to correct the problem is longer than the time available before the dependable supply is reached. Lastly, the project is not located within an area of severe decline as identified in the Map of Updated Paso Basin Area of Severe Decline as shown on the Department of Planning and Building website:

<https://www.slocounty.ca.gov/Departments/Planning-Building/Department-Services/Agriculture.-Water.-and-Energy/Water-Programs/Programs-and-Services/PRGWB-Area-of-Severe-Divide.aspx>.

## Initial Study – Environmental Checklist

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For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas.

### *Discussion*

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

The project will involve 7,250 cubic yards of cut, 4,000 of fill and 3,250 cy of export and an area of disturbance of about 4.22 acres. Accordingly, a sedimentation and erosion control plan will be required to minimize the potential for soil erosion, which will be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120. The erosion and sedimentation control plan must set forth measures to minimize potential impacts related to erosion and will include requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

The project will be conditioned to require all potentially hazardous materials to be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards and Mitigation Measures HAZ-1 and HAZ-2, maintaining a minimum setback from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards. Therefore, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant*.

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

Project water demand would be served by a new groundwater well and shared among the residences and horse barn. Water demand was derived by multiplying a water duty factor for each component of the project as summarized in Table 6.

## Initial Study – Environmental Checklist

**Table 6 -- Estimate of Total Project Water Demand**

Project Component	Quantity	Water Duty Factor	Total Water Demand (Acre-Feet Per Year <sup>1</sup> )
Primary Residence	1	0.8 AFY per dwelling unit <sup>2</sup>	0.8
Secondary Residence	1	0.4 AFY per dwelling unit <sup>3</sup>	0.4
Horse Barn	1	0.1 AFY <sup>4</sup>	0.1
Ornamental Landscaping	0.05 Acres <sup>4</sup>	855 gallons per week <sup>5</sup>	0.01
<b>Total:</b>	--	--	<b>1.31</b>

Sources:

1. One acre-foot is approximately 325,851 gallons.
2. Carollo Engineers, San Luis Obispo County 2012 Master Water Report, Volume III, Table 8. Water duty factors for inland areas. Indoor water use only.
3. Assumed to be one-half of annual water demand associate with full-time residential occupancy.
4. Based on preliminary landscape plan.
5. University of California, Division of Agriculture and Natural Resources Landscape Water Requirement Calculator, 2022

As discussed in the setting, above, the project site lies within the PRGB which is in a critical state of overdraft and has been assigned a Level of Severity III by the County Resource Management System. Land Use Ordinance Section 22.94.025 sets forth regulations aimed at mitigating the effects of water demand associated with new development within the PRGB. Section 22.94.025 F. requires all new development requiring discretionary approval to offset the net new water demand at a ratio of 2:1 by participating in one or more of the following water conservation programs:

- Retiring the development potential of lots in the Paso Robles Groundwater basin through an agreement with the County or qualified land trust.
- Retrofitting plumbing fixtures in the Paso Robles Groundwater Basin.
- Purchasing supplemental water for a water supplier that uses groundwater from the main Paso Robles Groundwater Basin.
- Participating in an approved water conservation program in the Paso Robles Groundwater Basin that results in water savings.
- Reducing water demand in the Paso Robles Groundwater Basin through other means approved by the Planning Director.

The regulations state that any required offset of net new water demand must be completed at the time of final inspection or issuance of a certificate of occupancy unless an alternative completion time is approved by the review authority. In any case, the review authority must find the offsets to be verifiable, permanent and enforceable.

## Initial Study – Environmental Checklist

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The project will be conditioned to comply with LUO Section 22.94.025. Through compliance with this code section, project impacts relating to water supply are not expected to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin and project impacts are considered *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 result in approximately 4.22 acres of site disturbance and 7,250 cubic yards of cut, 4,000 of fill and 3,250 cy of export. A sedimentation and erosion control must be prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and include requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project application materials include detailed preliminary grading, and erosion control plans (Figures 6, 7 and 8) that include drainage collection, storage and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies.

The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant*.

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

The project application materials include detailed preliminary grading and erosion control plans that include drainage collection, storage, and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The preliminary grading, drainage, and erosion control plans prepared for the project also identify measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site 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?*

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with

## Initial Study – Environmental Checklist

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increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant*.

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

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. Therefore, *no impacts would occur*.

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2021). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur*.

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

As discussed in the setting, the project site lies within the PRGB and is subject a GSP that is currently under review by the DWR. The project may be subject to the requirements of the GSP following adoption. As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant*.

### *Conclusion*

The project will result in *less than significant impacts* associated with water supply, water quality and hydrology.

### *Mitigation*

None are required.

### *Sources*

See Exhibit A.

## Initial Study – Environmental Checklist

### XI. LAND USE AND PLANNING

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### *Setting*

The LUO was established to guide and manage the future growth in the county in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan.

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties are all within the Residential Rural and Agriculture land use designations. The project site is currently undeveloped.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas.

The project site is located within the North County Planning Area and the El Pomar Sub-Area and is not subject to any Combining Designations.

## Initial Study – Environmental Checklist

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### Discussion

(a) *Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *impacts would be less than significant*.

(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 would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the San Luis Obispo Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with air quality, biological resources, hydrology and hazardous materials; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation*.

### Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with air quality, biological resources, hazards and hazardous materials.

### Mitigation

Implement mitigation measures AQ-1 and AQ-2, BIO-1 through BIO-5, HAZ-1 and HAZ-2.

### Sources

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.



## Initial Study – Environmental Checklist

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### *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?*

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2021).

In addition, 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. The project is not located within a designated mineral resource zone area or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

- (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?*

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

### *Conclusion*

No impacts to mineral resources would occur and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant policies of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels

## Initial Study – Environmental Checklist

- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

**Table 7 -- Maximum allowable exterior noise level standards<sup>(1)</sup>**

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime <sup>(2)</sup>
Hourly Equivalent Sound Level (L <sub>eq</sub> , dB)	50	45
Maximum level, dB	70	65

<sup>1</sup> When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

<sup>2</sup> Applies only to uses that operate or are occupied during nighttime hours.

The existing ambient noise environment is characterized by marginal traffic on Almond Drive and Venice Drive and connecting roadways, as well as noise associated with ongoing agricultural operations on the project site and surrounding properties. The nearest sensitive receptors are offsite residences located about less than 1,000 feet from potential construction areas.

### 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?*

Construction Impacts. The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

According to the 2005 Federal Highway Administration’s Roadway Construction Noise Mode Database, noise associated with heavy construction equipment can range from about 73 to 101 dBA for non-impact equipment. Noise levels 50 feet from stationary equipment can range from 68 to 88 dBA, with. Table 8 provides an estimate of noise generated by temporary construction activities that may be used for construction of the project.

## Initial Study – Environmental Checklist

**Table 8 -- Estimate of Noise From Construction Equipment**

Equipment	Quantity	dBA at 50 Feet <sup>1</sup>
Backhoe	1	78
Dozer	1	82
Excavator	1	81
Dump Truck	1	76
Generator	1	81
Pickup Truck	2	75
Total:	7	872

Notes:

1. Source: Federal Highway Administration’s Roadway Construction Noise Mode Database.
2. Assumes all equipment are operating concurrently.

As shown in Table 8, construction related noise would likely temporarily exceed the maximum hourly daytime levels allowed by the County’s noise standards at the nearest offsite property line located to the west of the project site. Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be *less than significant*.

Operational Impacts. Operational noise will be limited to motor vehicle traffic associated with home ownership. Therefore, operational noise will be below than County standards and impacts would be *less than significant*.

Impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant*.

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

The project will not involve the use of pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. In addition, construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels 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 nearest airstrip in proximity to the project site is the Paso Robles Airport located approximately 8 miles to the north. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

## Initial Study – Environmental Checklist

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### *Conclusion*

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Operational noise levels will be less than the standards set forth in the LUO and are considered less than significant. No other potentially significant impacts were identified, and no mitigation measures are necessary.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

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

The project site is currently vacant.

#### 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 project proposes construction of a primary and secondary residence and horse barn that would be occupied by about three persons. Employed residents would not require new or additional housing as a result of the proposed project. The project would not generate new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of new roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant*.

## Initial Study – Environmental Checklist

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, impacts would be *less than significant*.

### *Conclusion*

No impacts to population and housing would occur and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### XV. PUBLIC SERVICES

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(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?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #30, located approximately 4 miles west of the project site in the City of Paso Robles. Emergency personnel would be able to reach the site within 10 - 15 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North County Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately in the community of Templeton about 4 miles west of the project site.



## Initial Study – Environmental Checklist

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San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Templeton Unified School District.

Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to serve new development, including fire protection, law enforcement, schools, parks, and roads.

### *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 project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The project will be conditioned to implement all requirements identified by the County Fire Department/CAL FIRE for the project including items to be completed prior to final inspection/operation. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

#### *Police protection?*

The project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

#### *Schools?*

As discussed in Section XIV, Population/Housing, the project would not induce significant population growth and would not result in the need for additional school services or facilities. However, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

## Initial Study – Environmental Checklist

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### *Parks?*

As discussed in Section XIV, Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations; therefore, potential impacts would be *less than significant*.

### *Other public facilities?*

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, there would be *no impacts* related to other public facilities.

### *Conclusion*

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

### *Mitigation*

None are necessary.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### XVI. RECREATION

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

#### Setting

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities 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.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

#### Discussion

- (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?*

The project proposes the construction of a single family residence and secondary residence that could be occupied by as many as three persons. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in substantial growth within the area and would not substantially increase demand

## Initial Study – Environmental Checklist

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on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant*.

- (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?*

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant*.

### *Conclusion*

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

### *Mitigation*

None necessary.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 checked="" type="checkbox"/>	<input 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 Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county.

The County has established Level of Service (LOS) “C” or better for rural roadways. The project site is currently undeveloped and generates a very low volume of traffic. The project site is served by Almond Drive, a county-maintained rural roadway that extends south from El Pomar Drive through gently rolling hills to South El Pomar Road. Traffic counts taken on Almond Drive in 2020 revealed 230 Average Daily Trips and 35 afternoon peak hour trips.

In 2013 SB 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon,

## Initial Study – Environmental Checklist

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October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. Also, in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program, preparation of a Regional Transportation Plan (RTP), programming of state funds for transportation projects, and the administration and allocation of transportation development act funds required by state statutes. The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County's transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County as well as the Cities within the county in facilitating the development of the RTP.

The County Department of Public Works establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the City of San Luis Obispo and South County, Los Osos, and the North Coast.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities serving of the project site.

### *Discussion*

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. Motor vehicle trips associated with the project are expected to about 9.6 trips per day. Construction activities will require temporary construction trips to and from the site.

The project would not noticeably impact traffic operations on Almond Drive, would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. The project would is not likely to generate foot or bicycle traffic, or generate public transit demand and would have a less than impact on levels of service/conditions for these facilities.

Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS

## Initial Study – Environmental Checklist

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“C”. The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be *less than significant*.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

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

The County has developed a VMT Program (*Transportation Impact Analysis Guidelines*; Rincon Consultants, October 2020; *VMT Thresholds Study*; GHD, March 2021), which provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. The proposed project would result in the development of a new single-family residence, attached garage, secondary dwelling, and horse barn. Based on the County VMT Program, the project would be expected to generate a limited increase in vehicle trips that would fall below the suggested screening threshold of 110 trips per day identified in the state guidance; therefore, potential impacts would be *less than significant*.

The project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT because:

- A single family residence typically generates about 9.6 trips per day which is considerably less than the 110 ADT threshold identified in the 2018 VMT Technical Advisory. Even with an additional 9.6 trips for the secondary dwelling, the number of trips is still considerably less than the 110 ADT threshold.
- The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

A project referral package was sent to the Public Works Department; in their response of August 11, 2021, the Public Works Department requested that the applicant provide a sight distance evaluation for the driveways proposed on Almond Drive and Venice Road. A sight distance analysis was provided for each driveway that provided the following conclusions:

Venice Road

Assuming an average traffic speed of 35 miles per hour and a line of sight set back eight feet from the edge of pavement, no obstructions were identified in the line of sight within the vertical clear zone between 2.5 feet and 8 feet for 250 feet in either direction of the roadway which meets the County A-5 series standard.

Almond Drive

Assuming an average traffic speed of 45 miles per hour and a line of sight set back eight feet from the edge of pavement, no obstructions were identified in the line of sight within the vertical clear zone between 2.5 feet and 8 feet for 360 feet in either direction of the roadway which meets the County A-5 series standard.

## Initial Study – Environmental Checklist

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No other traffic related issues were identified. The project will be conditioned to construct all access improvements from Almond Drive and Venice Drive consistent with County standards. Therefore, impacts would be *less than significant*.

(d) *Result in inadequate emergency access?*

The project will be conditioned to construct all access improvements from Almond Drive and Venice Drive consistent with County standards. The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

*Conclusion*

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

*Mitigation*

None are required.

*Sources*

Provided in Exhibit A.



## Initial Study – Environmental Checklist

### XVIII. TRIBAL CULTURAL RESOURCES

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
(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 type="checkbox"/>	<input checked="" 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, 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 CRHR; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1(c).

## Initial Study – Environmental Checklist

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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.

Recognizing that tribes have specific expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to the Salinan Tribe of Monterey and San Luis Obispo Counties, *titvu titvu yak tihini* Northern Chumash, and Northern Chumash Tribal Council.

### 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)?*

According to the Phase I cultural resources survey, the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, there would be *no impact* related to a substantial adverse change in the significance of tribal cultural resources.

(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.*

As discussed in Section V. Cultural Resources, the Phase I survey of the project site revealed no evidence of cultural resources in the areas of disturbance. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040), would reduce potential impacts to *less than significant*.

### Conclusion

Cultural resources are not expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards

## Initial Study – Environmental Checklist

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and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be *less than significant with mitigation*.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 checked="" type="checkbox"/>	<input 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"/>
(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

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County’s Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain

## Initial Study – Environmental Checklist

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coverage under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by an existing well for water and portable restrooms. The project's energy needs would be provided by PG&E.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by Cold Canyon Landfill.

### 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 project will be served by an on-site well and septic systems. The project, as conditioned, would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities. The project would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. 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?*

As discussed in Section X, Hydrology and Water Quality, the project will result in an estimated water demand of 1.3 AFY and will be served by a new well. The project will be conditioned to demonstrate that the new well can meet the estimated demand prior to building permit issuance and to comply with the water offset requirements of LUO Section 22.94.025. As conditioned, impacts related to water supplies would be *less than significant*.

- (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?*

The project will not be served by a community wastewater provider. Therefore, *no impacts would occur*.

- (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?*

The nearest landfill to the site is the Chicago Grade Landfill located approximately 3 miles to the south. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. The incremental amount of green waste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local

## Initial Study – Environmental Checklist

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management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant*.

### *Conclusion*

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be *less than significant*.

### *Mitigation*

None are required.

### *Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### XX. WILDFIRE

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<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"/>
(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

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency’s ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as “Very High,” “High,” or “Moderate.” In San Luis Obispo County, most of the area that has been designated as a “Very High Fire Hazard Severity Zone” is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area and a “High” fire hazard severity zone, and, based on CAL FIRE’s referral response letter, it would take approximately 10 - 15 minutes to respond to a call regarding fire or life safety.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;

## Initial Study – Environmental Checklist

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- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;
- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The 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. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

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.

The County EOP outlines the emergency measures that are essential for protecting public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

### *Discussion*

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of a dam failure. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.



## Initial Study – Environmental Checklist

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- (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?*
- (c) *The residences and barn would be located on flat to moderately steep slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north and west. As described in Section 6, Geology and Soils, the potential for landslides in the project area is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels.*

The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 10-15 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the site to accommodate emergency vehicle access, vegetation clearing or trimming, and installation of a water storage for fire protection. The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan and the applicant will be required to comply with the requirements of the plan for the life of the project. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with slope, prevailing winds, and other factors will be *less than significant*.

Therefore, potential impacts would be *less than significant*.

- (d) *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?*

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes construction of an access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all proposed structures, and installation of water storage for fire protection. These infrastructure improvements would reduce fire risk. Therefore, potential impacts would be *less than significant*.

- (e) *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?*

The residences and barn would be located on flat to moderately steep slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north and west. As described in Section VI., Geology and Soils, the potential for landslides in the project area is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in nearby existing channels. The project includes the construction of a primary and secondary residence and barn and other design elements that would not expose people or structures to significant risks such as downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

### Conclusion

As conditioned, the project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

## Initial Study – Environmental Checklist

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*Mitigation*

None are required.

*Sources*

Provided in Exhibit A.

## Initial Study – Environmental Checklist

### 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural 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

## Initial Study – Environmental Checklist

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eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation incorporated*.

- (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 State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in a number of other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

### Aesthetics

The analysis provided in Section I., Aesthetics, concludes that the project will result in development that is consistent with the type, scale, character and location of surrounding properties and areas visible from public vantages. Project impacts, when combined with additional development and activities likely to occur on surrounding properties within the viewshed are considered *less than cumulatively considerable*.

### Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would have a less than significant impact on important farmland and would not result in the conversion of surrounding farmland to another use. In addition, no potential impacts to forest land or timberland would occur. The project would not result in a conflict with existing zoning for agricultural use or with the existing Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the project's potential impacts to agriculture and forestry resources is considered *less than cumulatively considerable*.

### Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would exceed SLOAPCD thresholds of significance for construction emissions. In addition, construction related emissions could adversely impact sensitive receptors on the adjoining parcels. With implementation of recommended mitigation measures AQ-1 and AQ-1, project construction, operational, and cumulative impacts would be *less than cumulatively considerable with mitigation*.

### Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats. With implementation of measures BIO-1 through BIO-5 potential impacts to biological resources would be less than significant.

## Initial Study – Environmental Checklist

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Based on the mitigation measures identified to reduce potential project impacts, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be *less than cumulatively considerable with mitigation*.

### Cultural Resources

The analysis provided in Section V. Cultural Resources concludes that project development would not result in significant impacts to cultural resources and project related impacts are considered less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural resources would be *less than cumulatively considerable*.

### Energy

The analysis provided in Section VI. Energy concludes that the project's contribution to the overall increased demand for electricity and natural gas would not have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy because the residence would be required to comply with relevant building codes relating to energy conservation. Therefore, the project's environmental impacts associated with energy use would be *less than cumulatively considerable*.

### Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC, the 2020 soils engineering investigation, and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. Therefore, project related impacts to soils and geologic resources is considered *less than cumulatively considerable*. Based on the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be *less than significant* and *less than cumulatively considerable*.

### Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 8.40 metric tons of CO<sub>2</sub>. As stated in Section VIII., a project estimated to generate less than 690 MMTCO<sub>2</sub>e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

### Hazards and Hazardous Materials

As discussed in Section IX. Hazards and Hazardous Materials, construction activities may include the use of hazardous materials that could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

## Initial Study – Environmental Checklist

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Project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable with mitigation*.

### Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, project water demand is estimated to be 1.3 AFY and will be offset at a 2:1 ratio as required by LUO Section 22.94.025. Therefore, project impacts are considered *less than cumulatively considerable*.

### Noise

As discussed in Section XIII, Noise, project related noise associated with construction activities and outdoor cultivation would be less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the subject project to potential noise impacts is considered *less than cumulatively considerable*.

### Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County, prepared and adopted by SLOCOG in 2017. Using the Medium Scenario, the total county population, housing, and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50% per year. Between 2015 and 2050, the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

The project could be expected to be occupied by about three residents. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

### Public Services

The project would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable projects, the contribution of the subject project to potential public services impacts would be less than cumulatively considerable.

### Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system, or increase hazards due to a geometric design feature. Therefore, the project's potential traffic impacts would be *less than cumulatively considerable*.

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

## Initial Study – Environmental Checklist

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The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with other development throughout the county is estimated to result in a marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections.

Moreover, each new project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the subject project to roadway impacts would be *less than cumulatively considerable*.

### Other Impact Issue Areas

Based on the project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future development, the project's potential impacts associated with the following issue areas would be *less than cumulatively considerable*:

- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

(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. In addition, implementation of mitigation measures AQ-1 and AQ-2, HAZ-1 and HAZ-2, and identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be *less than significant with mitigation*.

### *Conclusion*

Potential impacts would be less than significant upon implementation of mitigation measures identified in the resource sections above.

### *Sources*

Provided in 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 type="checkbox"/>	County Environmental Health Services	None
<input type="checkbox"/>	County Agricultural Commissioner's Office	None
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	None
<input type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	None
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	In File**
<input type="checkbox"/>	CA Department of Transportation	None
<input type="checkbox"/>	Community Services District	Not Applicable
<input type="checkbox"/>	Other _____	None
<input checked="" type="checkbox"/>	Other AB 52 Tribes	In File**

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

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> Design Plan  |
| <b>County Documents</b>   | <input type="checkbox"/> Specific Plan  |
| <input type="checkbox"/> Coastal Plan Policies  | <input type="checkbox"/> Annual Resource Summary Report   |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)   | <input type="checkbox"/> Circulation Study  |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: | <b>Other Documents</b>  |
| <input checked="" type="checkbox"/> Agriculture Element   | <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook                                      |
| <input checked="" type="checkbox"/> Conservation & Open Space Element   | <input checked="" type="checkbox"/> Regional Transportation Plan                                      |
| <input type="checkbox"/> Economic Element   | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input checked="" type="checkbox"/> Housing Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)       |
| <input checked="" type="checkbox"/> Noise Element   | <input type="checkbox"/> Archaeological Resources Map   |
| <input checked="" type="checkbox"/> Parks & Recreation Element/Project List   | <input type="checkbox"/> Area of Critical Concerns Map  |
| <input checked="" type="checkbox"/> Safety Element  | <input type="checkbox"/> Special Biological Importance Map  |
| <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)   | <input type="checkbox"/> CA Natural Species Diversity Database  |
| <input checked="" type="checkbox"/> Building and Construction Ordinance   | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance   | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input type="checkbox"/> Real Property Division Ordinance   | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input type="checkbox"/> Affordable Housing Fund  | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input type="checkbox"/> Airport Land Use Plan  | <input type="checkbox"/> Other  |
| <input checked="" type="checkbox"/> Energy Wise Plan  |   |
| <input checked="" type="checkbox"/> North County Area Plan/El Pomar-Estrella SA   |   |



## Initial Study – Environmental Checklist

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The project application materials are incorporated by reference in their entirety and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

### Project-Specific Studies and Supporting Materials

Project application materials and sight distance analysis

Padre Associates, Inc., November 2021, Phase I Archaeological Study for 4455 Almond Drive

Padre Associates, Inc., November 2021, Biological Resources Assessment Report

Padre Associates, Inc., March 2022, Spring Botanical Survey

Bracket Architectural Office, Miller Residence Visual Impacts Simulation

GeoSolutions, Inc., July 1, 2020, Shallow Percolation Testing Report, 4455 Almond Drive

GeoSolutions, Inc., July 1, 2020, Soils Engineering Report, 4455 Almond Drive

### Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps> accessed August 2018

San Luis Obispo County. 1999. General Plan Safety Element. <https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx> accessed August 2018

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at < <http://maps.conservation.ca.gov/cgs/fam/>>.

\_\_\_\_\_. 2016. California Important Farmland Finder. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>.

\_\_\_\_\_. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>>

California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <[http://frap.fire.ca.gov/webdata/maps/san\\_luis\\_obispo/fhszl06\\_1\\_map.40.pdf](http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf)>

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

## Initial Study – Environmental Checklist

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- California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: <<https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>>.
- Carollo Engineers, San Luis Obispo County 2012 Master Water Report, Volume III, Table 8.
- California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>>
- County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6<sup>th</sup>, 2016.
- County of San Luis Obispo Staff. 2019. California Emissions Estimator Model (CalEEMod) Results.
- Diblee, Thomas W., Jr. 2004. Geologic Map of the Creston & Shedd Canyon Quadrangles, San Luis Obispo County, California. National Geologic Map Database. Available at: <[https://ngmdb.usgs.gov/Prodesc/proddesc\\_71748.htm](https://ngmdb.usgs.gov/Prodesc/proddesc_71748.htm)>.
- Department of Planning and Building website: <https://www.slocounty.ca.gov/Departments/Planning-Building/Department-Services/Agriculture,-Water,-and-Energy/Water-Programs/Programs-and-Services/PRGWB-Area-of-Severe-Degradation.aspx>
- Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.
- Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <[https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page)>.
- San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.
- \_\_\_\_\_. 2017. Clarification Memorandum for the San Luis Obispo County Air Pollution Control District's 2012 CEQA Air Quality Handbook. November 2017.
- State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <<http://geotracker.waterboards.ca.gov/>>
- \_\_\_\_\_. 2019. Estrella Substation and Paso Robles Area Reinforcement Project Paleontological Resources Technical Report for the Templeton Route Alternatives, San Luis Obispo County, California. Available at: <<https://www.cpuc.ca.gov/environment/info/horizonh2o/estrella/docs/Templeton%20Route%20Alts%20PRTR.pdf>>.
- U.S. Department of Agriculture (USDA). 1983. Soil Survey of San Luis Obispo County, California, Paso Robles Area. U.S. Department of Agriculture, Soil Conservation Service. May 1983. Available at: <[https://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf](https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/sanluisCA1983/sanluisCA1983.pdf)>
- U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2017. Web Soil Survey. Available at <<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>> Accessed April 17, 2019.

## Initial Study – Environmental Checklist

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United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at:  
[https://ca.water.usgs.gov/land\\_subsidence/california-subsidence-areas.html](https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html)

University of California, Division of Agriculture and Natural Resources Landscape Water Requirement Calculator, 2022

## Initial Study – Environmental Checklist

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### Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that would reduce potentially significant impacts to less than significant levels. These measures would become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

#### Air Quality

**AQ-1 Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

**AQ-2 ROG, NO<sub>x</sub>, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO<sub>x</sub>), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

- a. Implement Mitigation Measure AQ-1, as identified above.
- b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  - i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
  - ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a

## Initial Study – Environmental Checklist

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sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

- c. Maintain all construction equipment in proper tune according to manufacturer's specifications.
- d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.
- f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
- g. Electrify equipment when possible.
- h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
- i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

### Biological Resources

**BIO-1 Environmental Awareness Training** – Prior to major construction activities (e.g., site mobilization, clearing, grubbing, preparation for installing new facilities, etc.), an environmental awareness training shall be presented to all project personnel by a qualified biologist prior to the start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by the project's discretionary permits, an overview of the federal Endangered Species Act, the California Endangered Species Act, and implications of noncompliance with these regulations, as well as an overview of the required avoidance and minimization measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the trainees will be kept and provided to the County of San Luis Obispo (County). If new project personnel join the project after the initial training period, they will receive the environmental awareness training from a designated crew member on site before beginning work. A qualified biologist will provide refresher trainings during site visits or other monitoring events.

**BIO-2 Pre-construction survey for special-status reptiles and amphibians (western spadefoot, western pond turtle and northern legless lizard).** A qualified biologist shall conduct a pre-construction survey immediately prior to initial project activities (i.e., the morning of the commencement of project activities) within 50 feet of suitable habitat. Construction monitoring shall also be conducted by a qualified biologist during all initial ground-disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, vegetation removal, etc.) within suitable habitat. If any special-status reptile or amphibian species are discovered during surveys or monitoring, they will be allowed to leave the area on their own or will be hand-captured by a qualified biologist and relocated to suitable habitat outside the area of impact.

## Initial Study – Environmental Checklist

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If any additional ground- or vegetation-disturbing activities occur on the project site, the above surveys and monitoring will be repeated.

**BIO-3 Pre-construction survey for American badgers.** A qualified biologist shall complete a pre-construction survey for badgers no less than 14 days and no more than 30 days prior to the start of initial project activities to determine if badgers are present within proposed work areas, in addition to a 200-foot buffer around work areas. The results of the survey shall be provided to the County prior to initial project activities.

- If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

If more than 30 days pass between construction phases (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the badger survey shall be repeated.

**BIO-4 Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

## Initial Study – Environmental Checklist

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- The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

**BIO-5 Pre-construction surveys for Crotch Bumblebee (CBB).** The following actions shall be undertaken to avoid and minimize potential impacts to CBB:

- a. CBB Surveys - The applicant shall retain a County-qualified biologist to conduct pre-construction survey(s) for CBB within suitable habitat (i.e. small mammal burrows, thatched/bunched grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site. Survey(s) shall be conducted over an extended period of time to document and establish the presence of the bees within the areas of disturbance.
- b. CBB Take Avoidance - If the survey(s) establish the presence of CBB within the areas of disturbance, the applicant shall retain a qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the Department of Planning and Building in consultation with CDFW. The Management Plan shall include at least the following:
  - i. Avoidance measures to include a minimum 50-foot no-disturbance buffer to avoid take and potentially significant impacts.
  - ii. If ground-disturbing activities will occur during the overwintering period (October through February), the applicant, in coordination with the Department of Planning and Building, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).
- c. In the event CBB is denied listing under the CESA, this measure shall not be required.

### Hazards and Hazardous Materials

**HAZ-1 Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

**HAZ-2 Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.